

February 17, 2009

TO: The Honourable Diane Finley, Minister of Human Resources and Skills Development  
The Honourable Leona Aglukkaq, Minister of Health  
The Honourable Lawrence Cannon, Minister of Foreign Affairs

c.c. John Sims, Deputy Minister of Justice

We write as organizations working to advance HIV prevention, care, treatment and support, and the human rights of people living with or vulnerable to HIV, in Canada and internationally. We urge you to ensure that Canada ratifies without further delay the United Nations *Convention on the Rights of Persons with Disabilities* (ICRPD).

The Convention has now been signed by 138 countries, and it came into force last year. As of this writing, 47 states have ratified this human rights treaty that aims to protect some of those who are most vulnerable to the denial and abuse of human rights. In March 2007, Canada signed the Convention (2007) and indicated ratification would follow. We commend the Government of Canada on this important step. However, two years have now passed and Canada has yet to ratify the Convention.

Furthermore, Canada's human rights record has just been reviewed for the first time under the UN Human Rights Council's "Universal Periodic Review" (UPR). In its report, the UPR Working Group and other member states at the UN expressed particular concern on this point. The Working Group adopted the recommendation that "Canada ratify as soon as possible the Convention on the Rights of Persons with Disabilities (ICRPD)."<sup>1</sup>

We urge the Government of Canada to ratify the Convention quickly and to begin to work with the communities of people with disabilities to implement the Convention. We also encourage the Government of Canada to ratify the Optional Protocol to the Convention, so as to ensure the implementation process is monitored effectively and appropriate action is taken in the case of human rights violations.

We have a particular concern to ensure that Canada takes action to protect and promote the rights of people with disabilities. The Convention states that: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."

As organizations working in the struggle against HIV, we join our voices to those of others calling on Canada to ratify the Convention. There is great common cause between the struggle for effective responses to HIV and for the rights of people with other disabilities.

Stigma and discrimination hinder effective responses to the HIV epidemic. People with disabilities face many barriers, including disability-related discrimination, in gaining access to appropriate HIV prevention, care, treatment and support information and services. In addition, there are many other similarities in the experiences of people living with HIV and people living with other disabilities. Many people with HIV and other disabilities live in poverty. Many experience discrimination and exclusion from or lack of access to such things as employment, education, and housing. People with HIV often live with other types of disabilities, and HIV disease and its treatment can cause other disabilities. Perceived or real HIV-positive status exposes people to a range of human rights violations, as do other disabilities.

For people living with HIV who are asymptomatic, the experience of stigma and discrimination is often consistent with that faced by people with other less apparent disabilities. It is often the prejudice of others, rather than the impairment itself, which causes difficulties.

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<sup>1</sup> United Nations Human Rights Council, Working Group on the Universal Periodic Review, Fourth Session Geneva, 2-13 February 2009, [Draft Report of the Working Group on the Universal Periodic Review – Canada](http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CA/A_HRC_WG6_4_L3_Canada.pdf), 5 February 2009, Recommendation 22, p 6; advance unedited version [http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CA/A\\_HRC\\_WG6\\_4\\_L3\\_Canada.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/CA/A_HRC_WG6_4_L3_Canada.pdf) ; accessed 6 February 2009

Furthermore, people living with HIV who are also experiencing the disabling conditions related to HIV or its treatments may experience double stigma – i.e. stigma and discrimination experienced by people living with HIV and stigma experienced by people living with other disabilities. In addition, people living with other (pre-existing) disabilities are often especially vulnerable to HIV due to lack of access to HIV education and prevention messages, stigma and discrimination, physical, emotional and other human rights abuses, as well as lack of ability or opportunity to protect themselves. Disability-related and HIV-related stigma and discrimination have long been recognized as major obstacles to effective HIV prevention and responses to the HIV epidemic at all levels.

For these reasons, and in the interest of achieving the inclusion of *all* people living with disabilities and protection of their human rights, we urge the Government of Canada to move as quickly as possible through the ratification process so that the initial two year time line of March 2009 will be met. Immediate action on ratification of this important document will be a critical milestone in Canada's movement toward a more inclusive society.

We would be pleased to discuss this further. Please contact us at 416-513-0440 ext 237 or [ezack@hivandrehab.ca](mailto:ezack@hivandrehab.ca) (Elisse Zack) or 416-595-1666 ext. 229 or [relliott@aidslaw.ca](mailto:relliott@aidslaw.ca) (Richard Elliott)



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**On behalf of the following additional signatories:**

AIDS Bow Valley  
AIDS Coalition of Cape Breton  
AIDS Committee of Guelph and Wellington  
County  
AIDS Committee of London  
AIDS Committee of Newfoundland & Labrador  
Inc.  
AIDS Committee of North Bay and Area  
AIDS Committee of Ottawa/Comité du sida  
d'Ottawa  
AIDS New Brunswick / Sida Nouveau-Brunswick  
AIDS Niagara (AN)  
AIDS Saint John  
AIDS Thunder Bay  
AIDS Vancouver  
AIDS Vancouver Island  
Alliance for South Asian AIDS Prevention  
(ASAAP), Toronto  
BC Persons with AIDS Society  
Bureau Régional D'action Sida  
Canadian AIDS Society  
Canadian AIDS Treatment Information  
Exchange (CATIE)  
Canadian Harm Reduction Network  
Canadian Treatment Action Council (CTAC)  
Central Alberta AIDS Network Society

CIHR Canadian HIV Trials Network  
COCQ-Sida  
Fréquence VIH  
HIV Support Network of Edmonton (HIV  
Edmonton)  
HIV West Yellowhead  
L'A.R.C.H.E. de l'Estrie  
Living Positive Resource Centre, Okanagan  
London Gay Community Centre  
M.A.IN.S. Bas St-Laurent  
Maison Sainte-Famille Tom-Dee  
Northern AIDS Connection Society  
OHAfrica  
Ontario HIV Treatment Network  
Peel HIV/AIDS Network  
People to People AIDS Organization (Canada)  
Inc.  
Positive Living North: No Kheyoh t'sih'en  
t'sehena Society  
Positive Women's Network  
Sidaction (Trois-Rivières) Inc.  
Stella  
Victoria AIDS Resource & Community Service  
Society