

# Opening Statement-Country Rapporteur of Canada-Ms. Rosemary KAYESS

Opening Statement

Rosemary Kayess

Good afternoon, on behalf of myself and my task force colleagues, Professor Doctor Markus Schefer and Professor Floyd Morris, I welcome the distinguished delegation from Canada.

In particular I would like to welcome Her Excellency, Patricia McCullagh Deputy Permanent Representative Permanent Mission of Canada to the United Nations, Geneva, and Head of Delegation Elisha Ram Senior Assistant Deputy Minister Employment and Social Development Canada.

We appreciate your commitment to our work through your comprehensive report and response to the List of Issues Prior to Reporting.

I would like to acknowledge and thank civil society and most especially organisations of persons with disabilities who contributed parallel reports. We have received an extensive amount of information for our dialogue over the next two days. Today is a somewhat sad and poignant reminder of my dear friend and colleague Steve Estey who implored me to undertake the role of rapporteur for Canada's review. As the Head of Delegation has noted, his passing in September 2023 was a sad loss to the Canadian and the disability rights movement globally. Steve had a great affinity with Australian disability advocates working closely with us during the negotiations of the Convention and beyond, until his passing.

As an Australian from the Great Southern Land, I am honoured to be part of the taskforce for Canada, the Great White North. We as countries share many similarities. We are both former colonies that today are constitutional monarchies within the Commonwealth. We are both federated states, members of the G20 group of high-income countries with economies based around the mineral resources sector. We are both migrant countries, sparsely populated over a large and, in many instances, beautiful yet inhospitable land. And we both have Indigenous peoples, proud custodians of the land for thousands of years for whom the impact of colonialism continues to have an intergenerational effect.

The essence of our dialogue today will be framed by Article 1 of the Convention, which sets out its purpose and objective to ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Article 1 presents a simple proposition that can have significant life changing effects. Article 1 forms the basis of a human rights approach to disability to ensure that impairment should never be the basis for the denial or diminishment of human rights.

As one of the drafters of the Convention, I have an intimate understanding of the importance and value of the use of one small three letter word – all – contained within Article 1.

The first 'all' – all human rights and fundamental freedoms - directs us to the need to address the pervasive impact of ableism. Ableism is at the heart of the denial and diminishment of human rights through law, policy and practice that are perceived as benevolent and benign provisions of welfare designed for our care, treatment and protection. These have denied personal autonomy in our lives and segregated us from the community.

The second 'all' – all persons with disabilities - requires us to interrogate the extent to which the standards and principles apply regardless of personal identities, cultural background, life status or geographical location. This requires an understanding of the extent to which policies and programs take an intersectional approach to the

diversity of persons with disabilities, and the effectiveness of government processes to ensure that the requirements of Article 4(5) are met. That is, to ensure that in federated states, the implementation of the Convention extends to all regions without any limitations or exceptions.

This dialogue in many ways will assess the successes or failures of Canada's cooperative federalism in ensuring the rights of persons with disabilities in Canada.

I look forward to an open, frank, and productive dialogue with the delegation and hand the floor over to my colleague Professor Schefer to start the round of questions for Cluster 1.

Thank you.