

The **Equal Right to Decide Provincial Planning Committee**

Call to Action

for

Inclusion in the election platform for political parties in Newfoundland and Labrador

“Securing Citizenship and Legal Capacity for All”

Jan. 25th, 2021

Issue:

A major new independent report was released on January 18, 2021. The report is the result of a 2-year collaborative effort between community and government and is entitled *Supported Decision Making: A Roadmap for Reform in Newfoundland and Labrador*.

The report affirms discrimination exists in this province against people with intellectual, developmental and cognitive disabilities, and people living with mental health issues, as it relates to *legal capacity* - the right of persons with disabilities to make personal life, health care and financial decisions. These rights are in harmony with the equality rights provision contained in both the UN Convention on the Rights of Persons with Disabilities and the Canadian Charter of Rights and Freedoms.

Every adult has the right to make decisions about their life, health care, finances, and property, as well as a right to the supports and accommodations they need to make those decisions.

The **Equal Right to Decide Provincial Planning Committee** is asking for the full implementation of the consultant’s report which makes 11 recommendations. These recommendations are part of a more comprehensive plan to work from the bottom-up and top down in order to ensure that legal reform is realized in people’s lives.

The most important commitments needed are as follows:

- **Adopt the decision-making capability approach to guide law reform.**

This respects the inclusion of all persons, and meets obligations set forth in the Canadian Charter of Rights and Freedoms and the UN Convention on the Rights of Persons with Disabilities. This comprehensive option would expand recognition of *both* independent and interdependent decision-making capacity with supports and accommodations as required. Do not leave out the people who need supported decision making the most.

- **Establish a government-community legal capacity reform steering committee and inter-departmental leadership.**

Community adds significant value and needs a place at the table. Legal reforms, to be successful, need the community mobilization to meet the challenges of a collaboration built on shared responsibility.

- **Pilot initiatives for implementing supports for decision making and the development of independent planning and community facilitator supports.**

In response to the research report, community groups in St. John's area and the Southwest Coast are meeting to consider how barriers to exercising legal capacity can be overcome at the community level.

While legal reform is urgently needed, it is also critical that communities are prepared to mobilize and organize supporters and volunteers to support those persons who are struggling with accessibility to their communities because they are in whole or in part unable to make decisions.

Organizations collaborating on the community level response include the Coalition of Persons with Disabilities, Canadian Mental Health Association NL, Community Education Network, Community Employment Corporation, Bay St. George Status of Women Council, NLACL, Seniors NL, People First NL, CHANNAL, Autism Society of NL and Empower, The Disability Resource Centre

The Ask:

Government support for the proposal submitted and entitled:

“The Equal Right to Decide:

Project Proposal for A Demonstration Initiative in Newfoundland and Labrador”

Conclusion:

Successive administrations have acknowledged concerns and mandated the exploration of fully inclusive “supported decision making” alternatives. The government has been working in collaboration with the identified community groups to guide the development of the roadmap to protect legal capacity and the right to use supports and accommodations in decision making. The most recent affirmation is as follows:

“The Government of Newfoundland and Labrador affirms the right for all people to enjoy equal civil, political, economic, social and cultural rights set out in the UN Convention on the Rights of Persons with Disabilities and the Canadian Charter of Rights and Freedoms,” says Jennifer Mercer, QC, Deputy Minister and Deputy Attorney General.

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