

Navigating the Justice System: A Guide for Self-Represented Litigants with Disabilities

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1. Using this Primer

“Equal access to justice for all Canadians, including for persons with disabilities, is a priority for Canada” – United Nations Convention on Disabilities¹

Persons with disabilities come from all walks of life, age groups, cultures, and geographic areas of Canada. In 2012 an estimated 3.8 million adult Canadians reported being limited in their daily activities due to an impairment; this represents 13.7% of the adult population.² People with impairments face socially and otherwise constructed challenges and barriers that cause them to be seen as “disabled” and prevent them from participating fully in the community. This includes Access to Justice.

While acknowledging this important reality, we shall use the more familiar expression “people with disabilities” (hereinafter, PWDs or PWD) throughout this Primer. PWDs are frequently involved with the courts as litigants. Often impairment is the reason for their case; for example, a motor vehicle accident or a domestic assault. PWDs also act as witnesses and jurors. And yet they face significant barriers that prevent their full participation in Canada’s courts.

The purpose of this NSRLP Primer is to provide information and a basic conceptual framework for people with disabilities who are seeking accommodations when accessing the justice system, in the hope of ensuring their full and equal participation. Many disabilities are not presently accommodated by the courts. Some accommodations are requested, but denied. The picture is incomplete and far from perfect, often resulting in serious barriers to access to justice for PWDs.

The focus of this Primer is on physical and cognitive disabilities that are presently recognized by the courts (which of course does not necessarily represent all disabilities). Physical disabilities related to pain, flexibility, and mobility are the most common among Canadians with disabilities. Approximately 12% of Canadians report having a physical or cognitive disability related to pain, flexibility, and mobility.³ This Primer sets out the

¹ United Nations. “Convention on the Rights of Persons with Disabilities”, available at <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

² Statistics Canada. “Disability in Canada: Initial Findings from the Canadian Survey on Disability”, available at <http://www.statcan.gc.ca/pub/89-654-x/89-654-x2013002-eng.htm>

³ Statistics Canada. “Disability in Canada: Initial Findings from the Canadian Survey on Disability”, available at <http://www.statcan.gc.ca/pub/89-654-x/89-654-x2013002-eng.htm>

current schemes that are available to enable SRLs facing these challenges to request accommodations. This means that this Primer cannot address the full spectrum of impairments that affect individual lives, including those not presently recognized by the courts. If you have a disability that is not included in this Primer, we would like to hear from you. The NSRLP is committed to continuing to work to bring these barriers to the attention of policymakers and justice system insiders. (You can reach us at representingyourself@gmail.com)

Please note that this Primer does not address the profound and different challenges of SRLs who have pre-existing mental health-related disabilities. Mental health-related disabilities will be the subject of a separate, forthcoming NSRLP Primer.

Finally, this Primer covers accommodations for many different disabilities, as well as attempting to provide a picture of services across Canada. It also sets out the basic legal framework for requesting accommodations in order that you understand your rights. As a result, there is a great deal of information here. If it feels overwhelming to read the whole document at once, we suggest that you first read the sections on your rights to accommodation under federal and provincial law ((2) & (3)) – and then consult the Table of Contents at the front of the Primer to find the type of accommodation that is relevant to you.

2. What Rights & Protections Do I Have Under Federal Law?

a. What does the law consider a “disability”?

The *Canadian Human Rights Act* provides persons with disabilities the right to be free from discrimination because of their disability, with respect to the following areas of social interaction customarily available to the general public: goods, services, facilities or accommodation customarily available to the public; commercial premises or residential accommodation; employment; and employee organizations. In addition, justice system service providers cannot discriminate against a PWD on the basis of their disability.⁴

The purpose of the *Canadian Human Rights Act* is to give effect to the principle that all individuals should have equal opportunities. This means that PWDs are entitled to have their needs accommodated in order to ensure

⁴ *Canadian Human Rights Act*, RSC 1985, c H-6.

their equal access to justice, as well as other opportunities.⁵ Ensuring the full participation of PWDs in Canada’s justice system often requires the development of accommodations to allow PWDs to overcome the particular barriers they face. The first goal in obtaining accommodation is to *ensure legal recognition of one’s impairment/disability*.⁶

The *Canadian Human Rights Act* defines a disability as, “any previous or existing mental or physical disability” and includes disfigurement, and previous or existing dependence on alcohol or a drug.⁷ The Supreme Court of Canada has stated that disability should not be narrowly defined. Courts should not recognize disability on the basis of medical circumstances or functional circumstances alone, and should also take into account a person’s subjective experience with their condition, perceptions by others of their condition and the impact of hurtful stereotypes, and anything that affects the person’s dignity, respect and right to equality.⁸ This means that even if a doctor does not recognize a person’s condition as a disability, the Courts may legally recognize a person’s condition as a disability. Legal recognition of a person’s disability is considered on a case-by-case basis.⁹

The Supreme Court of Canada also defines disability to include the perception of disability. This means that if someone discriminates against you because they *think* that you have a disability, this is still regarded as discrimination.¹⁰

The reasoning here is well summed up in this quote:

“The emphasis is on the effects of the distinction, exclusion or preference rather than the precise cause or origin of the handicap.”¹¹

The flexible interpretation offered by the Courts and the *Canadian Human Rights Act* means that many kinds of disabilities can receive legal recognition.

⁵ *Canadian Human Rights Act*, RSC 1985, c H-6.

⁶ Government of Canada. “Rights of People with Disabilities”, August 4, 2016, available at <http://www.canada.pch.gc.ca/eng/1448633334025>.

⁷ *Canadian Human Rights Act*, RSC 1985, c H-6.

⁸ *Quebec (Commission des droits de la personne et des droits de la jeunesse) v Montreal (City) ; Quebec (Commission des droits de la personne et des droits de la jeunesse) v Boisbriand (City)*, Can LII (2000) SCC 27

⁹ *Ibid*

¹⁰ *Ibid*.

¹¹ *Ibid* at 27

To learn about Canada’s responsibilities for accessibility to the justice system for PWDs under international conventions, please see Appendix A.

b. What is “accommodation”?

You may have an impairment that is already widely recognized. The next step is to request and obtain appropriate accommodations that will address the barriers and challenges associated with your disability. The goal of accommodation is to ensure that a person who is otherwise unable to do something because of a disability will be able to do that thing if they are provided with the proper assistance or accommodation. A simple example is the provision of wheelchair ramps to accommodate persons who could not get from point A to point B if doing so would involve climbing stairs. The same principle applies to cognitive disabilities. Individuals who have difficulty understanding or processing information should be provided with the accommodation they need to improve their ability to understand and appreciate relevant information. Some forms of accommodation for memory or learning issues are straightforward (which is not to say that they are recognized and provided). These include speaking clearly, providing written material in plain language, frequent repetition, or giving an individual extra time to absorb information and make decisions. Others require assistive technologies (see below).

The Supreme Court of Canada has stated that reasonable accommodation for PWDs is a recognition of their equality rights: ie, to access the same processes in society as those without disabilities. Reasonable accommodation imposes a duty on others to do whatever is reasonably possible to accommodate persons with disabilities in order to facilitate their equal access, including access to the justice system. Service providers must remove discriminatory barriers unless there is a “hardship” justification for not doing so, which the service provider must prove.¹² Simply arguing that the accommodation is too expensive is not necessarily enough. As the Supreme Court of Canada put it in the VIA rail case¹³,

“(T)he issue is not just cost; it is whether the cost constitutes undue hardship.”

¹² *Council of Canadians with Disabilities v VIA Rail Canada Inc*, 2007 SCC 15, [2007] 1 SCR 650.

¹³ *Ibid*

The Supreme Court of Canada has also recognized that accommodation is a highly-individualized process. A blanket solution is often not enough and accommodation must be responsive to an individual's particular needs. Remember, we have already learned that the goal here is to ensure that the service provider's accommodation reflects and maintains respect for the person's dignity and individuality, as well as their integration, and full participation, in the system concerned.¹⁴

3. What Rights & Protections Do I Have Under Provincial Law?

Provincial legislation provides some further protections and rights for PWDs. All provincial and territorial *Human Rights Codes* and *Human Rights Acts* provide persons with physical and/or mental disabilities the right to equal access to any services, goods, and facilities, without experiencing discrimination because of their disability. Service providers – including all service providers within the justice system – are obliged to accommodate physical and mental disabilities in order to facilitate equal access to services. A service provider is only justified in denying an accommodation to a PWD if it results in “undue hardship” for the service provider (above).

The burden is on the provider to prove this, not you, the PWD – and as we saw above, “undue hardship” is a fairly high bar. If you are told that service accommodations are not being provided to you on this basis, ask more questions, such as:

- How much is the cost of this accommodation?
- What would be the financial impact on the organization?
- Are there any significant and important reasons other than cost that prevent the organization from providing this accommodation to you – eg, a possible violation of health and safety obligations?

Some provinces and territories go further than others in protecting the rights of PWDs. Human rights legislation in Ontario, Manitoba, Nova Scotia, Newfoundland and Labrador, the Northwest Territories, and Nunavut explicitly provide that “perceived”, “presumed”, and “believed” disabilities are included as prohibited ground for discrimination. However, even in

¹⁴ Supra note 9.

jurisdictions without such explicit statutory language, Courts are likely to follow the Supreme Court of Canada¹⁵ and acknowledge that a failure to recognize a perceived disability undermines the objectives of federal human rights legislation (see above).

If you live in Quebec, the Quebec *Charter of Human Rights and Freedoms* provides every accused person in a criminal court hearing the right to be assisted, free of charge, by an interpreter if they are deaf.¹⁶

The provinces provide a variety of accommodations to PWDs to facilitate their equal access to justice. If you do not receive the accommodation you need, you may decide that you want to make a complaint, or simply ask for more assistance. Please see Appendix C for further information on how to contact your provincial Disability Office, and/or how to file a complaint with your provincial Human Rights Commission/Tribunal.

4. An “Accessible Court System”

a. What does an “accessible court system” mean?

*“For all members of the public, the court system is an essential institution. This is no less so for people with physical, mental, and/or sensory disabilities” – Ontario Report of Courts Disabilities Committee 2006*¹⁷

The core principle that is necessary to ensure access to justice for PWDs is an “accessible court system”. A widely-used expression, this refers to a court system that presents no additional barriers to PWDs and thereby allows persons of all abilities the opportunity to fully and equally access the system.

A fully accessible court system is one in which:

- Existing barriers to access to justice for PWDs are identified and removed;
- No new barriers are permitted;
- Disability accommodations are efficiently provided;

¹⁵ Supra note 9

¹⁶ *Charter of Human Rights and Freedoms*, CQLR, c C-12, s 36.

¹⁷ Ontario Report of Courts Disabilities Committee. “Making Ontario’s Courts Fully Accessible to Persons with Disabilities”, 2006, available at

http://www.ontariocourts.ca/accessible_courts/en/report_courts_disabilities.htm.

- PWDs can easily seek individualized accommodations.

As yet no Canadian province or territory has a fully accessible court system. The federal government is working to introduce national accessibility legislation by the end of 2017. Some provinces and territories are also in the process of implementing a full accessibility plan. For example, Manitoba aims to have a fully accessible court system by 2018, British Columbia by 2024, Ontario by 2025, and Nova Scotia by 2030. Newfoundland and Labrador also has a plan to make government buildings ‘more’ accessible by 2018. The remaining provinces and territories rely on regulations to promote and enforce barrier-free physical environments. Although some provinces are aiming higher than others, disability barriers continue to exist in every jurisdiction in Canada.

b. What barriers currently exist?

Provincial governments and organizations presently recognize the following barriers to full accessibility:

- Attitudinal barriers. These are perceptions and attitudes that discriminate against PWDs. These barriers are often the result of a lack of knowledge and understanding, and can lead to court workers and legal service providers ignoring or inaccurately judging the impact of disability on a person’s capacity to participate fully in the justice system.
- Information and communication barriers. These arise where persons with disabilities cannot effectively communicate with the various actors in the court system because of a lack of accommodation – for example, failing to properly consider the hearing, seeing, or learning abilities of PWDs.
- Technological barriers. This occurs when a particular technology is unavailable, or when a technological device or platform is not accessible to a PWD. Technological barriers can prevent access to important information and often reflect a failure to adapt technology to make it accessible to PWDs.
- Architectural/structural/physical barriers. These are physical elements of buildings that prevent PWDs from accessing a space.
- Organizational/system barriers. These are issues that arise in the policies, procedures, and informal practices of the court system that unfairly discriminate against PWDs and prevent them from fully

participating. This includes both direct discrimination and, more often, indirect discrimination, where a general rule has a particular and harmful impact on a PWD (for example, a rule that denies animals, including service animals, access to a building).

If you experience one of these barriers while attempting to access the court system, or another legal service in your community, and you receive no satisfactory response when you raise your concerns, you can contact your jurisdiction's disability office, and/or human rights commission. The appropriate contacts for each province and territory are listed in Appendix C.

5. Who Should I Contact About Accessibility Services and Accommodations?

Many provincial ministries provide accommodations or “accessibility services” – some more comprehensive than others – to PWDs to make the court system more accessible. The availability of accessibility services varies widely. Appendix B provides a detailed list of the services our research indicates are available in each province and territory, instructions on how to access them, and information on whom to contact to request an accommodation. Just a couple of provinces have a central Disability Office you can contact to request information on accessibility services, and answer your questions – these are also listed here.

On a local level, the person or persons responsible for facilitating the provision of accessibility services is usually a member of the local court staff. If you contact your local courthouse you should be directed to the staff person responsible for handling local accommodation requests. So, if you, or someone you know, needs accessible court services, such as help locating an accessible washroom or entry-way, requesting a large-print or audio copy of a court document, or any other question related to disability accommodations, you should contact the courthouse in which the case is filed and appearances will take place. It is wise to make a request for an accommodation as early as possible, to ensure that there is sufficient time available for the courthouse to arrange the services and equipment needed to accommodate you. And if you feel that you may need someone to help you to clearly communicate your needs, ask someone who understands your disability and its consequences to be with you when you contact the courthouse.

You may also contact a disability organization for assistance if you are experiencing a barrier when attempting to access a courthouse, or if you have questions about the types of accommodations you can request. Please see Appendix D for a list of not-for-profit disability organizations in Canada that assist PWDs.

6. What Types of Accessibility Services are Generally Available?

Common accessibility services provided across Canada include the following:

- Assistive listening devices
- Real-time captioning / Communications Access Real Time (CART)
- Visual language interpretation services, such as American Sign Language interpretation and Langue des Signes (in Quebec)
- Scheduling of meetings and proceedings in rooms that accommodate a PWD
- Providing some services via phone, e-mail, or other communicative devices to assist a PWD
- Accessible documents in alternative formats, such as electronic, large-print, audio, and braille

The following sections provide you with more detail on the types of services *generally* available that you might expect and/or request. Again, contact your local courthouse to determine what is available to you.

a. Services for the Deaf and Hard-of-Hearing, and Communicative Services for People with Cognitive Disabilities

(i) Assistive listening systems

For some persons who are hard of hearing, the preferred accommodation is assistive listening systems. This technology renders speech accessible by amplifying sound. Persons who are hard of hearing wear wireless receivers, while speakers use microphones.

(ii) Sign language interpretation

For many deaf persons and persons with hearing loss, sign language interpretation is an important accommodation. A professional sign language

interpreter, knowledgeable in the language and culture of both deaf and hearing populations, translates the spoken language to American Sign Language or Langue des Signes Quebecoise (LSQ). Many provinces have organizations that provide sign language interpretation. The Canadian *Charter of Rights and Freedoms* states that deaf persons have a right to the assistance of an interpreter or signer if they are a party or witness to a proceeding.¹⁸

(iii) A communication intermediary

Communication intermediaries assist people with speech, language, and cognitive disabilities to understand statements and questions directed to them, and communicate their responses effectively when interacting with police, legal, or justice professionals. Communication intermediaries often assist victims, witnesses, and persons accused of crimes to give complete, accurate, and authentic evidence in all phases of a legal proceeding.

Communication intermediaries often work with persons who have cerebral palsy, autism, cognitive disabilities, acquired brain injuries, learning disabilities, stroke, dementia, ALS, and Parkinson's Disease, as well as other disabilities. Augmentative Communication Community Partnerships Canada (ACCPC) is a non-profit organization that works with persons who have significant difficulty with communication, due to their disabilities (see Appendix D).

(iv) Communication Access Real-Time Translation (CART)

Another service that may be useful in enhancing participation for those with hearing challenges is CART, or "Communication Access Real-Time Translation". This service is often abbreviated to "real-time captioning". Real-time captioning is word-for-word transcription of oral communications projected onto a screen by a specially-trained stenographer. The person with hearing difficulties can instantly read the text of every word spoken, as it is spoken, on a monitor. In this way the proceedings can be instantly and effectively communicated to a person who is deaf or hard of hearing.

This technology may also be effective for enhancing communication and participation for people with an aural-processing learning disability, or other

¹⁸ *Canadian Charter of Rights and Freedoms*, s 14, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.

cognitive issues that impede concentration on oral communication. Another advantage of this form of accommodation is that there is a written record of the event for which captioning was provided.

To locate companies that offer captioning services, look in the Yellow Pages under “captioning” or contact the local branch of the Canadian Hearing Society (Appendix D). Note that while captioning is a very useful communication tool, it is not a complete substitute for interpreter services.

b. Wheelchair and Mobility Device Accessibility

It is especially important to check with your local courthouse regarding physical accessibility. You want to ensure not only that the courthouse entrance is accessible, but that all walkways, aisles, meeting rooms, witness boxes, jury boxes, etc., are wide enough and proportionate enough to accommodate your wheelchair or mobility device. Again, expect a wide range of accessibility among provincial and territorial courthouses.

c. Service Animals

Service animals are generally welcome in all courthouses across the country. Ontario, British Columbia, Alberta, Saskatchewan, Newfoundland and Labrador, and Nova Scotia have legislation that specifically guarantees a person’s right to bring a service animal with them into any public setting, including a courthouse. Elsewhere PWDs cannot be discriminated against on the basis of their use of a service animal in a public setting. You should not expect any resistance to bringing your service animal into the courthouse with you.

However, there are two important things to keep in mind. First, some of these jurisdictions require the animal to be certified and legally recognized as a service animal. You may be required to show proof of certification if you wish to use your service animal in court. Second, unfortunately some emotional support and therapeutic dogs do not count as service animals. For example, in an Ontario court decision an owner’s claim that her dog was a service dog because it supported her with stress and past abuse issues was rejected because the owner had not provided sufficient information about her

disability to demonstrate the necessity of her dog.¹⁹ Although this restriction may not be heavily enforced, you should be aware of this, and again, check with your local courthouse in advance to avoid problems.

d. Personal Assistive Devices

You may use your own personal assistive device(s) or assistive technology in most parts of the courthouse, including the registry. However, proceedings in court often require a judicial officer to approve your assistive device(s) and technology, particularly if they have the capacity to take photographs, or record sounds and videos. Court staff at any courthouse can tell you if using your particular personal assistive device is subject to judicial approval, and how to obtain that. This should be a brief and straightforward check, but the court must agree to you bringing in your assistive device(s).

e. Support Persons

You can always bring someone to a courtroom with you, who can sit at the back in the public section. However, sometimes you may want someone to sit with you at the front of the courtroom, where they can take notes, hand you documents, remind you of the things you want to say, and generally help you stay centred and calm. This kind of person is often referred to as a McKenzie Friend. They cannot address the court as your advocate, but they can provide forms of assistance that may be important to your full participation in the court process.

The introduction of a support person/McKenzie Friend who can sit upfront with you is still within the discretion of the presiding judge in most courts across Canada. So you must ask the judge to allow your McKenzie Friend to sit at the front with you, explaining your disability and why their assistance is importance to you. The NSRLP has produced a [Guide to Choosing and Presenting a McKenzie Friend](#) that will give you some practical tips and advice on how to persuade a judge to allow you to make use of a support person/McKenzie Friend.

Some provincial courts are beginning to introduce guidelines that clarify the circumstances under which a support person will be permitted to sit with you (see, for example, the [BC Provincial Court](#) guidelines). Please note that none of

¹⁹ *Simcoe Condominium Corporation No 89 v Dominelli*, 2015 ONSC 3661.

these guidelines make the case for a support person from a disability standpoint, and you should be ready to explain exactly how a support person will help to address your particular challenges in coming to court and participating effectively.

f. Accessible Documents and Alternative Formats

You will normally not be charged a fee when asking for documents in accessible and alternative formats, provided that the original document is available at no cost. If there is a fee associated with the particular document, such as a transcript, you may be subject to that fee. Other alternative formats may only be available at a cost. Again, you should contact the court staff at the courthouse you will be attending to enquire about the validity of accessible and alternative formats for documents.

g. Accessibility and Jury Duty

PWDs can be jurors, just like any other Canadian citizen, and you cannot be disqualified from exercising your right to be a juror simply on the basis of your disability. Juries are supposed to be representative of the public, and persons with disabilities represent the community and bring unique experiences and perspectives to the jury process. However, if you are concerned that your health issues may interfere with your ability to fulfill your role as a juror, you can explain this to the summoning judge in order to potentially be exempted from jury service.

If you receive a jury summons and wish to participate, but require disability-related assistance in order to fully participate, you should contact the courthouse indicated on the summons as soon as possible and explain your needs.

h. Working with a Lawyer: Access to Legal Advice

Court staff can assist you in obtaining accessibility services, but they cannot provide you or any member of the public with legal advice. They are limited to providing procedural information about the legal process you are participating in – for example, what forms you should complete, what the court procedure will look like, and how to file and serve documents.

If you need advice on the specific legal issues in your case, you should try to speak with a lawyer. If you do not know where to begin in finding a lawyer, or are (understandably) anxious about the costs of a lawyer, the NSRLP has a [National Directory of Professionals Assisting Self-Represented Litigants](#). There are many lawyers in this Directory who offer “unbundled” (limited, not full) legal services and “coaching” services that can assist you> You may find these services more affordable and practical – while still being very valuable – than hiring a lawyer for full representation. You can also get information about finding a lawyer, or a community legal clinic, by looking at the website for your provincial Law Society.

All lawyers across Canada are obliged to respect human rights laws as service providers. This means that a lawyer cannot deny you as a client simply on the basis of your disability. A lawyer, as a service provider, may also be expected to provide you with a degree of accommodation, as long as it does not cause “undue hardship” for that lawyer or law firm (see above). Some provincial and territorial Law Societies also make it an explicit professional responsibility that lawyers treat PWDs with respect, and do not discriminate against them.

PWDs do not automatically qualify for Legal Aid. Like every other applicant, a PWD must fall below a specific income level to qualify, as well as meeting other criteria. However, a person with a disability may claim the right to use Legal Aid funding for human rights complaints, following the case of Elizabeth Portman. Portman, a disabled woman living in Yellowknife, sought legal assistance for her human rights complaint against the Northwest Territories Department of Health and Social Services for failing to accommodate her disability. The Department of Justice’s Legal Services Board in the Northwest Territories denied Portman legal aid on the basis of a board blanket policy against the provision of legal aid funding for human rights complaints. Portman then filed a complaint against the Legal Services Board for refusing her legal aid, which was initially dismissed by the director of the Northwest Territories Human Rights Commission. An adjudicator subsequently found this denial to be unreasonable and “systematically discriminating”²⁰. Disappointingly, the Portman case has just been reversed by the North West

²⁰ Guy Quenneville, “N.W.T Legal Aid’s Refusal to Help Human Rights Complaints’ ‘Systematically Discriminating’ *CBC News* (28 July, 2016), <www.cbc.ca> ; Guy Quenneville, “A Yellowknife Woman’s Torturous Ensuing Legal Battle” *CBC News* (28 September 2016), <www.cbc.ca>

Territories Supreme Court on appeal ²¹ but the NWT Human Rights Commission has announced that it will appeal.

²¹ <http://www.cbc.ca/news/canada/north/elizabeth-portman-karan-shaner-decision-1.4269297>

Appendix A

What Responsibilities Does Canada Have Under International Conventions?

The *United Nations Convention on Disabilities* requires state parties, such as Canada, “to ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of specified accommodation, in order to facilitate their effective role as direct and indirect participants” of the justice system. Article 13 of the *United Nations Convention on Disabilities* requires Canada to take positive measures to fulfill this right to access to justice.²²

²² United Nations. “Convention on the Rights of Persons with Disabilities”, available at <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

Appendix B

Accommodations and Accessibility Services in Canadian Provinces and Territories

Since this type of information changes quite frequently, we would be grateful to receive any additional or amending information.

Some provinces and territories provide more accessibility services and information than others. Sometimes part of the challenge is finding out whether, and what type of, accessibility services are available. This Appendix provides information on how to contact the Ministries of Justice and Court Systems in each province and territory to request an accommodation or accessibility service.

It is important to speak to court staff as soon as possible if you need to ask about accessibility services, and/or request a specific accommodation(s). Generally, accommodations will be arranged for and paid by the court if the court staff approve of the accommodation (for example sign language services). It is important that you check with court staff to ensure that the cost is covered. The court may not pay for some accommodations that you access privately through an outside business, such as captioning services.

Provinces are listed below alphabetically.

Alberta

The Alberta court system does not provide a list of the accessibility services it offers. However, it does offer interpretation services and instantaneous voice-to-text captioning services/translation (Communication Access Real-Time Translation) through court reporters. To request an accommodation and/or to obtain information on its availability (for example, whether it is free) contact the Resolution and Court Administration Services at 1-855-738-4747.

You can also direct general enquiries on accommodations and accessibility to the Alberta Justice and Solicitor Office (call 780-427-2745, or toll free, in Alberta, at 310-0000).

- Deaf or hard-of-hearing persons should call TTY at 780-427-9999, or toll-free at 1-800-232-7215. If your disability requires an audiovisual technology, you can request audiovisual equipment online at <https://av.albertacourts.ca/#>

Other accessibility services are available in Alberta's court system but these are not free. For instance, Deaf & Hear Alberta Interpreting Services provides American Sign Language and Deaf Interpreters in Calgary and Edmonton. Deaf & Hear Alberta Interpreting Services provides a variety of contact methods, listed at <http://interpreter.deafandhearalberta.ca/about-us/contact-us/>. Ace Reporting Services also provides court reporting, and captioning services (see <http://www.acereporting.ca/contact-us/>).

British Columbia

The Ministry of Social Development and Social Innovation provides PWD information online, over the telephone, in person, through mail, fax, or email or through outreach and integration services, by specialized staff and trusted third parties. After-hours access for urgent needs is also available.

The Court Services Branch of the Ministry of Justice provides the following accessibility services to PWDs involved in the court system:

- Visual language interpreters (including sign language, tactile interpretation, oral interpretation, and deaf interpreters) at all levels of courts and proceedings in British Columbia, at no cost.
- Instantaneous voice-to-text captioning services/translation (Communication Access Real-Time Translation) for every type of court proceeding, at no cost.
- T-Coil technology for PWDs with hearing assistive devices is available at some courthouse locations, as well as amplified headphones linked to digital audio recording systems. Although there is no cost, T-Coil technology is only available in some locations.

Arrangements for these accessibility services must be made by contacting the Court Services Branch through the local courthouse registry. The following link displays the contact information for the courthouse registry at each courthouse: <http://www2.gov.bc.ca/gov/content/justice/courthouse->

[services/courthouse-locations](#). It is recommended that one should contact the courthouse registry as soon as possible.

Court Services in British Columbia only provide access to free, “in-house” American Sign Language interpreters and CART services. If you require another type of interpreter, you must provide your own. You are also responsible for providing your own interpreter for any other related justice-system activity that is not a court proceeding. British Columbia Court Services recommends finding an interpreter through the Society of Translators and Interpreters of British Columbia, call 604-684-2940, or visit their website at http://www.stibc.org/page/contact%20stibc/ezlist_sendemail.aspx?name=info. You can also call Mosaic at 604-254-9626, email them at info@mosaicbc.org, or visit their website at <https://www.mosaicbc.org/services/interpretation-translation/>.

For general information on British Columbia’s Courthouse Services, visit the website <http://www2.gov.bc.ca/gov/content/justice/courthouse-services>, contact the Court Services Branch through their e-mail, agwebfeedback@gov.bc.ca, or call 250-387-6121 (Victoria), 604-660-2421 (Vancouver), 1-800-663-7867 (elsewhere in British Columbia), or 604-660-2421 (outside of British Columbia). If you are deaf or possess a telephone device, you can contact the Court Services Branch in Vancouver at 604-775-0303, or elsewhere in British Columbia at 1-800-661-8773.

All courthouse facilities in British Columbia incorporate structural accessibility features, including ramps, lengthy walkways, curbs, and entrances into the building, barrier-free parking, barrier-free washrooms, access to public phones and information counters, and access to upper floors with elevators and lifts. You can also make a request for special assistance, such as wheelchair access in a particular area of a courthouse, or a request for any kind of accessibility service, by contacting the local courthouse registry, or by contacting the courthouse sheriff (available here: <http://www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations>).

Manitoba

Manitoba has produced a document that outlines information on court interpretation services ([Manitoba Justice Interpretation Services](#)). The same

document includes contact information for the Court Coordinator for accessibility services in the province. For further questions about the accessibility services available contact the E-Quality Communication Centre of Excellence (call 204-926-3271, or the TTY line at 204-452-0688, or by email at candy@eccoe.com).

The Manitoba court system provides the following interpretation services for all levels of court at no cost to PWDs:

- American Sign Language interpreters
- English interpreters for blind and other disabled litigants
- Note-takers for deaf and deaf-blind litigants

However, these services are not necessarily restricted to only deaf, deaf-blind, or blind litigants. In Manitoba, any party or witness to a proceeding requiring American Sign Language interpretation, English interpretation, or note-takers will receive the service at no cost.

For all other inquiries related to accessibility services, particularly if you have a question about the availability of a specific accessibility service at a particular location, go to the following link <http://www.manitobacourts.mb.ca/provincial-court/locations-and-contact-info/> to contact individual locations. Click on the location of your proceeding and you will see contact information for the court services facility in that court.

New Brunswick

New Brunswick does not provide a list of the accessibility services it offers. You must contact New Brunswick Courts to enquire on the availability of accessibility services and to request an accommodation, by filling out the following query form: <https://www.gnb.ca/cour/sendmail-e.asp>. Remember to include the courthouse your legal proceeding will be taking place in when requesting the accommodation.

You may also contact the Department of Justice and Public Safety, by calling 506-453-3992, or by emailing DPS-MSP.Information@gnb.ca. You may also ask the Department of Justice and Public Safety for the specific contact information for the courthouse in which your legal proceeding is located.

Newfoundland and Labrador

The Newfoundland and Labrador court system does not provide a list of the accessibility services it offers. To request information on the availability of accessibility services and accommodations, and to request an accommodation, you should call the specific courthouse your proceeding is taking place in. The first link displays the contact information for each Provincial courthouse, whereas the second link outlines the contact information for each Supreme Court: 1. <http://www.court.nl.ca/provincial/about/locations.html>, 2. <http://www.court.nl.ca/supreme/contact.html>.

For general information you can also contact inquiries@provincial.court.nl.ca, or inquiries@supreme.court.nl.ca.

Northwest Territories

The Northwest Territories offers no list of the accessibility services it provides to PWDs. You must contact the Court Registry affiliated with the courthouse you will be attending to enquire on the availability of accessibility services or to request an accommodation. The following link provides the contact information for each Court Registry in the Northwest Territories: <https://www.nwtcourts.ca/index.htm>.

You may also forward your general enquiries to the Department of Justice, by filling out the following online form: <http://www.gov.nt.ca/contact-gnwt>.

Nova Scotia

Similar to other provinces, a list of the accessibility resources the Nova Scotia court system offers is not available. You must speak with court staff at the courthouse you plan to attend to request an accommodation or to inquire about the accessibility services the court system provides. The contact information for each court in Nova Scotia can be found here: http://www.courts.ns.ca/Courthouse_Locations/Courthouse_Locations_Map.htm.

For general enquiries about the accessibility services provided by Nova Scotia's court system, you may also contact the Nova Scotia Department of Justice, by calling 902-424-4030, or by emailing justweb@gov.ns.ca.

Nunavut

There is no list of the accommodations Nunavut's court system provides. If you are dealing with a civil matter, you must call 867-875-6102 or email the Civil Court Registry at NCJ.civil@gov.nu.ca to inquire on the availability of accessibility services or to request an accommodation. For a criminal matter, call 867-975-6101, or email NCJ.criminal@gov.nu.ca. You may also email the Trial Coordinator or the Judicial Support Office by emailing either NCJ.Trialcoordinator@gov.nu.ca, or NCJ.Chambers@gov.nu.ca.

You may also forward your general enquiries on accessibility services to the Department of Justice, by calling 867-975-6000, or toll-free at 1-877-212-6638, or by emailing info@gov.nu.ca.

Ontario

Ontario outlines a comprehensive list of the accessibility services available to persons with disabilities in the province. The Ministry of Justice provides the following accessibility services to PWDs involved in the court system:

- Assistive listening devices and sound amplification systems
- Accessible and alternative formats of documents
- Sign language interpretation (American Sign Language and other visual language interpretations) and real-time captioning
- Support for people who have difficulty speaking due to a disability
- Scheduling meetings and court proceedings in courtrooms or meeting rooms that can accommodate disabilities

Arrangements for these accessibility services must be made by contacting the Accessibility Coordinator, or Interpreter Coordinator from the courthouse that you are attending. The following link displays the contact information for the Accessibility Coordinator/Interpreter Coordinator at each courthouse: https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/index.php.

For more information, contact the Office of the Attorney General by calling 416-326-2220, toll-free at 1-800-518-7901, or TTY at 416-326-4012, or 1-877-425-0575, or email attorneygeneral@ontario.ca.

Prince Edward Island

Prince Edward Island does not provide a list of the accessibility services it offers to PWDs. You must contact the court staff at the courthouse you will be attending to enquire on the type and availability of accessibility services offered, and to request an accommodation. The contact information for each courthouse in Prince Edward Island is listed at <http://www.gov.pe.ca/courts/index.php?number=1051097&lang=E>.

You may also make general enquiries to the Department of Justice and Public Safety, by calling 902-368-4550.

Quebec

Quebec does not have an easily accessible list of accommodations provided to PWDs. PWDs are entitled to the use of interpreters (although there may be a cost) and to other accessibility services the court system can provide without undue hardship.

To request an interpreter or another accessibility service, contact the specific courthouse you are attending. For more information, you can also contact the offices of the Ministry of Justice. If you are pursuing a claim involving the Human Rights Tribunal, call 514-393-6651, or email tribunal.personne@judex.qc.ca. For the Court of Quebec or the Superior Court, call 418-643-5140, or toll-free at 1-866-536-5140, or email informations@justice.gouv.qc.ca. For the Court of Appeal, call 514-393-2022 or email courdappelmtl@judex.qc.ca (Montreal) or call 418-649-3401 or email courdappelqc@judex.qc.ca (Quebec broadly).

To request an interpreter, or another accessibility service, you must contact the specific courthouse you are attending. If you are pursuing a claim in the Human Rights Tribunal, you may either 514-393-6651, or e-mail tribunal.personne@judex.qc.ca. For proceedings in the Court of Quebec, or the Superior Court, you may call 418-643-5140, or toll-free at 1-866-536-5140, or email informations@justice.gouv.qc.ca. If you are attending the Court of Appeal, you may call 514-393-2022 or email courdappelmtl@judex.qc.ca for Montreal, or call 418-649-3401, or email courdappelqc@judex.qc.ca for Quebec broadly.

Saskatchewan

Saskatchewan does not provide a list of the accommodations provided to PWDs. If your matter is filed with the Provincial Court, you can enquire about the availability, permissibility, and potential fees affiliated with accessibility services by contacting:

- The Provincial Court of Saskatchewan Registrar at 306-798-3189, or email jwhitridge@skprovcourt.ca
- The local Provincial courthouse you are attending. A list of phone numbers for each Provincial Court in Saskatchewan can be found here: <http://www.sasklawcourts.ca/home/provincial-court/court-locations-and-sitting-times/provincial-court-offices>.

If your matter is filed with the Court of Queen's Bench, you can enquire about the availability, permissibility, and potential fees affiliated with accessibility services by contacting:

- The Queen's Bench Registrar at 306-787-0472, or email jfabian@judicom.ca.
- The Registrar's Office of your local Court of Queen's Bench which is available here: <http://www.sasklawcourts.ca/home/court-of-queen-s-bench/court-locations-and-sitting-times>.

If your matter is filed with the Court of Appeal, you may contact the Registrar at 306-787-5382, or email caregistrar@sasklawcourts.ca.

Saskatchewan Deaf and Hard of Hearing Services provides American Sign Language and English interpreting services to facilitate deaf/non-deaf interaction in court. Although there is a fee for service for most interpreting bookings, the Saskatchewan Deaf and Hard of Hearing Services receives a subsidy from the Government of Saskatchewan. Other private corporations also provide interpretation, translation, transcription, and captioning services, including Royal Reporting Services, which provides a variety of accessibility services (306-352-3234, 306-242-3455, info@royalreporting.com).

Yukon Territory

Yukon Territory does not offer a list of the accessibility services provided to PWDs. You must contact the courthouse you are attending to ask about the availability of accessibility services or to request an accommodation. For the Court of Appeal, call 867-456-3821, or toll-free at 1-800-661-0408 (ext. 3821). For the Supreme Court, call 867-667-5937, or toll-free at 1-800-0408 (ext. 5937). You may also contact the Supreme Court's Trial Coordinator by calling 867-667-2332, or toll-free at 1-800-661-0408 (ext. 3442), or email sc.trialcoordinator@yukoncourts.ca. For the Territorial Court, call 867-667-5441, or toll-free at 1-800-661-0408 (ext. 5438). You may also contact the Territorial Court's Trial Coordinator by calling 867-667-3580, or toll-free at 1-800-661-0408 (ext. 3580), or email tc.trialcoordinator@yukoncourts.ca.

The following link provides the contact information for each Small Claims Court in the Yukon:

<http://www.yukoncourts.ca/courts/smallclaims/contact.html>.

You may also direct your general enquiries on accessibility services to Yukon Court Services by calling 867-667-5441, or toll-free at 1-800-661-0408 (ext. 5441), or email courtservices@gov.yk.ca. You may also fill out the following online contact form: <https://beta.yukoncourts.ca/en/request-information-court-services>.

Appendix C

Contacting your Provincial Human Rights Office or Disability Office

Since this type of information changes quite frequently, we would be grateful for any additional or amending information.

You may decide that you want to make a complaint about an accessibility barrier you have experienced by filing a complaint with your provincial Human Rights Commission. In addition, two provinces (Manitoba and BC) have special provincial disability offices you can bring issues about accommodations to.

Alberta

- Alberta Human Rights Commission, call 780-427-7661, or TTY and toll-free at 1-800-232-7215. Further information on how to make a human rights complaint is available at https://www.albertahumanrights.ab.ca/complaints/faqs/Pages/how_to_complain.aspx.

British Columbia

- British Columbia Human Rights Tribunal, call 604-775-2000, toll-free at 1-888-440-8844, or TTY at 504-775-2012, or email BCHumanRightsTribunal@gov.bc.ca. Further information on how to file a complaint is available at <http://www.bchrt.bc.ca/complaint-process/complain/index.htm>.
- You can also provide your feedback on accessibility barriers to Accessibility 2024, the body responsible for British Columbia's accessibility plan. You can contact Accessibility 2024 by emailing accessibility@gov.bc.ca.

Manitoba

- Manitoba Human Rights Commission, call toll-free 1-888-884-8681, or TTY at 1-888-897-2811, or email hrc@gov.mb.ca. Further information on how to make a complaint is available at <http://www.manitobahumanrights.ca/#>.

- You can also forward your feedback on barriers to accessibility to the Manitoba Disabilities Issue Office by calling 204-945-7613, or toll-free at 1-800-282-8069, or emailing dio@gov.mb.ca.

New Brunswick

- New Brunswick Human Rights Commission, call 1-888-471-2233. Further information on how to make a complaint is available at <http://www2.gnb.ca/content/gnb/en/departments/nbhrc/the-complaint-process/filing-a-complaint.html>.

Newfoundland and Labrador:

- Newfoundland and Labrador Human Rights Commission, call 709-929-2709, or toll-free at 1-800-563-5808, or email humanrights@gov.nl.ca. Further information on how to make a complaint is available at <http://www.justice.gov.nl.ca/hrc/complaints/index.html>.

Northwest Territories

- Northwest Territories Human Rights Commission, call 867-669-5575, or toll-free at 1-888-669-5575, or email info@nwthumanrights.ca. Further information on how to make a complaint is available at <http://nwthumanrights.ca/complaints/complaint-process/>.

Nova Scotia

- Nova Scotia Human Rights Commission, call 1-877-269-7699, or email hrcinquiries@novascotia.ca.

Nunavut

- Nunavut Human Rights Tribunal, call 1-866-413-6478, or email nunavuthumanrights@gov.nu.ca. Further information on how to make a complaint is available at http://www.nhrt.ca/english/how_do_i_file.

Ontario

- Ontario Human Rights Commission, call 416-326-9511, or toll-free at 1-800-387-9080, or TTY (Local) at 416-326-0603, or TTY (Toll-Free) at 1-800-308-5561, or email info@ohrc.on.ca.

Prince Edward Island

- Prince Edward Island Human Rights Commission, call 902-368-4180, or toll-free at 1-800-237-5031, or email contact@peihumanrights.ca.

Quebec

Quebec Human Rights Commission, call 514-873-5146, or toll-free at 1-800-361-6477, or email information@cdpdj.qc.ca. Further information on how to make a complaint is available at <http://www.cdpdj.qc.ca/en/droits-de-la-personne/defendre-vos-droits/Pages/porter-plainte.aspx>.

Saskatchewan

- Saskatchewan Human Rights Commission, call 306-933-5952, or toll-free at 1-800-667-9249, or email shrc@gov.sk.ca. Further information on how to make a complaint is available at <http://saskatchewanhumanrights.ca/how-to-file-a-complaint/filing-a-complaint>.

Yukon Territory

- Yukon Human Rights Commission, call 867-667-6226, or toll-free at 1-800-661-0535, or email humanrights@yhrc.yk.ca. Further information on how to make a complaint is available at <http://www.yhrc.yk.ca/resources>.

Appendix D

More Help: Contacting a Disability Organization for Assistance

If you are experiencing an accessibility barrier at your courthouse, or if you have questions about the types of accommodations you are requesting, one option is to contact a disability organization that works in your province with people who have your type of disability. As well, your feedback about any barriers you have already faced may be valuable information for an advocacy organization that lobbies governments on behalf of PWDs.

There are a number of not-for-profit organizations in Canada that are dedicated to assisting PWDs. Here is a list of some national organizations that may be able to help you:

- [Active Living Alliance for Canadians with a Disability](#)
- [Alliance for Equality of Blind Canadians](#)
- [ARCH Disability Law Centre](#)
- [BALANCE for Blind Adults](#)
- [Brain Injury Canada](#)
- [Canadian Association for Community Living](#)
- [Canadian Association of the Deaf](#)
- [Canadian Association of Professionals with Disabilities](#)
- [Canadian Council of the Blind](#)
- [Canadian Centre on Disability Studies](#)
- [Canadian Down Syndrome Society](#)
- [Canadian Hard of Hearing Association](#)
- [Canadian Hearing Society](#)
- [Canadian National Institute for the Blind](#)
- [Communications Disabilities Access Canada](#)

- [Council of Canadians with Disabilities](#)
- [DisAbled Women's Network of Canada](#)
- [Guide Dog Users of Canada](#)
- [Learning Disabilities Association of Canada](#)
- [Multiple Sclerosis Society of Canada](#)
- [The Canadian Foundation for Physically Disabled Persons](#)

Many of these organizations have easily accessible websites, and can often be found online by searching your disability. If your disability prevents you from easily searching online by yourself, public library staff can assist you with these searches. Court staff may also be familiar with organizations that can assist you.

The above list is not exhaustive. If you have suggestions for additional organizations that we could add, please send them to us at representingyourself@gmail.com.