

2019: A Nova Scotia Human Rights Budget Submission on behalf of the Disability Rights Coalition

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Summary

This government's priorities and principles will be realised through its budget. Human rights, and in particular equality rights and non-discrimination, are non-political, quasi-constitutional legal standards that obligate the Nova Scotia government to take immediate steps to protect, promote and fulfill those rights. Before approving its provincial budget, the Legislature must be satisfied that the budget will enable it to meet those human rights obligations.

The Nova Scotia *Human Rights Act*, commits the government to "ensure that every individual in the Province is afforded an equal opportunity to enjoy a full and productive life and that failure to provide equality of opportunity threatens the status of all persons."

Disability is a ground protected under the *Human Rights Act*, in recognition that the rights of people with disabilities are often ignored. An example is this budget: people with disabilities who are being denied meaningful access to community-based social services are not included in this budget.

In determining the priorities for this provincial budget, this government must place human rights first. To fulfill its obligation to non-discrimination, to stop the human rights abuse of people with disabilities, the budget requires a programme of action through a multi-year funding commitment to implement the government's endorsed 2013 plan entitled the [Roadmap for Choice, Equality, and Good Lives in Inclusive Communities](#).

The Facts

On March 4, 2019 a Nova Scotia Board of Inquiry found that the Province of Nova Scotia through its practices and policies had violated the rights of three individuals, as a result of which they spent years in institutions where they did not belong. It is no secret that there are many hundreds of people with disabilities currently experiencing the same treatment, and that these human rights violations of people with disabilities require action by government to stop.

Nova Scotia has the highest rate of institutionalisation of people with disabilities of anywhere in Canada. The unjustified and unnecessary institutionalisation of people with disabilities in Nova Scotia; people who can handle and who would benefit from community settings, severely diminishes their everyday lives and perpetuates unwarranted assumptions that those persons are incapable or unworthy of participating in life in the community.

The number of community settings (called “small options”) for people with disabilities in Nova Scotia has not increased since 1995 when the provincial government imposed a “moratorium” or a freeze on the creation of any new small options homes, with the exception of two homes created in the last year. For more than 20 years, the Nova Scotia government has ignored the human rights of people with disabilities who require supports and services to live in community.

The issue

People with disabilities who the province have assessed as eligible for community-based social services and have been and will continue to be denied meaningful access to the social services that they are entitled to under the *Social Assistance Act* because this budget does not include them.

The problem

What are the implications of the provincial budget you have been asked to approve?

First, hundreds of people with disabilities will continue to be unnecessarily institutionalised in Nova Scotia.

The denial of meaningful access to basic social services for people with disabilities who require supports and services to live in the community will continue. The province has created what it calls a ‘waitlist’ for disability support services, but this waitlist is unlike any other. The waitlist has doubled in less than 10 years and continues to grow; it is indefinite; the department who runs it has no idea how long it will take or who will be next to qualify for services. It deprives people of having their basic needs met. It is not a waitlist, but a holding pattern for the more than 1500 people whose names are found on it.

What is the source of the unnecessary institutionalisation of people with disabilities and the ‘waitlist’ or holding pattern that deprives people of access to basic social services? It is the budget you have been asked to approve. In approving the 2019 budget as it now stands, you are participating in the continuation of the human rights violation of people with disabilities.

The solution

As a result of the March 2019 human rights ruling, the province is aware that the failure to provide meaningful access to social services to people with disabilities is discriminatory and a violation of human rights. As a result, this government has a responsibility to take action to fulfill the human rights of people with disabilities by approving a multi-year funding commitment to implement the 2013 Roadmap and bring to an end the discriminatory treatment of people with disabilities.