

Disability Rights Coalition of Nova Scotia

Nova Scotia Disability Rights are Human Rights

Web: www.disabilityrightscoalitionns.ca

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1:30pm**

“Interim agreement reached on a systemic human rights remedy for persons with disabilities”

The Disability Rights Coalition is pleased to announce that all parties including the Coalition, the Province and the Nova Scotia Human Rights Commission, have reached an interim settlement towards a systemic human rights remedy to end the discriminatory treatment of people with disabilities. The next step will be for the parties to submit their agreement to the Nova Scotia Human Rights Board of Inquiry for its approval.

It’s been more than a year since the Nova Scotia Court of Appeal rendered its [landmark human rights ruling](#) in favour of people with disabilities and made a finding of systemic discrimination against the Province based on its treatment of persons with disabilities in need of supports and services to live in community.

As the Court found, the decades long and ongoing discriminatory treatment of people with disabilities includes unnecessary institutionalisation, years long and indefinite wait times for services, the right to live in one’s community of choice and the Province’s failure to respect the legal entitlement of persons with disabilities to social assistance that meets their different needs.

In August 2022, both parties agreed to a collaborative process to solve the systemic discrimination that included the joint appointment of independent experts Eddie Bartnik and Tim Stainton. After months of work, including consultation with those directly affected, [the experts provided a report](#) that included recommendations for sweeping changes to end a quarter century of systemic discrimination and create a system of social assistance that fully recognises and respects the different needs of persons with disabilities.

Unlike past government reports and commitments, the outcome of the collaborative process contemplates that the government’s commitments to persons with disabilities will be legally binding and enforceable.

Based on the Experts’ report, the interim agreement includes a year-by-year plan with a March 31, 2028 end date. The government’s actions in implementing the five-year plan will be independently monitored on a regular basis. The monitoring process will include regular disclosure of data and documents and annual progress reports from government. The government’s progress reports will all be subject to review by the parties, and by an independent Expert Monitor.

An important feature of the interim settlement agreement is that the reports, data and disclosure with respect to the monitoring of the systemic human rights remedy will all be publicly available online.

The parties have agreed, subject to its approval, that the NS Human Rights Board of Inquiry will retain jurisdiction until it determines that the systemic discrimination as found by the Nova Scotia Court of Appeal has been fully and completely ended.

Highlights of the Report and interim settlement include:

Deinstitutionalisation

- In year 1, the Province will institute a “no new admissions” policy to DSP funded institutions
- By year 3, 75% of those people currently residing in ARCs, RRCs and RCFs will be living in community based settings.
- Within five years, or by March 31, 2028, the government will close all institutional settings for persons with disabilities.

Individualised planning supports and funding

- In year 2, the new individual planning and coordination and individualised funding system will be full operational which includes an accessible system designed with users in mind.
- In year 2, a province wide critical response team will be fully established to ensure people in crisis have immediate access to supports and services as well as multi-disciplinary teams to meet needs wherever people choose to live in Nova Scotia

Supporting people in their community of choice

- In year 1, the Local Area Coordination model will begin with the creation of 25 new local area coordinators and local area coordination leads in all 4 regions and by year 3 there will be 80 local area coordinators throughout Nova Scotia.

Putting an end to years-long delays in accessing social assistance

- In year 3, all persons currently on the DSP waitlist and receiving no access to social assistance will be provided with full access to the supports and services they require to live in community
- In year 5, the DSP waitlist will end, with new applicants being provided with immediate access to navigational supports and services and, where appropriate, emergency response.

“I am very happy they are closing all the institutions because institutions are like prisons. It will be a big victory day for people with disabilities when that happens.” Charlie Lemon, DRC and People First member

“Although this settlement comes years too late for so many people, I am glad that we have come to an agreement so that people living with disabilities do not have to spend their lives shut away from society and will no longer be treated as problems to be solved but full citizens in charge of our own destiny.” Vicky Levack, DRC member

"This agreement gives families like mine the chance to finally dream of a future beyond our wildest imaginations – beyond anything that currently exists here in Nova Scotia," says Inclusion NS Board President and DRC member, Stephanie Carver

"We welcome this important milestone and will continue to work towards a future where all persons with a disability live and are supported in communities of their choice". Sherry Costa-Lorenz, Disability Rights Coalition member and Executive Director, NSLEO.

"This type of system change can't happen overnight but both parties have accepted the system changes and plan recommended in the Expert Report, which has formed the basis for their interim agreement regarding final outcomes. The final outcomes will be legally enforceable and will ensure that persons with disabilities will get access to social assistance when they need it, in the community they choose, with the supports and services they need to live in community rather than institutional settings. This is a major turning point in the struggle for equality for persons with disabilities." Claire McNeil, lawyer for the DRC.

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