



Disability Rights Coalition of Nova Scotia

Nova Scotia Disability Rights are Human Rights

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“Expert Monitor Finds Province’s Remedy Implementation to be Seriously Flawed in Sombre Assessment”

On July 31st, the Human Rights Remedy’s independent Expert Monitor, Dr. Michael Prince, of the University of Victoria, released his [Annual Report](#) on the Province’s compliance with its legal obligations in eliminating the systemic discrimination against persons with disabilities in Nova Scotia in accessing community-based supports.

The Monitor’s overall assessment was that, while there has been some progress in implementing the 90 requirements set out in the first year of the legally binding Order, it has been “slower and compliance more uneven than called for in the first two periods of the five-year remedial plan.”

Dr. Prince took issue with the Province’s self-assessment of its progress set out in its own report filed with the Monitor at the end of May. Of the 90 specific legal obligations on the Province required to implement the Remedy during the two periods Feb-June 2023 and April 2023 through March 2024, progress in almost half of them (43 of 90) could only be characterized as “slight” (page 33 of [the Report](#)). Looking only at the legal requirements for Year 1 (April 2023 – March 2024), the Expert Monitor found that progress in over 60% of the requirements could only be characterized as “slight” ([Report](#) page 39):

“I find that a sizeable share of the requirements in this reporting period attained minimal or marginal results. There is important work to do to ensure that the remedy get on track in Year Two.” (page 33 of [the Report](#))

For example, commenting on the progress regarding deinstitutionalization of persons with disabilities—with accompanying community supports—Dr. Prince stated:

For progress so modest, on reforms so central to the Remedy, this is a somber assessment. I therefore strongly urge that the Province explain and demonstrate how it will achieve these key requirements, and meet their obligations on deinstitutionalization, within the five-year period. (page 45 of [the Report](#))

Flawed, too, was the reporting style adopted by the Province in both its Interim Progress Report (filed January 15, 2024) and the [Annual Report to the Monitor](#) filed at the end of May. Dr. Prince pointed to the lack of supporting documentation for the Province’s progress claims and the failure to explain how, in light of so many missed requirements, it was going to ‘get on track’ and complete the Remedy within the five-year time frame.

Crucially, in explaining the Province’s lack of progress in meeting its legal obligations, the Expert Monitor observed that all of the Province’s shortcomings were ones for which it actually had the ‘capacity to implement the requirements of the Interim Settlement Agreement’. The

flawed implementation ‘results from intentional efforts and decisions by officials of the provincial government’. (page 32 of [the Report](#))

The Remedy is a legally binding Order from the NS Human Rights Board of Inquiry which has set out a step-by-step set of obligations over the next five years to ‘remedy’ the systemic discrimination by the Province against persons with disabilities in the provision of social services and supports.

All of this is against a backdrop where, last November, Premier Houston delivered an [historic apology](#) to persons with disabilities for decades of systemic discrimination they have suffered, including institutionalization, placements far from family and friends and years long wait lists for basic supports. Speaking of the thousands of Nova Scotians with disabilities, [Premier Houston stated](#):

“Their basic human rights have not been honoured nor respected...I would like to offer an unreserved apology for the historic systemic discrimination that persons with disabilities have experienced in Nova Scotia.

Given all of the significant shortcomings in the Province' flawed compliance through Year 1 of the Remedy, the DRC supports the Expert Monitor’s call on ‘executive leadership at the Province’ (most importantly, the Premier) to direct that the legal requirements of the Remedy be complied with, as and when they are supposed to be, **and** that [his promises to Nova Scotians with disabilities](#) be kept!

Vicky Levack, DRC spokesperson, who was present when Premier Houston made his historic apology, had this to say after reviewing the Expert Monitor’s Report: “The Report confirms what the DRC has said, about the lack of progress. The Premier has now got to show leadership...the Province has all the foundational pieces in place, it has a technical report setting out the path forward, it has experts on standby, the Premier just has to return to the values and urgency he so clearly expressed in his [historic apology](#) and get the Remedy on track before any more time is lost.”

DRC legal counsel, Katrin MacPhee, commented that: “The DRC welcomes the Monitor’s thorough assessment of the Province’s progress and his strong recommendations about how the Province can better implement the Remedy moving forward. It is a great example of how human rights are about ensuring that governments are held to account on an ongoing basis. We look forward to engaging with the Province about how it can meet its legal obligations under this Order.”

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