

Landmark Human Rights Tribunal Decision Advances Rights and Accessibility for Deaf and Hard of Hearing People in Federal Prisons

A landmark decision by the Canadian Human Rights Tribunal in *Timothy Lidkea v. Correctional Service Canada* (2026 CHRT 19) marks a major advancement in the recognition and protection of the rights of Deaf and hard of hearing individuals within Canada's federal prison system.

In 2020, Timothy Lidkea filed a human rights complaint alleging that Correctional Service Canada (CSC) was discriminating against him on the basis of his disability and Indigenous identity by refusing to provide a meaningful way for him to communicate while he was in custody, including with health providers, Indigenous Elders, prison staff, community supports and others, leading to profound isolation, exclusion and other harms. The Tribunal concluded that "CSC was unquestionably reckless in its treatment" of Mr. Lidkea, since "[i]t knew that he required accommodation to effectively communicate with CSC staff and others but neglected to provide those services to him."

Mr. Lidkea's experience is representative of many Deaf people in prison, who are prevented from accessing the programs and services available to hearing people or using their language --American Sign Language (ASL) or langue des signes québécoise (LSQ) -- with any regularity. This intensifies the physical and psychological impacts of prison, including isolation, and limits opportunities for community release and reintegration. The extreme over-representation of Indigenous people in prison results in additional discrimination and harm for Deaf people who are Indigenous, like Mr. Lidkea.

The Tribunal's decision affirms that Deaf people in custody are entitled to meaningful access to communication in ASL and LSQ. It also affirms the right to a telephone system that is reasonably comparable to the one used by hearing prisoners, and to opportunities for at least two hours per day of effective inter-personal communication. The ruling mandates broad, system-wide changes on the part of CSC.

In response to the decision, Mr. Lidkea stated: "I brought this case because my rights were being denied, but it was not just for me. Many other Deaf people have experienced discrimination by CSC and continue to be denied accommodation. Now that the Tribunal has affirmed our rights, CSC must address past wrongs. We call on CSC to support Deaf incarcerated people who were denied support to have more opportunities for parole since the system has been failing them."

Organizations involved in the case say the decision represents a turning point for accessibility in Canada's federal prisons.

"Too often, prisons fail to respect the basic rights and dignity of people in custody, and resist calls for change from incarcerated people and civil society organizations," said Lisa Crossley, a Staff Lawyer with Prisoners' Legal Services ("PLS"), who represented Mr. Lidkea along with Jessica Magonet (formerly of PLS), Brodie Noga of JFK Law LLP and Katie Ussher of Osler, Hoskin & Harcourt LLP. "We are delighted that the Tribunal has directed CSC to make long-overdue changes to address the bias, exclusion and discrimination our Deaf clients continue to face. We are hopeful that provincial custody centres will take note of this decision and implement similar changes."

"Canadian Association of the Deaf / Association des Sourds du Canada (CAD-ASC) has long recognized that the pattern of deprivation of sign language interpreters and services while incarcerated has led to a type of "solitary confinement" for Deaf individuals," said Richard Belzile, a Representative of CAD-ASC, which intervened in the case. "CAD-ASC encourages CSC to accept the Tribunal's decision and to begin the work that will establish programs and policies that will truly support the rehabilitation of Deaf and hard of hearing prisoners."

"The Council of Canadians with Disabilities (CCD) is very pleased with the remedy ordered by the Tribunal," said Heather Walkus, Chair of CCD, which also intervened in the case. "Not only does it address the individual discrimination experienced by Mr. Lidkea, it also requires the CSC to make comprehensive systemic changes to its policies and procedures regarding Deaf people in custody. It

stands as a firm reminder that governments have a legal duty to accommodate people with disabilities when barriers are identified."

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