

Ase Community Foundation

The Convention on the Rights of Persons with Disabilities (CRPD) Through an Intersectional Lens:

The Experiences of Black Disabled Canadians

United Nations Committee on the Rights of Persons with Disabilities

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Dedication

In celebration of Canada's adoption of the United Nations Second International Decade for People of African Descent, we recognize all people of African descent and dedicate this briefing note and our efforts to them. We pay tribute to our ancestors, those who were forcibly displaced from Africa, those who resisted, those who built, those who dreamed, and those who fought for our liberation. We honour their legacy by continuing to demand equity, recognition, and justice for Black disabled people, not only in Canada but around the world.

Their resistance guides our path, reminding us that our struggles for justice, dignity, and full citizenship are part of a larger fight for full liberation for intersectional Black communities across the diaspora.

This briefing note also acknowledges the hope of future generations, desiring a world where the worth of Black disabled people and children is affirmed and their right to thrive centred.

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Executive Summary

The Convention on the Rights of Persons with Disabilities (CRPD) is an essential human rights framework Canada has ratified, committing to full inclusion, accessibility, and equity for disabled people. However, Black disabled Canadians remain an afterthought in Canada's disability policies, largely due to structural anti-Black racism, ableism, and the lack of meaningful engagement in research, policymaking, and decision-making processes.

This briefing note is part of a detailed report being developed that provides an intersectional analysis of Canada's implementation of the CRPD and discusses the gaps, barriers, and systemic inequities that disproportionately impact Black disabled people. In this document, we also highlight Canada's co-sponsorship of the UN's Second International Decade for People of African Descent (2025-2034) and argue that Canada has an obligation to center Black disabled people in its human rights commitments.

Call to Action

Canada has made progress in some areas of disability rights, but Black disabled Canadians continue to be marginalized in research, policy, and decision-making. To fulfill its obligations under the CRPD and the Second International Decade for People of African Descent, Canada must:

The CRPD framework must be implemented with an explicit intersectional and racial justice lens, ensuring that Black disabled people and organizations of persons with disabilities have meaningful engagement across the implementation of the Articles.

Black disabled people must be recognized as experts in their own experiences and given direct decision-making power in disability policy development through established Black-led and disability-led advisory bodies with the authority to influence funding priorities, legislation, and program development.

Prioritize collecting and reporting disaggregated, race-based disability data to track disparities and improve policy solutions; and co-develop data governance frameworks that ensure Black disabled communities have ownership, control, and oversight of how their data is collected and used.

Allocate funding to Black-disabled organizations to lead research on the experiences of Black-disabled Canadians to close critical knowledge and culturally responsive and affirming service gaps.

Create independent oversight mechanisms to hold healthcare, education, and other institutions accountable for discrimination and neglect against Black disabled Canadians.

Commit to include culturally responsive and affirming approaches in implementing the CRPD Articles.

Prioritize a culturally affirming school-to-work transition employment strategy to improve disabled people's access to education and workforce opportunities.

Without these measures, Canada will continue to fall short of its commitments under the CRPD. Black disabled Canadians must be centred, not as an afterthought, but as a critical voice in shaping a more just and equitable society. We urge Canada to take immediate, measurable steps to fulfill its obligations under the CRPD, ensuring that Black disabled Canadians are not only included but are also actively engaged in shaping policies that impact their lives.

Black disabled people deserve more than performative notation; we deserve action!

We are and must be supported as the drivers of our own change.

The Reality for Black Disabled Canadians

The CRPD affirms the right of all disabled people to live with dignity, autonomy, and full participation in society. However, for Black disabled Canadians, this promise remains largely unfulfilled as we remain on the margins of research, policy, and national discussions. Canada's disability policies, such as the Accessible Canada Act (ACA), the Canada Disability Benefit (CDB), and various provincial accessibility legislation, largely operate under a 'race-neutral' lens, assuming the disability community is a monolith and experiences the same barriers. These policies fail to explicitly address the intersection of race and disability, overlooking how anti-Black racism and ableism create compounded disadvantages for Black-disabled Canadians. For instance, the ACA, which aims to achieve a barrier-free Canada by 2040, does not mandate the collection of race-disaggregated disability data,

making it difficult to assess Black disabled people's outcomes and how they experience barriers differently. Similarly, the Canada Disability Benefit (CDB), designed to provide financial support to working-age Canadians with disabilities, lacks targeted provisions that consider the disproportionate rates of poverty among Black disabled people. Without intersectional policy design, these initiatives risk reinforcing systemic inequities rather than dismantling them.

This briefing note provides a critical analysis of the gaps in Canada's implementation of the CRPD, highlighting economic disparities, healthcare inequities, and the failure to meaningfully engage Black disabled people in policymaking. We also provide targeted recommendations to ensure Canada fulfills its obligations under the CRPD and the Second International Decade for People of African Descent.

To understand the systemic barriers Black disabled Canadians face today, we must acknowledge Canada's history of the Transatlantic slave trade and slavery and the ongoing systemic anti-Black racism.¹ While Canada often positions itself as a champion of human rights, its legacy of enslavement, segregation, and institutionalized racism has shaped the structural inequities that persist today.¹ This history has led to institutionalized racism, defined as differential access to goods, services, and opportunities by race, which has normalized policies and laws that inherently disadvantage Black people, including those with disabilities.²

Black people make up 3.5% of the population in Canada.³ Black communities across Canada are diverse and encompass people of African, Caribbean, and Black (ACB) heritage, each with unique histories, cultures, and experiences.³ Black Canadians with disabilities face unique challenges and often experience multiple marginalization as a result of ableism and anti-Black racism.⁴ Despite making up an estimated 2.2% of the disabled population in Canada, Black Canadians with disabilities face disproportionate challenges related to poverty, education, employment, incarceration, and access to services and resources.^{4,5}

Disproportionate Impacts of Poverty on the Black Community

Black Canadians with disabilities are disproportionately impacted by poverty.^{4,6} Black Canadians often face discrimination and barriers when accessing the social determinants of health (healthcare, education, and employment opportunities).^{4,7-8} This can lead to a cycle of poverty that is difficult to break out of. It is widely known that disability and poverty are inextricably linked.^{4,9-10} Poverty can never be eradicated until disabled people have equitable access to resources to have their needs met. This means that having a disability or rather experiencing interlocking oppressions of systemic ableism and anti-Black racism and denial of resources, supports, opportunities, and citizenship participation might lead to poverty for the individual and their family that adversely impact their access to the social determinants of health.^{4, 9-10}

We also know that poverty is not evenly distributed in Canada.^{7-8,11} Black Canadians experience high rates of poverty due to conditions created and sustained by structural Anti-Black racism.⁷⁻⁸ Those who experience poverty are more likely to have poorer health outcomes, lower educational attainment and fewer job opportunities.^{8,11} In addition, experiencing poverty means that you are more likely to be working in precarious jobs without benefits and high stress, which contribute to poorer health outcomes.⁸ Structural racism, racial trauma, and ableism play a significant role in excluding and creating disadvantaged conditions and barriers for Black disabled Canadians.⁴

Meaningful Participation: From Tokenism to Partnership and Delegated Power

The CRPD requires that persons with disabilities be actively involved in developing and implementing policies that impact them. However, Canada's engagement with Black disabled communities remains tokenistic. Rather than being recognized as key collaborators and partners in shaping disability policy, Black and disability-led organizations for persons with disabilities are often an afterthought, excluded from decision-making processes that directly impact their lives. In Canada, there is a limited number of Black and disability-led organizations that specifically support people with disabilities – many of which are grassroots.¹² Notably, the Ase Community Foundation is one of the few national Black- and disability-led, Black and disability-serving not-for-profit

organizations. This scarcity underscores the critical need to engage such organizations as key collaborators in shaping disability policy. Given their limited numbers, integrating their unique perspectives into decision-making processes should be both feasible and imperative.

Despite the CRPD's mandate for governments to engage persons with disabilities in policy development, Black disabled Canadians are routinely left out of consultations, underrecognized and untapped in leadership, and tokenized in voluntary advisory roles without real decision-making power.¹² This failure to meaningfully engage Black disabled people is one of the most glaring gaps in Canada's CRPD implementation. Genuine participation requires power-sharing, leadership opportunities, and direct and active involvement in policy design and decision-making.

Canada's co-sponsorship of the Second International Decade for People of African Descent (The Decade) (2025-2034) further underscores its obligation to center the realities of Black people in all human rights frameworks. The Decade recognizes that people of African descent are a distinct group whose human rights must be actively promoted and protected. Any effort to implement the CRPD without explicitly addressing the needs of Black disabled people contradicts this commitment.

Purpose and General Obligations (arts. 1–4)

Canada has not met their CRPD commitment to implement inter-jurisdictional Coordination of legislation, policies, and practices, which further hinders Black disabled people's meaningful participation, and the legal protection promised to all disabled people. The intersection of anti-Black racism, ableism, gender-based violence, and 2SLGBTQ discrimination often renders these legal protections and policies inaccessible and harmful to Black people. The Decade also recognizes the ongoing impact of historical trauma and systemic inequities on Black people, which is worsened for those with disabilities trying to access critical poverty-reduction initiatives, including poverty-reduction Federal benefits, credits, and resources.

For example, the Disability Tax Credit Certificate (DTC) is now the "gateway" to the new Canada Disability Benefit (\$200 monthly). Unofficial disaggregated data suggests that Black and Indigenous disabled people have the lowest rate of participation in the DTC program and, therefore, are not eligible for the Registered Disability Savings Plan and the new Canada Disability Benefit, which launches in May 2025. As disaggregated data and research are not available, the reasons for these disparities may be the ineligibility of specific disabilities, such as episodic disabilities and sickle cell disease, from the program.

Recommended Actions

To ensure Black disabled Canadians can realize their rights under CRPD Articles 1-4, Canada must take immediate action to:

Implement inter-jurisdictional coordination with a historical and intersectionality framework.

Embed The Decade's findings and recommendations within the implementation process and disability legislation, methods, and practices.

Black-disabled leaders and organizations for persons with disabilities should be included at the national committee level, as well as in the policy development and implementation stages.

Apply race-based and Gender-Based Analysis Plus approaches to understanding structural barriers and inequities about persons with disabilities.

Commit to creating meaningful and compensated opportunities for Black-disabled organizations for people with disabilities to participate.

Living Independently and Being Included in the Community (art. 19)

“Everyone deserves a safe and affordable place to call home. We have heard loud and clear from Black Canadian communities that more support is needed in the housing sector, and that is why we are making this unique investment through the NHCF for Black-led projects and projects serving Black Canadians. This is the National Housing Strategy at work.”

– The Honourable Ahmed Hussen, former Minister of Housing, Diversity and Inclusion

The National Housing Strategy aims to address the housing needs of Canadians and commits to six priority areas of action, including persons with disabilities and racialized people. In 2022, the Government of Canada acknowledged the systemic housing barriers experienced by the Black community and invested \$50 million as part of the National Housing Strategy to address housing needs and home ownership.

The government also invested an additional \$40 million in joint funding between the Government of Canada and Habitat for Humanity Canada to support homeownership for Black families nationwide. The Black Community Housing Technical Housing Resource Centre (BCHC) supports Black-led organizations across Canada to address housing needs, including access to affordable housing. However, the Housing Strategy and BCHC approach negates the intersectionality of Black disabled people. The scarcity of disaggregated data, reports, and accessible housing processes continues to impede Black disabled people’s meaningful participation in housing initiatives.

As with other equity-denied groups, 13-18 Black disabled people also experience high rates of homelessness, poverty, incarceration, employment, and low educational attainment. Anecdotally, Black people with disabilities continue to feel isolated and excluded from culturally affirming options for independent living and community life, with experiences of homelessness and limited culturally responsive housing support.

There are many reports outlining the structural and social barriers experienced by disabled people in finding and retaining affordable housing and community.^{14,15,17} Unfortunately, there are also significant knowledge gaps at the intersection of race and disability. Policy change is nearly impossible without data and visibility in these arenas, as it relegates those most vulnerable to voluntarily “do the work” themselves.

An intersectional approach and culturally affirming disability housing strategies are critical in creating trust and the psychological safety that will enable Black disabled people to live independently and enjoy the right of self-determination, breaking the cycle of poverty.

Recommended Actions

To ensure Black disabled Canadians can realize their right to live independently and be Included in the community in Article 19, Canada must take immediate action to:

Implement intersectional approaches led by Black disabled people and be informed by The Decade recommendations. This includes establishing a Black Disability Housing Committee to review and recommend strategies and critical changes to the implementation of Article 19.

Education (art. 24)

With growing rates of disability in Canada, and with the most common disabilities amongst Canadians ages 15 to 24 being mental health and learning-related, more must be done to purposefully consider these factors and tailor support to meet the unique needs of neurodivergent people.¹⁸

In the Fall of 2022, the Ase Community Foundation conducted the “Black Neurodiversity Research Project”¹⁹, a first in Canada. As suspected, the initial research revealed a lack of available literature on the subject in the Canadian context and hard-to-obtain school board disaggregated race-based data, further underscoring the critical need for data.

Black neurodivergent peer researchers interviewed Black neurodiverse youth, focusing on high school students from four school boards in Hamilton/Halton, Ontario. The project sought to identify systems gaps and strategies and explore the needs of Black neurodivergent youth within the disability community, education, and employment systems. It aimed to understand their experiences of labelling, stigma, anti-Black, ableism, and gender-based discrimination and their access to disability support within these systems.

This emerging discourse is necessary to inform change and policy recommendations and inform the implementation of the CRPD in Canada. Surprisingly, the findings centred less on the actual access to institutional structures and disability programs and more on the Black youth participants' own disability journey and the juxtaposition between disability identity and their Black identity while they are also transitioning through child and adolescent development stages. This journey is ongoing throughout their lives, affects health, education, and employment outcomes, and requires culturally affirming care.

The disability journey includes emotions of fear and shame that accompany a diagnosis or labels, coupled with experiences of anti-Black racism stereotypes. This is also profoundly experienced by Black parents and caregivers. Through this transformative peer research and knowledge mobilization project, Black neurodivergent youth have bravely shared and outlined the insurmountable barriers and inspiring opportunities within their support systems or "Ecosystems." The findings highlight one central fact: the identities of Black neurodivergent young people are complex and central to their experiences. Along with substantial school challenges, they struggle to successfully transition from school to work, with challenges advocating for workplace accommodations.

Black neurodivergent youth are hindered by anti-Black racism in education and access to various disability support systems within these powerful Ecosystems, including (1) Black Critical Support Network, (2) Black Communities, and (3) Community Service, Education and Support Networks. All Ecosystems are interchangeable, interlocking, intersecting, and fluid across different levels, affecting Black neurodiverse youth with multiple identities.¹⁹

Recommended Actions

To ensure Black disabled Canadians can realize their rights to Education in Article 24, Canada must take immediate action to:

Consider the unique challenges of Black disabled people and integrate more holistic approaches to ensuring the rights and well-being of all disabled students in the Canadian education system, which also includes apprenticeships, colleges, and universities.

Expand culturally affirming care and resources to support the "Black Critical Support Network" role in supporting disabled people.

Commit to implementing the recommendations with a lens that simultaneously works to eradicate colonialism's legacy within education systems and disability supports.

Explore a culturally responsive School to Work Transition and Accommodation Strategy to improve disabled people's access to education and workforce opportunities.

Health (art. 25)

The right to health is a fundamental principle under Article 25 of the CRPD, which obligates Canada to ensure persons with disabilities have access to healthcare services without discrimination. However, for Black Canadians with disabilities, this right remains largely unmet due to anti-Black racism and ableism embedded within the healthcare system. Racism and discrimination have been identified as significant contributors to health disparities.²⁰

Black populations face a higher risk of chronic diseases such as hypertension, diabetes, and chronic stress.²⁰ 14.2% of Black Canadians aged 18 years and older reported their health to be fair or poor, compared to 11.3% of White Canadians.²¹ This study particularly noted the increased prevalence of fair or poor health for Black women reached 15%.²¹ These disparities are further amplified for Black people with disabilities, especially those with intersecting identities, immigration status, religion, sexual and gender identity, and more. When looking at chronic disabilities, we also see an increase in prevalence within our communities. For example, the prevalence of diabetes among Black Canadian adults was 2.1 times the rate among White Canadians.²²

Black people often face medical racism, which manifests in dismissed symptoms, delayed diagnoses, inadequate treatment, and an overall reluctance to provide accommodations.^{2,23} This reality is deeply entrenched in Canada's historical and structural inequities. The legacy of slavery and systemic oppression has led to the normalization of policies and practices that disadvantage Black communities, shaping the health disparities they experience today.

A 2021 study found that Black Canadian women experienced everyday racism from healthcare providers, leading them to be ignored in discussions about their reproductive health.² Many went undiagnosed and were subjected to hostile treatment.² These experiences align with broader research that demonstrates how racial implicit bias among healthcare professionals acts as a barrier to healthcare access for marginalized populations, including Black-disabled Canadians.^{2,23,24}

Across Canada, only about 2% of physicians are Black and Black-led, or Black-serving agencies comprise only a small percentage of publicly funded health agencies.²⁵ This lack of representation and culturally affirming healthcare support, coupled with overt acts of anti-Black racism such as not being believed when disclosing health issues, acts of non-consensual healthcare procedures, and self-advocacy being met with service provider aggression, further exacerbate inequities faced by our Black disabled people and increase barriers to accessing care.

Bill S-280, National Framework on Sickle Cell Disease Act, represents a crucial step toward recognizing and addressing the unique challenges Black Canadians face with sickle cell disease, aligning with our commitment and advocacy in identifying gaps, building capacity, and advancing the overall well-being, economic engagement, and full participation of Black Canadians with disabilities. Black Canadians with episodic disability such as sickle cell disease often encounter systemic barriers due to anti-Black racism within the healthcare system, leading to delayed or inadequate care.²⁶⁻²⁷ For example, some Black sickle cell patients have reported mistreatment, not being believed, and provided poor pain management treatment when navigating the healthcare system.²⁶⁻²⁷

We commend the proposed national framework's focus on training, education, and healthcare professionals' diagnostic and treatment tool needs. Adequate training is paramount to providing culturally responsive and inclusive care for Black Canadians, addressing a longstanding gap in our healthcare system. Given the racial disparities with the prevalence of sickle cell disease, the Bill should explicitly mention culturally responsive training for healthcare professionals to ensure they are equipped to provide culturally responsive and affirming care to people from diverse intersectional backgrounds.

Recommended Actions

To ensure Black disabled Canadians can realize their right to healthcare under Article 25, Canada must take immediate action to:

Implement race-conscious disability healthcare policies that acknowledge and address medical racism and ableism;

Mandate anti-racism and anti-ableism training for all healthcare professionals to reduce bias in medical decision-making;

Increase access to Black healthcare professionals and culturally responsive and affirming disability services that center the needs of Black disabled Canadians;

Create independent oversight mechanisms to hold healthcare institutions accountable for discrimination and medical neglect against Black disabled Canadians.

Work and Employment (art. 27)

There have been some promising strides to address these employment and workforce disparities within the CPRD Article 27. However, the lived experiences of Black people with disabilities remain virtually invisible, with a scarcity of disaggregated data, research, and programs at the intersectionality of Black identity, disability, and gender. We have been negated from the discourse. This lack of data and acknowledgement of Black-disabled lived experiences within policies and initiatives is alarming and disheartening.

We know that Black disabled people have one of the highest unemployment and underemployment rates in the country, with many in precarious part-time jobs.^{4,8,11} DAWN Canada reported that Black disabled women who were sole support parents had the highest rates of poverty in Canada.²⁸

In response to these alarming statistics, the Ase Community is leading this new Black Disability Justice discourse through critical research papers, community reports, and presentations with limited resources and compensation. The Improving Employment Outcomes for Black Canadians with Disabilities Position Paper 2023²⁹, Black Neurodiverse Youth Research Project: Summary of Research Findings and Evidence 2022-2024¹⁹, Black People and Episodic Disabilities Employment 2023³⁰, validate the anecdotal stories of the daily struggles of exclusion and supports further amplifying our urgent call to action. These findings also clearly demonstrate that more work and data are needed to improve the transition of Black youth with disabilities from school to work and into meaningful careers.

In addition, Ase's paper, Redefining the Entrepreneurship Landscape: Challenges and Opportunities for Black Entrepreneurs with Disabilities in 2024³¹, highlights the significant challenges of accessing meaningful employment and workforces free of stereotypes and stigmas. One of the many findings was that Black disabled people explored entrepreneurship and self-employment as an alternative to employment because of the institutional and systemic challenges and workplace stereotypes of Black people.

An interesting observation was that entrepreneurship is also seen as a viable option, specifically the Solidarity Economy and Rotating Savings and Credit Associations (ROSCAs), which augmented Black women's and families' income for generations.

Recommended Actions

To ensure Black disabled Canadians can realize their right to Work and Employment Article 27, Canada must take immediate action to:

Mandate that data and reports include Black identity, disability, and gender in the collection, analysis, and reporting, prioritizing critical and intersectional disability data and analysis;

Support Black Disability Employment Strategy, which should be included in other National Disability and Black Employment Strategies;

Mandate that people with disabilities and organizations of persons with disabilities are the primary leaders, report writers, and researchers in disability spaces whenever possible;

Commit to exploring entrepreneurship and social enterprise programs and funding models by organizations of persons with disabilities.

Statistics and Data Collection (art. 31)

A significant challenge in addressing the experiences of Black disabled Canadians is the lack of collection and reporting of disaggregated race-based data. Currently, data on disability and disability outcomes in Canada is not disaggregated by race or ethnicity, which makes it challenging to begin to measure and understand the experiences of Black Canadians with disabilities.

This lack of data contributes to erasing their experiences and further leads to their marginalization. Without accessible data and the lived experiences of disabled people that capture the intersection of race and disability, policymakers are unable to:

Assess disparities in healthcare access, employment, education, and accessible housing for Black disabled Canadians and thus address access to social determinants of health;

Track how existing disability policies impact Black, Indigenous and racialized communities differently;

Develop targeted solutions that address the unique challenges faced by Black disabled people.

Disaggregated race-based data is essential for accountability. Without it, Black disabled Canadians remain invisible in official statistics, reinforcing systemic neglect. The CRPD emphasizes the importance of data collection to monitor progress, yet Canada has not implemented a systematic approach to gathering and reporting on intersectional disability data. This data gap allows economic, health, and social disparities to persist unchecked.

As Canada continues to refine its approach to disability rights, it must prioritize the collection and reporting of disaggregated race-based data, not as an afterthought but as a fundamental step in ensuring Black disabled people are counted, valued, and included in policy solutions. Additionally, data governance and ownership within Black disabled communities are critical issues that must be addressed. Black communities have historically been subjected to exploitative research and data practices, where information is collected about them without their meaningful involvement or control over how it is used.

Without reliable data, there is no accountability for the systemic inequities Black disabled people face. The absence of disaggregated data allows policymakers to operate under the assumption that all disabled people experience equal access to services, employment, healthcare, and education – a false and damaging premise that erases the realities of Black disabled Canadians.

Recommended Actions

To ensure Black disabled Canadians can realize Article 31, Canada must move beyond symbolic commitments and take concrete steps to ensure that Black disabled Canadians are counted, recognized, and prioritized in disability research and policymaking. Canada must take immediate action to:

Mandate the collection and public reporting of race-disaggregated disability data across all federal, provincial, territorial, and municipal agencies;

Co-develop data governance frameworks that ensure Black disabled communities have ownership, control, and oversight of how their data is collected and used;

Ensure that intersectional data analysis informs disability policy development to prevent Black disabled people from being overlooked;

Allocate funding to Black disabled-led organizations to lead research on the experiences of Black disabled Canadians to close critical knowledge and culturally responsive and affirming service gaps.

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