

# Association of People with Disabilities

Committee on the Rights of Persons with Disabilities (CRPD)

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Violation of the rights of people with disabilities in Canada- physical and sexual violence

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Introduction

Persons with disabilities are part of human diversity, and although often referred to as a single population, they are a very diverse group of people. Persons with disabilities have an equal right as any person to the highest attainable standard of living. As of 2021, approximately 1.3 billion people (about 16% of the global population) experience disability. This number has increased substantially during the past decade due to different demographic and epidemiological changes such as population rising and the increase in the number of people with noncommunicable diseases (World Health Organization: 2022: 2-3).

Canada is the second largest country in the world by area, with 39.74 million population in 2024 (United Nations, 2025b). Canada ranks seventeenth out of the 193 countries on the 2021 Human Development Index (HDI), placing it in the “very high human development” category and among the world’s highest income countries (United Nations Development Programme, 2024: 274).

According to Consolidation Accessible Canada Act S.C. 2019, c. 10, disability refers to any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment (or a functional limitation) whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person’s full and equal participation in society (Ministry of Justice of Canada, 2024a: 2). Based on the Article 1 of the “UN Convention on the Rights of Persons with Disabilities”, Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (United Nations, 2025a: 4).

Also, World Health Organization (WHO) defines disability as an umbrella term for impairments, activity limitations and participation restrictions. Disability is the interaction between individuals with a health condition (e.g. cerebral palsy, Down syndrome and depression) and personal and environmental factors (e.g. negative attitudes, inaccessible transportation and public buildings, and limited social supports) (World Health Organization, 2025).

Based on the Statistics Canada, 27% of Canadians aged 15 years and older, or 8.0 million people, had one or more disabilities that limited them in their daily activities in 2022. This represents an increase of 4.7% from 2017 (Statistics Canada, 2024). Given the prevalence of disability in Canada, the following will attempt to briefly address this issue. To this end, it will be first examined the rights of persons with disabilities in Canadian law, and then briefly mention some of the most important violation of the rights of people with disabilities in Canada by physical and sexual violence.

Rights of people with disabilities in Canadian law

At the federal level, persons with disabilities are considered under various laws, including the Criminal Code, the Canada Evidence Act, the Corrections and Conditional Release Act, the Canada Elections Act, the Employment Equity Act, the Canada Health Act, the Canada Pension Plan Act, the Income Tax Act, the Canada Disability Savings Act, the Student Loans Act, the Canada Student Financial Assistance Act, the Canada Transportation Act, the Personnel Training for the Assistance of Persons with Disabilities Regulations and the Broadcasting Act (United Nations Human Rights Council, 2019: 4).

Also, at the national level, the following two laws consider the rights of people with disabilities and prevent discrimination against them:

#### 1. Constitution Act, 1982:

According to the part I (Canadian Charter of Rights and Freedoms), section 15.1 of Constitution Act, 1982 of Canada “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability” (Department of Justice Canada, 2013: 56).

#### 2. Canadian Human Rights Act:

This Act recognizes that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated without discrimination and, in particular, discrimination on the basis of disability (Ministry of Justice of Canada, 2024b: 1). In part I, item 3(1) of this Act has been emphasized that “For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered” (Ministry of Justice of Canada, 2024b: 1-2).

Finally, at the provincial and territorial level, only Ontario, Manitoba, Nova Scotia and Quebec have enacted disability-specific and accessibility legislation, none of which is comprehensive nor fully in line with the Convention on the Rights of Persons with Disabilities (United Nations Human Rights Council, 2019: 4).

Facts and figures about violation of the rights of people with disabilities by physical and sexual violence in Canada

While according to the Article 6(c) of Accessible Canada Act, “all persons must have barrier-free access to full and equal participation in society, regardless of their disabilities” (Ministry of Justice of Canada, 2024a: 4), but in practice, there are many cases of violations of the rights of people with disabilities in Canada by physical and sexual violence, which are briefly discussed below.

#### 1. Intimate Partner Violence (IPV)

Intimate partner refers to the current spouse or partner. Persons with disabilities aged 15 years and over in Canada experiences Intimate Partner Violence in their lifetime more often than persons without disabilities. Among persons with disabilities, 44% of men and 55% of women experienced IPV in their lifetime in 2018. This compares to 32% of men and 37% of women without disabilities (Employment and Social Development Canada, 2024: 20).

#### 2. Physical assault by an intimate partner

Physical assault refers to an attack (victim hit, slapped, grabbed, knocked down, or beaten), a face-to-face threat of physical harm, or an incident with a weapon present. Persons with disabilities in Canada are twice as likely as persons without disabilities to be physically assaulted by an intimate partner in the past 12 months. Among persons with disabilities, 4% of both men and women with disabilities were physically assaulted by an intimate partner in the past 12 months of 2018. This compares to 2% of both men and women without disabilities (Employment and Social Development Canada, 2024: 22 & 26).

#### 3. Childhood sexual assault

Sexual assault refers to forced sexual activity, attempted forced sexual activity, unwanted sexual touching, grabbing, kissing, or fondling, or sexual relations without being able to give consent. Persons with disabilities

aged 15 years and over in Canada are more likely than persons without disabilities to have experienced sexual assault before the age of 15. Among persons with disabilities in 2019, 5% of men and 14% of women reported having experienced sexual assault before the age of 15. This compares to 2% of men and 7% of women without disabilities. Women with disabilities were nearly 3 times more likely than men with disabilities to have experienced sexual assault before the age of 15 (14% versus 5%) (Employment and Social Development Canada, 2024: 24 & 26).

#### 4. Victims of incident(s) of crime

The proportion of victims of incident(s) of crime by disability status and type of offence has been shown in Figure 1. Here, robbery refers to theft or attempted theft in which the offender had a weapon or there was violence or the threat of violence against the victim. This Figure shows that persons with disabilities were more likely than persons without disabilities in Canada to report being victims of incident(s) of crime. About 7% of persons with disabilities were victims of physical assault compared to almost 4% of those without disabilities. Also, persons with disabilities were almost 4 times more likely to report being victims of sexual assault than those without disabilities (6% versus 1.4%).

#### Policy recommendations

1. Despite the prevalence of disability in Canada, especially with the increasing average age of its population, the numerous laws existing at the national, federal, and provincial levels regarding persons with disabilities have failed to provide for their basic needs and satisfaction. Therefore, it is recommended that the Canadian government revise these laws and, instead of all these laws that are not very much implemented in practice, adopt a comprehensive law that is enforceable.
2. Since the first recommendation may take time to implement, it is suggested that the government implement strict monitoring of the implementation of existing laws at the community level, as a short-term solution.
3. The available evidences shows that, in addition to the general violation of the rights of disabled people in Canada, there are great variations from one province to another in the enactment the relevant laws. Hence, it is recommended that the people with disabilities as a vulnerable group, should be given special attention in this country, and all provinces and territories should completely implement the existing federal laws to improve the status of people with disabilities without any discrimination.

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