

Maat for Peace Development and Human Rights

Maat for Peace' Report submitted to The Committee on Rights of Persons with Disabilities on Canada

January 2025

Canada signed the Convention on the Rights of Persons with Disabilities on March 30, 2007, and ratified it on March 11, 2010 (hereinafter referred to as the "Convention"). By ratifying the Convention, Canada commits to protecting and promoting the rights of persons with disabilities who are its citizens and residents, ensuring they are not discriminated against. On November 7, 2022, Canada submitted its second and third reports to the United Nations Committee on the Rights of Persons with Disabilities (the "Committee"), more than two years late, with the original due date being April 11, 2020. Canada also delayed its first report, which was due on April 11, 2012, and submitted it on February 11, 2014.

In recent years, Canada has faced increasing criticism for violations of the rights of persons with disabilities, both citizens and residents, due to certain policies and practices pursued by the authorities. In this context, Maat for Peace, Development and Human Rights submits this report to the Committee, as Canada is one of the countries listed for review during the thirty-second session of the Committee, scheduled for March 3 to 21, 2025. This report aims to assess Canada's compliance with the provisions of the Convention, highlighting significant shortcomings and providing recommendations to address them. The goal is to support the Committee in conducting a thorough assessment of Canada's file during the next session.

Article 5 - Equality and Non-Discrimination

Canada has a comprehensive legislative framework aimed at preventing and combating discrimination, particularly against persons with disabilities. Canadian Charter of Rights and Freedoms guarantees equality before the law without discrimination based on physical or mental disability, as well as on the basis of race, religion, and sex. Additionally, Canada adopts human rights laws that prohibit any form of discrimination against persons with disabilities in both public and private sectors, covering vital areas such as employment, provision of goods and services, housing, and public facilities.

Despite this strict legislation, recent statistics indicate that persons with disabilities in Canada still face serious social and economic challenges. Approximately 1.5 million people with disabilities in Canada live below the poverty line, representing about 16.5% of all individuals with disabilities in the country. This rate is double the national rate for people without disabilities, which stands at 8.6%. This gap indicates that current policies are failing to provide effective economic protection for this group.

One of the most pressing issues facing people with disabilities in Canada is housing. Reports show that individuals with disabilities are four times more likely to experience homelessness than others and often suffer from inadequate living space or high housing costs. Data reviewed by Maat reveals that in 2016, 45% of renters with disabilities were living in high-cost housing. This percentage dropped to 35% in 2022, following temporary income support provided during the COVID-19 pandemic. While this support had a positive impact, its conclusion has brought the issue of housing affordability back to the forefront, further complicating the situation for people with disabilities.

Canada Disability Benefit, launched in 2023, represents a positive initiative; however, the proposed amount of \$200 per month, or \$2,400 annually, falls short of meeting the needs of individuals with disabilities. This level of support does not align with the recommendations from unions and advocates for the rights of this community. Individuals with disabilities often face greater financial hardships, increasing their risk of falling behind on rent and facing potential homelessness. The challenges are particularly pronounced for Indigenous people with disabilities in Canada, who contend with worse economic and social conditions than their non-Indigenous counterparts. Testimonies reveal that 40% of individuals with disabilities do not receive adequate support to live independently,

while 16% report feeling unsafe in their homes. Furthermore, some individuals have indicated that they are compelled to reduce their food intake to meet their families' financial needs.

These conditions illustrate a clear failure to implement the provisions of Article 5 of the Convention on the Rights of Persons with Disabilities, which stipulates that individuals with disabilities should be treated equally and enjoy legal protection against all forms of discrimination. The persistence of these issues exacerbates the suffering experienced by persons with disabilities in Canada and impedes progress toward realizing their fundamental rights.

Article 9 - Accessibility

Recent data indicates that Indigenous people in Canada experience significantly higher rates of disability than the general population, with disability rates among Indigenous individuals ranging from 30% to 35%, compared to the national average of 16.5%. This elevated rate is largely attributable to the challenging socioeconomic conditions faced by Indigenous communities, including poverty, inadequate access to healthcare, and systemic discrimination.

In various regions of Canada, particularly in the Atlantic provinces, individuals with disabilities encounter substantial barriers to accessing basic facilities and services. Those with mobility disabilities often struggle with a lack of accessibility in public spaces, including the absence of ramps, automatic doors, designated parking spaces, and accessible public restrooms. This lack of accessibility severely restricts their ability to access social services, healthcare facilities, and government offices.

Infrastructure deterioration in some areas presents additional hazards, with exposed potholes leading to serious injuries, such as broken legs. These challenges are exacerbated during winter months when snow accumulates on sidewalks and entrances, further obstructing the mobility of individuals using assistive devices.

Additionally, individuals with disabilities in these regions endure a significant lack of suitable public transportation services. Many are forced to incur extra costs ranging from \$2 to \$8 per day for taxi services to reach their workplaces or healthcare facilities, constituting a substantial financial burden, particularly given their limited incomes.

Moreover, individuals with disabilities have reported mistreatment by certain transportation companies. For instance, in October and November 2023, several passengers with disabilities traveling with WestJet experienced inappropriate treatment. On October 11, 2023, at Dublin Airport, a passenger with a disability was not granted priority boarding despite having previously requested assistance with boarding, seat placement, and the transfer of mobility equipment. A similar situation occurred on November 18, 2023, at San Cabo Airport, where the airline failed to provide the necessary support to passengers with disabilities. In light of these incidents, the Canadian Transport Agency imposed a fine of \$55,000 on WestJet on April 5, 2024, due to its negligence in delivering essential services to its passengers with disabilities.

Maat asserts that these recurring and cumulative issues highlight that Canada continues to grapple with significant obstacles in ensuring comprehensive and inclusive access to the physical environment and essential services for persons with disabilities. Such violations represent fundamental barriers to the realization of Article 9 of the Convention on the Rights of Persons with Disabilities, which guarantees these individuals the right to easily and conveniently access all public facilities and information.

Article 10 - Right to Life

In June 2016, Canada legalized "euthanasia" or "medical assistance in dying," thereby allowing physicians and nurses to avoid prosecution for murder when they end a patient's life under specific conditions and criteria. Initially, these criteria required that the patient be of legal age, capable of providing consent, making a voluntary request, suffering from a "serious and irreversible condition," and facing a "reasonably foreseeable" natural death. In October 2020, the Canadian Minister of Justice introduced a bill aimed at reducing certain safeguards,

thereby expanding eligibility for euthanasia to include patients whose death is “not reasonably foreseeable” but who suffer from a “serious and irreversible condition.” This amendment was passed in 2021, thereby broadening the scope of euthanasia to include a wider demographic, including individuals with disabilities, who now face a direct and inhumane threat of being eligible for state-assisted death. Recently, the temporary exemption that barred eligibility for medically assisted dying for individuals with mental illness was extended for three additional years, until March 17, 2027.

Statistics indicate that euthanasia has become the fifth leading cause of death in Canada, occurring at a rate four times higher than traditional suicide. By the end of 2023, the total number of deaths resulting from medically assisted dying in the country is projected to reach 60,000. Maat expresses concern that these policies may inadvertently encourage more individuals with disabilities to seek medically assisted dying due to social deprivation, poverty, and inadequate support services. Maat contends that expanding access to medically assisted dying without concurrently improving social assistance and quality of life constitutes a severe violation of the right to life for individuals with disabilities and represents a clear breach of the provisions outlined in Article 10 of the International Convention on the Rights of Persons with Disabilities.

Article 16 - Freedom from Exploitation, Violence, and Abuse

Individuals with disabilities in Canada face substantial challenges related to exploitation, violence, and abuse, particularly women. Human rights reports have indicated that women with disabilities are at an increased risk of violence and abuse, often perpetrated by those closest to them, such as caregivers or intimate partners. Maat notes that this crisis is further exacerbated by the scarcity of accessible shelters and adequate care options. Consequently, women fleeing violence or exploitation encounter severely limited emergency housing alternatives. In this context, 63% of women with disabilities experiencing homelessness cited violence as the primary reason, compared to 54% of women without disabilities. This data underscores the urgent need for targeted interventions to address the unique vulnerabilities faced by women with disabilities, ensuring their safety, security, and access to essential services. These challenges underscore the failure of Canadian authorities to effectively implement the provisions of Article 16 of the Convention, revealing a significant delay in addressing violations both within the family unit and in the broader societal context.

Article 25 - Right to Health

In Atlantic Canada, individuals with disabilities experience poorer health outcomes compared to their non-disabled counterparts. This disparity arises from the challenging economic and social conditions faced by people with disabilities, compounded by the public healthcare system's inability to adequately accommodate their specific needs. Reports reviewed by Maat indicate serious issues within the healthcare system, including prolonged waiting times and insufficient access to specialists. For instance, one individual with complex medical conditions reported waiting over three years for an appointment with a specialist, who was located in another Atlantic province, further exacerbating their suffering. These challenges are intensified by the high costs and lack of transportation options necessary to travel to another province, creating additional barriers to accessing appropriate healthcare services.

Moreover, many individuals reported negative experiences with certain healthcare professionals, describing their interactions as inappropriate and alleging that some doctors dismissed their symptoms and concerns. In some instances, individuals with disabilities felt that their pain and experiences were not taken seriously, leading to dismissive attitudes from medical staff. One witness recounted an incident following a car accident, where medical professionals accused him of fabricating his pain, thus trivializing his suffering and neglecting his need for care.

Maat contends that the persistence of these practices constitutes a clear violation of Article 25 of the Convention on the Rights of Persons with Disabilities, which guarantees individuals the right to receive appropriate and equitable healthcare without discrimination. These practices illustrate Canada's failure to fully meet its obligations under the Convention, reflecting a systemic inadequacy in ensuring the rights of persons with disabilities to

access necessary health services.

Article 27 - Work and Employment

Section 15 of the Canadian Charter of Rights and Freedoms, part of the Canadian Constitution, asserts that all individuals in Canada are equal, regardless of race, religion, national or ethnic origin, color, sex, age, or physical or mental disability. Additionally, the Canadian Human Rights Act of 1977 protects Canadians from discrimination in employment and the provision of services. This Act prohibits discrimination based on disability or medical condition at all stages of the employment relationship, including job applications, hiring, training, promotion, transfer, terms of employment, termination, and reintegration after a disability-related absence. Under these legal protections, employees are entitled to disclose their disabilities or medical needs and request accommodations at any point—whether during the interview process, after receiving a job offer, or throughout their tenure with the employer.

However, despite these protections, individuals with disabilities often encounter systemic barriers in the workplace that hinder their full participation and advancement. Maat believes that ongoing monitoring and enforcement of these laws are essential to ensure equitable employment opportunities for persons with disabilities across Canada. Despite these legal guarantees, individuals with disabilities face significantly higher unemployment rates compared to their non-disabled counterparts. According to Canadian government statistics, Canadians with disabilities experience persistent gaps in the labor market, making it more challenging for them to secure and maintain employment. Official estimates indicate that the employment rate for individuals with disabilities aged 16 to 64 was 65.1%, in contrast to 80.1% for those without disabilities. In 2022, the unemployment rate for individuals with disabilities in the same age group was 6.9%, nearly double the rate for their non-disabled peers, which stood at 3.8%. A 2024 Statistics Canada report revealed that 35.4% of employed Canadians with disabilities had unmet needs for legal accommodations in the labor market in 2022. For instance, 39% of employed individuals with disabilities reported that their requirement for computers equipped with specialized software was unmet. Additionally, over half (51%) of the technical assistance needs were not addressed. Although the percentage of unmet needs for adjusted working hours decreased from 26.2% to 22.8%, the number of individuals affected remains substantial. These statistics underscore the ongoing challenges preventing persons with disabilities from achieving equality in the labor market, as stipulated in Article 27 of the Convention, which necessitates enhanced efforts to ensure that employers commit to providing necessary accommodations.

Recommendations

Maat for Peace, Development and Human Rights presents the following recommendations to Canadian authorities to ensure more effective implementation of the provisions of Convention on the Rights of Persons with Disabilities:

Increase value of disability benefits to align with the actual cost of living, providing sustainable financial support to prevent homelessness and inadequate housing.

Develop affordable emergency housing options that are specifically designed to meet the needs of persons with disabilities, with a particular focus on women and the most vulnerable groups.

Implement comprehensive plans to enhance infrastructure and ensure accessibility across all provinces, especially in rural and Atlantic regions.

Tighten supervision of transportation companies and public facilities to ensure compliance with accessibility standards, imposing deterrent penalties on violators.

Expand the number of safe and adequately equipped shelters to accommodate women with disabilities fleeing violence or exploitation.

Organize awareness campaigns aimed at caregivers to educate them on the rights of persons with disabilities and to prevent violence and abuse against this demographic.

Reduce waiting times in healthcare services and ensure the availability of specialists to address the needs of persons with disabilities.

Provide training for medical professionals to improve their treatment of persons with disabilities, ensuring their health concerns are taken seriously.

Mandate employers to offer necessary facilities for persons with disabilities, including specialized technological devices and flexible working hours.

Offer incentives to companies that employ a higher percentage of persons with disabilities and demonstrate a commitment to fostering an inclusive work environment.

Reassess medical assistance in dying policies to protect persons with disabilities from societal or economic pressures that may lead them to consider this option.

Improve social and psychological support services for persons with disabilities to enhance their quality of life and mitigate feelings of exclusion or marginalization.