



DisAbled Women's Network of Canada

Réseau d'action des femmes  
handicapées Canada

# CEDAW Submission

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Convention on the Elimination of  
Discrimination Against Women  
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*Leadership, Partnership & Networking*

## ABOUT THE DISABLED WOMEN'S NETWORK OF CANADA (DAWN-RAFH CANADA)

DisAbled Women's Network (DAWN-RAFH) Canada is a national, feminist, cross-disability organization whose mission is to end the poverty, isolation, discrimination and violence experienced by Canadian women with disabilities and Deaf women. DAWN-RAFH is an organization that works towards the advancement and inclusion of women and girls with disabilities and Deaf women in Canada. Our overarching strategic theme is one of leadership, partnership and networking to engage all levels of government and the wider disability and women's sectors and other stakeholders in addressing our key issues.

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## ***Women with Disabilities***

Women with disabilities continue to disproportionately suffer discrimination in the workplace, live in poverty, and be subjected to violence when compared to men with disabilities and women and men without disabilities. Canada recognizes the vulnerable position of women with disabilities and has made an international commitment to recognize and protect the rights of persons with disabilities. Canada ratified the *Convention on the Rights of Persons with Disabilities* (“CRPD”) in 2010.<sup>1</sup> Federal, provincial and territorial governments have made varying commitments to implement the CRPD. However, the Government of Canada has not officially designated a national independent mechanism to monitor its implementation and has not signed the *CRPD Optional Protocol*.<sup>2</sup> More recently, the newly elected federal government has pledged to lead an engagement process with provinces, territories, municipalities to implement a *Canadians with Disabilities Act* that will aim to provide clear, strong and enforceable standards to address discrimination against persons with disabilities.<sup>3</sup>

The CEDAW Committee has stressed the need for governments to implement policy and programming that responds to the particular needs of women with disabilities to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.<sup>4</sup> The CEDAW Committee has also emphasized the intersecting, compounding and cumulative discrimination suffered by women with disabilities and the need for governments to act with high priority in respecting and protecting the rights of women with disabilities.<sup>5</sup>

### **(a) Access to Employment (Article 11 and Issue 12)**

In Canada in 2012 approximately 3.6 million people, 13.7%, report having a disability with more women than men in every age group reporting a disability.<sup>6</sup>

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1 Convention on the Rights of Persons with Disabilities, A Res 106, UNCRPD, 61<sup>st</sup> Sess, 76<sup>th</sup> Plen Mtg, Supp No 49 (2007).

2 UNCRPD, Committee on the Rights of Persons with Disabilities, *Consideration of reports submitted by States parties under article 35 of the Convention: Initial reports of States parties due in 2012*, UN Doc. C/CAN/1, July 2015; Canadian Human Rights Commission, “The Rights of Persons with Disabilities to Equality and Non-Discrimination: Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities” (December 2015) at 2, online: <[http://www.chrc-ccdp.gc.ca/sites/default/files/chrc\\_un\\_crpd\\_report\\_eng.pdf](http://www.chrc-ccdp.gc.ca/sites/default/files/chrc_un_crpd_report_eng.pdf)>.

3 Office of the Prime Minister of Canada, “Minister of Sport and Persons with Disabilities, Mandate Letter” (November 2015), online: <<http://pm.gc.ca/eng/minister-sport-and-persons-disabilities-mandate-letter>>; see also Canadian Disability Policy Alliance, *A Canadians with Disabilities Act?* (Kingson, ON: Queen’s University, Centre for Health Services & Policy Research, 2010) (loose-leaf 2010 supplement).

4 Committee on the Elimination of Discrimination against Women, *General Comment No 18: Disabled Women*, adopted at the 10<sup>th</sup> Sess, 1991, online: <<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>>.

5 *Ibid.*

6 Employment and Social Development Canada, “Canadians in Context – People with Disabilities” (24 October 2015), online:

The labour market participation rate of people with disabilities in Canada aged 25 to 54 is 66% compared to people without disabilities in this age group (88.2%).<sup>7</sup>

While the representation of people with disabilities in the workforce has increased from 1.6% in 1987 to 2.6% in 2012, this amounts to only about half of their 4.9% labour market availability (LMA).<sup>8</sup> Progress in equitable representation in the workplace is reflected in the narrowing of the gap between workplace representation and a group's LMA.<sup>9</sup> For people with disabilities, some limited progress has been made through government initiatives provided for in the *Employment Equity Act*, however, there are many people with disabilities who are available to work, yet unemployed. The *Employment Equity Act* reporting data does not provide gender-disaggregated data that tracks women's with disabilities representation in the workplace when compared to their LMA.

Compared to women and racialised minorities, people with disabilities and Indigenous peoples have plateaued in their overall representation in the workplace when compared to their LMA.<sup>10</sup> There is no sector in Canada that has achieved workplace representation equal to the LMA of persons with disabilities.<sup>11</sup>

Women with disabilities are more likely to not be in the workforce, face unemployment, suffer chronic unemployment, want to work full-time, and have lower incomes than men with disabilities and men and women without disabilities:

- Men with mild, moderate and severe disabilities are more likely to be in the labour force than women with mild, moderate and severe disabilities.<sup>12</sup> Working age women with mild and moderate disabilities are more likely to be unemployed than working age men with mild and moderate disabilities,<sup>13</sup> and to face chronic unemployment when compared to men with

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<<http://mieux-etre.edsc.gc.ca/misme-iowb/indicator.jsp?&indicatorid=40>> (There is no universal definition of disability across studies; this particular study considers pain, flexibility, mobility, mental/psychological, dexterity, hearing, seeing, learning, memory, developmental and unknown; "persons with activity limitations" is also a Statistics Canada indicator that encompasses people with disabilities; also see Vecova, *Violence Against Women with Disabilities – Violence Prevention Review*, February 2011, at 4, online:

<[http://www.canadianwomen.org/sites/canadianwomen.org/files/PDF%20-%20VP%20Resources%20-%20Vecova\\_CWF\\_%20Women%20with%20Disabilities\\_%202011.pdf](http://www.canadianwomen.org/sites/canadianwomen.org/files/PDF%20-%20VP%20Resources%20-%20Vecova_CWF_%20Women%20with%20Disabilities_%202011.pdf)>) [Vecova]

7 Human Resources and Skills Development Canada, "Disability in Canada: A 2006 Profile", ISSD-042-02-11, 2011, (Gatineau, QC: HRSDC, 2 November 2011) at 26, online: <[http://www.esdc.gc.ca/eng/disability/arc/disability\\_2006.pdf](http://www.esdc.gc.ca/eng/disability/arc/disability_2006.pdf)> [Disability in Canada].

8 Employment and Social Development Canada, *Employment Equity Act: Annual Report 2013*, LT-185-03-14, (Ottawa, ON: ESDC, 2013), online: <[http://www.labour.gc.ca/eng/standards\\_equality/eq/pubs\\_eq/annual\\_reports/2013/docs/eereport2013\\_en.pdf](http://www.labour.gc.ca/eng/standards_equality/eq/pubs_eq/annual_reports/2013/docs/eereport2013_en.pdf)>

9 *Ibid* at 1.

10 *Ibid* at 3.

11 *Ibid* at 5.

12 Vecova, *supra* note 6 at 27.

13 *Ibid* at 28.

disabilities and women and men without disabilities.<sup>14</sup>

- Women with disabilities who work part time are more likely to want to work full time when compared to women and men without disabilities, as well as men with disabilities.<sup>15</sup>
- The age of men with disabilities in a high salary range (\$60,000 or more a year) increased from 47.2% to 28.9% between 2011 and 2012; for women with disabilities, the percentage increased from 29% to 32.5%.<sup>16</sup> In 2012, men with disabilities were more likely (48.9%) to be in the high salary range, whereas women with disabilities were more likely (43.3%) to be in the low salary range (\$50,000 and below).<sup>17</sup>
- Women with disabilities continue to earn less than men with disabilities and women and men without disabilities. Working age adults with disabilities have an average income that is 73.4% of the average income for a working age adult without a disability in Canada.<sup>18</sup> Working age women with disabilities earn on average less than half the income of working age men with disabilities.<sup>19</sup>

While there are more women with disabilities in the workforce today, they continue to be underrepresented and underpaid when compared to men with disabilities and men and women without disabilities.

## **(b) Violence (Issues 7 and 8)**

Women with disabilities are subject to many forms of violence—physical, emotional, verbal, sexual, racist, psychological—and are in many cases unable to escape the violence.<sup>20</sup>

- Women with disabilities report experiencing emotional or financial abuse at a proportion that is 11.8% higher than women without disabilities and at a rate higher than men with disabilities (6.7%).<sup>21</sup>
- Persons with disabilities report physical and sexual assault at a rate double that of persons without disabilities.<sup>22</sup> Women with disabilities report physical and/or sexual assault at a rate that is 4.4% higher than women without disabilities<sup>23</sup> and assault at a rate that is 6.1% higher

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14 Canadian Human Rights Commission, *Report on Equality Rights of People with Disabilities*, Cat. No. HR4-20/2012E-PDF (Minister of Public Works and Government Services, 2012) at 48, online: <[http://www.chrc-ccdp.ca/sites/default/files/rerpd\\_rdepad-eng.pdf](http://www.chrc-ccdp.ca/sites/default/files/rerpd_rdepad-eng.pdf)>.

15 *Ibid* at 45-7.

16 Disability in Canada, *supra* note 7 at 11.

17 *Ibid*.

18 Vecova, *supra* note 6 at 30.

19 *Ibid*.

20 DAWN-RAH Canada, *Women with Disabilities and Abuse: Access to Supports Report on the Pan-Canadian Focus Groups* (Montréal: Canadian Womens' Foundation, March 2011), online:

<[http://www.canadianwomen.org/sites/canadianwomen.org/files/PDF%20-%20VP%20Resource%20-%20DAWN-RAFH%20Canada%20-%20Focus%20Groups%20WWD\\_201.pdf](http://www.canadianwomen.org/sites/canadianwomen.org/files/PDF%20-%20VP%20Resource%20-%20DAWN-RAFH%20Canada%20-%20Focus%20Groups%20WWD_201.pdf)> [*Women with Disabilities and Abuse*].

21 Vecova, *supra* note 6 at 100.

22 Statistics Canada, *Criminalization and Health: A Profile of Victimization Among Persons with Activity Limitations or Other Health Problems*, by Samuel Perreault, Catalogue No. 85F0033M-No.21, May 2009, at 8, online:

<<http://www.statcan.gc.ca/pub/85f0033m/85f0033m2009021-eng.pdf>> [*Criminalization and Health*].

23 Vecova, *supra* note 6 at 101.

than women without disabilities.<sup>24</sup>

- Compared to men with disabilities, 13.2% more women with disabilities report feeling vulnerable to crime<sup>25</sup> and 20.8% more women with disabilities report feeling unsafe walking alone after dark.<sup>26</sup>
- Persons with disabilities are more likely to be victims of multiple incidents of violence.<sup>27</sup> 51% of women with disabilities reported multiple victimizations in the twelve months preceding the Statistics Canada General Social Survey as opposed to 36% of women without disabilities.<sup>28</sup> The reported rate of multiple victimizations in this instance did not differ between men with and without disabilities.<sup>29</sup>
- Approximately two thirds (65%) of people with disabilities know the people who inflict violence upon them;<sup>30</sup> and among those persons with disabilities who reported spousal violence, they were also more likely to be injured as result of violence, need medical attention, be fearful for their lives, and not attend daily activities.<sup>31</sup>
  - ↳ Women with disabilities are subject to violence from intimate partners and spouses, as well as from other family members and caregivers, including social workers, health care providers, doctors, nurses, and staff of the residences where women with disabilities may reside.<sup>32</sup>
- Persons with disabilities are more likely to report incidents of violence against them (30%) compared to persons without disabilities (19%); incidents where a man with disabilities is the victim are more likely to be reported (49%) than when a woman with disabilities is the victim (30%).<sup>33</sup> Many people with disabilities do not report incidents of violence that are perceived to be 'minor' (3%) when compared to people without disabilities who do report such incidents (15%). Thus, while persons with disabilities are reporting incidents, they are very likely underreporting because of their perceived normalization of minor incidents of violence inflicted upon them when compared to persons without disabilities.

Women with disabilities are more vulnerable to violence because of their economic insecurity and social marginalization. This is compounded by the lack of services and accessibility to services that support women with disabilities to identify, report and exit situations of violence.

Vecova, a disabilities services and research organization, has outlined key barriers that perpetuate the cycle of violence inflicted upon women with disabilities.<sup>34</sup> These barriers include:

- **Lack of disclosure of the abuse:** women with disabilities are less likely to report abuse than men with disabilities. Possible explanations for this include women's perceived losses and fears upon disclosing abuse, including loss of financial security, loss of housing or welfare benefits, fear of not being believed or considered credible by the police, belief that there are no

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24 *Ibid* at 103.

25 *Ibid* at 105.

26 *Ibid* at 106.

27 *Criminalization and Health*, *supra* note 33 at 10.

28 *Ibid*.

29 *Ibid*.

30 *Ibid* at 6.

31 *Ibid* at 11.

32 StatsCan, *supra* note 30 at 4.

33 Vecova, *supra* note 6 at 10.

34 *Ibid* at 10-3; *Women with Disabilities and Abuse*, *supra* note 30.

intervention services, inability to contact intervention services, barriers to accessing transportation, and fear of being institutionalized.

- **Lack of access to justice**: women with disabilities report greater dissatisfaction with police response to violence. Their claims of abuse also may be filtered out by the criminal justice system because of the difficulty of prosecuting cases where a victim may be unable to articulate her abuse in a way that is perceived as credible by the trier of fact.
- **Lack of community supports and networks of women with disabilities affected by violence**: there are a dearth of resources to support community services that focus on establishing and maintaining networks of women with disabilities who are affected by violence. Strong civil society networks for women with disabilities who are affected by violence serve as a way to break down the social isolation of women with disabilities and provide meaningful ways for them to access community services with the support of a network of women with shared lived experiences.
  - ↳ **Lack of shelters with supports for women with disabilities**: 10% of women staying in shelters report having a disability; however, only 75% of shelters report having a wheelchair accessible entrance, 66% of shelters provided wheelchair accessible rooms and bathrooms, 17% of shelters provide sign language, and 5% offer braille, reading materials.<sup>35</sup> The general lack of accessibility features in shelters across Canada prevents many women with disabilities from being able to use shelter services.
- **Lack of health care intervention**: health care professionals can play an important role in conducting routine medical screenings of women with disabilities, identifying abuse and providing patients with the resources to report it; however, at present health care professionals do not receive comprehensive training in this type of screening.
- **Lack of sensitivity training**: there is a general lack of sensitivity training for professionals who work with women with disabilities affected by violence.
- **Lack of violence prevention training**: many women with disabilities lack basic information about healthy relationships and how to identify abusive relationships.
- **Lack of rights education and self-advocacy**: women with disabilities do not have access to services that educate them about their rights and provide them with the skills to identify and communicate when they are subject to rights violations.
- **Lack of funding to enhance the accessibility of intervention services**: organizations that provide social support services to women with disabilities affected by violence have been subject to public funding cuts and in most cases do not have access to stable, long-term funding.

### (c) Poverty (Articles 1, 2, 3, 5, and 15)

In the CEDAW Committee's Concluding Observations to Canada in 2008, it noted with concern the lack of measures taken to ensure an adequate standard of living for women, and women with disabilities in particular.<sup>36</sup> The CEDAW Committee recommended to Canada establish minimum standards for the provision of funding to social assistance programmes, applicable at the federal, provincial and territorial levels, and a monitoring mechanism to ensure the accountability of provincial and territorial governments

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<sup>35</sup> *Women with Disabilities and Abuse*, *supra* note 30 at 8.

<sup>36</sup> Committee on the Elimination of Discrimination against Women, *Concluding Observations to Canada*, UN Doc CEDAW/C/CAN/CO/7 (7 November 2008) at para 13 [CEDAW 2008].

for the use of such funds so as to ensure that funding decisions meet the needs of the most vulnerable groups of women and do not result in discrimination against women.<sup>37</sup>

Women with disabilities are more likely to spend over 50% of their before-tax income on housing than men with disabilities.<sup>38</sup> They are also more likely to need accessibility features in their homes.<sup>39</sup> There is little indication that Canadian governments are providing housing support services to women with disabilities in a way that is allowing women to exit homelessness and access affordable housing.

Women with disabilities have less money and limited access to affordable housing in Canada. The median income for women with disabilities is less than women and men without disabilities,<sup>40</sup> as well as less than men with disabilities. The median income for women with disabilities is lower than men with disabilities in every income bracket quintile except the lowest 20%;<sup>41</sup> it is substantially lower in the 65 years and more age bracket—making elderly women with disabilities in Canada the most impoverished group of people with disabilities in the country.<sup>42</sup> Women with disabilities are more likely to live in poverty<sup>43</sup> and be single parents when compared to men with disabilities.

Women with disabilities are more likely to live with persistent low incomes than women without disabilities.<sup>44</sup> They are also more likely to rely on government transfers as a major source of income when compared to men with disabilities and men and women without disabilities.<sup>45</sup>

The governments of Canada have initiated different programs to respond to the particular needs for persons with disabilities; however, there remains no affordable housing strategy for homeless Canadians living in poverty and no housing strategy specific to the needs of persons with disabilities. **While Status of Women Canada provides funding to support women's programming, Status of Women Canada does not have a topic or initiative specific to women with disabilities and there is no clear indication how the Ministry is taking active steps to assist women with disabilities exit poverty.**

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37 *Ibid* at para 14.

38 Statistics Canada, *A profile of persons with disabilities among Canadians aged 15 years or older, 2012*, by Rubab Arim, Catalogue No. 89-654-X (13 March 2015) at 78, online: <<http://www.statcan.gc.ca/pub/89-654-x/89-654-x2015001-eng.htm>>).

39 *Ibid* at 78-9.

40 Vecova, *supra* note 6 at 22.

41 *Ibid* at 25.

42 *Ibid*.

43 *Report on Equality Rights, supra* note 14 at 20.

44 *Ibid* at 31.

45 *Ibid* at 33; and Statistics Canada, *Women in Canada: A Gender-based Statistical Report*, Catalogue No. 89-503-X (Ottawa: Statics Canada, July 2011) at 374, online: <<http://www.statcan.gc.ca/pub/89-503-x/89-503-x2010001-eng.pdf>>.



## ***Recommendations***

The Government of Canada should:

- Sign the *CRPD Optional Protocol*;
- Ensure that the national independent body responsible for monitoring the implementation of the *CRPD* collects data disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women with disabilities across Canada;
- **Ensure that Canada's response to *Carter v Canada*, the Supreme Court of Canada decision on assisted suicide, provides adequate safeguards to protect women with disabilities and consider their unique and intersecting vulnerabilities;**
- Enact pay equity measures that support women with disabilities to attain equal pay for equal work;
- Develop and implement a national housing strategy that includes affordable, accessible housing for persons with disabilities;
- Allocate long-term funding to support social service programming for women with disabilities;
- Provide a comprehensive list of agencies that service women with disabilities, identify regional and service gaps;
- Create a network for these agencies so that they are better equipped to coordinate services for women with disabilities and take action to intervene when a woman with disabilities in the community presents as being a victim of violence;
- Provide educational opportunities for women with disabilities that includes human rights and self-advocacy training;
- Provide funding to support social networks of women with disabilities to create safe spaces for women with disabilities to come together and share their experiences;
- Require that agencies working on ending violence against women allocate public monies to raising awareness about the pervasive violence against women with disabilities; and
- Increase funding to women's shelters and earmark accessibility funds for shelters.

