



# Left Out:

## Challenges faced by persons with disabilities in Canada's schools

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A report by the Canadian Human Rights Commission



# **Left Out: Challenges faced by persons with disabilities in Canada's schools**

Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities

A report by the Canadian Human Rights Commission

*In collaboration with the Canadian Association of Statutory Human Rights Agencies*

**The following symbols are used in this publication:**

<b>Symbol</b>	<b>Definition</b>
E	Use with caution, coefficient of variation (CV) between 16.5% and 33.3%.
F	Too unreliable to be published.
**	Difference between persons with and without disabilities is not statistically significant at 0.05.
***	Difference between women and men with disabilities is not statistically significant at 0.05.

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## **Executive summary**

Everyone in Canada has the right to a quality education that opens doors and creates opportunities. But for many people with mental or physical disabilities, Canada's education system must seem like a closed door.

As this study will show, a significant proportion of persons with disabilities, aged 15 or older, report experiencing bullying, encountering barriers and being excluded at school. Students with disabilities are lacking the institutional support, the accommodation, the funding and the programs and infrastructure required to access and benefit from the same quality of education as their fellow students. Moreover, students with disabilities are grappling with social exclusion, avoidance and bullying. These issues are the reality for both Indigenous and non-Indigenous students with disabilities alike—whether they are living in remote areas of Canada, on First Nations reserves, or in cities and urban centres across the country.

The impacts of these barriers are serious. At worst, they are causing as many as 10 per cent of people with disabilities to stop their education altogether, long before they've had a chance to obtain their desired level. In a country like Canada, where people should be free to make for themselves the lives they wish to have, this report shows that Canadians with disabilities are being forced to limit the scope of their educational choices and career paths, and at worst cut their education short or leave it behind completely.

The data contained in this report is the compilation of data from both the 2012 Canadian Survey on Disability as well as consultations with expert organizations from across Canada.

This report is the second in a series that the Canadian Human Rights Commission (CHRC), in collaboration with Canadian Association of Statutory Human Rights Agencies, has released. Together, these reports look at Canada's implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

## **Methodology and method of analysis**

Consultations were done with various organizations that represent persons with disabilities in Canada. They were invited to provide information about their work related to discrimination, persons with disabilities, and education in Canada. Consultations were also done with each jurisdiction participating in the UNCRPD working group. They were invited to share information on the nature of the disability complaints they received related to education.

Statistical analysis was done using the 2012 Canadian Survey on Disability (CSD). This survey gathered information about Canadian adults, aged 15 and over, who reported having a disability. The survey collects information on various topics such as type and

severity of disability, labour force status, educational attainment, experiences and accommodations at school or work, etc. Descriptive statistics were used to compare the situation of women and men with disabilities in terms of their educational experiences.

Statistical tests were run on all comparisons to determine if differences were statistically significant at the 0.05 level. Where differences are not significant, this is noted in the table. In addition, the coefficient of variation (CV) was used to assess the reliability of the estimates.<sup>1</sup>

The report was reviewed by each organization and jurisdiction that was initially consulted. They were invited to review the content presented in this report and to provide any additional information that may not be reflected in the statistical analysis. It is important to note, however, that the views expressed in this report are those of CASHRA and do not necessarily reflect the positions of the various organizations that were consulted.

### **Limitations**

Three main limitations are important to mention. First, not all Canadians with disabilities were sampled in the CSD. Excluded from the survey's coverage is the population living on First Nations reserves as well as people living in collective dwellings. These exclusions may have led to an underestimation of the prevalence of disability.

Second, on some occasions, sample sizes were so low that some variables and measures had to be dropped to protect the identity of the respondents, in accordance with Statistics Canada confidentiality requirements. On other occasions, response categories to some questions were aggregated. For example, the variable of "sex" had to be aggregated for some measures. In addition, Newfoundland and Labrador, Prince Edward Island, Nova Scotia and New-Brunswick had to be aggregated under "Atlantic provinces" and Yukon, Northwest Territories and Nunavut had to be aggregated under "territories." Other measures were dropped because the value of the CV was too high—which means there was too much uncertainty with the accuracy associated with the estimates.

Third, it is important to note that differences documented in this report do not necessarily indicate discrimination as defined in human rights law. A number of other factors may account for the differences. However, the differences may point to areas for further study and intervention as these may be tied to potential discrimination. In addition, this report provides only a descriptive picture of what people with disabilities reported. This means that in some cases, outcomes in this report are not necessarily linked to disability. More in depth research needs to be conducted in order to better understand the relationships, if any, between disability and the outcomes reported by the respondents.

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<sup>1</sup> The CV is used to determine the reliability of the data. In this report, we used the following Statistics Canada values:

- When the CV is greater than 33.3%, the results are too unreliable to be published.
- When the CV is greater than 16.5% and less than or equal to 33.3%, the results must be used with caution.
- When the CV is 16.5% or less, the results are published without restrictions.

## **Snapshot of disability in Canada<sup>2</sup>**

An estimated 3.8 million Canadian adults reported having some type of disability. This represents 13.7% of the Canadian population. At the provincial level, the prevalence of disability ranges from 6.9% to 18.8%. Nova Scotia has the highest rate (18.8%) followed by New Brunswick (16.4%) and P.E.I. (16%). The prevalence of disability in Quebec (9.6%), Northwest Territories (8.2%) and Nunavut (6.9%) is below 10%.

Disability rates vary between women and men and across age groups. At the national level, 14.9% of women and 12.5% men aged 15+ have a disability. The disability rates for both women and men progressively increases with age, where it reaches 44.5% for women aged 75+ and close to 40% for men of the same age group. In addition, the disability rate for women is higher than that of men in each age group, with the exception of people aged 15-24.

Similar results can be seen at the provincial level. The disability rate for adult women aged 15+ is higher than that of adult men aged 15+ across all provinces. In addition, the disability rate of both women and men increases as their age increases, where it reaches 50% and plus for women aged 75+ living in Yukon, Northwest Territories and Nunavut.

## **Education and people with disabilities**

It is generally accepted that education is a powerful influence on a person's income level and economic well-being and is also a key determinant of one's physical health.<sup>3</sup> Education is linked to a person's knowledge and skill level, and is a strong predictor of success in the workforce. Higher educational attainment, especially post-secondary education, is strongly correlated with not only finding employment but gaining access to better kinds of employment.<sup>4</sup> Education is also widely viewed as a way to help prepare individuals to participate in the labour force, and as a smart investment for both the individual and society in general.<sup>5</sup>

And yet in Canada, persons with disabilities are facing barriers while trying to access their education. These barriers can lead to higher educational costs, can result in students taking longer to complete their education and can also prevent them from completing their education.

The CHRC has consulted with provincial and territorial human rights commissions and with external stakeholders who work with persons with disabilities to better understand some of the barriers that persons with disabilities are facing in education.<sup>6</sup>

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<sup>2</sup> For a more detailed profile of people with disabilities in Canada see: Canada (2015). *A profile of persons with disabilities among Canadians aged 15 years or older, 2012*. Statistics Canada: Ottawa.

<sup>3</sup> Frank, J.W. and Mustard, J.F. (1994). The Determinants of Health from a Historical Perspective. *Daedalus*, 123(4), 1–17.

<sup>4</sup> Canada (2006). *The human face of mental health and mental illness in Canada*. Public Health Agency of Canada: Ottawa.

<sup>5</sup> Shah, S., Travers, C., & Arnold, John. (2004). Disabled and successful: education in the life stories of disabled high achievers. *Journal of Research in Special Educational Needs*, 4(3), 122–132.

<sup>6</sup> In accordance with Canada's constitutional division of powers, public education is the responsibility of provincial and territorial governments, while public education on First Nations reserves is a federal responsibility.



Four main barriers were identified:

- lack of disability accommodation and support;
- lack of services and funding;
- ineffective dispute resolution;
- lack of special education and disability supports on First Nations reserves.

## **Barriers to education**

**Lack of disability accommodation and support:** Significant barriers remain around the accommodation of persons with disabilities at all levels of education. Provincial commissions have reported inadequate and insufficient accommodation arrangements in schools across Canada. In some cases, this lack of accommodation results in students being unable to attend the classes of their choice, write exams under necessary conditions, or achieve their full potential. Issues also exist around transportation for students with disabilities.

In addition, provincial commissions have also received complaints of students with service animals who are not being allowed to bring their animals into classrooms or lecture halls. In one case, there were concerns about the allergies of other students.

**Lack of services and funding:** Issues also exist with regard to lack of services for persons with disabilities in the educational system. There are concerns around increasing class sizes and decreasing funding for specialized supports for students with special needs, including a decrease in the number of educational assistants in classrooms. As class sizes increase, teachers are unable to properly accommodate the needs of students. Concerns have also been raised around delays in accessing accommodation for students. This lack of services is particularly apparent for students experiencing mental health problems and illnesses and learning disabilities—where funding and access to services are inadequate.

Provincial commissions have identified the accommodation of mental health problems and illnesses (including depression, anxiety, schizophrenia, bipolar disorder) and learning disabilities (including ADHD, dyslexia, and autism) as emerging issues. Some jurisdictions reported that complaints are increasing for these disabilities. While there is increased awareness about mental health in Canada, persons with mental health problems and illnesses are still facing many barriers in accessing education, including lack of services and adequate accommodation due to insufficient funding, as well as stigma and discrimination.

Over the last few years, many jurisdictions across Canada have been closing specialized education centres for persons with disabilities. There is strong debate around the effects of these closures. Although many advocates are in favour of the full integration of persons with disabilities in regular public schools and classrooms, others argue that sufficient and effective services to accommodate these students are not available outside of these centres. The Deaf community, for example, has advocated

against these closures, arguing that there is a lack of access to education in Sign language for students.

**Ineffective dispute resolution mechanisms:** Advocates and human rights commissions have also raised concerns over ineffective dispute resolution mechanisms for students with disabilities. The students and their families are often forced to resort to an adversarial court system when there are disputes over such issues as learning plans or accommodation.

The issues are especially serious for students with disabilities who live in remote locations. They are facing additional barriers as the services they need are often not available in their home communities. These students are often forced to travel long distances or move to have access to the necessary services. As a result, the needs of students with disabilities in remote or fly-in northern communities and on First Nations reserves are often not met. There are often no effective measures in place to help these students or their families formally complain and request improvements.

**Lack of special education and disability supports on First Nations reserves:** The CHRC has received several complaints that allege that, in general, federal funding for programs and services delivered on First Nations reserves, is inequitable and discriminatory when compared to provincial/territorial funding for the same services off reserve. More specifically, the CHRC has received complaints in relation to funding for on-reserve special education and disability supports.

In one case, a First Nation filed a human rights complaint against the federal government on behalf of two children with special needs alleging that the federal program and funding for special education services on reserves are discriminatory against First Nations children with special needs. The complainant alleges that, as a result of inequitable levels of federal funding for special education services on reserves, the federal Government has failed to accommodate the special education needs of these two children. The complainant also alleges that this is evidence of systemic discrimination against First Nations students with special needs living on reserves.

In a separate case, a woman filed a human rights complaint against the federal government, on behalf of her son, alleging that the federal programs and funding for special education services, disability-related services, and social and health supports on reserves are discriminatory against First Nations children and families. The complainant alleges that, as a result, her son has been denied services and receives inferior levels of on-reserve support and services as compared to those available off reserve.

## **The negative impacts of disability on Canadians' education<sup>7</sup>**

### **Key Finding 1: Bullying and exclusion of persons with disabilities is happening throughout Canada's educational system**

The latest data in the 2012 Canadian Survey on Disability confirms what the CHRC learned through the consultations— that a significant proportion of persons with disabilities are being bullied and excluded within Canada's educational system.

More than one in four persons with disabilities across Canada report being bullied at school due to their condition. The proportion is highest (33.7%) for men with disabilities living in the territories. Comparing women with disabilities and men with disabilities, the largest difference is seen in Manitoba (women 21.5% vs. men 27.7%).

Similarly, more than 25% of persons with disabilities across Canada report being avoided or excluded at school due to their disability. The proportion reaches more than 30% in the Atlantic provinces (34%), Ontario (37.9%), Manitoba (31.9%), Alberta (34.9%) and British Columbia (37.2%). There are no major differences between the proportion of women and men with disabilities who report being avoided or excluded at school due to their disability. However, the proportion of men with disabilities in Ontario who report being avoided or excluded at school due to their disability is especially high, at 40%.

### **Key Finding 2: Approximately 10% of persons with disabilities across Canada stopped their education altogether because of their disability**

Barriers and challenges that persons with disability face in education are causing too many of them to discontinue their education altogether. According to the 2012 Canadian Survey on Disability, approximately 10% of persons with disabilities across Canada report that they stopped their education or training due to their disability. The proportion is especially high for persons with disabilities in British Columbia (14.3%). Whereas, the proportion of persons with disabilities in Saskatchewan (8.8%) who discontinued their education or training due to their disability is the lowest across all provinces and territories.

Results also show that compared to women, men with disabilities are more likely to report that they discontinued their education or training because of their disability. This is seen across Canada with the exception of Saskatchewan and the territories. The proportion of men with disabilities who discontinued their education due to their disability is especially high in British Columbia (17.4%). The same is seen for women with disabilities living in the territories (17.5%).

### **Key Finding 3: Disability often limits one's choice of career**

More than 40% of persons with disabilities living in Canada report that their disability has an influence on their choice of career.<sup>8</sup> That proportion reaches 50.8% in British Columbia. Disability seems to have more influence on the choice of career in men with

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<sup>7</sup> All data analysis taken from the 2012 Canadian Survey on Disability.

<sup>8</sup> With the exception of Manitoba and the territories.

disabilities. Results show that with the exception of the territories, men with disabilities are more likely to report that their disability has an influence on their choice of career. That proportion reaches more than 50% in Quebec, Ontario and British Columbia.

**Key Finding 4: Disability has a negative impact on one's course of study**

More than 20% of persons with disabilities report changing course of study due to their disability.<sup>9</sup> Persons with disabilities in Quebec (28.4%), Ontario (26.4%), British Columbia (25.9%) and Alberta (24.2%) are more likely to report changing course of study because of their disability.

**Key Finding 5: Persons with disabilities take fewer courses and take longer to achieve their desired educational level**

More than 30% of persons with disabilities report taking fewer courses because of their disabilities.<sup>10</sup> That proportion reaches approximately 40% in both Quebec and British Columbia. In addition to taking a lighter course-load due to their disability, persons with disabilities also take longer to achieve their desired educational level. With the exception of Saskatchewan and the territories, the proportion of persons with disabilities who report taking longer to achieve their desired educational level because of their condition varies from 30% to 39% across Canada. The largest proportion is seen in Ontario with 38.3%. Furthermore, men with disabilities tend to report taking longer to achieve their desired educational attainment due to their disability than women with disabilities, except in Saskatchewan and in Alberta.

**Additional negative impacts of disability on education**

The 2012 Canadian Survey on Disability asked additional questions to persons with disabilities in order to better understand the impact of one's disability on their education. Due to data quality issues, analysis at the provincial and territorial level was not feasible.

However, results at the national level show that ***because of their disability:***

- 37.4% of persons with disabilities report having to study part-time. The proportion is 38.2% for women with disabilities compared 36.2%<sup>E</sup> for men with disabilities.
- More than one quarter of persons with disabilities (26.6%) report that their education was interrupted for long periods. The proportion is 29.3% for women with disabilities compared to 23.4% for men with disabilities.
- 14.6% of persons with disabilities report having additional expenses for school, with hardly any difference between women (14.7%) and men (14.5%) with disabilities.
- 11.7% of persons with disabilities report having to leave their community to attend school. A higher proportion of men with disabilities report this compared to women with disabilities (13.6% vs. 10.1%).
- 14% of persons with disabilities report having to begin school at a later age. This is more predominant for men with disabilities compared to women with disabilities (15.7% vs. 12.6%).

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<sup>9</sup> With the exception of Manitoba, Saskatchewan and the territories.

<sup>10</sup> With the exception of Saskatchewan and the territories.

- 15% of persons with disabilities report having to take courses by correspondence. A higher proportion of women with disabilities report this compared to men with disabilities (16.7% vs. 12.9%).
- Finally, 15.7% of persons with disabilities report having to change schools. A higher proportion of men with disabilities report this compared to women with disabilities (17.4% vs. 14.2%).

## **Highest educational attainment for persons with disabilities**

Highest educational attainment<sup>11</sup> is defined as the highest level of education a person has completed, and is an indicator of a person's knowledge and skill level. As previously mentioned, it is also a well-known predictor of success in the workforce.

As the research indicates, the various barriers and challenges that persons with disabilities face may have an impact on their level of educational attainment.

### **Below high school**

In general, persons with disabilities are more likely to report "below high school" as their highest educational attainment compared to persons without disabilities across Canada. The proportions of persons with disabilities across Canada who report having "below high school" as their highest educational attainment vary from approximately 25% to 40% compared to approximately 15% to 33% for people without disabilities. The proportions are quite high in the territories for both persons with and without disabilities (39.9% and 32.5%). The largest difference between persons with and without disabilities is in Quebec (15.4%).

Similar results are seen when comparing women and men with disabilities to women and men without disabilities. Both women and men with disabilities are more likely to report having "below high school" as their highest educational attainment compared to women and men without disabilities. The proportion is especially high for women with disabilities in Quebec (39.5%) and in the territories (40.2%). The largest difference between women with and without disabilities is seen in Quebec (20.9%)

On the other hand, the proportion of men with disabilities who report having "below high school" as their highest educational attainment is especially high in the Atlantic provinces (35.5%), Manitoba (36.8%) and in the territories (39.5%). The largest difference between men with and without disabilities is seen in both the Atlantic provinces and Manitoba with approximately 13%.

### **High school or equivalent**

The proportions of persons with disabilities across Canada who report having "high school or equivalent" as their highest educational attainment vary approximately from 22% to 28%, with the exception of the territories (16.5%). Similar results are seen when looking at women and men with and without disabilities. The proportion for women with

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<sup>11</sup> Due to data quality issue, analysis of highest educational attainment was done in four categories: "below high school," "high school or equivalent," "post-secondary education below university" and "post-secondary education at the university level."

disabilities reaches 31.2% in British Columbia, while it reaches 16.6% in the territories. Similar results are seen for men with disabilities.

Women with disabilities are more likely to report having “high school or equivalent” as their highest educational attainment compared to men with disabilities across Canada. The major difference is seen in the territories where the proportion of women with disabilities who report having high school or equivalent as their highest educational attainment is 31.2% compared to 18.3% for men with disabilities.

### **Post-secondary education below university level**

Persons with disabilities across Canada are more likely to have post-secondary education below university level<sup>12</sup> compared to persons without disabilities. The only exception is seen in Quebec. The difference between women with and without disabilities in Quebec is quite large (22.2% vs. 33.0%). As for men with and without disabilities, the largest difference is seen in British Columbia (39.4% vs. 29.1%).

With the exception of Saskatchewan, men with disabilities across Canada are more likely to have post-secondary education below university level compared to women with disabilities. Large differences are seen in the Atlantic provinces (36.3% vs. 27.6%), in Quebec (35.6% vs. 22.2%), in Ontario (33.8% vs. 26.7%), in Alberta (36.0% vs. 28.9%) and in British Columbia (39.4% vs. 27.2%).

### **Post-secondary education at university level**

Persons with disabilities are less likely to have post-secondary education at university level<sup>13</sup> as their highest educational attainment compared to persons without disabilities. With the exception of British Columbia (16.1%), the proportions of persons with disabilities who report having post-secondary education at university level as their highest educational attainment is below 15% across Canada, while it varies from approximately 20% to 30% for persons without disabilities. The largest differences between persons with and without disabilities are seen in Ontario (15.8%) and in British Columbia (12.9%).

The same results are seen between women with and without disabilities. Women with disabilities are less likely to have post-education at university level as their highest educational attainment. Differences reach 16.9% in Ontario and 15.8% in British Columbia.

Furthermore, men with disabilities are also less likely to have post-education at university level as their highest educational attainment compared to men without disabilities. Approximately 10% to 15% of men with disabilities report having post-education at university level as their highest educational attainment, while approximately 17% to 29% of men without disabilities report the same attainment. The proportion of men with disabilities with post-secondary education at university level as

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<sup>12</sup> Includes: Trades certificate or diploma, registered apprenticeship certificate, college, CEGEP or other non-university certificate or diploma and university certificate or diploma below Bachelor level.

<sup>13</sup> Includes: Bachelor's Degree, degree in medicine, dentistry, veterinary medicine and optometry, university certificate or diploma above Bachelors level, Masters or PhD.

their highest educational attainment is especially lower in the Atlantic provinces (9.1%). Differences between men with and without disabilities are smaller than the differences between women with and without disabilities. The difference is however quite large in Ontario (14.5%) and quite small in Saskatchewan (3.8%).

## **Conclusion**

The results of this study show that significant proportions of Canadians with disabilities are facing systemic social and institutional barriers to a quality education. These barriers are having a negative impact on the educational attainment, training, employment, career path and overall well-being of Canadians with disabilities.

More than 25% of persons with disabilities report being avoided or excluded, and as many as 30% of persons with disabilities report being bullied at school due to their disability.

Persons with disabilities in Canada are also lacking the institutional support, services, funding and accommodation they need for their education. Lack of access to effective dispute resolution mechanisms is another barrier that students with disabilities are facing. This is especially true for students with disabilities who live in remote locations and on First Nations reserves.

The results of this study also show that having a disability has a negative impact on educational, training, and long-term career attainment and aspiration. For example, persons with disabilities report that their disability has had a negative impact on their choice of career and on the number of courses they choose to take in school. Furthermore, 30% to 40% of persons with disabilities report taking longer to achieve their educational levels. Approximately 10% report stopping their education altogether because of their disabilities.

The preliminary findings raise many questions for future research to better understand the impact of disability on one's education. First, we recognize that the experiences of discrimination may vary by the type and severity of disability, especially for persons with mental health problems and illnesses. Additional research may deepen our understanding of these experiences.

Second, we need to better understand the impacts that discrimination and bullying in education are having on persons with disabilities. For example, what are the long-term impacts on a person who is discriminated and/or bullied in school because of a disability? What are some of the factors that may prevent discrimination and bullying against persons with disabilities in school?

In addition to further research, there is a pressing need for adequate tools and funding in order to provide accessible and barrier-free education for persons with disabilities. In order to address systemic social barriers, such as exclusion, bullying and avoidance, there is also a need for awareness programs that not only reach students and teachers,

but the broader Canadian public. To this end, any proposed solutions must include the full participation of persons with disabilities.



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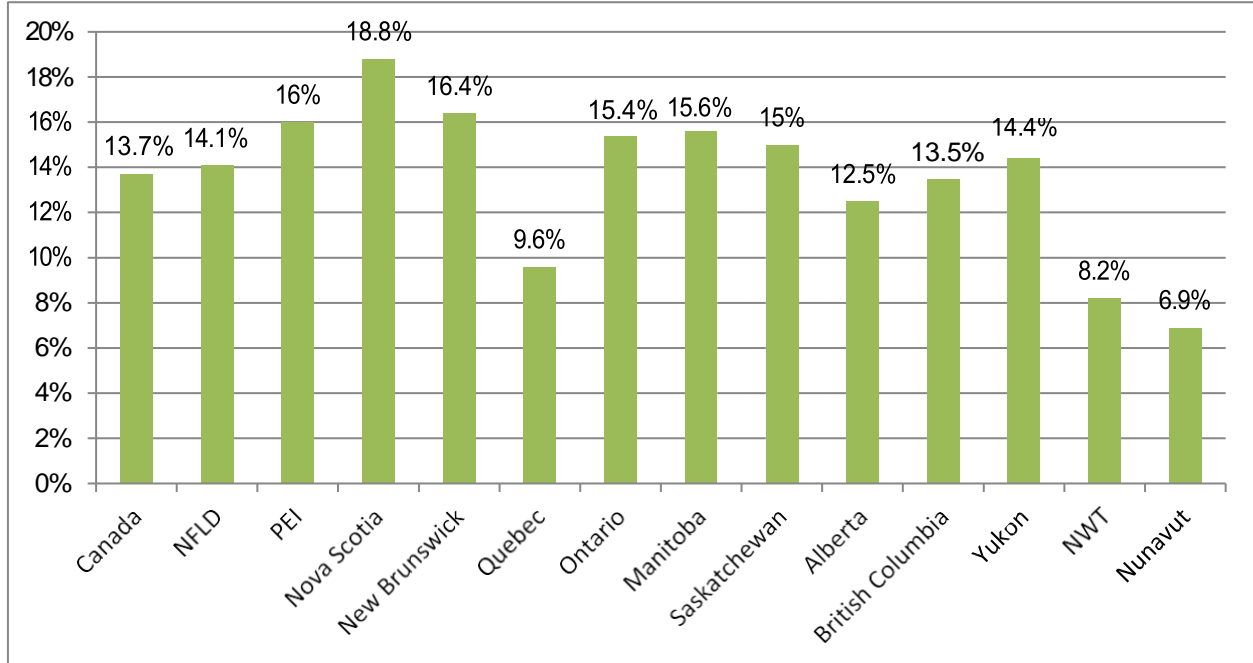
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## Annex A: Graph and tables

### Prevalence of disability for adults aged 15+ – Canada, provinces and territories – Reference year 2012



Source: Adapted from Statistics Canada, *Table 115-0001—Prevalence of disability for adults, by sex and age group, Canada, provinces and territories, occasional (number unless otherwise noted), CANSIM (database)*. All percentages are rounded to one decimal point.

## Prevalence of disability for adults aged 15+ by sex and age group – Canada, provinces and territories – Reference year 2012

Province	Women 15-24	Men 15-24	Women 25-44	Men 25-44	Women 45-64	Men 45-64	Women 65-74	Men 65-74	Women 75+	Men 75+	Women 15+	Men 15+
Canada	4.3%	4.5%	7.1%	6.0%	17.1%	15.2%	27.5%	25.0%	44.5%	39.8%	14.9%	12.5%
Newfoundland and Labrador	5.0%	5.1%	7.7%	7.7%	17.0%	16.4%	20.9%	21.3%	39.7%	34.8%	14.6%	13.6%
Prince Edward Island	3.9% <sup>E</sup>	4.7% <sup>E</sup>	9.8%	6.6%	19.2%	16.8%	29.8%	28.3%	48.9%	47.4%	17.3%	14.7%
Nova Scotia	5.5%	6.1%	10.7%	7.8%	22.1%	21.1%	32.0%	36.1%	44.9%	52.2%	19.2%	18.4%
New Brunswick	3.5%	4.3%	8.9%	7.5%	19.5%	18.4%	27.0%	29.7%	45.9%	43.2%	17.2%	15.6%
Quebec	3.1%	3.0%	4.6%	4.0%	10.8%	10.2%	17.5%	16.7%	35.4%	29.2%	10.4%	8.3%
Ontario	4.6%	5.3%	8.0%	7.4%	19.3%	17.0%	33.8%	25.8%	48.5%	43.4%	14.2%	14.0%
Manitoba	4.1%	4.1%	8.6%	6.6%	19.8%	16.4%	32.2%	31.0%	49.0%	49.1%	17.1%	14.2%
Saskatchewan	4.6%	3.6%	7.3%	5.8%	18.9%	16.6%	27.6%	32.1%	45.5%	43.8%	16.0%	13.9%
Alberta	4.9%	4.1%	6.4%	4.7%	17.6%	15.2%	28.7%	30.5%	44.3%	43.9%	13.5%	11.4%
British Columbia	4.8%	4.7%	7.6%	5.7%	18.6%	16.4%	26.3%	28.5%	48.0%	38.5%	16.0%	13.5%
Yukon	F	F	8.2% <sup>E</sup>	4.4% <sup>E</sup>	18.6%	19.6%	31.8%	42.2%	59.5%	48.6% <sup>E</sup>	14.5%	14.2%
Northwest Territories	F	1.6% <sup>E</sup>	5.0%	3.1%	11.9%	11.3%	40.3%	30.0%	52.6%	32.4% <sup>E</sup>	9.1%	7.3%
Nunavut	2.3%	0.9% <sup>E</sup>	5.4%	4.2%	11.7%	11.4%	34.3%	30.6%	50.0%	38.5%	7.4%	6.5%

Source: Statistics Canada. Adapted from table 115-0001 - Prevalence of disability for adults, by sex and age group, Canada, provinces and territories, occasional.

All percentages are rounded to one decimal point.

<sup>E</sup> Use with caution.

F Too unreliable to be published.

## Proportion of adults with disabilities aged 15+ whose choice of courses/careers was influenced because of their disability by sex – Canada, provinces and territories – Reference year 2012

Province	Women with disabilities	Men with disabilities	Total disabled population
Canada	42.7%	50.2%	46.1%
Atlantic provinces	41.9%	44.2%	43.0%
Quebec	44.9%	51.2%	47.9%
Ontario	42.2%	50.5%	45.9%
Manitoba	37.3%	42.1%	39.7%
Saskatchewan	38.9%	42.4%	40.4%
Alberta	43.5%	46.7%	45.0%
British Columbia	44.1%	57.8%	50.8%
Territories	36.8%***	34.7%***	35.9%

Source: 2012 Canada Survey on Disability.

All percentages are rounded to one decimal point.

Missing values are excluded.

\*\*\* Difference between women and men with disabilities is not statistically significant at 0.05.

**Proportion of adults with disabilities aged 15+ who changed course of study because of their disability by sex – Canada, provinces and territories – Reference year 2012**

Province	Women with disabilities	Men with disabilities	Total disabled population
Canada	25.5%***	25.5%***	25.5%
Atlantic provinces	22.0%	23.9%	22.9%
Quebec	28.3%***	28.6%***	28.4%
Ontario	27.2%	25.3%	26.4%
Manitoba	16.3%	21.9%	19.1%
Saskatchewan	18.0%	15.1%	16.7%
Alberta	25.7%	22.6%	24.2%
British Columbia	23.3%	28.6%	25.9%
Territories	16.3%	19.3%	17.6%

Source: 2012 Canada Survey on Disability.

All percentages are rounded to one decimal point.

Missing values are excluded.

\*\*\* Difference between women and men with disabilities is not statistically significant at 0.05.

**Proportion of adults with disabilities aged 15+ who took fewer courses/subjects because of their disability by sex – Canada provinces and territories – Reference year 2012**

Province	Women with disabilities	Men with disabilities	Total disabled population
Canada	36.0%	39.9%	37.8%
Atlantic provinces	32.3%	35.9%	34.0%
Quebec	40.6%	44.0%	42.2%
Ontario	34.8%	43.0%	38.4%
Manitoba	35.2%	29.7%	32.4%
Saskatchewan	31.8%	24.3%	28.5%
Alberta	37.4%	29.9%	33.9%
British Columbia	37.7%	41.8%	39.7%
Territories	29.2%	24.6%	27.2%

Source: 2012 Canada Survey on Disability.

All percentages are rounded to one decimal point.

Missing values are excluded.

**Proportion of adults with disabilities aged 15+ who took longer to achieve their educational level because of their disability by sex – Canada, provinces and territories – Reference year 2012**

Province	Women with disabilities	Men with disabilities	Total disabled population
Canada	34.4%	36.7%	35.5%
Atlantic provinces	31.9%	35.8%	33.7%
Quebec	32.1%	38.1%	34.9%
Ontario	38.1%	38.5%	38.3%
Manitoba	33.5%	36.3%	34.9%
Saskatchewan	28.7%***	28.2%***	28.8%
Alberta	32.8%	28.6%	30.8%
British Columbia	29.1%	37.6%	33.3%
Territories	24.8%	30.0%	27.0%

Source: 2012 Canada Survey on Disability.

All percentages are rounded to one decimal point.

Missing values are excluded.

\*\*\* Difference between women and men with disabilities is not statistically significant at 0.05.

**Proportion of adults with disabilities aged 15+ who were avoided/excluded at school because of their disability by sex – Canada, provinces and territories – Reference year 2012**

Province	Women with disabilities	Men with disabilities	Total disabled population
Canada	35.0%	35.6%	35.3%
Atlantic provinces	35.6%	32.1%	34.0%
Quebec	29.3%	27.7%	28.5%
Ontario	36.2%	40.0%	37.9%
Manitoba	28.2%	35.6%	31.9%
Saskatchewan	28.1%	30.5%	29.1%
Alberta	35.6%	34.1%	34.9%
British Columbia	39.4%	34.9%	37.2%
Territories	26.5%***	28.0%***	27.1%

Source: 2012 Canada Survey on Disability.

All percentages are rounded to one decimal point.

Missing values are excluded.

\*\*\* Difference between women and men with disabilities is not statistically significant at 0.05.

**Proportion of adults with disabilities aged 15+ who were bullied at school because of their disability by sex – Canada, provinces and territories – Reference year 2012**

Province	Women with disabilities	Men with disabilities	Total disabled population
Canada	27.9%	26.1%	27.1%
Atlantic provinces	25.1%	26.5%	25.8%
Quebec	28.4%	27.8%	28.1%
Ontario	29.3%	26.0%	27.8%
Manitoba	21.5%	27.7%	24.6%
Saskatchewan	22.2%	26.3%	24.0%
Alberta	27.7%	25.3%	26.6%
British Columbia	27.3%	24.9%	26.1%
Territories	26.9%	33.7%	29.8%

Source: 2012 Canada Survey on Disability.  
All percentages are rounded to one decimal point.  
Missing values are excluded.

**Proportion of adults with disabilities aged 15+ who discontinued their education/training because of their disability by sex – Canada, provinces and territories – Reference year 2012**

Province	Women with disabilities	Men with disabilities	Total disabled population
Canada	10.9%	12.6%	11.7%
Atlantic provinces	9.6%	10.7%	10.1%
Quebec	9.6%	10.6%	10.1%
Ontario	11.8%	12.9%	12.3%
Manitoba	9.7%	11.9%	10.7%
Saskatchewan	9.8%	7.5%	8.8%
Alberta	9.8%	11.0%	10.3%
British Columbia	11.6%	17.4%	14.3%
Territories	17.5%	8.0% <sup>E</sup>	12.9%

Source: 2012 Canada Survey on Disability.  
All percentages are rounded to one decimal point.  
Missing values are excluded.

**Proportion of adults with disabilities aged 15+ whose disability caused an impact on their education by type of impact and sex – Canada – Reference year 2012**

Type of Impact	Women with disabilities	Men with disabilities	Total disabled population
Studied part-time	38.2%	36.2% <sup>E</sup>	37.4%
Education interrupted for long periods	29.3%	23.4%	26.6%
Additional expenses for school	14.7%	14.5%	14.6%
Left community to attend school	10.1%	13.6%	11.7%
Began school at a later age	12.6%	15.7%	14.0%
Took courses by correspondence/home study	16.7%	12.9%	15.0%
Changed schools	14.2%	17.4%	15.7%

Source: 2012 Canada Survey on Disability.  
 All percentages are rounded to one decimal point.  
 Missing values are excluded.  
<sup>E</sup> Use with caution.

**Below high school as the highest educational attainment of adult aged 15+ by disability status and sex – Canada, provinces and territories - Reference year 2012**

Province	Persons with disabilities	Persons without disabilities	Women with disabilities	Women without disabilities	Men with Disabilities	Men without Disabilities
Canada	30.3%	17.8%	32.3%	17.0%	28.0%	18.5%
Atlantic provinces	34.4%	21.6%	33.5%	20.9%	35.5%	22.2%
Quebec	34.9%	19.5%	39.5%	18.6%	29.2%	20.4%
Ontario	29.6%	16.4%	32.3%	16.0%	26.2%	16.9%
Manitoba	35.2%	22.4%	33.9%	21.2%	36.8%	23.6%
Saskatchewan	31.5%	20.6%	30.2%	18.6%	32.9%	22.6%
Alberta	26.5%	16.8%	26.7%	15.8%	26.4%	17.7%
British Columbia	25.8%	15.2%	26.9%	14.4%	24.5%	16.0%
Territories	39.9%	32.5%	40.2% <sup>***</sup>	30.7%	39.5% <sup>***</sup>	34.2%

Source: 2012 Canada Survey on Disability.  
 All percentages are rounded to one decimal point.  
 Missing values are excluded.  
<sup>\*\*\*</sup> Difference between women and men with disabilities is not statistically significant at 0.05.

**High school or equivalent as the highest educational attainment of adult aged 15+ by disability status and sex – Canada, provinces and territories – Reference year 2012**

Province	Persons with disabilities	Persons without disabilities	Women with disabilities	Women without disabilities	Men with Disabilities	Men without Disabilities
Canada	25.7%	26.4%	27.6%	27.1%	23.3%	25.6%
Atlantic provinces	23.5%	26.3%	26.5%**	26.6%**	20.1%	26.1%
Quebec	22.6%	21.3%	24.0%	22.4%	20.9%	20.2%
Ontario	27.2%	28.1%	28.0%	28.5%	26.3%	27.6%
Manitoba	25.6%	29.6%	27.3%	29.6%	23.5%	29.7%
Saskatchewan	25.2%	29.5%	25.9%	28.5%	24.4%	30.5%
Alberta	26.7%	27.6%	29.0%	29.4%	24.0%	26.0%
British Columbia	25.5%	28.5%	31.2%	29.6%	18.3%	27.4%
Territories	16.5%	20.3%	16.6%	21.1%	16.3%	19.6%

Source: 2012 Canada Survey on Disability.

All percentages are rounded to one decimal point.

Missing values are excluded.

\*\* Difference between women with and without disabilities is not statistically significant at 0.05.

**Post-secondary education below university level as the highest educational attainment of adult aged 15+ by disability status and sex – Canada, provinces and territories – Reference year 2012**

Province	Persons with disabilities	Persons without disabilities	Women with disabilities	Women without disabilities	Men with Disabilities	Men without Disabilities
Canada	33.3%	33.8%	29.9%	32.9%	37.4%	34.7%
Atlantic provinces	31.2%	30.9%	27.6%	29.3%	35.3%	32.6%
Quebec	28.2%	34.8%	22.2%	33.0%	35.6%	36.6%
Ontario	29.8%	26.4%	26.7% <sup>E</sup>	25.5%	33.8%	27.3%
Manitoba	27.0%	25.4%	26.3% <sup>E</sup>	25.5%	27.9%	25.3%
Saskatchewan	29.7%	29.4%	30.9% <sup>E</sup>	30.2%	28.2%	28.7%
Alberta	32.2%	29.5%	28.9% <sup>E</sup>	26.9%	36.0%	31.9%
British Columbia	32.6%	27.2%	27.2% <sup>E</sup>	25.4%	39.4%	29.1%
Territories	32.0%	27.1%	30.2% <sup>E</sup>	25.2%	34.0%	28.8%

Source: 2012 Canada Survey on Disability.

All percentages are rounded to one decimal point.

Missing values are excluded.

<sup>E</sup> Use with caution.



**Post-secondary education at university level and above as the highest educational attainment of adult aged 15+ by disability status and sex – Canada, provinces and territories – Reference year 2012**

Province	Persons with disabilities	Persons without disabilities	Women with disabilities	Women without disabilities	Men with Disabilities	Men without Disabilities
Canada	10.7%	22.1%	10.2%	23.0%	11.3%	21.2%
Atlantic provinces	10.9%	21.2%	12.4%	23.3%	9.1%	19.1%
Quebec	14.3%	24.4%	14.4%	25.9%	14.3%	22.8%
Ontario	13.3%	29.1%	13.1%	30.0%	13.7%	28.2%
Manitoba	12.2%	22.6%	12.5%	23.8%	11.9%	21.4%
Saskatchewan	13.7%	20.5%	13.0%	22.7%	14.4%	18.2%
Alberta	14.6%	26.1%	15.4%	27.9%	13.6%	24.4%
British Columbia	16.1%	29.0%	14.8%	30.6%	17.8%	27.5%
Territories	11.6%	20.2%	13.1%	23.1%	10.2% <sup>E</sup>	17.4%

Source: 2012 Canada Survey on Disability.

All percentages are rounded to one decimal point.

Missing values are excluded.

<sup>E</sup> Use with caution.

## **Annex B: Context**

### **Background**

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) was adopted by the UN General Assembly on December 13, 2006, and came into force on May 3, 2008. Its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. It also promotes respect for their inherent dignity. States that ratify the UNCRPD are required to report to the Committee on the Rights of Persons with Disabilities on its implementation.<sup>14</sup> The Committee reviews each State report; develops a list of issues and asks for additional information as needed; and makes results and recommendations.

In addition, the Committee invites National Human Rights Institutions (NHRIs) and organizations representing civil society—those representing persons with disabilities—to respond to the reports of state parties. Canada, which ratified the UNCRPD in 2010, submitted its first report to the Committee in 2014. Canada's report outlines specific measures adopted by federal, provincial and territorial governments aimed at providing support to persons with disabilities and their families as well as promoting their inclusion and full participation in Canadian society.<sup>15</sup> The Committee will review Canada's report in April 2017.

### **The rights of persons with disabilities in Canada**

In Canada, the rights of persons with disabilities are enshrined in the *Canadian Human Rights Act*, in provincial and territorial human rights codes, and in the *Canadian Charter of Rights and Freedoms*.

As well, the UNCRPD is implemented in Canada through constitutional and statutory protections, as well as legislative, administrative and other measures, including:

- *Canadian Charter of Rights and Freedoms*, which applies to all government actions and guarantees all individuals fundamental freedoms and rights, including an explicit equality rights guarantee for persons with disabilities; and
- Federal, territorial and provincial human rights laws, which apply to the public and private sectors and prohibit discrimination on grounds such as disability in regard to employment, the provision of goods, services and facilities customarily available to the public and accommodation.<sup>16</sup>

Persons with disabilities can bring a discrimination complaint before federal, territorial and provincial independent human rights commissions and tribunals or courts to enforce their rights.

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<sup>14</sup> Ratifying countries of the UNCRPD, referred to as State Parties in the Convention, are required to report within the first two years of the Convention's implementation and then every four years afterward.

<sup>15</sup> Canada (2014). *Convention on the rights of Persons with Disabilities: First Report of Canada*, Ottawa.

<sup>16</sup> Adapted from: Canadian Association of Statutory Human Rights Agencies and Ontario Human Rights Commission (2011). *Canada and the UN Convention on the Rights of Persons with Disabilities*.

The Canadian Association of Statutory Human Rights Agencies (CASHRA) is an umbrella organization that fosters collaboration between Canada's federal, provincial and territorial human rights commissions. One of its key issues is the protection of the rights of persons with disabilities in Canada. CASHRA has established a UNCRPD working group to coordinate related activities.<sup>17</sup>

## **Monitoring the UNCRPD and National Human Rights Institutions:**

### **Article 33**

As outlined above, States that ratify the UNCRPD are required to report to the UN on its implementation. Article 33 of the UNCRPD is unique. According to the UN Office of the High Commissioner for Human Rights, "it is arguably the most complete provision on national level implementation and monitoring ever in an international human rights treaty."<sup>18</sup>

Article 33.1 of the Convention states that one or more focal points within government shall be designated for matters relating to the implementation of the Convention. In addition, Article 33.2 of the Convention requires ratifying states to have an internal framework that includes one or more independent mechanisms, such as a NHRI, in order to promote, protect and monitor the implementation of the Convention. Article 33.3 provides for the full participation of civil society, particularly for persons with disabilities and their representative organizations.

In order to implement the Article, some states, such as Australia, have designated their NHRI as their independent mechanism. Other states, such as New Zealand, have designated an independent mechanism that includes their NHRI and other organizations. In the case of New Zealand, the New Zealand Human Rights Commission, the Office of the Ombudsman, and the Disability Convention Coalition have joint responsibilities as the state's independent mechanism.

The Government of Canada has not officially designated a national independent mechanism to monitor Canada's implementation of the UNCRPD. Instead, existing mechanisms are viewed to provide this function. When Canada ratified the Convention, it declared that Article 33.2 should be interpreted as accommodating the "situation of federal states where the implementation of the Convention will occur at more than one level of government and through a variety of mechanisms, including existing ones."<sup>19</sup>

The Canadian Human Rights Commission (CHRC), acting as Canada's NHRI, has offered to take on the monitoring role as Canada's independent mechanism. CASHRA, which represents federal, provincial and territorial human rights commissions, supports

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<sup>17</sup> The CASHRA UNCRPD working group consists of representatives from the following human rights commissions across Canada: Canadian Human Rights Commission, Newfoundland and Labrador Human Rights Commission, Prince Edward Island Human Rights Commission, Nova Scotia Human Rights Commission, New Brunswick Human Rights Commission, Commission des droits de la personne et des droits de la jeunesse du Quebec, Ontario Human Rights Commission, Saskatchewan Human Rights Commission, Alberta Human Rights Commission, Northwest Territories Human Rights Commission and the Yukon Human Rights Commission.

<sup>18</sup> United Nations Human Rights Office of the High Commissioner (2014). *Study on the implementation of Article 33 of the UN Convention on the Rights of Persons with Disabilities in Europe*. Europe Regional Office.

<sup>19</sup> United Nations (2006). *Convention on the Rights of Persons with Disabilities. Treaty Series. 2515. pp.3.*

the CHRC taking on this role. Organizations representing persons with disabilities in Canada<sup>20</sup> have urged the federal government to formally designate the CHRC with such a role and to provide appropriate funding for the CHRC to fulfill this obligation.

### **CHRC series of reports on Canada’s implementation of the UNCRPD**

Although the role of an independent mechanism has not yet been formally designated, the CHRC is dedicated to promoting and monitoring the implementation of the UNCRPD. In collaboration with CASHRA and organizations representing persons with disabilities, the CHRC is in the midst of developing a series of interim reports on Canada’s implementation of the UNCRPD—specifically the rights provided for in Article 5, Equality and Non-discrimination.<sup>21</sup> This report is the second in the series.

While the focus of these reports is on the rights to equality and non-discrimination, they will also touch on other rights provided for in other articles of the UNCRPD, such as Article 24 on Education and Article 27 on Work and Employment. These reports will also be used as benchmarks to monitor the implementation of the UNCRPD over time—an approach that the UNCRPD Secretariat notes is particularly effective in monitoring implementation.<sup>22</sup>

The first report entitled, *The Rights of Persons with Disabilities to Equality and Non-Discrimination: Monitoring the Implementation of the UN Convention of the Rights of Persons with Disabilities in Canada*, was published in December 2015. The objective of this first report was to better understand the experiences of discrimination by persons with disabilities across Canada. The report was the first of its kind, bringing together data on disability-related complaints received from 2009 to 2013 across all the federal, provincial and territorial human rights commissions and/or tribunals.

The purpose of this second report, *Left Out: Challenges faced by persons with disabilities in Canada’s schools*, is to better understand the educational experiences of persons with disabilities across Canada and to identify the barriers and challenges they are facing when it comes to their education.

The CHRC is grateful to the collaboration of ARCH Disability Law Centre, the Canadian Association for Community Living (CACL), the Council of Canadians with Disabilities (CCD) and the DisAbled Women’s Network Canada (DAWN), who played an instrumental role in this project. It is important to note, however, that the views

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<sup>20</sup> For example, these organizations include the Council of Canadians with Disabilities and the Canadian Association for Community Living.

<sup>21</sup> Article 5 of the UNCRPD states that:

- “State Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
- “State Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
- “In order to promote equality and eliminate discrimination, State Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
- “Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.”

<sup>22</sup> United Nations (2014). *Convention on the Rights of Persons with Disabilities: National implementation and monitoring*. CRPD/CSP/2014/3. Conference of State Parties to the Convention on the Rights of Persons with Disabilities. Seventh Edition. New York. June 2014. Paragraphs 38-39.

expressed in this report are those of CASHRA and do not necessarily reflect the positions of the various organizations that were consulted.