

## **Concluding Observations of the Committee on Economic, Social and Cultural Rights: Canada. [Abridged] 1993**

### **Concerns and recommendations by the Committee relating to homelessness and poverty.**

**Cite:** Committee on Economic, Social and Cultural Rights (CESCR), *Concluding observations of the Committee on Economic, Social and Cultural Rights: Canada*, (eighth session, 1993), UN Doc E/C.12/1993/12.

(emphasis added)

#### **I. CONCERNS:**

##### **Procedure/Remedies:**

Paragraph 4:

“The Committee notes with satisfaction the general strengthening of the protection of human rights in Canada through the Canadian Charter of Rights and Freedoms and through improvements of other human rights legislation. The Committee was informed that the **Charter of Rights and Freedoms guarantees, in section 7, the right to security of the person and in section 15, the equal benefit and protection of the law.** It notes with satisfaction that Canadian courts have applied these provisions to cover certain economic and social rights, and that **the Supreme Court of Canada has, on occasion, turned to the International Covenant on Economic, Social and Cultural Rights for guidance as to the meaning of provisions of the Charter.**”

Paragraph 5:

“The Committee notes, in particular, that the courts have applied section 15 of the Charter to extend parental benefits and security of tenure in the field of housing. The Committee was informed that the process of interpretation of the Charter is still in its early stages, but that its provisions and **the interpretations adopted by the Supreme Court in early cases suggest that Canadian courts will give full consideration to the rights in the Covenant when interpreting and applying the Canadian Charter of Rights and Freedoms.**”

Paragraph 6:

“The Committee received information on the Court Challenges Programme which has, in the past, enabled disadvantaged groups or individuals to take important test cases before the courts. **Recognizing the importance of effective legal remedies against violations of social, economic and cultural rights, and of remedying the conditions of social and economic disadvantage of the most vulnerable groups and individuals,** the Committee highly commends the State party for having developed such a programme.

##### **Poverty/Adequate Standard of Living:**

Paragraph 12:

“The Committee expresses concern about the persistence of poverty in Canada. There seems to have been no measurable progress in alleviating poverty over the last decade, nor in alleviating the severity of poverty among a number of particularly vulnerable groups.”

Paragraph 13:

“In particular the Committee is concerned about the fact that, according to information available to it, **more than half of the single mothers in Canada, as well as a large number of children, live in poverty.** The State party has not outlined any new or planned measures to remedy this situation. Of particular concern to the Committee is the fact that the federal Government appears to have reduced the ratio of its contributions to cost-sharing agreements for social assistance.”

Paragraph 15:

“The Committee is concerned that there seems to exist no procedure to ensure that those who must depend entirely on welfare payments do not thereby derive an income which is at or above the poverty line.”

Paragraph 16:

“A further subject of concern for the Committee is the **evidence of hunger** in Canada and the reliance on food banks operated by charitable organizations.”

### **Housing:**

Paragraph 17:

“The Committee is concerned that the right to security of tenure is not enjoyed by all tenants in Canada.”

Paragraph 18:

“The Committee learned from non-governmental organizations of widespread discrimination in housing against people with children, people on social assistance, people with low incomes, and people who are indebted. Although prohibited by law in many of Canada’s provinces, **these forms of discrimination are apparently common. A more concerted effort to eliminate such practices** would therefore seem to be in order.”

Paragraph 19:

“The Committee notes the **omission from the Government’s written report and oral presentation of any mention of the problems of homelessness.** The Committee regretted that there were no figures available from the Government on the extent of homelessness, on the numbers of persons evicted annually throughout the country, on the lengths of waiting lists or the percentage of houses accessible to people with disabilities.”

Paragraph 20:

“Given the evidence of homelessness and inadequate living conditions, the Committee is **surprised** that expenditures on social housing are as low as **1.3 per cent of Government expenditures.**”

Paragraph 21:

“The Committee is concerned that in some court decisions and in recent constitutional discussions, social and economic rights have been described as mere "policy objectives" of governments rather than as fundamental human rights. The Committee was also concerned to receive evidence **that some provincial governments in Canada appear to take the position in courts that the rights in article 11 of the Covenant are not protected, or only minimally protected, by the Charter of Rights and Freedoms.** The Committee would like to have heard of some **measures being undertaken by provincial governments** in Canada to **provide for more effective legal remedies against violations** of each of the rights contained in the Covenant.”

Paragraph 23:

“The Committee is concerned to learn that in a few cases, courts have ruled that the right to security of the person in the **Charter does not protect** Canadians from social and economic deprivation, or from infringements of their **rights to adequate food, clothing and housing.**”

Paragraph 24:

“The Committee is concerned that **provincial human rights legislation** has not always been applied in a manner which would provide improved remedies against violations of social and economic rights, particularly concerning the rights of families with children, and the right to an adequate standard of living, including food and housing.”

## II. RECOMMENDATIONS:

Paragraph 25:

“The Committee recommends the **incorporation in human rights legislation of more explicit reference to social, economic and cultural rights.**”

Paragraph 26:

“The Committee recommends a concerted Government action to eliminate the need **for food banks.**”

Paragraph 27:

“The Committee recommends the extension of **security of tenure to all tenants** and draws the attention of the State party to its General **Comment No. 4** on the **Right to Adequate Housing** (article 11-1 of the Covenant), in particular paragraph 8.”

Paragraph 31:

“The Committee recommends that the key governmental bodies concerned enter into a dialogue at the domestic level with the representatives of the Canadian non-governmental organizations that have presented information to the Committee.”