

Concluding Observations of the Committee on Economic, Social and Cultural Rights: Canada. [Abridged] 1998

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*, (nineteenth session, 1998), UN Doc E/C.12/1/Add.31.

(emphasis added)

I. CONCERNS:

Procedure/Remedies:

Paragraph 2:

“The Committee notes that, while the delegation was composed of a significant number of experts, too many questions failed to receive detailed or specific answers. Moreover, in the light of the **federal structure of Canada and the extensive provincial jurisdiction, the absence of any expert particularly representing the largest provinces**, other than Quebec, significantly limited the potential depth of the dialogue on key issues.”

Paragraph 12:

“The Committee heard ample evidence from the State Party suggesting that Canada’s complex federal system presents obstacles to the implementation of the Covenant in areas of provincial jurisdiction. The Committee regrets that, **unless a right under the Covenant is implicitly or explicitly protected by the Charter through federal-provincial agreements**, or incorporated directly in provincial law, **there is no legal redress available** to either an aggrieved individual or the Federal Government where provinces have failed to implement the Covenant. The State Party’s delegation emphasized the **importance of political processes** in this regard, but noted that they were often complex.”

Paragraph 14:

“The Committee has received information about a number of cases in which **claims were brought by people living in poverty (usually women with children) against government policies which denied the claimants and their children adequate food, clothing and housing**. Provincial governments have urged upon their courts in these cases an interpretation of the Charter which would deny any protection of Covenant rights and consequently leave the complainants without the basic necessities of life and without any legal remedy.

Paragraph 15:

“The Committee is deeply concerned at the information that **provincial courts in Canada have routinely opted for an interpretation of the Charter which excludes protection of the right to an adequate standard of living and other Covenant rights**. The Committee notes with concern that the courts have taken this position despite the fact that the Supreme Court of

Canada has stated, as has the Government of Canada before this Committee, that the Charter can be interpreted so as to protect these rights.”

Paragraph 19:

“The replacement of the Canada Assistance Plan (CAP) by the Canada Health and Social Transfer (CHST) entails a range of adverse consequences for the enjoyment of Covenant rights by disadvantaged groups in Canada... The Committee regrets that, **by according virtually unfettered discretion to provincial governments in relation to social rights, the Government of Canada has created a situation in which Covenant standards can be undermined and effective accountability has been radically reduced.** The Committee also recalls in this regard paragraph 9 of General Comment No. 3.”

Paragraph 34:

“The Committee is concerned that the State Party did not take into account the Committee’s 1993 major concerns and recommendations when it adopted policies at federal, **provincial** and territorial levels which exacerbated poverty and homelessness among vulnerable groups during a time of strong economic growth and increasing affluence.”

Poverty/Adequate Standard of Living:

Paragraph 11:

“The Committee notes that since 1994, in addressing the budget deficits by slashing social expenditure, the State Party has not paid sufficient attention to the adverse consequences for the enjoyment of economic, social and cultural rights by the Canadian population as a whole, and by vulnerable groups in particular.”

Paragraph 33:

“The Committee is perturbed to hear that the number of **food banks almost doubled** between 1989 and 1997 in Canada and that they are able to meet only a fraction of the increased needs of the poor.”

Housing:

Paragraph 24:

“**The Committee is gravely concerned that such a wealthy country as Canada has allowed the problem of homelessness and inadequate housing to grow to such proportions that the mayors of Canada’s 10 largest cities have now declared homelessness a national disaster.**”

Paragraph 25:

“The Committee is concerned that **provincial social assistance rates and other income assistance measures have clearly not been adequate to cover rental costs of the poor.** In the past five years, the number of tenants paying more than 50 per cent of their income towards rent has increased by 43 per cent.”

Paragraph 26:

“The Committee is concerned that in both **Ontario** and Quebec, governments have adopted legislation to redirect social assistance payments directly to landlords without the consent of recipients, despite the fact that the Quebec Human Rights Commission and an **Ontario Human Rights Tribunal have found this treatment of social assistance recipients to be discriminatory.**”

Paragraph 27:

“The Committee expresses its grave concern at learning that the **Government of Ontario** proceeded with its announced **21.6 per cent cuts in social assistance** in spite of claims that this would force large numbers of people from their homes.”

Paragraph 28:

“The Committee is concerned that the **significant reductions in provincial social assistance programmes, the unavailability of affordable and appropriate housing and widespread discrimination** with respect to housing create obstacles to women escaping domestic violence. Many women are forced, as a result of those obstacles, to choose between returning to or staying in a violent situation, on the one hand, **or homelessness and inadequate food and clothing for themselves and their children,** on the other.

Paragraph 35:

“The Committee is concerned at the **crisis level of homelessness among youth and young families.** According to information received from the National Council of Welfare, over 90 per cent of single mothers under 25 live in poverty. Unemployment and under-employment rates are also significantly higher among youth than among the general population.”

Paragraph 36:

“The Committee is also concerned about **significant cuts in services on which people with disabilities rely,** such as cuts in home care, attendant care and special needs transportation systems, and tightened eligibility rules for people with disabilities. Programmes for people who have been discharged from psychiatric institutions appear to be entirely inadequate. Although the Government failed to provide to the Committee any information regarding homelessness among discharged psychiatric patients, the Committee was told that a large number of those patients end up on the street, while others suffer from **inadequate housing,** with insufficient support services.”

II. RECOMMENDATIONS:

Paragraph 40:

“The Committee recommends that the State Party consider re-establishing a **national programme with specific cash transfers for social assistance and social services** that includes **universal entitlements and national standards** and lays down a legally enforceable right to adequate assistance for all persons in need, a right to freely chosen work, a right to appeal and a right to move freely from one job to another.”

Paragraph 41:

“The Committee urges the State Party to **establish officially a poverty line** and to establish social assistance at levels which ensure the realization of an adequate standard of living for all.”

Paragraph 42:

“The Committee recommends that federal and provincial agreements should be adjusted so as to ensure, in whatever ways are appropriate, that **services such as** mental health care, home care, child care and attendant care, **shelters for battered women** and legal aid for non-criminal matters, are available at levels that **ensure the right to an adequate standard of living.**”

Paragraph 44:

“The Committee recommends that the National Child Benefit Scheme be amended so as to prohibit **provinces** from deducting the benefit from social assistance entitlements.”

Paragraph 46:

“The Committee recommends that the federal, **provincial** and territorial governments address homelessness and inadequate housing as a **national emergency by reinstating or increasing, as the case may be, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels, providing adequate support services for persons with disabilities, improving protection of security of tenure for tenants and improving protection of affordable rental housing stock from conversion to other uses. The Committee urges the State party to implement a national strategy for the reduction of homelessness and poverty.**”