

## **Concluding Observations of the Committee on Economic, Social and Cultural Rights: Canada. [Abridged] 2006**

### **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*, (thirty sixth session, 2006), UN Doc E/C.12/CAN/CO/5

(emphasis added)

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

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

Paragraph 11:

“The Committee regrets that most of its 1993 and 1998 recommendations in relation to the second and third periodic reports have not been implemented, and that the State party has not addressed in an effective manner the following principal subjects of concern, which are still relevant:

(a) The State party’s **restrictive interpretation of its obligations under the Covenant**, in particular its position that it may implement the legal obligations set forth in the Covenant by adopting specific measures and policies rather than by enacting legislation specifically recognizing economic, social and cultural rights, and the consequent lack of awareness, in the provinces and territories, of the State party’s legal obligations under the Covenant;

(b) **The lack of legal redress available to individuals when governments fail to implement the Covenant**, resulting from the insufficient coverage in domestic legislation of economic, social and cultural rights, as spelled out in the Covenant; the lack of effective enforcement mechanisms for these rights; the practice of governments of urging upon their courts an interpretation of the Canadian Charter of Rights and Freedoms denying protection of Covenant rights, and the inadequate availability of civil legal aid, particularly for economic, social and cultural rights;

(c) The absence of a **legally enforceable right to adequate social assistance benefits** for all persons in need on a non-discriminatory basis and the **negative impact of certain workfare programmes on social assistance recipients**;

(e) The **absence of an official poverty line**;

(f) The **insufficiency of minimum wage and social assistance** to ensure the realization of the **right to an adequate standard of living for all**;

(g) The authorization given to **provinces** and territories to deduct the amount of the child benefit under the National Child Benefit Scheme from the amount of social assistance received by parents on welfare.

Paragraph 12:

“The Committee is concerned that, despite the consultations and sharing of information between federal, **provincial and territorial governments** through the federal/provincial/territorial Continuing Committee of Officials on Human Rights, effective procedures to follow-up on the Committee’s concluding observations have not been developed.”

Paragraph 39:

“The Committee recommends that **federal, provincial and territorial legislation** be brought in line with the State party’s obligations under the Covenant, and that such legislation should protect poor people in all jurisdictions from discrimination because of their social or economic status.”

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

Paragraph 15:

“The Committee is concerned that, despite Canada’s economic prosperity and the reduction of the number of people living below the Low-Income Cut-Off, **11.2 per cent of its population still lived in poverty in 2004**, and that significant differences in levels of poverty persist between **provinces** and territories. The Committee also notes with particular concern that poverty **rates remain very high among disadvantaged and marginalized individuals** and groups such as Aboriginal peoples, African Canadians, immigrants, persons with disabilities, youth, low-income women and single mothers.”

Paragraph 21:

“The Committee is concerned that the State party has not provided detailed information as to whether current provincial and territorial social assistance rates allow recipients to enjoy an adequate standard of living. It notes with concern that in **most provinces** and territories, social assistance benefits are lower than a decade ago, that they **do not provide adequate income to meet basic needs for food, clothing and shelter**, and that welfare levels are often set at less than half the Low-Income Cut-Off.”

Paragraph 23:

“The Committee is deeply concerned by the discriminatory impact of the National Child Benefit “clawback system” on the poorest families in Canada, in particular single-mother-led families.”

Paragraph 27:

“The Committee notes with concern that about 7.4 per cent of the population, amounting to about **2.3 million people, suffer from food insecurity** in the State party, that about **40 per cent of food bank users are children and young people**, and that **about 51 per cent**

**of food bank users while receiving social assistance benefits** in 2005, still had to resort to food banks because of the insufficient level of these benefits.”

### **Housing:**

Paragraph 24:

“The Committee notes with concern that low-income families, single-mother-led families and Aboriginal and African Canadian families, are overrepresented in families whose children are relinquished to foster care. The Committee is also concerned that women continue to be forced to **relinquish their children into foster care because of inadequate housing.**”

Paragraph 26:

“The Committee notes with concern that **women are prevented from leaving abusive relationships due to the lack of affordable housing and inadequate assistance.**”

Paragraph 28:

“The Committee, while welcoming the National Homelessness Initiative and the adoption of numerous measures on housing, regrets that the information provided was not sufficient to assess the results of such measures. In particular, the **Committee is concerned that the estimated number of homeless persons in Canada still ranges from 100,000 to 250,000.** The Committee, while welcoming the decrease in the proportion of households with core housing need, notes with concern that in 2001 such **households still represented about 13.7 to 16 per cent of all households.** The Committee is further concerned that shelter allowances and social assistance rates continue to fall far below average rental costs, and that waiting lists for subsidized housing remain very long, for example, in Hamilton and Montreal.”

Paragraph 29:

“The Committee notes with particular concern that **many evictions occur on account of minimal arrears of rent,** without due consideration of the State party’s obligations under the Covenant.”

## **II. RECOMMENDATIONS:**

Paragraph 35:

“The Committee reiterates its recommendation that the federal Government **take concrete steps to ensure that provinces and territories are made aware of the State party’s legal obligations under the Covenant,** that the Covenant rights should be enforceable within provinces and territories through legislation or policy measures, and that independent and appropriate monitoring and adjudication mechanisms be established in this regard. In particular, the State party should establish transparent and effective mechanisms, involving all levels of government as well as civil society, including indigenous peoples, with the specific mandate to follow up on the Committee’s concluding observations.”

Paragraph 39:

“The Committee recommends that federal, **provincial** and territorial **legislation be brought in line with the State party’s obligations under the Covenant**, and that such legislation should protect poor people in all jurisdictions from discrimination because of their social or economic status.”

Paragraph 40:

“The State party should take immediate steps, including legislative measures, to create and ensure **effective domestic remedies** for all Covenant rights in all relevant jurisdictions.”

Paragraph 41:

“The Committee, drawing the State party’s attention to its general comment No. 9 (1998), reiterates its recommendation that the federal, provincial and territorial governments promote **interpretations of the Canadian Charter of Rights and other domestic law in a way consistent with the Covenant.**”

Paragraph 42:

“The Committee reiterates its recommendation that the State party extend the Court Challenges Programme to permit funding of **challenges with respect to provincial and territorial legislation** and policies.”

Paragraph 44:

“The Committee recommends that the State party fully abide by its obligations under article 2, paragraph 1, of the Covenant to **take all possible measures to the maximum of its available resources to ensure the enjoyment of economic, social and cultural rights for all** and reminds the State party, in line with its general comment No. 3 (1990), that steps to that end “should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Covenant”. The Committee also recommends that the State party **eliminate gaps in the area of poverty** as a matter of priority, bearing in mind the immediate nature of the obligations contained in articles 2 and 3 of the Covenant. The Committee further recommends that the State party **assess the extent to which poverty is a discrimination issue in Canada**, and ensure that measures and programmes do not have a negative impact on the enjoyment of economic, social and cultural rights, especially for disadvantaged and marginalized individuals and groups.”

Paragraph 52:

“The Committee recommends that the State party undertake a detailed assessment of the **impact of the reduction of federal transfers for social assistance and social services to provinces and territories, on the standard of living of people depending on social welfare**, in particular women, children, older persons, persons with disabilities, Aboriginal people, African Canadians and members of other minorities. The Committee strongly recommends that the State party reconsider all retrogressive measures adopted in 1995.”

Paragraph 57:

“The Committee recommends that the State party give special attention to the difficulties faced by **homeless girls**, who are more vulnerable to health risks and social and economic

deprivation, and that it take all necessary measures to **provide them with adequate housing and social and health services.**”

Paragraph 59:

“The Committee recommends that the State party ensure that **low-income women** and women trying to leave abusive relationships can **access housing options** and appropriate support services in keeping with the right to an adequate standard of living.”

Paragraph 60:

“The Committee reiterates its recommendation that the State party **establish an official poverty line**. The Committee also recommends that the State party integrate economic, social and cultural rights in its **poverty reduction strategies.**”

Paragraph 61:

“The Committee recommends that the State party significantly intensify its efforts to address the issue of **food insecurity and hunger** in Canada. In this regard, the Committee reminds the State party of its **core obligation to fulfil (provide)** the right to food when disadvantaged and marginalized individuals or groups are, for reasons beyond their control, unable to realize these rights for themselves through all means possible at their disposal.”

Paragraph 62:

“The Committee reiterates its recommendation that the federal, **provincial** and territorial governments **address homelessness and inadequate housing as a national emergency by reinstating or increasing, where necessary, 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, and providing adequate support services for persons with disabilities.** The Committee urges the State party to implement a **national strategy for the reduction of homelessness** that includes measurable goals and timetables, consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms, in keeping with Covenant standards.”

Paragraph 63:

“The Committee strongly recommends that, before **forced evictions** are carried out, the State party take **appropriate measures, legislative or otherwise**, to ensure that those affected by forced evictions are provided with alternative accommodation and thus do not face homelessness, in line with the Committee’s general comment No. 7 (1997).”