



# THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

➔ How to fight for your rights

Canada Without Poverty  
Centre for Equality Rights in Accommodation  
Social Rights Advocacy Centre

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**THE RIGHT TO AN ADEQUATE  
STANDARD OF LIVING, INCLUDING  
ADEQUATE FOOD, CLOTHING, HOUSING  
AND OTHER THINGS WE NEED  
FOR A DIGNIFIED LIFE,  
IS A FUNDAMENTAL HUMAN RIGHT.**

This booklet explains how we can use  
Canadian law and international human  
rights laws to claim and enforce the right to  
an adequate standard of living.



# THE RIGHT TO

## An Adequate Standard Of Living

The right to an adequate standard of living was recognized as a human right when the United Nations adopted the Universal Declaration of Human Rights in 1948. Since then this right has been recognized by Canada when it signed and ratified other human rights treaties, including the International Covenant on Economic, Social and Cultural Rights. Canadian governments have promised the United Nations that they will protect and ensure this human right.

**Did you know**



### **Universal Declaration of Human Rights:**

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself [or herself] and of his [or her] family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

# STANDING UP FOR THE RIGHT TO An Adequate Standard Of Living

**Human rights remain just words if we don't stand up for them.**

There is no government office that will provide us with an adequate income simply because it is our human right. But like other human rights, the right to an adequate standard of living gives us the power to challenge unfair rules, laws, programs or decisions that deny us our rights. **We can insist that governments and administrators consider the right to an adequate standard of living when they make decisions that affect our lives.**

One thing is clear. The right to an adequate standard of living won't be made a reality unless we stand up for it. Widespread poverty, hunger and homelessness in so affluent a country as Canada are violations of human rights. By standing up for our human rights, we can help put an end to poverty, hunger and homelessness.



# WHAT IS

## “The Right to an Adequate Standard of Living”

Canada has signed important international human rights documents (treaties/convenants/conventions) recognizing that every person has the right to an adequate standard of living, including adequate food, clothing, housing and other requirements of a secure and dignified life.

**Human Rights documents that recognize the right to an adequate standard of living include :**

- ✓ **The Universal Declaration of Human Rights**
- ✓ **The International Covenant on Economic, Social and Cultural Rights**
- ✓ **The Convention on the Rights of Persons with Disabilities**

The right to an adequate standard of living is one of a number of “social and economic” rights which Canada has signed onto at the United Nations.

**Social And Economic Rights Include :**

- ✓ **The right to adequate food, clothing and housing**
- ✓ **The right to health**
- ✓ **The right to education**
- ✓ **The right to social security**
- ✓ **The right to freely chosen work**
- ✓ **The right to decent working conditions**

Canada and the provinces and territories have a legal obligation under international law to protect and ensure these social and economic rights.

Governments have a number of obligations to ensure the right to an adequate standard of living, including the following:

- Governments must implement an anti-poverty strategy that recognizes that being free from poverty is a human right.
- Governments must set firm goals and timelines to eliminate poverty and set up an independent body to monitor progress.
- Governments should address the needs of particular groups that are most vulnerable to poverty, including Aboriginal peoples, people with disabilities, newcomers, the elderly, women, single mothers and other families with children.
- Governments must ensure that we can claim and enforce the right to an adequate standard of living in courts, before human rights tribunals and when we appear before other administrative bodies such as the social assistance tribunal.

**Two key components of the right to an adequate standard of living under international human rights law are **the right to adequate housing** and **the right to adequate food**. These are considered separate human rights which must be fulfilled in order to ensure the right to an adequate standard of living.**



# THE RIGHT TO Adequate Housing

The right to adequate housing in international law does not mean that the government must provide everyone with a house. The right to adequate housing means that:

- Governments must **implement a housing strategy** which recognizes the right to adequate housing and that includes firm goals and timelines to eliminate homelessness.
- There must be an independent body such as a human rights commission to **monitor progress** in achieving the right to adequate housing and a place for people to go to file a complaint if their right to housing is violated.
- Governments must **ensure that we can claim and enforce the right** to adequate housing in courts, at tribunals and through other procedures like municipal charters that should include the right to adequate housing.



**Governments must take reasonable measures to ensure that everyone has access to housing that is:**

- ✓ **Affordable**
- ✓ **Good quality, with plumbing, heat, electricity and safe drinking water**
- ✓ **Accessible and barrier-free**
- ✓ **Close to employment, healthcare, education and social services**
- ✓ **Culturally appropriate**

**Did you know** 

**“Evictions should not result in individuals being rendered homeless ... the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing ... is available.”**

(Committee on Economic Social and Cultural Rights, General Comment No. 7)

# → **THE RIGHT TO Adequate Food**

**The right to adequate food requires governments to ensure that everyone is able to acquire, in a dignified manner, food in a quantity and quality sufficient to satisfy dietary needs and that is:**

- ✓ **Free from adverse substances**
- ✓ **Acceptable within a given culture**
- ✓ **Obtained through sustainable food production that protects the environment**

**Governments Also Have An Obligation To:**

- ✓ **Implement a national right to food strategy**
- ✓ **Ensure that progress in alleviating hunger and ensuring food security is monitored independently**
- ✓ **Make certain that no one is in a position where they have to choose whether to “pay the rent or feed the kids”**
- ✓ **Ensure that the right to food is recognized as a human right that can be claimed and enforced before courts and tribunals**

## **ARE GOVERNMENTS MEETING THEIR OBLIGATIONS TO ENSURE THE RIGHT TO AN ADEQUATE STANDARD OF LIVING?**

The UN recognizes that in poorer countries, fulfilling the right to an adequate standard of living is often not possible right away. But **in a rich country like Canada, the UN recognizes that no one should be denied access to decent housing or adequate food.** The United Nations has been extremely concerned about violations of the right to adequate food, housing and an adequate standard of living in Canada in recent years.

When Canada agreed to recognize the right to an adequate standard of living in 1976, there were no food banks, and few people were homeless. Today, there are more than **300,000** people in Canada who are **homeless**, moving in and out of shelters. Over **800,000** people rely on **food banks** each month to feed themselves and their children.

Poverty, hunger and homelessness in Canada may not be as severe or as widespread as in poor countries. But in Canada there are adequate resources and there is no reason for people to be hungry or homeless. If governments complied with human rights, this suffering would not occur.



# FIGHT FOR YOUR RIGHTS

## Under Canadian Law

There are two important ways we can claim and enforce international human rights. First, we can use international human rights to claim our rights under the laws in Canada. And second, we can claim and enforce our rights through various procedures at the United Nations.

We can't go to court in Canada to enforce international human rights law directly. Courts in Canada can only directly enforce laws passed by legislatures or parliament. But that doesn't mean we can't enforce our international human rights before courts and tribunals in Canada. There are three important ways we can do so.

**First, some international human rights have been directly included in Canadian law.** For example, the right to equality without discrimination, and the right to “life, liberty and security of the person” were included in the Canadian Charter of Rights and Freedoms. These rights can be enforced directly by courts and tribunals. Often, violations of the right to housing or to food are direct violations of these Charter rights or of other rights in Canadian law.

**Second,** even where rights aren't directly incorporated into Canadian law, **courts must consider these rights when interpreting other laws.** For example, the “right to an adequate standard of living” is not included in the Canadian Charter of Rights and Freedoms in those precise words. But courts have recognized that the Canadian Charter should be interpreted to provide protection of international human rights that Canada has signed onto wherever possible. People living in poverty have correctly argued in court that we can't enjoy the right to “security of the person” or “equality” if we are left hungry or homeless. This is an important way to claim and enforce the right to an adequate standard of living in Canada.

**Third, government officials are required to consider international human rights when they make decisions.** A decision that affects our dignity and denies us access to adequate food or housing can be challenged under Canadian law as an “unreasonable” decision.



## **SOCIAL PROGRAMS MUST PROTECT OUR RIGHT TO AN ADEQUATE STANDARD OF LIVING**

The Government of Canada as well as provincial/territorial governments have an obligation under international human rights law to guarantee that their laws and programs ensure that no one is left without an adequate standard of living. Here are some social programs that should ensure a right to an adequate standard of living:

- ✓ **Social assistance (welfare)**
- ✓ **Income support for people with disabilities**
- ✓ **Pensions for the elderly**
- ✓ **Housing support programs, such as subsidized social housing and housing allowances**
- ✓ **Employment standards, such as minimum wage**

### **Attention to the Needs of Particular Groups**



**Governments must take action to help those people who are most likely to be poor.**

**This includes women, racial minorities, people with disabilities, and Aboriginal People.**



## CASE STUDY

### *Maria needs money to move.*

Maria is on social assistance in Toronto and lives with her daughter in a one bedroom basement apartment which has mold that is unhealthy for her daughter's allergies.

After a long search, Maria finally found a one bedroom apartment in a building where her sister lives. She asked social services for money to pay the last month's rent deposit so she could move. **Her social assistance worker told her that she cannot get any help with her moving costs.** The government cut back on this funding and now they can only provide money for last month's rent in the most urgent cases.

If Maria does not get assistance with the deposit, she and her daughter will lose the apartment and have to continue living in unhealthy conditions.

Maria's right to an adequate standard of living and adequate housing was violated. She needs money to move. When her worker refused to give her the money, **this violated Maria's rights under international human rights law to have access to decent and safe housing.**



# **CASE STUDY** *Continued..*

## **What Can Maria Do?**

### **STAND UP FOR HER RIGHTS**

- Maria could politely tell her social assistance worker that the decision to deny her special financial assistance to allow her to move is unreasonable because it does not respect her or her daughter's right to an adequate standard of living and right to housing. She could show her this pamphlet.
- If the worker says the decision can't be changed, she could call her legal clinic to ask to challenge the decision.
- If the new program put in place by the province doesn't have enough funding to cover what is necessary for people to deal with urgent situations like this, Maria could join with others in her situation and go to court to challenge the cut-backs as violations of her rights under the Canadian Charter of Rights and Freedoms.

### **ASK FOR HELP**

- If Maria wants to fight for her rights, she could contact a local legal clinic or work with a group like Canada Without Poverty or CERA



(the Centre for Equality Rights in Accommodation). There are ways to challenge decisions that are consistent with international human rights or with the rights to security and equality under the Canadian Charter of Rights and Freedoms. Staff at legal clinics or other organizations can help you figure out the right strategy.



## SUCCESS STORY 1

### Theresa's right to dental care

Theresa is a single mother with three children living in Nova Scotia. A few years ago she was on social assistance while going to university. She had gum disease and needed special dental treatment. **If she did not have the treatment, she would lose her teeth.**

The treatment was not included in the list of dental services that social assistance provided. However, the regulations for social assistance in Nova Scotia say that other dental services are allowed when a person has a special need. **The administrator dealing with Theresa's case would not approve the gum treatment.** They said they could only approve dentures, which would mean Theresa would have to lose all of her teeth before they could assist her.



## **SUCCESS STORY 1** *Continued..*

### **What Can Maria Do?**

Theresa got help from a legal aid lawyer and appealed the administrator's decision. She argued her social and economic rights were violated when she was denied the special dental treatment she needed. She said that the decision violated her right to physical and mental health. Theresa won the appeal. The Nova Scotia Department of Community Services was ordered to review their decision in light of Theresa's rights under international human rights to physical and mental health. They paid for the treatment.



## **SUCCESS STORY 2**

### **SANDY FALKINER: A True Story of Someone who Fought for the Right to an Adequate Standard of Living and Won**

Sandy Falkiner and three other single mothers thought a rule that used to be applied to welfare recipients in Ontario was unfair. The rule was called the "spouse in the house" rule.

It said that if you were on welfare and a person of the opposite sex moved in with you, the welfare office

would assume the person was your “spouse” the minute they moved in, and would reduce your welfare or disqualify you, based on the income of the person who moved in. Because of the rule, thousands of single mothers on social assistance across Ontario were forced to live alone or lose their benefits. Others were forced into financial dependency with men before they were ready for that kind of commitment.

Sandy Falkiner and the other women believed this rule violated their rights and took the issue to court. They reminded the court that Canada has agreed to international human rights law that says people have the right to housing and an adequate standard of living without discrimination.

That meant that people on welfare shouldn’t be considered “married” after a month of living with someone when others are only considered to be spouses after three years.

Sandy and the other women won their case.

**The Ontario Court of Appeal decided that the spouse in the house rule “stripped women of their dignity”.**

The court said that the “spouse in the house” rule violated the Canadian Charter of Rights and Freedoms by discriminating against women, single parents, and people on social assistance.

# → SOLUTIONS

## **PROBLEM**

Your child was sick and you were off work for a week. You are behind on your hydro bill and you are unable to pay enough to prevent a disconnection. Social services says they can't help you and the hydro company says they have to follow the rules.

## **→ WHAT YOU CAN DO**

Municipal and provincial governments have an obligation to protect your right to adequate housing, including utilities. Call a legal clinic or a community organization and ask them how you can stand up for your right to housing.

## **PROBLEM**

You were not able to pay all of your rent last month. Your landlord is trying to evict you. You have children and you know that you won't be able to find another apartment for your family that you can afford. You are worried that your family will be homeless. A judge or tribunal member is deciding your case.

## **→ WHAT YOU CAN DO**

Ask the judge or tribunal member to consider your right to adequate housing and explain that under international human rights law you should not be evicted into homelessness. If the judge or tribunal member won't listen, ask for help from a legal clinic or a lawyer.

## PROBLEM

You and your three children apply for a “market rent” apartment in municipal non-profit housing. It is the most affordable apartment you can find, but you are turned down because they say your income is too low. You are told you will have to wait 8 years for a subsidized unit.

## → WHAT YOU CAN DO

Tell the staff of the non-profit housing provider that they must consider your right to housing and allow you to make the most reasonable choice of an apartment. Contact a legal clinic, or a community organization such as CERA, the Centre for Equality Rights in Accommodation.

### **Baker v. Canada (Ministry of Citizenship & Immigration)**



The Supreme Court of Canada has said that **decisions made by government staff must follow the basic values recognized under international human rights law.**

This means that government staff who make decisions about social assistance, housing, unemployment insurance benefits, labour standards, or other community services must consider the right to an adequate standard of living.



# FIGHT FOR YOUR RIGHTS

## At the United Nations

When Canadian governments or courts in Canada do not pay enough attention to our human rights, **the United Nations provides additional ways for us to claim our rights.**

The UN Committee on Economic, Social and Cultural Rights reviews the situation in Canada every five years or so.

**Many groups working on poverty and housing issues in Canada have managed to raise enough money to go to Geneva and appear before the UN Committee to tell them about poverty, hunger and inadequate housing in Canada.**

After hearing from non governmental organizations the UN Committee questions the representatives of Canada. **After considering all the information, the UN Committee issues “Concluding Observations.”** These include any concerns the UN Committee has about possible violations of social and economic rights in Canada. The UN Committee makes recommendations to governments in Canada about what they need to do to comply with human rights.

**Canada Without Poverty, the Centre for Equality Rights in Accommodation, the Social Rights Advocacy Centre and many other groups help people get information to the United Nations about how their human rights are violated.**

The next review of Canada by the UN Committee on Economic, Social and Cultural Rights is scheduled for 2014.

**Did you know**



**At its last review of Canada the UN Committee on Economic Social and Cultural Rights found that:**

- **“many part-time workers, predominantly women, contribute to (Employment Insurance) but have great difficulties in accessing benefits”**
- **social assistance and minimum wage are “insufficient” to ensure the right to an adequate standard of living**
- **shelter allowances and social assistance rates continue to fall far below average rental costs.**

## **UN SPECIAL RAPPORTEURS' MISSIONS TO CANADA**

The United Nations also has a Human Rights Council made up of forty-seven states that are elected to it. It is one of the highest human rights bodies within the UN. The Human Rights Council appoints Independent Experts and Special Rapporteurs to monitor and promote particular human rights and to conduct fact finding missions to some countries where there may be problems.

**The UN Special Rapporteur on Adequate Housing, conducted a mission to Canada in 2008.** He reported to the Human Rights Council that he “remains concerned about the significant number of homeless in all parts of the country”. He identified a number of other serious concerns and made recommendations to all levels of government.

**The UN Special Rapporteur on the Right to Food, conducted a mission to Canada in 2012.** He was concerned to learn that many households in Canada are unable to afford a nutritional diet. He made a number of important recommendations, including respecting First Nations’ treaty rights and access to land and resources; ensuring that social assistance and minimum wage is set at a rate that allows families to purchase enough nutritional food, and that Canada should adopt a national food strategy to ensure adequate food as a fundamental human right.



# THE UNIVERSAL PERIODIC REVIEW OF CANADA

In February 2009 Canada's human rights record as a whole was assessed by the UN Human Rights Council under a new procedure called the Universal Periodic Review. 50 organizations across Canada made submissions to the UN for the review. Violations of the right to an adequate standard of living, the right to adequate housing and the right to food were the most common concerns raised. Anti-poverty organizations also sent representatives to Geneva to provide members of the UN Human Rights Council with further information.

Many recommendations were made to Canada to do more to address violations of the right to an adequate standard of living and adequate housing. These have been used by many organizations to encourage action to address violations of the right to an adequate standard of living in Canada.

**Did you know**



**Canada's second Universal Periodic Review is on April 26, 2013. Many groups are active in trying to ensure that the United Nations gets the information it needs to address the serious human rights crisis of poverty, homelessness and hunger in Canada.**







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