

From Promise to Action Take 2: Implementing Canada's Commitments on Poverty

*Submission to the UN Human Rights Council's
Universal Periodic Review of Canada*

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CITIZENS *for* PUBLIC JUSTICE



Introduction

1. Citizens for Public Justice (CPJ) is pleased, once again, to submit a brief to the Universal Periodic Review of Canada by the UN Human Rights Council. CPJ is a national organization of members inspired by faith to seek justice in Canadian public policy. As a Christian organization, CPJ's work is rooted in God's call for love, justice, and stewardship.
2. Human rights commitments are founded on the basis of human dignity, recognizing that dignity can only be fully realized in the context of basic rights belonging to every person. As Christians, we believe that all people are created by God to live in dignity as God's image-bearers in peaceful, joyful, social relationships founded on justice and compassion. God gifts every person with both rights and responsibilities: a rightful claim to live in dignity, be respected by others and have access to resources needed to live out God's calling. And, a duty to act justly, care for creation and work for peaceful and just relations within society at all levels.
3. CPJ joins with many Canadian organizations concerned about Canada's failure to implement its international commitments at home, and the lack of transparency and public accountability that surround this failure. Canada is not living up to its human rights promises, including the commitment to security of the person.

Poverty and Human Rights

4. On June 9, 2009, CPJ appeared before Canada's House of Commons Standing Committee on Human Resources, Skills Development, Social Development and the Status of People with Disabilities (HUMA) to answer the question, "What is the federal government's role in addressing poverty?"
5. While we were speaking our call for a national plan to eliminate poverty in Canada, federal officials were announcing their rejection of the UPR recommendation that **Canada implement a national poverty eradication strategy that incorporates a human rights framework.**

Canada's Reality

6. Poverty levels have hovered steadily around 10 percent of the Canadian population over several decades,¹ rising during periods of difficulty and falling modestly during periods of economic strength. Certain sectors of the population, such as Aboriginal peoples, have consistently experienced higher rates of poverty. Conversely, poverty rates among seniors have been in decline until recently.

¹ For the purposes of this brief, we use **Statistics Canada's Low Income Cut-off – After Tax (LICO-AT)** as our main measure of low income and unofficial poverty threshold.

7. The poverty gap – the difference between the low income threshold and family income – has risen slightly. According to our research,² in 2010, low-income families lived on incomes that were only two-thirds of the poverty threshold. Working-age unattached individuals, in turn, lived on incomes that were approximately 55 percent of the poverty line.
8. Poverty impedes people’s access to basic resources, including adequate food, sufficient clothing, and appropriate housing. It leads to insecurity and removes the opportunity to fully participate in community. Poverty is also an important social determinant of health.
9. Yet government programs and transfers currently do not ensure that all Canadians have enough income for well-being – despite Canada’s position among the world’s seven wealthiest countries.

The Federal Role

10. The majority of provincial/territorial governments (except British Columbia and Saskatchewan) have committed to poverty reduction strategies. Some are too new to have had a measureable impact, however, the more established strategies have helped to reduce rates of poverty, particularly among families with children.
11. While social assistance, health, and education are the primary responsibility of the provinces, the federal government with its particular policymaking, legislative, taxation, and redistributive powers has an especially critical role to play. Historically, on issues of major national import, mechanisms have been put in place that effectively transfer selected decision-making powers to Ottawa. The 1984 *Canada Health Act*, for example, established national standards to guide provincial policies. A similar mechanism could increase the level of coordination and collaboration necessary to achieve meaningful progress against poverty. Despite jurisdictional wrangling in other areas, provincial leaders have explicitly stated that federal government support is needed to make their poverty reduction strategies successful.
12. Over the last 20 years, Canada’s federal government has made several important commitments. In 1989, Parliament pledged to end child poverty by the year 2000. In 1995, at the World Summit for Social Development, Canada committed to create a national poverty eradication plan with time-bound goals and targets. **And most recently, in November 2009, the House of Commons unanimously passed a motion that the Government of Canada develop an immediate plan to eliminate poverty in Canada for all.**
13. Unfortunately, however, the Canadian government has a dismal record when it comes to translating words into action. Three years have passed since this latest commitment and work on such a plan has yet to begin.

Recent Milestones

14. Government officials are not suffering for want of information. Poverty and inequality have been studied at length. Numerous excellent recommendations have been presented.

² *Poverty Trends Scorecard – Canada 2012* will be published by Citizens for Public Justice later this month.

15. In December 2009, the Standing Senate Committee on Social Affairs, Science and Technology's Subcommittee on Cities released *In From the Margins: A Call to Action on Poverty, Housing and Homelessness*.

16. All of the recommendations of this extensive report are based on the premise that social policy in Canada should help lift people out of poverty. Specifically, it recommends that: (a) measures be put in place so that anyone receiving social assistance will have an income that is at least at the level of the after-tax LICO; (b) a basic income be established for people with "severe" disabilities; (c) the federal government coordinate a nationwide initiative on early childhood learning; (d) tax credits such as the National Child Benefit and the Working Income Tax Benefit be enhanced; and that, (e) all levels of government collaborate in the development of national housing and homelessness strategy with specific targets and funding for urban Aboriginal peoples.

17. One year later, in November 2010, the HUMA Committee released its study *Federal Poverty Reduction Plan: Working in Partnership Towards Reducing Poverty in Canada*.

18. The foundational recommendation calls on the federal government to: "Immediately commit to a federal action plan to reduce poverty in Canada that ... incorporate[s] a human rights framework and provide[s] for consultations with the provincial and territorial governments, Aboriginal governments and organizations, the public and private sector, and people living in poverty, as needed, to ensure an improvement in lives of impoverished people."

19. The report further recommends that the federal government: (a) increase the annual amount of the Canada Child Tax Benefit; (b) create a national public child care system; (c) create a federal basic income program for persons with disabilities; (d) increase and index the Guaranteed Income Supplement for seniors; (e) provide major help for Aboriginal peoples; and, (f) develop a comprehensive, long-term national housing strategy.

20. These clear, actionable proposals, if implemented, would fundamentally shift the socio-economic condition of Canada's most vulnerable citizens. Instead, the federal government rejected the recommendations presented, arguing that a focus on economic growth would remedy the situation.

21. Fortunately, however, poverty and respect for human rights are not partisan issues. Parliamentarians from all of Canada's major political parties supported at least some of the recommendations contained in the two poverty studies.

22. Then, in June 2012, government and opposition members in the House of Commons joined forces to pass a motion that signalled a tentative step towards action on the 2009 UPR recommendation that Canada "continue to address socio-economic disparities and inequalities that persist across the country."

23. According to this motion, the Standing Committee on Finance has been instructed to undertake a study on income inequality that includes: "(i) a review of Canada's federal and provincial systems of personal income taxation and income supports, (ii) an examination of best practices that reduce income inequality and improve GDP per capita, (iii) the identification of any significant gaps in the

federal system of taxation and income support that contribute to income inequality, as well as any significant disincentives to paid work in the formal economy that may exist as part of a ‘welfare trap,’ (iv) recommendations on how best to improve the equality of opportunity and prosperity for all Canadians; and that the Committee report its findings to the House within one year of the adoption of this motion.”

24. Also in June of this year, over 40 Parliamentarians came together to launch the All-Party Anti-Poverty Caucus (APC), through which they, along with civil society organizations, community leaders, researchers, and other key stakeholders will work together to find concrete solutions for reducing poverty.

25. While Canada has fallen short on action to address poverty, these developments signal a growing awareness that things need to be done differently, and that collaborative work will significantly improve the human rights situation in Canada.

Indigenous Rights

26. The 2009 *Report of the Working Group on the Universal Periodic Review of Canada* contained several recommendations related to the economic, social, and cultural rights, poverty, and the general welfare of Indigenous people.

27. Despite its initial rejection, the Government of Canada officially endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) on November 12, 2010. Aboriginal groups and civil society greeted this move with cautious enthusiasm, but noted that the endorsement was merely a starting point. They are still waiting for implementation.

Four issues are of particular concern.

28. *Participation*. The Declaration “outlaws discrimination against Indigenous peoples, promotes their full and effective participation in all matters that concern them, as well as their right to remain distinct and to pursue their own visions of economic and social development.” It is built on the principle of free, prior, and informed consent, whereby Indigenous peoples have the right to grant or withhold approval of actions which affect them.

29. *Poverty*. Poverty is a systemic problem in Aboriginal communities across the country. Life on reserve³ is often characterized by isolation, poor housing, crumbling infrastructure, and extremely limited access to education and employment. At the same time, according to the Survey of Labour

³ Aboriginal Affairs and Development Canada defines a “reserve” as, “land set apart and designated as a reserve for the use and occupancy of an Indian (sic) group or band.”

and Income Dynamics, the rate of poverty among Aboriginal peoples living *off* reserve was 15.2 percent in 2010, compared to nine percent for all of Canada.⁴

30. *Water*. The number of First Nations reserves under boil water advisories has remained consistently high for many years with little improvement. Lacking access to clean, potable water is without question a violation of security of person (a right recognized in both the *Canadian Charter of Rights and Freedoms* and UNDRIP), and implementation of the Declaration must respond to this growing crisis.
31. Legislation currently before the Senate of Canada, titled the *Safe Drinking Water for First Nations Act* (Bill S-8) would hold First Nations governments responsible for the quality of drinking water in their communities. It would not, however, address the current funding gap that prohibits many of the necessary improvements. Nor would it address the lack of training and management capacity that impedes a resolution to the problem.
32. *Education*. Funding for schools on reserves is a federal responsibility, yet First Nations' schools on reserves receive \$2000-3000 less per child per year than non-Aboriginal schools. Implementing the Declaration would involve addressing this funding gap.
33. In the north, where the median age of Canada's Inuit population is 22 years, the national Inuit organization reports that roughly 75 percent of Inuit children do not complete high school. UNDRIP implementation would mean putting in place policies such as the *National Strategy on Inuit Education*, developed by and for Canada's Inuit with strong emphasis on traditional culture, to improve education outcomes for Inuit children. It would mean truly following through on a declaration which recognizes "the right of Indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children."
34. The federal government can ensure that the Declaration comes alive for all Canadian citizens, particularly our First Peoples.

Affordable and Adequate Housing

35. The *UN Special Rapporteur on Adequate Housing* stated that Canada's housing situation qualifies as a national emergency: many Canadians face dual challenges of both the rising costs of housing and insufficient income. One and a half million households are in core housing need; close to 25 percent of Canadians are required to pay more than they can afford for housing or depend on subsidized housing; and 1.3 million households report the need for major repairs. According to the Wellesley

⁴ The Survey on Labour and Income Dynamics is not fielded on Aboriginal reserves. Given the concentration of poverty on reserves, these off-reserve poverty figures understate the extent of Aboriginal poverty in Canada. The most recent Census figures for 2005 show a higher proportion of Aboriginal families and unattached individuals are poor: 18.7 percent and 42.8 percent, respectively.

Institute, a Toronto-based non-profit research and policy institute, by 2013 overall federal spending on housing programs will have dropped 18 percent since 1989 and the Affordable Housing Initiative (a multilateral housing framework agreed to by federal, provincial and territorial representatives in 2001) will plummet from \$164 million in 2009 to \$1 million. This has resulted in crisis management and short-term solutions rather than long-term, sustainable measures.

36. We believe housing is a fundamental human right: a failure to safeguard this right is a failure to safeguard the value and dignity of every person. The visit and report of the *UN Special Rapporteur* has yet to be acted upon meaningfully by Canada.
37. A viable opportunity to provide this much needed attention and establish a national housing strategy is currently before Canada's parliament. Bill C-400, the *Affordable Housing Act*, would mandate the establishment of a "housing strategy designed to respect, protect, mandate and fulfill the right to adequate housing as guaranteed under international human rights treaties ratified by Canada." The Bill requires the federal government to work with provinces and municipalities to develop targets and timelines for the elimination of homelessness.
38. By recognizing that poverty is a root cause of housing insecurity and creates social exclusion by denying people access to adequate housing, we believe Bill C-400 is a core element of a comprehensive poverty elimination plan, and as such, an essential part of Canada's obligation to uphold the rights of its citizens.

Best Practices

39. Anti-poverty strategies have been used successfully in other countries to significantly lower poverty rates. The more successful strategies contain key elements that can serve as best practices for government to reduce poverty: long-term approach; focus on prevention; measurable targets and timelines; sufficient financial investment; extensive consultation; coordination within and across governments and other partners; and accountability mechanisms (such as legislation, mandatory reporting).
40. Without a comprehensive strategy, policies to combat poverty suffer from lack of coordination and overall coherence. This makes it difficult for people to transition from social assistance programs to paid employment. There is also no accountability for the lack of progress on poverty.
41. The risk of poverty is now much greater among unattached individuals compared to persons living in families than it was in the 1980s and 1990s. Our research shows that among poor unattached individuals, those under age 65 now make up the largest share. Effective income security programs have been essential in tackling historically high rates of poverty among Canada's seniors and have begun to improve the situation of children. By contrast, income supports for working-age Canadians – and unattached individuals in particular – have weakened since the 1990s, and now provide less support to the disadvantaged than they did in the past.

Recommendations

42. The Government of Canada should act on the recommendations put forward by the Senate Subcommittee on Cities and the House of Commons HUMA Committee and put into action a national poverty elimination strategy that incorporates a human rights framework; is supported by a legislative commitment to promoting social development; addresses key areas of social well-being (such as income supports, early learning and childcare and housing); and includes a long-term vision with targets and timelines, an action plan and a budget, accountability measures, and poverty indicators.
43. The federal government should implement commitments made through the adoption of the *United Nations Declaration on the Rights of Indigenous Peoples*, developing more participatory and partnership-based approaches to working together, increasing funding to Aboriginal people for housing, education, and social services (including elimination of the two percent cap on federal education funding), and addressing the clean water crises in First Nations communities.
44. The federal government should uphold economic, social, and cultural rights by passing into law an Act to ensure secure, adequate, accessible, and affordable housing for Canadians (such as the House of Commons' Bill C-400, the *Affordable Housing Act*), which mandates the federal government to have a strategy on housing and the elimination of homelessness that references the *International Covenant on Economic, Social, and Cultural Rights*, recognizes and requires the enforcement of the right to adequate housing, and is subject to periodic evaluation, amendment and renewal.