

## Towards Economic Justice for all Canadians

submitted for consideration at the 16th session of Universal Period Review Working Group  
(May/June 2013) related to Canada's fulfillment of human rights commitments

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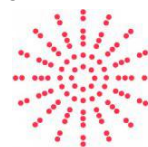


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## A. Executive Summary

It is our pleasure to submit this report to the UN Human Rights Committee. In addition to the organizations named above, several dedicated individuals also contributed their time and expertise; we wish to particularly thank the John Humphrey Centre for Peace and Human Rights for facilitating the process and encouraging input from NGOs. Our report provides evidence of Canada's record and progress on **economic justice** from our collective knowledge of years working in research, policy, academia, and service delivery in the non-profit sector. The report captures the following: general information about Canada's Human Rights record and the current climate for NGOs; Canada's record on economic rights with emphasis on stagnant poverty rates and growing income inequality; economic rights for Aboriginal women; economic rights and the connection to food security; and economic rights as they relate to employment. Public consultation and free expression lay the groundwork for NGOs to advance human rights and economic justice in Canada, so we begin with this context.

### Public Consultation

1. In the March 2009 Universal Periodic Review of Canada final report (A/HRC/11/17) Canada committed to additional consultations with civil society, in line with UN Human Rights Council resolution 16/21. The Calgary Working Group applauds Canada's stated commitment to civil society involvement but implementation remains problematic.

### RECOMMENDATION:

- That the Government of Canada proactively promotes and trains civil society on the Universal Periodic Review process and sets targets for participation.

### Canada's Human Rights Record

2. At a Universal Periodic Review (UPR) meeting 3 February 2009, the Deputy Minister of Justice spoke of "opening [country] human rights records to scrutiny, domestically and internationally," a statement which the Calgary Working Group strongly supports.

3. The UN Special Rapporteur on the Right to Food, Olivier De Schutter, noted in 2012 that Canada has an "appallingly poor" record of taking recommendations from UN human-rights bodies seriously. Canada's Minister of Immigration's response bears him out. "I think this is completely ridiculous.... we believe that the UN should focus on development in countries where people are starving and we think it's simply a waste of resources to come to Canada to give them political lecturing." Also Canada's Health Minister called De Schutter "ill informed" and "patronizing."

4. Further, the UN Committee Against Torture 2012 report contended Canada was complicit in torture and human rights violations in post 9-11 detentions and in the Afghan combat mission, and ill-treatment in Guantanamo Bay prison. The reply from the Public Safety minister's office: "In times when there are serious concerns regarding

human rights violations across the world, it is disappointing that the UN would spend its time decrying Canada.” If torture is not a serious concern, then what is?

RECOMMENDATION:

- That the Government of Canada opens our human rights track record to scrutiny and treats concerns seriously.

*Freedom of Opinion and Expression – a “chill effect”*

5. Robust critical thinking, critique, and exchange of diverse ideas and opinions contribute to reinforcing the right to freedom of opinion and expression (UDHR Article 19), a strong human rights framework for all Canadians, and to strengthening our democracy.

6. In the past year, comments from some federal ministers have left NGOs uncomfortable expressing dissent for fear of jeopardizing funding. For example, one minister alleged some Canadian environmental NGOs are significantly influenced and funded by foreign sources. In fact, analysis by the Canadian Press showed that of 10 charitable organizations receiving the most foreign funding, only one could be considered environmental.

7. The Government increased funding to Canada Revenue Agency to investigate NGOs for suspected breaches by Charities that exceed Canadian advocacy rules, and for those that accept foreign donations. Whether or not there is political influence in the charitable audits, there is a perception of targeting environmental NGOs. This change can be expected to have a chilling effect on freedom of opinion and expression.

RECOMMENDATIONS:

- That the Government of Canada takes steps to create an open climate for dissent on human rights and other issues.
- That the Government of Canada ensure that NGOs are not prevented from or penalized for exercising their right to freedom of expression.

**B. Economic Rights and Canada’s Record**

8. The last United Nations’ Universal Periodic Review noted that Canada’s poverty rate was approximately 10.6%. Since this time, poverty rates have not improved and remain at about the same level.

9. In the recent budget, Canada cut funding for several research organizations that explore a variety of issues, including economic justice, such as the National Council of Welfare. We are concerned these budgetary changes have the potential to create barriers for groups who help to decrease poverty, and to limit the ability of civil society to advocate for economic rights.

10. Poverty among persons in female lone parent families remains high, at about 1 in 5 (21%) persons in this subgroup. This reduced from a rate of 1 in 3 in 2006, largely due to direct financial transfers through the Child Tax Benefit to families with children.
11. Racialized poverty in Canada is double that of the Canadian average with 2 in 10 visible minorities living in poverty. This group accounts for 1/3<sup>rd</sup> of those living in poverty. Poverty rates among Aboriginal populations and newcomers to Canada are significantly higher than in the general population.
12. On a more positive note, the rate for poverty of seniors is lower than the national average and about 1 in 20 people over the age of 65 live in poverty. The lower rates in this subpopulation are likely a result of the income transfer programs for seniors, such as the Guaranteed Income Supplement. However, the Government of Canada increased the age of retirement from 65 to 67 without any public consultation, which will come into effect in 2023 and raises concerns about future poverty levels.
13. In comparison to other developed countries, our seniors fare better than average however our child poverty rates are worse. The Canadian Government spends three times as much on elderly benefits than it does on children. “There is no excuse not to apply the same determination to reduce child poverty as we have for our elderly” (UNICEF Report Card 10: Child Poverty).
14. In addition to poverty, an increasing concern in Canada is growing inequality with The Conference Board of Canada noting an increased GINI rate (measure of inequality) over that last several years. Those in the highest income groups experienced far greater income increases than did those living in the lowest income groups, resulting in a growing gap between rich and poor in Canada and decreased social mobility for the lowest income groups.
15. The growing income gap is regionalized within Canada. Even though Alberta experiences the highest average incomes, it experiences the greatest degree of economic disparity – highlighting the growing segmentation of Canada’s populations. Canada’s northern territories also experience far higher degrees of poverty than the rest of Canada; Nunavut, which has a large Aboriginal population, has the largest degree of poverty.
16. Poverty is becoming increasingly ghettoized in Canada. For example, in large cities, such as Calgary or Toronto, there is a significantly different income level depending on the area of the city in which a person lives. This combined with racialization of poverty means that some neighbourhoods are becoming increasingly ghettoized in Canada and not all neighbourhoods are experiencing Canada’s economic prosperity equally.
17. Jurisdictional issues present a major obstacle to overcoming poverty in Canada. The Government of Canada has clearly stated that it will not pursue a national strategy to reduce poverty as it has been deemed provincial responsibility. British Columbia and

Saskatchewan are the last two provinces that have not committed to poverty reduction strategies. At the time of this report, Alberta has committed to a strategy, but no legislation or strategy has been enacted. Many municipalities have committed to poverty reduction plans.

18. For poverty reduction plans that do exist, success measures very often do not seriously address the issue of poverty. Plans often read as political communication documents rather than serious attempts to eliminate disparity in the country. For example, there is no consistent plan across regions of Canada to eliminate food banks, to address income disparity, to eliminate child poverty, and to address poverty in subpopulations.

19. The “10 year plan to eliminate homelessness,” arising in Alberta has been noted as a promising approach to eliminate homelessness. However, the plan has some limitations. The reduction in homeless numbers also corresponds to the end of an economic boom and a period of economic slowdown in the city, when far fewer people moved to the city and others moved away. The 10 year plan has fostered collaboration in the province but may have had almost no effect on the overall homeless rate, especially for the Aboriginal population, and there has been very little permanent changes in societal structures. Housing costs remain high and vacancy rates very low in the city and as another boom is predicted to occur, the homeless rate is again predicted to increase.

20. Educational access, which is often noted as very important in helping economic social mobility, is becoming restricted in Canada. Protests in Quebec have marked increases in tuition. Average student debt has increased significantly over the past decade and in some programs student groups are reporting common experiences of students graduating with mortgage-sized loans. Graduating students are in poor positions to achieve social mobility with reduced possibility of higher educational access. Among Aboriginal Peoples, more than 1 in 10 do not graduate high school and for Aboriginals off reserve, the drop out rate is more than double the national average.

21. The last residential school closed in 1996 but education for First Nations’ children on reserves has not been adequately supported. A “First Nations child’s education [on reserve] is funded between \$2000 to \$3000 less than another child in a nearby provincial school”. As well, there is no federal funding for libraries, computers, extracurricular activities, data management, language or the development of culturally appropriate curricula.

22. Aboriginal people have lower incomes, enjoy fewer promotions in the workplace and remain, as a group, the poorest in Canada. Thus, the living standard of Aboriginal peoples in Canada continues to fall short and there are ongoing barriers in gaining equality. The impact of this inequality is that Aboriginal people experience lower life expectancy, fewer high school graduates, higher unemployment, almost twice as many infant deaths and disproportionately spend more time in prison.

## RECOMMENDATIONS:

- That the Government of Canada make a commitment to ECOSOC (Part 2) and take leadership in developing a comprehensive national plan with minimum standards and measurable goals across all provinces to eliminate poverty and disparity through a collaborative process.
- That the Government of Canada ensures concrete and measurable steps are taken to strengthen social mobility and in particular, to address minority populations that are increasingly disparate from the rest of the population.
- That the Government of Canada addresses weaknesses in the social safety net of Canadians including reforms such as guaranteed income programs that have worked so well for Canadian seniors.

### **C. Aboriginal Women and Economic Justice**

23. The high rates of violence in Aboriginal communities are linked to systemic discrimination, economic and social deprivation, substance abuse, the intergenerational cycle of violence and colonization. Aboriginal women in Canada face an extraordinarily high risk of violence, are over-represented in prisons, and experience significant gaps in how police record and share information about violent crimes. There is also a lack of shelters specifically for Aboriginal women. Gender based violence impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. For all of these reasons, there are systemic barriers to equitable access to economic, social, cultural and political opportunities for Aboriginal women.

24. Aboriginal women and girls are more likely to live below the poverty line, are more likely to be homeless, and more likely to engage in prostitution. Aboriginal women aged 25-44 are five times more likely than other Canadian women of the same age to die of violence, and more than 520 Aboriginal women have gone missing or been murdered in Canada.

25. Canada does not have a national plan to address the root causes and remedy the consequences of the violence against Aboriginal women and girls. The response from the federal, provincial and territorial governments remains inadequate, weak and un-coordinated.

26. *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women* is the only international human rights treaty dealing specifically with the issues of violence against women and Canada has not yet ratified the treaty. Ratification of this treaty would strengthen the legal and institutional framework for protecting Indigenous women in Canada

27. *The Constitution Act, 1867*, gives the federal government exclusive law-making authority over “Indians, and Lands reserved for Indians”. This means that provincial and territorial matrimonial property laws do not apply on reserve upon the breakdown of relationships. Because they cannot rely on provincial laws, Aboriginal women and children are left with no legal claim to occupy the family residence. This increases

women's vulnerability to homelessness and reduces the probability of economic self-sufficiency.

28. The Canadian *Indian Act* creates a wide variety of barriers to fulfill the economic rights of Aboriginal people. It disproportionately harms Aboriginal women in particular.

#### RECOMMENDATIONS:

- That the Government of Canada reassesses the interpretation of Aboriginal rights to ensure extension of real property rights to Aboriginal people.
- That the Government of Canada works collaboratively with First Nations to eliminate the discriminatory and harmful *Indian Act* to ensure that Aboriginal Peoples living on reserve have equal rights to other Canadians concerning self-determination on their land.
- That the Government of Canada develops a national plan with measurable outcomes to address violence against Aboriginal women and the root causes.
- That the Government of Canada ratifies the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*.

### **D. Food Security and Economic Justice**

29. Food insecurity is tied to poverty and thus stresses the critical need for a national poverty reduction strategy.

30. Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe, healthy and nutritious food to meet their dietary needs and food preferences for an active and healthy life. Food insecurity is defined by the Canadian government as "the inability to acquire or consume an adequate diet quality or sufficient quantity of food in socially acceptable ways, or the uncertainty that one will be able to do so."

31. Food insecurity has a profound impact on physical and mental health. It leads to poorer health and oral health, greater stress, and greater likelihood of multiple chronic conditions (including diabetes, cardiovascular disease, hypertension, and depression). Chronic exposure to household food insecurity has lasting effects on children's health, increasing the likelihood of them developing several chronic health conditions. Food insecurity can impact children's ability to succeed in school, to fully develop their skills and abilities and later to participate fully in the economy and in society.

32. The UN Special Rapporteur on the Right to Food, Olivier De Schutter, report on Canada in May 2012 states that 900,000 households and 2.5 million people in Canada are too poor to afford adequate diets. Food insecurity in Canada is a serious problem that results primarily from poverty: Aboriginal people, women led single parent families, persons who experience disability and new immigrants face the greatest challenges.

33. Statistics for the Calgary Interfaith Food Bank's fiscal year of September 1, 2010 to August 31, 2011 revealed that 146,947 Calgarians received food from the Emergency Food Hamper Program and visits had increased by 70% since the start of the recession. Thirty three percent of households requesting a food hamper had at least one employed

person and 42% of hamper recipients were children. There is a 59.7% food insecurity prevalence rate for those on social assistance at the national level. The rate for Alberta during this same time period was 84.0%.

34. Responses to food insecurity in Canada have to date been local voluntary initiatives such as food banks, school food programs, emergency hampers and meal programs which are centered on the provision of food charity. The national network of food banks, Food Banks Canada, reported that 851,014 Canadians (2.4% of the total population) received food assistance through their member agencies in March 2011. This is an underestimate of the true extent of charitable food assistance as an increasing number of agencies outside the food bank system offer food assistance in an effort to address their clients' unmet food needs.

35. Despite all these efforts many people go without adequate and nutritious food. We agree with experts that there is no evidence that voluntary, charitable efforts can effectively address food insecurity problems.

36. A significant number of First Nations, Métis and Inuit people still live off the land for survival. Chief Cameron Alexis made a presentation in Geneva to the UN's Committee on the Elimination of Racial Discrimination. The presentation was on how Canada failed to implement the UN *Declaration on the Rights of Indigenous Peoples*, which contains fundamental requirements on food, health and education, and use of traditional resources and land areas.

37. Chief Alexis states that while DeSchutter called on the federal government to fulfill its policy to consult meaningfully, the Alberta provincial government has policies which are impacting First Nations treaty rights, such as the Public Lands and Administration Regulations which require First Nations people to ask Environment and Sustainable Resource Development for an extension if they wish to spend more than 14 days on the land. This time limit affects the amount of hunting, fishing or trapping that can be done.

#### RECOMMENDATION:

- That the Government of Canada develops a comprehensive plan and measurable steps to eliminate food insecurity in Canada, which ensures that charitable responses are not relied upon.

### **E. Employment and Economic Justice**

38. Employment is more than just a job; it is about a person's dignity and livelihood. There are systemic barriers in Canada to employment that prohibit social mobility. For example, if one is Aboriginal, from a rural community, a foreign temporary worker, or competing for jobs in a field that is becoming heavily reliant on foreign labour, a new immigrant or a person living with a disability, opportunities for social mobility are limited.



39. Aboriginal communities are often ignored as potential sources of labour in Canada. Particularly on reserves, which are far from major employment centres, remote, and have little access to major markets. To obtain work, many Aboriginal people must leave reserves because access to markets and resources are generally greater in urban centres. Once they leave, Aboriginal people lose many of their on-reserve rights and resources.

40. Since the 2008 economic downturn, employment rates for Aboriginal people were lower and occurred over a longer period than in the national workforce. One important factor in the greater unemployment levels for Aboriginal people is a lower level of post secondary educational attainment than other populations. Unemployment levels are compounded by limited access to higher education, especially for those living in remote areas on-reserves.

41. Canadians living in rural/remote communities differ from those in urban areas in several ways. They generally earn lower incomes and there is less access to the infrastructure Canadians living in urban locations take for granted, including educational facilities, reliable year-round transportation links, high-speed Internet, and basic amenities such as a reliable supply of clean water and adequate health care. This infrastructure is particularly lacking in Aboriginal communities.

42. Despite many regions of Canada having high unemployment, there is an increasing reliance on Temporary Foreign Workers (TFWs) to fill jobs. Temporary labour migration has been growing rapidly for the last seven years in all provinces in Canada showing historical numbers in 2008 when the number of temporary workers entering and present in the country surpassed the number of permanent residents arriving to Canada. According to the Citizenship and Immigration Canada (CIC), there were 432,682 TFWs living and working in Canada in 2010, a 143% increase in 10 years and a 93% increase in five years.

43. Following numerous recommendations, as of April 1, 2011, new regulatory changes to the TFW program were introduced by the Government of Canada including the assessment of the genuineness of a job offer; additional assessment requirements for the employers under the Live-In Caregiver Program; introduction of a new assessment of an employer's two year history in regards to the terms of past job offers including wages, working conditions and occupation; and a four-year cumulative duration that limits the time a TFW can work in Canada following a four-year ineligibility.

44. In an effort to address exploitation of temporary foreign workers, the Alberta government has also toughened the rules for their protection. New regulations for employment agencies come into effect September 1, 2012 including compulsory registration with the Government of Alberta, maintaining full record of their recruitment activities.

45. In spite of these positive changes in regulations, many issues of TFWs remain the same. The restrictive nature of the work permit is significantly limiting TFWs'

employment rights and protections because workers are tied to one job, to one employer and even to one location. TFWs do not have the same mobility rights, ability to quit and to find a work elsewhere. They typically receive lower wages for similar work than other Canadians. As a result, TFWs are at a high risk of exploitation in Canada.

47. In June 2012, applications for a federal skilled worker program were paused for six months in Canada to enhance the immigration system, eliminate backlog, and improve newcomers' experience after arrival. In spite of this short moratorium, Canada continued to openly compete in a world market for professional workers and the number of immigrants landed in Alberta increased by approximately 58% from 2006 to 2010. In this environment, immigrants move to Canada with very high expectations and hopes but often face barriers to full employment.

48. Four years after landing, the unemployment rate for newcomers was 19% nationally and 13% in Alberta with less than half of the employed newcomers working in their corresponding professional field.

49. Lack of work experience in Canada, problems with recognition of foreign experience and credentials, language barriers, lack of understanding of Canadian corporate culture are the main barriers to employment identified by newcomers four years after landing. Recognition of foreign education and credentials and related inter-provincial discrepancies remain challenging issues in Canada. There are no consistent national standards for regulated professions for how they recognize the credentials of immigrants and refugees and allow them to continue their profession in Canada.

50. Even though Alberta, and Calgary specifically, demonstrated the best labour market outcomes and the lowest unemployment rate among newcomers during the first four years, immigrants from the Middle East, Asia, and Africa show more challenges with employment. In addition, the salary levels are lower among immigrants while part-time and temporary employment and over-qualification are higher. Finally, immigrants experience greater rates of poverty and are less likely to catch up with average Canadian workers, even over two or more generations.

51. Canadians have the right to unionize and strike. Section 2(d) of the *Canadian Charter of Rights and Freedoms* gives every Canadian the right to freedom of association. However, these rights do not seem to be guaranteed. To illustrate this point, one need not look much further than recent federal and provincial "back-to-work" laws that have prohibited workers from striking and forced them to resume their work. British Columbia (BC)'s Education Improvement Act, for instance, adopted in March of 2012, prohibits BC education boards from permitting teacher lock-outs and prohibits teachers from striking. In February of 2012, there was an Alberta Cabinet Emergency Declaration ordering Alberta teachers to resume work after engaging in strikes. The federal government has adopted three "back-to-work" laws, since 2011, prohibiting strikes and forcing Air Canada (C-33), rail service (C-39, and postal service (C-6) employees back to work. The fact that federal and provincial governments have

adopted these “back-to-work” laws and that these laws have not been determined by courts to be unconstitutional shows that there is no guaranteed right to strike in Canada.

**RECOMMENDATIONS:**

- That the Government of Canada ensures all workers are protected and have fundamental rights.
- That the Government of Canada upholds the constitutional right to freedom of association and thus to form unions and strike.
- That the Government of Canada sets measurable goals to utilize internal labour sources in low unemployment areas including Aboriginal communities.
- That the Government of Canada address barriers to the right to work (ICESCR Article 6) of newcomers, through the development and implementation of professional national standards.