



SOME KEY RECOMMENDATIONS FOR CANADA'S UPCOMING UPR 3rd Cycle

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The UPR Third Cycle is to prioritise implementation. Canada's upcoming UPR on May 11th provides an important opportunity to encourage Canada to make real progress in areas that have been longstanding concerns of UN treaty monitoring bodies: addressing the failure of past governments address unacceptable levels of homelessness, hunger and poverty in so affluent a country as human rights issues. The following recommendations are designed to encourage a meaningful exchange with Canada about how upcoming policy and legislation initiatives can make a real difference to the implementation of international human rights obligations.

1) Right to Housing

235,000 people are homeless annually in Canada, leading to severe health consequences and deaths in such a cold climate. The majority of homeless people on the streets have mental health disabilities and lack access to housing and supports, while an increasing number of families with children are living in over-crowded and inadequate homeless shelters. Homeless people are criminalized in most cities and provinces, accumulating thousands of dollars in fines for sleeping in public places or begging. The homelessness crisis in Canada has been identified by United Nations Special Rapporteurs as well as UN treaty bodies as a serious crisis. The UN Human Rights Committee has emphasized the positive measures are necessary to address homelessness in Canada in order to protect the right to life.

The CESCR has repeatedly recommended that Canada "develop and effectively implement a human-rights based national strategy." (The UN Special Rapporteur made the same recommendation after his mission to Canada in 2008. At long last, in 2017, the government announced that it would adopt a human rights-based National Housing Strategy. It is uncertain, however, whether the strategy will fully recognize the right to

housing or comply with Canada's international human rights obligations. A strong recommendation under the UPR could be important to encourage this.

Recommendation for Right to Housing

Welcome Canada's commitment to introducing legislation to implement the right to housing through [a rights-based national housing strategy](#). We recommend that Canada ensure that the legislation implementing the national housing strategy fully recognizes the right to housing and provide for effective remedies for violations of the right; that it include all elements of the checklist for rights-based housing strategies provided by the Special Rapporteur on the Right to Housing in her 2018 report to Human Rights Council ([A/HRC/37/53](#)); and that it ensure the Canada meets all targets under Agenda 2030 for Sustainable Development.

2) Rights-Based Anti-Poverty Strategy

4.8 million people are living in poverty in Canada, including 1.2 million children. Marginalized communities experience poverty disproportionately, particularly Indigenous peoples, racial minorities, persons with disabilities, and youth. Federal government social spending is at its lowest level since 1949. In 2017 it was 14.6% of GDP. The top 1% of earners pay a lower share of their income in tax than the poorest 10% and income inequality has substantially increased.

Recommendation on Anti-Poverty Strategy

Recommend that Canada implement the recommendation from the CESCR in 2016 that "in collaboration with provinces, territories, and indigenous peoples and consultation with civil society organizations, implement a human-rights based national anti-poverty strategy, which includes measureable goals and timelines as well as independent monitoring and accountability mechanisms. ... and ensure that provinces and territories' anti-poverty policies are human-rights based and aligned with the National Strategy." Recommend that Canada ensure that its anti-poverty strategy commits to the targets in Agenda 2030.

3) Right to Food

A shocking 3.2 million individuals experience some level of food insecurity in Canada, with 850,000 using food banks each month. This food insecurity is significantly more pronounced in Northern and Indigenous communities, with 62% of Northern households and 7 out of 10 Inuit households with young children living with food insecurity. The CESCR in 2016 urged Canada to adopt the [recommendations](#) of the Special Rapporteur on the right to food following his mission to Canada. have expressed strong concerns about the level of hunger in Canada and both have recommended the adoption of a national food policy recognizing the right to food clarifying the responsibilities of all levels of government.

A [Food Policy for Canada](#) is currently being prepared and a parliamentary committee conducted consultations and hearings. Based on these the Parliamentary Committee has recommended in its [report](#) that “the right to food absolutely must be at the heart of the food policy.” However, the Canadian Government has not firmly committed to implementing this recommendation.

Recommendation for Right to Food

We welcome Canada’s announcement of a food policy for Canada and the recognition by a [Parliamentary Committee](#) after it held consultations that “the right to food absolutely must be at the heart of the food policy...” We recommend that Canada ensure that its policy follows the recommendations of the CESCR in 2016 and the [UN Special Rapporteur on the Right to Food](#) following his 2012 mission to Canada to adopt a national strategy based on the recognition of the right to food and ensuring access to effective remedies. We recommend that the new policy include timelines and benchmarks consistent with the 2030 Agenda, developed and monitored in consultation with communities most impacted by food insecurity, including Indigenous communities.

4) Domestic Implementation and Effective Remedies

The Canadian Charter of Rights and Freedoms does not enumerate economic, social and cultural rights specifically, but the Supreme Court of Canada has affirmed that these rights should be interpreted so as to provide protection of international human rights. Rights to life, to security of the person and to equality in the Charter are particularly important.

However, treaty bodies have expressed concern that instead of promoting these interpretations, the federal government and provincial governments have urged courts NOT to interpret rights in the Canadian charter to life, security of the person and

equality so as to provide remedies to homelessness, hunger or poverty. Prime Minister Trudeau wrote a "[mandate letter](#)" to the Minister of Justice when she was appointed, instructing her to review the positions the government is taking in litigation to ensure that they are promoting Canadian values. There has been no change to date in the government's practice.

Recommendation on Implementation and Effective Remedies

Welcome the Prime Minister of Canada's commitment to review positions taken in litigation for consistency with Canadian values. Recommend that this review ensure that the Government of Canada stops opposing effective systemic remedies to homelessness, hunger and poverty under the Canadian Charter and instead recognizes the interdependence of economic, social and cultural rights so as to ensure the equal enjoyment of the right to life, security of the person and equality under the Charter.

5) Rights of Persons with Disabilities

People with disabilities are severely affected by poverty and homelessness in Canada. Upwards of 90% of homeless persons suffer from mental health disabilities. Canada has ratified the CRPD and is considering ratifying the OP-CRPD but it has not identified an institution to oversee implementation under article 33 of the CRPD and has not otherwise implemented the CRPD. A case is currently being considered by a human rights tribunal, in Nova Scotia in which people with disabilities who have been forced to live for many years in an institution because of excessive waiting lists for housing with supports in the community. The government of Nova Scotia is arguing that they have no right to housing or support services. National accessibility legislation is currently being drafted, but it is unclear whether the federal government will implement other aspects of the CRPD or rather limit it to accessible services and facilities.

Recommendation on Persons with Disabilities

Welcome Canada's commitment to working toward the ratification of the OP-CRPD and its commitment to intruding national legislation on accessibility. Recommend that federal and provincial/territorial governments recognize the economic, social and cultural rights of persons with disabilities as guaranteed under the CRPD; that the proposed accessibility legislation encompass all aspects of obligations under the CRPD and that Canada designate a mechanism pursuant to article 33(2) of the CRPD.

