

CANADA WITHOUT POVERTY
CANADA SANS PAUVRETÉ

Submission to the UN Committee on Economic, Social and Cultural Rights;
Consideration of the List of Issues related to the 7th Periodic Report of Canada

Submission by

Canada Without Poverty

With

Keepers of the Circle
Citizens for Public Justice
&
Dignity for All Campaign

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I. Introduction

1. **Canada Without Poverty (CWP)** – founded in 1972, is a leading national anti-poverty organization representing the voices of low-income people in Canada for over 40 years. CWP (formerly known as the National Anti-Poverty Organization) was the first NGO to undertake an oral presentation before the UN CESCR in 1993. With a pan-Canadian reach, Canada Without Poverty is often called upon by federal government committees and civil society to speak to poverty as it relates to various stages of the life-cycle and vulnerable demographic groups. Canada Without Poverty continues to promote the enforcement of economic and social rights as the fundamental basis for the relief of poverty and acts as a central resource point on ES rights in Canada.

2. **Citizens for Public Justice (CPJ)** - is a national, progressive organization of members who are inspired by faith to act for justice in Canadian public policy. CPJ promotes social and environmental justice in Canadian public policy, focusing on poverty in Canada, climate justice, and refugee rights. For more than 50 years, justice-oriented people of faith, along with churches and religious orders, have joined their voices as Citizens for Public Justice. Together, we're working towards a better Canada. Public justice is the political dimension of loving your neighbour, caring for creation, and achieving the common good. CPJ works to keep public justice front and centre in public policy debates.

3. **Keepers of the Circle**, is an Indigenous Hub situated in the District of Temiskaming in Northern Ontario. As the only urban, Indigenous Hub located in the region, Keepers of the Circle was selected by both Indigenous and non-Indigenous service providers as the lead agency of a district-wide, Indigenous-specific service delivery integration initiative. Keepers of the Circle delivers a broad range of culturally rooted programs and services which include: a) Early Learning and Child Care; b) EarlyON and Family Support; and c) Language and On-the-land Cultural Camps. The Kirkland Lake site houses a training centre that provides a pre-employment training program linked to industry jobs for Indigenous women across Northeastern Ontario, including the James Bay region.

4. **Dignity for All** - is a multi-partner, non-partisan campaign co-organized by Citizens for Public Justice and Canada Without Poverty with a vision to create a poverty-free and more socially secure and cohesive Canada. It represents 13,098 individuals and organizations across Canada

II. Poverty, unaffordable housing, homelessness, and food insecurity are significant problems in Canada, one of the richest countries in the world.

5. Poverty, inadequate housing, homelessness, and hunger are violations of the right to an adequate standard of living. All of these are of concern in Canada. The population of Canada is 37.59 million. According to the Census Family Low Income Measure, there are 5.8 million people living in poverty.[1]

[1] Citizens for Public Justice, Poverty Trends 2018. (2018, October). Retrieved from https://cpj.ca/poverty-trends-201

6. A recent study showed that 1.8 million people in Canada are living in unaffordable housing – spending more than 30 per cent of their income on rent or mortgage payments. 800,000 people are spending more than 50% of their incomes on housing. Approximately 235,000 people experience homelessness each year.[2]

7. The latest data from the 2015-2016 Canadian Community Health Survey (CCHS) demonstrate that household food insecurity remains a serious problem in Canada, with the worst situation being in Nunavut where more than 50.8% of households are food insecure. The rates are even more alarming when we look at the number of children in food insecure households, with at least 1 in 6 children living in a home that struggles to put food on the table.[3]

8. These facts stand in marked contrast with Canada's economic growth. Since 2017 within the G7 countries, Canada has either led or been second only to the US in terms of GDP growth. This makes any violations of socio-economic rights difficult to understand and explain - unless growth comes at the expense of the implementation of socio-economic rights for vulnerable populations. From this we deduce that the Government of Canada has failed to meet its obligation to take reasonable steps to the maximum of its available resources to ensure the enjoyment by the most disadvantaged of their economic, social and cultural rights, particularly the rights contained in Articles 2(2) and 11(1) of the ICESCR.

9. In this submission, CWP and partners highlight four critical areas of concern: (a) poverty (b) access to affordable housing (c) homelessness, and (d) food insecurity particularly in Northern Canada.

III. List of Issues

A. Issue #1: Poverty in Canada

10. In the ICESCR Committee's 2016 Concluding Observations, the ICESCR recommended that Canada:

    - Take all measures necessary to combat poverty more effectively while paying particular attention to groups and individuals who are more vulnerable to poverty;
    - Implement a human rights - based national anti- poverty strategy, which includes measurable goals and timelines, as well as independent monitoring mechanism; and,
    - Ensure that provinces and territories' anti -poverty policies are human rights - based and aligned with the national strategy.[4]

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[2] Gaetz, S., Dej, E., Richter, T., & Redman, M. (2016). *The State of Homelessness in Canada*. Canadian Observatory on Homelessness Press. Retrieved from https://homelesshub.ca/sites/default/files/SOHC16_final_20Oct2016.pdf

[3] Proof Food Insecurity Policy Research, Latest household food insecurity data now available. (2018, June 25). Retrieved from https://proof.utoronto.ca/new-data-available/

[4] United Nations. (2016, March 23). Concluding observations on the Sixth Periodic Report of Canada. Retrieved from

11. In 2018, after two and a half years of consultations, the Federal Government released Canada's first ever poverty reduction strategy, titled *Opportunity for All (*the *Strategy)* accompanied by the Poverty Reduction Act.

Positive Aspects

12. CWP and partners welcome the Federal Government's acknowledgement in legislation that poverty is a violation of human rights and dignity, and the establishment of an official method of measuring poverty in Canada.

13. CWP and partners also note that the *Strategy* has several notable features including:

- A statement that the *Strategy* adopts a human rights based approach
- Setting a measurable target to reduce poverty from Canada's 2015 levels by 20% by 2020, and 50% by 2030;
- Setting an official poverty measurement for Canada; and,[5]
- The Appointment of a National Advisory Council on Poverty

14. It is also notable that the *The Poverty Reduction Act* mentions in its preamble that reducing poverty will contribute to the Government meeting its obligations under the ICESCR and the SDGs. The legislation also embeds the poverty reduction targets, dates, the new poverty measure and the Advisory Council.

15. We note also, that the federal government has committed to developing a separate Market Basket Measure for the Northern region of Canada.

Concerns

i. Lack of a human rights claiming mechanism for people living in poverty

16. Despite these overtures toward recognizing that poverty is a violation of human rights, there is little indication that the Government understands what it means to implement the right to an adequate standard of living, as a human right. Neither the *Strategy* nor the Act provide for an individual or systemic complaints mechanism for claims regarding violations of the right to an adequate standard of living. There remains no obvious mechanism in the country to pursue remedies for such violations. The newly appointed Council can undertake consultations with those living in poverty, but it has an Advisory function only, and cannot mandate remedies. As a result, the Poverty Reduction Strategy cannot be considered human rights-based, as recommended by the CESCR in its last review of Canada.

17. Government officials have told representatives of CWP that the more robust human rights approach we expected with respect to the *Poverty Reduction Strategy* and *Act*

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http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW4yzVsFh%2Fjl1u%2Ft0KVExfQT6EfAENdSjJTaz3raPv3QWT3Y59q3zadXvBYMpLNW5%2FsveoBdxLZoVN%2Fzz31c7YEgqRm0DpoVivqHo2yN5iIam

[5] Social Development Canada. (2018, October 15). Government of Canada. Retrieved from https://www.canada.ca/en/employment-social-development/programs/poverty-reduction/reports/strategy.html

was being test-run through the National Housing Strategy and Act. Of course it is not clear to CWP how this assists a person living in poverty whose right to an adequate standard of living is violated as a result of insufficient social assistant rates, food precarity, or other non-housing related matters.

Questions:

- **How does the Government of Canada intend ensure that people living in poverty can bring forward human rights claims to address their poverty?**

ii. The Market Basket Measure (MBM) Cost Estimates Are Out of Date

18. While CWP welcomes the Government's establishment of a tool to measure poverty, we have concerns regarding the tool's accuracy. The Government has opted to use the "Market Basket Measure" (MBM), in order to provide "a regional snapshot of the estimated cost of a 'basket of goods' to meet the basic needs of a family of two adults and two school age children."[6]

19. The concern with the current MBM cost estimates is that the MBM thresholds have not been updated since 2008. However, Canadian housing prices and living costs have increased substantially in the last twelve years. As a result, the current thresholds remain incredibly outdated, making it easy to see how inaccurate these measurements are.[7]

20. In addition to the thresholds being out of date, the notion of what is considered a basic need has also evolved immensely since 2008. Currently, childcare, communications services, and information technology goods are not included in the "basket of goods" measurement, despite the fact that these elements are imperative to meet a family's basic needs.[8]

21. On March 17, 2019, the Canadian government announced the targets set out in the Strategy are on track to meet their 2020 timeline. This announcement was based on MBM measurements which indicated that poverty in the country decreased by 20% since 2015.[9] Considering the MBM thresholds have not been updated in the last twelve years, CWP believes the government's announcement was misleading and highly premature, and that poverty should only be measured in accordance with the most up-to-date cost estimates.

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[6] Biss, M. (2019, January 14). Why we need to fix Canada's new measure of poverty. Retrieved February 8, 2020, from https://policyoptions.irpp.org/magazines/december-2018/need-fix-canadas-new-measure-poverty/

[7] Lundy, M. (2019, September 15). Zero vacancies, sky-high rates: Inside Canada's rental housing crisis. Retrieved from https://www.theglobeandmail.com/business/economy/article-zero-vacancies-sky-high-rates-inside-canadas-rental-housing-crisis/

[8] Heisz, A. (2019, July 18). An Update on the Market Basket Measure; Comprehensive Review. Retrieved from https://www150.statcan.gc.ca/n1/pub/75f0002m/75f0002m2019009-eng.htm

[9] Social Development Canada. (2019, March 7). Canada reaches lowest poverty rate in history. Retrieved from https://www.canada.ca/en/employment-social-development/news/2019/03/canada-reaches-lowest-poverty-rate-in-history.html

22. The Canadian government has recognized that MBM will require frequent updating. Since September 2018, Canada's national statistical agency, Statistics Canada, has undertaken the consultation process of updating the MBM. However, they are using 2018 as the starting base year for Canada's MBM measurement, which means that the MBM will already be out-of-date by the time the updated tool is released.[10]

23. Another concern regarding the federal government's use of the MBM is that the Canadian Territories and the First Nations reserves are excluded from Canada's poverty counts, even though these communities predominantly made up of Indigenous peoples have the highest rates of poverty in the country.[11]

24. Given the shortcomings of the MBM, the MBM targets should be supplemented with specific targets and timelines attached to other indicators of poverty including the Low Income Measure which is more relevant because they are "much more strongly related to health status, child development, performance of risky behaviours, educational and occupational outcomes."[12]

Question:

- **In consideration of the spirit of the preamble and the Canada's obligations outlined within Article 11.1 of the ICESCR, will the Federal Government commit to updating the MBM Cost Estimates every two (2) years, to ensure the targets provided in the Poverty Reduction Strategy are measured accurately?**

- **In recognition of Canada's obligations under Article 15.1 to recognize the …right of everyone to take part in cultural life…[and] enjoy the benefits of scientific progress and its applications, will the Canadian Government commit to including information technology, communications services and communications devices to the basket of goods necessary for a family's basic needs as part of the MBM?**

- **Will the Government of Canada take the steps to ensure that the Territories and First Nation Reserves are included in Canada's poverty count?**

iii. The Poverty Reduction Goal falls short of Canada's obligations under the Convention

25. The Government's decision to take measures to *reduce* poverty rather than trying to *eliminate* it, suggests a failure on their part to recognize poverty is a violation of

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[10] Heisz, supra note 5

[11] Beedie, N., Macdonald, D., & Wilson, D. (2019). *Towards Justice: Tackling Indigenous Child Poverty in Canada*. Assembly of First Nations. Retrieved from https://www.afn.ca/wp-content/uploads/2019/07/Upstream_report_final_English_June-24-2019.pdf

[12] Campaign 2000. (2020). *2020: Setting the Stage for a Poverty-Free Canada Campaign 2000 Report Card on Child and Family Poverty in Canada*. Retrieved from https://campaign2000.ca/wp-content/uploads/2020/01/campaign-2000-report-setting-the-stage-for-a-poverty-free-canada-updated-january-24-2020.pdf

human rights. In a civil and political rights context, it would be regarded as absurd if a Government said it only intended to extend human rights to a portion of a population suffering human rights violations. For example, it would be difficult for a government to escape human rights criticism were it to declare that it was committing to reducing by half the number of people who suffer cruel and inhumane treatment. And yet in the area of poverty, committing to halving the numbers of people living in poverty is considered a victory.

26. Canada is the 10th largest economy in the world and is one of the top performing economies in the G7 group of countries. And yet both income and wealth inequality continue to grow in Canada.[13] The onus is on the Government of Canada to demonstrate that it is spending the maximum of available resources to ensure the eradication of poverty.

iv. Social assistance and minimum wage are set at rates that entrench rather than alleviate poverty.

27. In provinces and territories across the country social assistance rates are far below reasonable standards, in some instances, amounting to just 30% of the poverty measure (MBM and Low Income Measure).[14] Minimum wage workers also do not earn enough money to make ends meet. For example, the Canadian Centre on Policy Alternatives (CCPA) reports that across Canada, the average wage needed to afford a two-bedroom apartment is $22.40/h, or $20.20/h for an average one bedroom. There are only 24 of 795 neighbourhoods (3%) in Canada where a full-time minimum wage worker can afford to rent an average two-bedroom apartment, and in only 70 neighbourhoods (9%) can they afford a one bedroom. One in four Canadians earn within $3 of their province's minimum wage. There are no neighbourhoods in Canada's biggest cities (Greater Toronto Area and Metro Vancouver) where a full-time minimum wage worker could afford either a modest one- or two-bedroom apartment.[15]

28. It should also be noted that the social assistance amounts are insufficient for people unable to work due to mental health or disabilities. Social assistance advocates have raised concerns stating that recipients are "worse off today because rate increases have not kept pace with inflation and rent increases over the years".[16]

Questions:

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[13] Macdonald, D. (2019, July). Unaccommodating; Rental Housing Wage in Canada. Retrieved from https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2018/07/Born%20to%20Win.pdf at p. 6.

[14] Tweddle, A., & Aldridge, H. (2019, November). Welfare in Canada, 2018. at p.76.

[15] *Supra*, note 8.

[16] Ontario Human Rights Commission . (2012). *Ontario Human Rights Commission Submission regarding Interim Reports of the Commission for the Review of Social Assistance in Ontario*. Retrieved from http://www.ohrc.on.ca/en/ontario-human-rights-commission-submission-regarding-interim-reports-commission-review-social

- **Will the GOC of Canada attach conditions to social transfers to provinces and territories to ensure welfare rates are set at above poverty levels based on the cost of living in each jurisdiction?**

- **Will sub-national governments responsible for administering social assistance index social assistance rates?**

B. Issue #2: The Right to Housing

29. The ICESCR Committee's *2016 Concluding Observations* recommended that Canada undertake the following:

    - Implement a human-rights based national strategy on housing;
    - Ensure that all provincial and territorial housing strategies are aligned with the national strategy;
    - Progressively increase federal and provincial resources allocated to housing and reinforce the housing subsidy within the social assistance benefit so as to be commensurate with living costs;
    - Take effective measures to substantially increase the availability of social and affordable housing units;
    - Regulate rental arrangements with a view to ensuring that tenants enjoy the right to affordable and decent housing and are not vulnerable to forced evictions or homelessness; and,
    - Ensure that its legislation on forced evictions is compatible with international norms, particularly with respect to its obligation to ensure that no persons find themselves homeless or victims of other human rights violations due to evictions and that compensation or alternative accommodation is provided to victims.[17]

Positive Aspects

30. On November 22, 2017, the Canadian Government announced Canada's first-ever National Housing Strategy (NHS). The 10-year, $40 billion plan, aims to help reduce homelessness and improve the "affordability, availability and quality of housing for Canadians in need."[18] It explicitly indicates that the strategy includes a rights based approach.

31. Alongside the NHS, the Government of Canada adopted creative legislation in the form of the National Housing Strategy Act, which states that the housing policy of the federal government recognizes that housing is a fundamental human right as found in international human rights law. The legislation also moves forward the possible adjudication of systemic right to housing claims by establishing a Federal Housing Advocate and a National Housing Council. Though the legislation was passed in the

[17] United Nations. (2016, March 23). Concluding observations on the Sixth Periodic Report of Canada. Retrieved from http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW4yzVsFh%2Fjl1u%2Ft0KVExfQT6EfAENdSjJTaz3raPv3QWT3Y59q3zadXvBYMpLNW5%2FsveoBdxLZoVN%2Fzz31c7YEgqRm0DpoVivqHo2yN5iIam

[18] Employment and Social Development Canada, a Place to Call Home. Retrieved from: https://www.placetocallhome.ca/-/media/sf/project/placetocallhome/pdfs/canada-national-housing-strategy.pdf

summer of 2019, these posts have not yet been filled, in part as a result of a federal election. We look forward to the appointment of the Advocate and Council and would remind the Government of Canada that without these mechanisms the right to adequate housing would be illusory.

Concerns

i. Lack of an Urban Indigenous Housing Strategy

32. As it stands, the Government has not yet adopted a national housing strategy for Indigenous peoples, nor has it effectively engaged Indigenous housing and service providers. We understand that the Ontario Federation of Indigenous Friendship Centres is making a submission in this regard, and we support those submissions and recommendations.

ii. The Unaffordability of Housing and Financialization

33. It is not clear that the National Housing Strategy will effectively address the unaffordability of housing in the country. Across Canada, in major and secondary Canadian cities, rental prices have substantially increased over the past few years. For example, between 2018-2019, the average rent increased by 10.2% in Toronto; 4.5% in Vancouver, and 11.1 % in Montreal.[19] In 2019, rental prices were projected to increase an additional 6% across Canada. Projections indicate that in Toronto, the rental prices will increase by 11%, Vancouver 7% and in Ottawa 9%.[20]

34. While housing prices continue to increase, vacancy rates remain low. According to the Canada Mortgage and Housing Corporation (CMHC), rental vacancy rates across Canada hit its lowest point since 2002.[21] The year 2019 marked the third consecutive year Canada saw a decline in purpose-built apartment vacancy, with only 2.2% apartments available to rent.[22] Rental vacancies for all bedroom types were not much better, with an vacancy rate of only 2.4%.[23] In many cases people are remain in their units because they cannot afford to move elsewhere.

35. The increase in housing costs in Canada can be attributed, in part, to large institutional investors, such as private equity firms, asset management firms, and pension funds, who are increasingly dominating the Canadian housing landscape. The prominence of large scale investors creates an incentive for the construction of new units at the luxury end of the market. In many cities there is an abundance of luxury or high-end supply, it is the lower end of the market, including affordable rentals, that are difficult

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[19] Tencer, D. (2019, March 3). Canadian Rental Rates Rise at Fastest Pace In 30 Years. *Huffington Post*. Retrieved from https://www.huffingtonpost.ca/entry/canadian-rental-rates-statcan_ca_5cd58cb1e4b07bc729791c06

[20] Dangerfield, K. (2019, January 4). Monthly rent across Canada expected to rise — especially in these 3 cities: report. *Global News*. Retrieved from https://globalnews.ca/news/4814651/monthly-rents-canada-report/

[21] CHMC. (2020, January 15). Canada's National Vacancy Rate Declines for Third Year. Retrieved from https://www.cmhc-schl.gc.ca/en/media-newsroom/news-releases/2020/canadas-national-vacancy-rate-declines-third-year

[22] *Ibid*.

[23] *Ibid*.

to find. Investor driven housing markets in Canada has resulted in a loss of rental units to short term platforms like Air BnB. It is estimated that Air BnB and short term rentals removed approximately 31,000 units from the long-term rental market in Canada.[24]

36. Investor driven housing has also resulted in affordable units being purchased en masse and then converted into higher end units and short-term rentals. For example, in 2019 Starlight an institutional partner with Blackstone (the largest private equity firm in the world) purchased 7 affordable rental apartment buildings in the city of Toronto in one transaction.[25] Starlight - which owns approximately 180 multi-family properties in Toronto alone and 35,000 units across the country - is one of the actors engaged in the practice of "renoviction".

37. "*Renovictions*" occur when landlords, typically large real estate private equity firms, purposely allow their buildings to fall into disrepair or undertake unnecessary upgrades. This allows landlords to raise rents above legal guidelines or evict tenants under the guise that the apartments are unlivable and require substantial repair. Once the tenants are evicted and the landlord performs the necessary repairs, the landlord has the discretion to substantially increase the rent. Rent increases often push tenants out of their homes.[26] Currently, rent control legislation across the country fails to address the scenario of "renoviction", leaving Canadians with little to no legal recourse against their landlords.[27]

38. Institutional investors benefit from preferential tax treatment when using Real Estate Investment Trusts as the vehicle for acquiring units, whereby they pay no tax on income.

39. Legislation governing the Canada Pension Fund Investment Board – the investment arm of Canada's national Pension scheme – states that the objective of its investments should be to achieve "a maximum rate of return, without undue risk of loss, having regard to the factors that may affect the funding of the Canada Pension Plan and the ability of the Canada Pension Plan to meet its financial obligations on any given business day." There is no legislative requirement that the Canada Pension Investment Board ensure that its investments are human rights compliant and do not result in any harm.

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[24] Cardoso, T. (2019, June 21). Airbnb likely removed 31,000 homes from Canada's rental market, study finds. Retrieved from https://www.theglobeandmail.com/canada/article-airbnb-likely-removed-31000-homes-from-canadas-rental-market-study/

[25] Starlight, Blackstone acquire eight Toronto rental properties. (2019, March 1). Retrieved from https://www.reminetwork.com/articles/starlight-blackstone-acquire-eight-toronto-rental-properties/

[26] There are some reports of landlords actively taking steps to render units unfit for habitation, by turning off heat and/or interfering with other essential services, *see* Brockbank, N. (2020, January 27). Tenants at 2 Toronto buildings say same landlord turned off heat, then tried to evict them. *The CBC*. Retrieved from https://www.cbc.ca/news/canada/toronto/tenants-no-heat-eviction-1.5439556

[27] Mathieu, E. (2018, March 24). Tenants say 'flimsy' law opens door to 'renovictions' Retrieved from https://www.thestar.com/news/gta/2018/03/23/tenants-say-flimsy-law-opens-door-to-renovictions.html?li_source=LI&li_medium=star_web_ymbii

40. The financialization of housing receives no attention in the National Housing Strategy nor has it been a focus to date of the Ministry of Finance or the Ministry of children, families, and social development (the ministry responsible for the NHS).

Questions:

- **What are governments in Canada doing to regulate short term housing platforms to curb the reduction of available rental units?**

- **When will the Government appoint a federal housing advocate, and will the government ensure that the advocate is appointed as a fully independent mechanism in keeping with the Paris Principles?**

- **What is the Government of Canada doing to ensure that its national pension fund, the Canada Pension Plan, does not invest in residential real estate in a manner that contributes to the raising of rent levels and the eviction of tenants, in light of the fact that there are no legislative provisions including in the Canada Pension Plan Investment Board Act to ensure that investments are made in compliance with international or domestic human rights law?**

C. Issue #3: Homelessness

41. The ICESCR Committee's 2016 Concluding Observations recommended that Canada undertake the following:

    - Adopt a national strategy on homelessness to examine the root causes of the increase in the number of homeless persons;
    - Collect data on the extent of homelessness, disaggregated by geographic location, ethnicity, sex and social condition;
    - Take effective measures to ensure the availability of adequate emergency shelters throughout the country and repeal provincial by-laws that penalize homeless persons for finding solutions.[28]

42. As part of the National Housing Strategy, the Federal Government reinvested in a National Homelessness Strategy called *Reaching Home*.[29] Amongst its many directives, *Reaching Home* aims to reduce homelessness by 50% by fiscal year 2027-2028.[30]

[28] United Nations Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Canada (2016). Retrieved from https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=en

[29] Reaching Home: Canada's Homelessness Strategy. (2018, June 11). Retrieved from https://www.canada.ca/en/employment-social-development/news/2018/06/reaching-home-canadas-homelessness-strategy.html

[30] *Ibid.*

Positive Aspects

43. CWP and partners applauds the government's increase in spending dedicating to combating homelessness in Canada by 62%.[31]

44. We are pleased to learn that the *Reaching Home* program will be extended to more cities in the coming months.

Concerns

i. "Reaching Home" aims to reduce chronic homelessness by just 50% by fiscal year 2027-2028, and there are no longer "Housing First" targets for investment[32]

45. Canada has the resources and capacity to end homelessness by 2030 in keeping with the SDGs. Instead, the Government has taken an overly cautious approach, choosing only to half chronic homelessness. As in the case of reducing poverty by half, the Government's failure to commit to ending homelessness suggests it does not fully understand that homelessness is a prima facie violation of the right to housing.

46. Housing First initiatives prioritize immediate access to permanent housing, particularly for chronically homeless individuals, provided with wrap-around community-based supports to help individuals maintain their housing. [33] The Housing First model has tremendous research supporting its efficacy, and has been declared a 'best practice' in countries around the globe. [34]

47. In previous funding programs, the Federal Government created Housing First spending targets that had to be met by communities that received funding. [35] The Federal Government has removed these spending targets, claiming that removing them will ensure communities have the flexibility to focus spending towards their local needs. [36] We are concerned that this will result in communities not utilizing the funding for Housing First approaches – which tend to be resource intensive (on the recognition that providing housing for people who are homeless with support services results in may budgetary savings.)

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[31] Federal Program Spending on Housing Affordability, Office of the Parliamentary Budget Officer 22 (2019). Ottawa, ON.

[32] *Ibid.*

[33] Employment and Social Development Canada (2019, April 25). Housing First. Retrieved from https://www.canada.ca/en/employment-social-development/programs/homelessness/resources/housing-first.html

[34] Housing First. (n.d.). Retrieved February 8, 2020, from https://www.homelesshub.ca/solutions/housing-accommodation-and-supports/housing-first

[35] Federal Program Spending on Housing Affordability, Office of the Parliamentary Budget Officer 22 (2019). Ottawa, ON

[36] Reaching Home: Canada's Homelessness Strategy. (2018, June 11). Retrieved February 8, 2020, from https://www.canada.ca/en/employment-social-development/news/2018/06/reaching-home-canadas-homelessness-strategy.html

48. Internationally it is known that the only country to have reduced homelessness and on target for eliminating homelessness is Finland, and the model they employed was a robust Housing First model. [37]

ii. The forced eviction of residents of tent encampments and the criminalization of people living in poverty

49. As seen above, the last concluding observations recommended that Canada to "…take effective measures to ensure the availability of adequate emergency shelters throughout the country and repeal provincial by-laws that penalize homeless persons for finding solutions". However, the NHS and *Reaching Home* is silent on homeless encampments and the criminalization of street-involved homelessness.

50. Each winter, there are media reports of urban municipalities having to open emergency shelters to cope with a lack of shelter space and the increasing homeless populations.[38] Regular shelters have been at capacity for years, having to turn people away.[39] These emergency shelters have been reported as squalid, and dangerous, with people having property stolen and being assaulted.[40] These conditions have left homeless people to choose between warmth and safety, with many opting for safety instead.[41]

51. Many street-involved homeless people have found refuge in encampments as safer alternatives to shelters and to sleeping alone on the street, where they are more likely to face sexual assault, beatings and other forms of violence.[42] Despite having little to no choice, homeless encampments have been routinely forcibly evicted under threat of criminal penalty if tenants do not comply.[43]

Questions:

- **Since the Government has eliminated the Housing First initiative spending targets, despite the efficacy of the Housing First model, what is Canada doing to**

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[37] A Home of Your Own: Housing First and ending homelessness in Finland. (2018). Retrieved February 8, 2020, from https://www.homelesshub.ca/resource/home-your-own-housing-first-and-ending-homelessness-finland

[38] Pearson, M. (n.d.). 'Very crowded': Demand at Ottawa homeless shelters exceeds capacity during cold snap. Retrieved from https://ottawacitizen.com/news/local-news/ottawa-shelters-packed-during-cold-snap; Crawford, T. (2019, February 2).

[39] Wright, T. (2019, May 1). Shelters in Canada are turning away women due to lack of resources, funding: studies. *Global News*. Retrieved from https://globalnews.ca/news/5228696/canadian-shelters-women-funding/

[40] Ngabo, G. (2019, January 21). Video from Toronto shelters shows 'inhumane' conditions, indicates shelter system is broken, advocate says. *The Toronto Star*. Retrieved from https://www.thestar.com/news/gta/2019/01/21/we-are-housing-people-in-places-that-are-not-shelters.html

[41] Winter, J. (2018, January 14). It's safer out here. *The Globe and Mail*. Retrieved from https://www.theglobeandmail.com/news/toronto/torontos-homeless-brave-the-cold-rather-than-stay-in-dangeroussheltersarticle37601534/

[42] Tutton, M. (2015, April 26). From burnings to beating, homeless people face violence on the streets. *The Canadian Press*. Retrieved from https://www.ctvnews.ca/canada/from-burnings-to-beatings-homeless-people-face-violence-on-the-streets-1.2345340

[43] Homeless camp residents told to pack up, councillors say. (2019, November 30). *CBC News*. Retrieved from https://www.cbc.ca/news/canada/ottawa/homeless-camp-ottawa-tent-city-evicted-1.5379865

ensure that local communities are investing federal funds into programs that will effectively eradicate chronic homelessness?

- **Considering the recommendations from the Committee's 2016 Concluding Observations, when will governments in Canada meet their international human rights law obligations to protect homeless people from forced evictions from tent encampments and criminalization?**

D. Issue #4: Food Insecurity in Northern Canada

52. The ICESCR Committee's 2016 Concluding Observations recommended that Canada undertake the following:

    - Takes effective measures to address the recommendations put forward in the report of the Special Rapporteur on the right to food, following his mission to Canada in 2012;
    - Ensure the food policy is human rights-based and developed in close collaboration with Indigenous Peoples and consultation with civil society organizations
    - Pay particular attention to addressing food insecurity in northern Canada and take effective measures to protect access to traditional food;
    - Review the Nutrition North Canada program, giving attention to the necessary transparency and accountability provisions; and to extend the program's coverage so as to reach those most affected by food insecurity.[44]

53. In June 2019, the Federal Government released the first Food Policy for Canada (FPC), which seeks to do the following:

    - Help Canadian communities access healthy food;
    - Make Canadian food the top choice at home and abroad;
    - Support food security in northern and Indigenous communities; and,
    - Reduce food waste[45]

54. The Federal Government also established a Canadian Food Policy Advisory Council to assist the FPC's vision.

55. The Federal Government also undertook a review process of the Nutrition North Canada (NNC) Program. Beginning in May 2016, Canada's Minister for Indigenous and Northern Affairs hosted public consultations to evaluate NNC in light of the

[44] United Nations Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Canada (2016). Retrieved from https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=en

[45] Agriculture and Agri-Food Canada. (2019, August 12). "Everyone at the Table!" Minister Bibeau highlights investments to improve access to local food as part of the Food Policy for Canada [Press release]. Retrieved from: https://www.canada.ca/en/agriculture-agri-food/news/2019/08/everyone-at-the-table-minister-bibeau-highlights-investments-to-improve-access-to-local-food-as-part-of-the-food-policy-for-canada.html

repeated criticisms of the program.[46] Recent updates announced in August 2019, include the following:

- Expanding the non-perishable items that are eligible for transportation by sealift and winter road (less-costly shipping methods);
- Adding feminine hygiene products to the NNC eligibility list to make those products more affordable; and,
- The development of a Northern-based compliance and audit review process to create better transparency.[47]

Positive Aspects

56. CWP welcomes the expansion of the items included in the NNC eligibility list.

Concerns

i. The NNC Program is inherently flawed, and is unlikely to improve with the 2019, updates to the program

57. In a 2019 article published in the Canadian Medical Association Journal, researchers from the University of Toronto found that food insecurity in Nunavut has increased since the implementation of Nutrition North Canada.[48]

58. While the spending on the program has increased from $60 million in 2011 to $99 million in 2018, rates of food insecurity have increased. For example, in 2010, prior to the launch of the NNC Program, food insecurity was deemed to affect 33% of families in Nunavut. In 2011, when the program was implemented, food insecurity rates jumped to 39%, and in 2014, the number increased to 46.8%.[49]

59. One of the potential reasons provided by researchers for the increase in food insecurity is that "...the government's decision to focus on subsidizing perishable, nutritious food items at the exclusion of nonperishable products may have prevented families from improving their overall access to food because the prices of common nonperishable and essential items then rose."[50]

60. However, the list of items covered by the program has not been the only issue that has been identified as a potential cause of its ineffectiveness. A 2017 journal article, titled *Canada's northern food subsidy Nutrition North Canada: a comprehensive program evaluatio*n identified the market-based approach to Northern Food Insecurity as being

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[46] Galloway, T. (2017). Canada's northern food subsidy Nutrition North Canada: a comprehensive program evaluation. *Int J Circumpolar Health*, *76*(1). doi: 10.1080/22423982.2017.1279451

[47] Changes and Updates to Nutrition North Canada. (2019, August 22). Retrieved from https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2019/08/changes-and-updates-to-nutrition-north-canada.html

[48] Dunham, J. (2019, May 21). Food insecurity in Nunavut increased after federal subsidy program: study. CTV News. Retrieved from https://www.ctvnews.ca/canada/food-insecurity-in-nunavut-increased-after-federal-subsidy-program-study-1.4430935?cache=yes?clipId=375756

[49] *Ibid.*

[50] *Ibid.*

a major cause for concern.[51] One market-related issue is a lack of competition and supply, in some communities there are only two retailers, which still can result in high costs for grocery items.

61. Further, the NNC Program presumes that providing subsidies will result in retailers lowering costs for items and being encouraged to maintain affordable prices because of the steady flow of customers. Part of this equation requires data showing what retailers are charging their customers for subsidized food items.[52] The NNC Program requires that retailers report how much they charge their customers, but retailer compliance has been poor.

62. Overall, CWP is highly concerned that the Government has not adequately responded to the inherent flaws plaguing the NNC program. Food insecurity in northern Canada is a fundamental breach of Canada's obligations under the present Convention.

ii. The Food Policy for Canada does not reflect that cost is a barrier to food access

63. The FPC describes its vision as follows, "[That all] people in Canada are able to access a sufficient amount of safe, nutritious, and culturally diverse food. Canada's food system is resilient and innovative, sustains our environment and supports our economy."[53]

64. Strangely, the FPC does not make any reference to how Canadians pay for food, or how it will assist in lowering financial barriers that so often prevent access to healthy food.[54] The 2019, Federal Budget outlines $50 million earmarked for a Local Food Infrastructure Fund which includes support for local food projects, food banks, farmers markets and other community-driven projects.[55] However, it remains unclear how the proposed FPC budget and the projects therein will achieve the FPC's stated vision.

65. Moreover, funding food banks is critical; however, CWP is concerned that the Federal Government's vision for access to food, involves continued reliance on food banks. CWP is further concerned that there are no targets or measurements of success to use to assess the outcomes of the FPC.

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[51] Galloway, T. (2017). Canada's northern food subsidy Nutrition North Canada: a comprehensive program evaluation. Int J Circumpolar Health, 76(1). doi: 10.1080/22423982.2017.1279451

[52] Page 15

[53] Agriculture and Agri-Food Canada. (2019, August 12). "Everyone at the Table!" Minister Bibeau highlights investments to improve access to local food as part of the Food Policy for Canada [Press release]. Retrieved from: https://www.canada.ca/en/agriculture-agri-food/news/2019/08/everyone-at-the-table-minister-bibeau-highlights-investments-to-improve-access-to-local-food-as-part-of-the-food-policy-for-canada.html

[54] Two pieces added to national food policy: many parts still missing. (2019, June 19). Retrieved from https://foodpolicyforcanada.info.yorku.ca/2019/06/two-pieces-added-to-national-food-policy-many-parts-still-missing/

[55] Budget 2019: Introducing a Food Policy for Canada. (2019, March 19). Retrieved from https://www.budget.gc.ca/2019/docs/plan/chap-04-en.html#Introducing-a-Food-Policy-for-Canada

Questions:

- **Why doesn't the FPC include a specific plan to remove cost as a barrier to food access?**

- **What are the Government's plans to implement a food distribution plan for northern Canada that respects international human rights law and meets the needs of First Nations and Inuit Peoples and communities?**

IV. Consolidated List of Questions:

1. How does the Government of Canada intend ensure that people living in poverty can bring forward human rights claims to address their poverty?

2. In consideration of the spirit of the preamble and the Canada's obligations outlined within Article 11.1 of the ICESCR, will the Federal Government commit to updating the MBM Cost Estimates every two (2) years, to ensure the targets provided in the Poverty Reduction Strategy are measured accurately?

3. In recognition of Canada's obligations under Article 15.1 to recognize the …right of everyone to take part in cultural life…[and] enjoy the benefits of scientific progress and its applications, will the Canadian Government commit to including information technology, communications services and communications devices to the basket of goods necessary for a family's basic needs as part of the MBM?

4. Will the Government of Canada take the steps to ensure that the Territories and First Nation Reserves are included in Canada's poverty count?

5. Will the GOC of Canada attach conditions to social transfers to provinces and territories to ensure welfare rates are set at above poverty levels based on the cost of living in each jurisdiction?

6. Will sub-national governments responsible for administering social assistance index social assistance rates?

7. What are governments in Canada doing to regulate the short term housing platforms?

8. When will the Government appoint a federal housing advocate, and will the government ensure that the advocate is appointed as a fully independent mechanism in keeping with the Paris Principles?

9. What is the Government of Canada doing to ensure that its national pension fund, the Canada Pension Plan, does not invest in residential real estate in a manner that contributes to the raising of rent levels and the eviction of tenants, in light of the fact that there are no legislative provisions including in the Canada Pension Plan Investment Board Act to ensure that investments are made in compliance with international or domestic human rights law?

10. Since the Government has eliminated the Housing First initiative spending targets despite the efficacy of the Housing First model, what is Canada doing to ensure that local communities are investing Federal funds into programs that will effectively eradicate chronic homelessness?

11. Considering the recommendations from the Committee's 2016 Concluding Observations, when will governments in Canada meet their international human rights law obligations to protect homeless people from forced evictions from tent encampments and criminalization?

12. Why doesn't the FPC include a specific plan to remove cost as a barrier to food access?

13. What are the Government's plans to implement a food distribution plan for northern Canada that respects international human rights law and meets the needs of First Nations and Inuit Peoples and communities?