

POVERTY IN BRITISH COLUMBIA IS A VIOLATION OF HUMAN RIGHTS

The existence of poverty in Canada is a violation of human rights. There is not only a moral duty to eradicate poverty but also a legal obligation under international human rights law.

A human rights approach to poverty reduction is based on a fundamental respect for human dignity as opposed to a charitable approach, and is grounded in the experiences and engagement of low-income people and communities. It recognizes people in poverty as rights-bearers entitled to assert legal claims rather than being passive recipients of charitable aid.

As the Universal Declaration of Human Rights (UDHR, 1948) begins:

“...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

Basic civil and political rights, such as freedom of speech and the right to vote, are relatively well protected in Canadian law, but economic and social rights to basic necessities such as food, water, housing, and education are routinely violated.

Without these rights secured, poverty is a barrier to accessing civil and political rights in a meaningful and effective way. This has a disproportionate impact on marginalized groups including women, LGBTQ communities, racialized and Indigenous persons, and people with disabilities, among others.

In 1976 Canada ratified the United Nations International Covenant of Economic, Social and Cultural Rights. Yet BC continues to have one of the highest rates of poverty in Canada and is the very last province in the country to commit to a comprehensive poverty reduction plan, which would protect and fulfill those rights. It's time for our governments to comply with their obligations under international law.



We are a coalition of 50 members and over 400 supporting organizations, who have come together around a campaign aimed at seeing the introduction of a bold and comprehensive poverty reduction plan for Canada and British Columbia. It's time to tackle poverty at its roots. Get involved at bcpovertyreduction.ca



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HUMAN RIGHTS COMMITMENTS

At the international level, Canada has committed to several human rights obligations that guarantee social and economic rights to all. In the *International Covenant for Economic, Social and Cultural Rights (ICESCR, 1966)*, Article 11(1) recognizes:

the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions

As highlighted by the Office of the UN High Commissioner for Human Rights, “[a]ll persons should, by virtue of their essential humanity, enjoy all human rights.”² So human rights protection and fulfillment should be extended to migrants, refugees, asylum-seekers and other groups of non-citizens, as well as citizens.

Other protected rights include:³

- social protections (pensions, legal aid, workers’ compensation, employment insurance, etc.)
- adequate healthcare
- free public education
- a unionized workforce
- and the rights of women, people with disabilities, children, Indigenous peoples, and racial minorities related to specific aspects of poverty experienced by these groups

The Federal Government makes these international commitments in consultation with provincial and territorial governments and each level of government, within their sphere of Constitutional authority, has an obligation to take responsibility for the domestic legal implications of international human rights treaties.

Article 28 of the ICESCR states that that Covenant’s provisions “shall extend to all parts of federal States without any limitations or exceptions,”⁴ and the Vienna Convention on the Law of Treaties highlights that the domestic constitutional division of powers cannot be invoked as a justification for non-compliance.⁵

If taken seriously, a commitment to respect, protect and fulfill these rights would eliminate poverty in Canada.

CANADA HAS RATIFIED 8 UNITED NATIONS TREATIES¹:

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1970)
- International Covenant on Civil and Political Rights (ICCPR, 1976)
- International Covenant on Economic, Social and Cultural Rights (ICESCR, 1976)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1981)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1987)
- Convention on the Rights of the Child (CRC, 1991)
- Convention on the Rights of Persons With Disabilities (CRPD, 2010)
- Declaration on the Rights of Indigenous Peoples (DRIP, 2010)

POVERTY IN BC

The government of British Columbia is failing to meet its human rights obligations. BC has had one of the highest poverty rates in Canada for the last 13 years, and yet, it is now the last province left without a poverty reduction plan. Despite its human rights obligations, the BC government is not ensuring an adequate standard of living, access to legal aid, or adequate healthcare for all, nor is it respecting the rights of marginalized groups.

BC's welfare rate of \$610 per month is grossly inadequate to provide an adequate standard of living, and the minimum wage of \$10.25 per hour is also not enough to lift a full-time worker above the poverty line. The UN Committee on Economic, Social and Cultural Rights has expressed particular concern about women's poverty in BC, noting that inadequate welfare rates present an additional obstacle for women fleeing abusive relationships.⁶ Policy changes such as raising welfare rates and the minimum wage are an effective way to fulfill human rights obligations.

The government is not investing adequately in social housing. According to the Social Housing Alliance of BC, at least 116,000 people in BC are in housing crisis. *"At the tip of the iceberg are 11,000 people, the visibly homeless who have no homes at all. Just below the surface of the water are 40,000 hidden homeless who sleep with family, in cars, or couch surf. Deeper under water are 65,000 people at risk of homelessness who spend more than 50% of their income on rent. Many of them live in substandard housing conditions."*⁷

Many essential health care services are not included in the public health care system, like dental care and eye exams. The costs of accessing dental care and eye exams, as well as eyeglasses or contact lenses, are a significant barrier for those living on low incomes. BC is also the only province with Medical Service Plan premiums, which is a regressive tax that impacts low-income families and individuals much more than higher-income earners.

Many marginalized groups are disproportionately impacted by poverty, including First Nations and Aboriginal people, people with disabilities and mental health issues, recent immigrants and refugees, single mothers, single senior women, and queer and transgender people. The government continues to fail to address the distinct needs of these particularly vulnerable groups.

The high rates of child poverty in BC violate BC's obligations to respect children's rights as enshrined in the United Nations Convention on the Rights of the Child (UNCRC).⁸ Specifically:

Article 3: The best interests of the child shall be a primary consideration

Article 6: Children's right to their survival and development "to the maximum extent possible"

Article 19: Children's right to protection from neglect or negligent treatment

Article 24: Children's right to the enjoyment of the highest attainable standard of health

Article 27: Children's right to a standard of living adequate for their physical, mental, spiritual, moral and social development

Article 31: Children's right to full and equal participation in cultural, artistic, recreational and leisure activities⁹

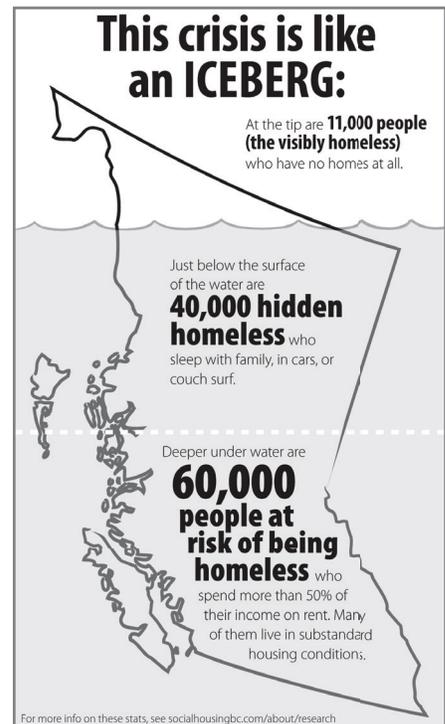


Image by Social Housing Alliance (socialhousingbc.com)

35-YEAR GAP BETWEEN PROMISE & ACTION

There is a huge gap between obligation and implementation that undermines the realization of human rights in Canada. This was identified by the Standing Senate Committee on Human Rights in 2001¹⁰ and has yet to be addressed. Canada should be held accountable for its lack of action.

According to the United Nations High Commissioner for Human Rights: International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfill human rights.

The obligation:

- to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights;
- to protect requires States to protect individuals and groups against human rights abuses;
- **to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights.**¹¹

Poverty reduction should centre on people's positive rights and hold governments accountable for promoting and fulfilling those rights not just protecting them against violations. For instance,

there is the right to be free from government *interference* when exercising the right to freedom of assembly or speech (a civil/political right, which governments have an obligation to respect), but there is also the right to an adequate standard of living, which governments have an obligation to *fulfill*.

Under Article 2(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), **States are required to use the maximum of their available resources to progressively realize all of the rights contained in the Covenant.**¹² While recognizing that not all countries have the resources to immediately fulfill every protected right, the concept of "progressive realization" does not allow countries to delay the implementation of rights. In fact, it requires that States implement some obligations immediately, such as non-discrimination and equality, regardless of the country's financial situation. All States must then take steps and continue to move towards full realization of the rights protected by the Covenant.

States cannot move backwards in regards to rights. So, for example, the BC government's extension of the wait time for social assistance (officially called the "work search") from three weeks to five weeks in June 2012 is a regressive step inconsistent with human rights obligations.

Despite Canada's human rights obligations, not one provincial poverty reduction initiative is grounded in an understanding of poverty as a human rights issue. Only Quebec's plan references human rights in a brief recognition of the international standards of living.¹³

Individuals must have an avenue to claim their rights and report violations. Canada is obligated to provide **effective domestic remedies** to meet human rights obligations (ICESCR, General Comment 9). Legislation may be one avenue but it is an expensive route to securing adequate solutions.

Human rights commissions and other administrative bodies, such as those involved in administering housing programs, tenancy laws, income assistance or social programs may provide important venues through which rights claimants can obtain a hearing and secure effective remedies. BC is the only province in Canada without a human rights commission.¹⁴

GOOD JOBS AS A HUMAN RIGHT

Many approaches to poverty reduction, both formalized within provincial plans and not, push employment as the central solution. The creation of jobs could be a way for Canada to prevent poverty as part of its human rights obligations, **but only if those jobs provide a living wage.**¹⁵

Article 23 of the Universal Declaration of Human Rights states that everyone has the right to "just and favourable conditions of work," which includes ensuring that all workers are remunerated so that they can provide a decent living for themselves and their families.^{16, 17}

Under international law, "decent living" means a living wage that considers the cost of shelter, food, clothing, transportation and child care among other household needs. The UN has told Canada on several occasions that this is the standard it has to meet in order to comply with its human rights obligations.

REVIEW OF CANADA: IS CANADA MEETING ITS HUMAN RIGHTS OBLIGATIONS?

The United Nations oversees a process of Periodic Review of each member State's performance in meeting their human rights obligations including: coordinating treaty monitoring bodies and committees, which are panels of experts that review each State's compliance with a particular treaty; sending independent experts (Special Rapporteurs) to the country; and engaging the Human Rights Council, which is a collection of 47 Member States that currently and notably does not include Canada.¹⁸

The UN has repeatedly advised Canada of its violation of a number of economic and social rights and expressed its concerns about:

- Inadequate social assistance rates
- Evictions into homelessness and lack of security of tenure
- Inadequate minimum wages
- Inadequate food security
- Lack of a rights-based housing or anti-poverty strategy
- Inadequate legal protections
- Lack of right to housing

NATIONAL HOUSING CRISIS

In 2007, Miloon Kothari, Special Rapporteur on **adequate housing as a component of the right to an adequate standard of living**, called for immediate attention to tackle the "national housing crisis" in Canada.¹⁹ He highlighted the lack of a national poverty reduction strategy and, in particular, inadequate social assistance rates. In his final report, he called for:

Canada to adopt a comprehensive and coordinated national housing policy based on the indivisibility of human rights and the protection of the most vulnerable. This national strategy should include measurable goals and timetables, consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms.²⁰

Building on Kothari's report, the 2009 Universal Periodic Review of Canada included the following recommendation:

23: Integrate [economic, social and cultural rights] in its poverty reduction strategies in a way that can benefit the most vulnerable groups in society, specially the Aboriginals, [African Canadians], migrants, persons with disabilities, youth, women with low incomes, and single mothers, and adopt all necessary measures, including the full implementation of the United Nations Declaration on the Rights of Indigenous Peoples, to guarantee Aboriginals the full enjoyment of their rights including economic, social and cultural so that their standard of living was similar to that of the rest of the citizens in Canada (Cuba).²¹

REVIEW OF CANADA (CONTINUED)

UNACCEPTABLE FOOD INSECURITY

UN Special Rapporteur Olivier de Schutter visited Canada in 2012 to review Canada's progress in ensuring the right to food, which includes "physical and economic access at all times to adequate food" (ICESCR, General Comment No. 12). After his visit, which marked his first investigation of a developed country, he said:

What I've seen in Canada is a system that presents barriers for the poor to access nutritious diets and that tolerates increased inequalities between rich and poor, and aboriginal and non-aboriginal people...These rates of food insecurity are unacceptable, and it is time for Canada to adopt a national right-to-food strategy.²²

CRISIS SITUATION OF INDIGENOUS PEOPLE

In October 2013, James Anaya, the UN Special Rapporteur on the rights of indigenous people, concluded during his visit that "Canada faces a crisis when it comes to the situation of indigenous people of the country."²³

2013 UNIVERSAL PERIODIC REVIEW

The most recent universal review completed in 2013 includes a recommendation to implement a national poverty reduction strategy.²⁴

The federal government accepted in part this recommendation²⁵ but has shown no meaningful commitment – it is not setting effective national targets and timelines and not providing provinces with specific funding to provide an adequate standard of living.

In fact, instead of acting, the federal government has cited provincial poverty reduction strategies as evidence that it is already taking action.²⁶ The government did however agree to "[f]urther enhance its efforts in social protection and security for people living in poverty, such as considering formulating the necessary poverty alleviation and homelessness strategies."²⁷ However, currently, Canada is merely taking credit in front of the international community for provincial initiatives, which are in fact undermined and unsupported within Canada itself without adequate resources and legislative support from the federal level.

Our reputation in the international arena is crumbling as Canada continually fails to live up to its human rights commitments and fails to uphold the values of fairness, equality and respect for the democratic rights of all peoples.

Canada is failing all of us, and those at the bottom are living with the daily consequences.

Is this the Canada we believe in?

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