



Poverty, Homelessness and Hunger:
What Have Rights Got To Do With It?

June, 2013



CANADA WITHOUT POVERTY
CANADA SANS PAUVRETÉ

GOALS

To introduce basic information on international human rights law and UN mechanisms

To translate rights from rallying cries to practice

To demonstrate the merits of a HR based approach to social policy

WHY HUMAN RIGHTS?



HUMAN RIGHTS

- Not based on whim, priority or ideology
- Legitimacy to demands
- Internationally recognized moral yardstick
- Transformative
- Private Actors

MATTER

The human rights approach offers an explicit normative framework – that of International human rights ... [u]nderpinned by universally recognized moral values and reinforced by legal obligations ...

United Nations Office of the High Commissioner for Human Rights

HUMAN RIGHTS

AN INTRODUCTION TO INTERNATIONAL LAW AND MECHANISMS

THE UNITED NATIONS HUMAN RIGHTS SYSTEM

•POLITICAL BODIES

- UN Human Rights Council
 - Universal Periodic Review

•SPECIAL PROCEDURES

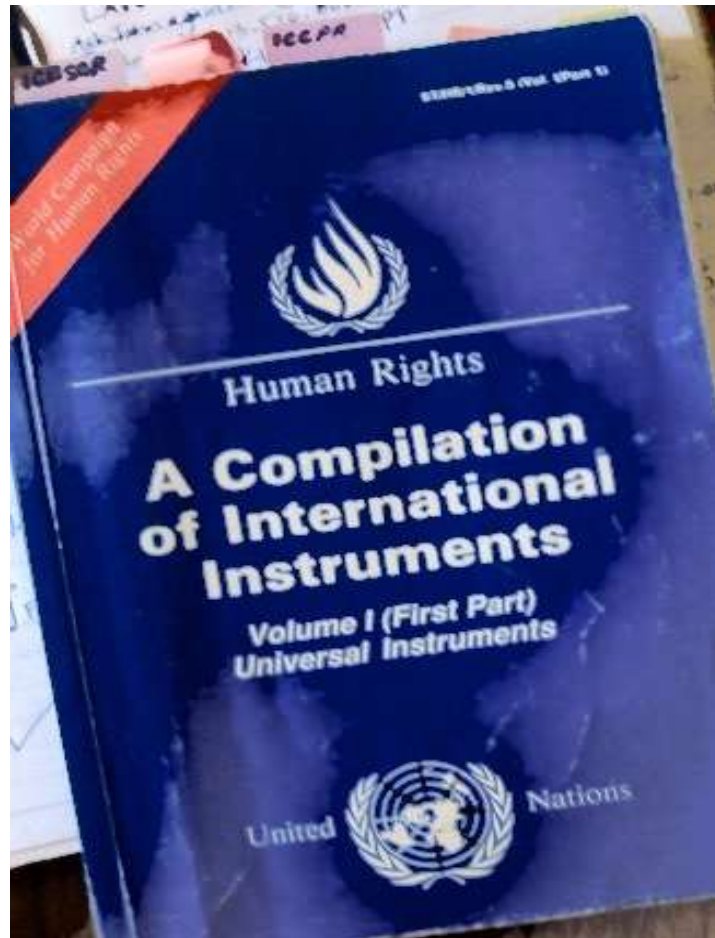
- Special Rapporteurs – Independent Experts
 - Housing, Food, Extreme Poverty, Water

•TREATY BODIES

- Committee on ESC Rights, etc.
 - Independent Experts



Canada has ratified 9 UN treaties



*Treaties Canada has
ratified include:*

- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The Convention on the Elimination of Racial Discrimination
- The Women's Convention
- The Children's Convention
- Convention on the Rights of Persons With Disabilities

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize 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. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of agriculture, fisheries, aquaculture and reforming agrarian systems in such a way as to achieve the maximum utilization of natural resources;

to take into account the problems of both food-importing and food-exporting countries in the distribution of world food supplies;

ECONOMIC AND SOCIAL RIGHTS: AN INTRODUCTION

WHAT RIGHTS ARE WE TALKING ABOUT?

- Adequate housing
- Food
- Water & Sanitation
- An adequate standard of living
- Education
- Highest attainable standard of physical and mental health
- Work & related rights

WHERE ARE THESE RIGHTS FOUND?

As self-standing rights:

- **Universal Declaration of Human Rights (1948)**
- **ICESCR – the *International Covenant on Economic, Social and Cultural Rights*, which Canada ratified in 1976.**
- **CRPD - *Convention on the Rights of Persons with Disabilities* (Canada ratified in 2010)**

INTERNATIONAL COVENANT ON ECONOMIC SOCIAL AND CULTURAL RIGHTS

Article 11 (1)

The States Parties to the present Covenant recognize 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.

RATIFIED BY CANADA IN 1976

WHERE AREN'T THESE RIGHTS FOUND?



CANADA'S



OBLIGATIONS

States are required to use the **maximum of available resources** to **progressively realize** all of the rights contained therein.

Must do something.

Some obligations are immediate.

Lack of available resources will **rarely** be a defence for failing to implement socio-economic rights for a rich country like Canada.

WHAT ABOUT THE PROVINCES?

ALL LEVELS OF GOVERNMENT ARE BOUND

Vienna Convention on the Law of Treaties

Domestic constitutional division of powers cannot be invoked as a justification for non-compliance.

The Federal Government ratifies after consulting with provinces.

Also applies to municipal governments - *Spraytech v Hudson (Town)*, 2001 SCC 40

WHO MONITORS THESE RIGHTS?

Independent Experts and Political Bodies

- Treaty Monitoring Bodies
- Special Rapporteurs
- Human Rights Council – States

WHAT HAS THE UN SAID ABOUT CANADA?

Inadequate social assistance rates

Evictions into homelessness and lack of security of tenure

Inadequate minimum wage

Lack of a rights-based housing or anti-poverty strategy

Inadequate legal protections of social rights under provincial law

Provincial Governments arguing in court against effective remedies for the right to housing or an adequate standard of living

WHAT HAVE COURTS SAID ABOUT INTERNATIONAL HUMAN RIGHTS?

International law is “a critical influence on the interpretation of the scope of the rights included in the Charter.” (Baker)

“Our Charter is the primary vehicle through which international human rights achieve a domestic effect. In particular, s. 15...and s. 7...embody the notion of respect of human dignity and integrity.” (Ewanchuk)

“The Charter should generally be presumed to provide protection at least as great as that afforded by similar provisions in international human rights documents which Canada has ratified.” (Slaight)

HUMAN RIGHTS

Explicit reference to human rights in policy/program

Focus on **stakeholders** as key actors

Non-discrimination and **equality**

Measureable goals and targets

Monitoring and review mechanisms

Access to effective remedies

Human rights principles **inform** all phases of programming

HALLMARKS

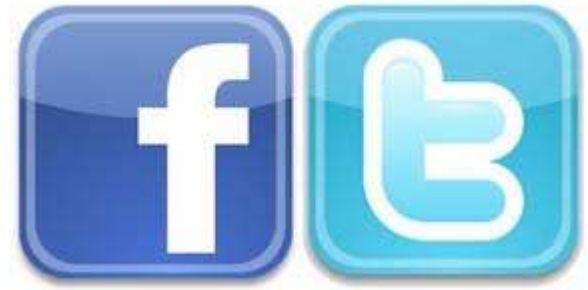
THE premise behind the rights based approach is that it is essential to challenge the imbalance of power and denial of rights that lies behind poverty. Effective poverty reduction is not possible without the empowerment of the poor.

Principles and Guidelines for a Human Rights Approach to Poverty Reductions Strategies (OHCHR)

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