

National Anti-Poverty Organization

It's Time for Justice

Submission to the Canadian Human Rights Act Review Panel

October 14, 1999

"The oppressed are regarded as the pathology of the healthy society, which must therefore adjust these 'incompetent and lazy' folk to its own patterns by changing their mentality. These marginals need to be 'integrated,' incorporated' into the healthy society that they have 'forsaken.' The truth is, however, that the oppressed are not 'marginals,' are not people living 'outside' society. They have always been 'inside'--inside the structure which made them 'beings for others.' The solution is not to 'integrate' them into the structure of oppression, but to transform that structure so that they can become 'beings for themselves.' Such transformation, of course, would undermine the oppressors' purposes . . . " - Paulo Freire, *Pedagogy of the Oppressed*, New York: Continuum, 1993

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EXECUTIVE SUMMARY

This submission from the National Anti-Poverty Organization (NAPO) to the Canadian Human Rights Act Review Panel focuses on two recommendations:

1. NAPO supports the Model Social and Economic Rights Amendment to the Canadian Human Rights Act that was developed by Martha Jackman and Bruce Porter. This model guarantees everyone the right to food, clothing, housing, health care, social security, education, work which is freely chosen, special measures to support the care of children, support services, and other fundamental requirements for the security and dignity of the person. The model also establishes a Social Rights Sub-Committee responsible for evaluating and promoting compliance with these rights. A Social Rights Panel must also be created to inquire into complaints from individuals or groups about infringements of these rights in all areas within the legislative authority of the Canadian Parliament.

2. The term "social condition" must be included as one of the prohibited grounds of discrimination. The definition of social condition must include a reference to "source of income" and it must prohibit discrimination based on social or economic disadvantage.

In the past year, there has been significant discussion about including the term social condition in the Canadian Human Rights Act (CHRA). NAPO believes that the Review Panel must go much further in order for federal legislation to provide a minimum level of protection for the human rights of people living in poverty.

The mandate of the Panel is to provide recommendations on how to bring the CHRA into accord with modern human rights principles. These principles require the expansion of the mandate of the Canadian Human Rights Commission to all issues related to social and economic rights and provisions to allow individuals with complaints the ability to seek remedies for violations of their rights.

In the past year, representatives of the Canadian government have made commitments to international human rights monitoring bodies that the mandate of the Review Panel would be sufficiently broad to consider these issues. These commitments were made because of the federal government's abysmal record on protecting the human rights of Canadians living in poverty.

For much too long, the federal government has viewed poverty as an issue that is best dealt with through policy measures that do not treat people living in poverty as equal citizens in Canada. Poverty will never be eliminated in this way. Poverty is the result of oppression and the abuse of human rights. NAPO is asking the Review Panel to recognize the systemic causes of poverty and provide a starting point for beginning to address this problem as a serious injustice. It is time for justice, not charity.

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INTRODUCTION

The National Anti-Poverty Organization

The National Anti-Poverty Organization (NAPO) is a non-profit, non-partisan organization representing the 5.2 million Canadians currently living below the poverty line ¹. Our mandate is to eradicate poverty in this country. We are most commonly referred to as "a voice of Canada's poor" because our 22 member board is made up of people who live or who have lived in poverty at some time in their lives. Our membership is made up of both individuals and groups, including local, provincial and regional anti-poverty groups and other organizations who provide direct or indirect services to people living in poverty.

Primary Areas of Interest

In the past year, NAPO was active in supporting Bill S-11 which proposed amending the Canadian Human Rights Act (CHRA) to include "social condition" as one of the prohibited grounds of discrimination. Although we are still supportive of this amendment, we are confident that the CHRA Review Panel already recognizes the need to protect people living in poverty from discrimination based on social and economic disadvantage.

The broad mandate of the Review Panel provides us with an opportunity to propose more substantive changes to the Act which are essential to modernizing the promotion and protection of human rights in Canada.

According to the Department of Justice, the terms of reference for the Review Panel include four specific areas, but is not restricted to those areas². Given the overriding concern with social and economic rights in Canada and the lack of any enforceable mechanism for people living in poverty to hold their government accountable for violations of their human rights, it is not just appropriate, but essential for the Review Panel to consider social and economic rights in the CHRA.

Poverty is the most critical human rights issue facing Canada. In order for this reform of the CHRA to be meaningful and effective for the next 10 or 20 years, it must formally recognize poverty, first and foremost, as a human rights issue.

NAPO believes that it is time for our national human rights commission to take on a broader mandate. A mandate that acknowledges the indivisibility of all fundamental rights and freedoms and gives effect to the Canadian government's commitments to reform the Canadian Human Rights Commission as agreed to in the Paris Principles³.

These principles call for the Commission not only to "promote and ensure the harmonization of national legislation, regulations and practices with the

international human rights instruments" that Canada is a party to, but also to have as broad a mandate as possible. *For these reasons, NAPO believes that it is vital for the Review Panel to recommend to the Minister of Justice that social and economic rights be included in the mandate of the Canadian Human Rights Commission.* These rights can only be meaningful if mechanisms are put in place to ensure full access of disadvantaged groups to a hearing of their claims before a competent body.

For people living in poverty in Canada, this is the single most important change that must be made to the CHRA.

Our submission includes an explanation of the necessity for this broader mandate, a discussion of potential objections that may be raised against this proposal, why the CHRA is the appropriate legislation for social and economic rights and some specific recommendations for the Review Panel to consider.

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THE NEED FOR A BROADER PERSPECTIVE ON HUMAN RIGHTS

Evidence of the Loss of Human Rights in Canada

There is a significant body of work providing details on the federal government's responsibility for the loss of human rights in Canada, including NAPO's submission to the United Nations Committee on Economic, Social and Cultural Rights in 1998⁴.

The information available clearly demonstrates that decision-making by governments can often be driven by narrow economic interests which results in legislation that reduces the level of freedom and equality for groups of people in Canadian society.

The information in this submission reaffirms that the degree of oppression of Canadians living in poverty has reached a crisis level to the extent that the violation of human rights in Canada is commonplace. The fact that the rights being violated are predominantly economic and social rather than civil and political should not reduce our sense of urgency about establishing a formal mechanism to allow individuals an opportunity to reclaim their rights.

A number of independent evaluations of Canada's human rights record have highlighted the enormous deficiency in our human rights legislation, both in terms of its ability to protect rights and to provide an effective enforcement mechanism.

It is time that Canada modernize its human rights legislation to incorporate principles that were first acknowledged over 50 years ago about the interdependence and indivisibility of all human rights. There has been wide recognition that the division of the Universal Declaration of Human Rights into two Covenants (International Covenant on Civil and Political Rights and the

International Covenant on Economic, Social and Cultural Rights) was an arbitrary decision made for political reasons, without regard for questions of justice. This section of the submission will explore these issues in more detail.

Poverty and Inequality Continues to Increase

The statistics on poverty in Canada are an appalling reminder of the failure of governments to protect and enforce social and economic rights:

During March of 1999, over 790,000 Canadians (roughly the population of New Brunswick) made use of a food bank⁵.

A full-time job at the average Canadian minimum wage provided a single person an annual income equal to approximately 70% of the poverty line in 1997⁶.

The average income for a single person on welfare in Canada provided an income equal to approximately 36% of the poverty line in 1996⁷.

Over 60% of single mothers and almost 20% of all Canadian children lived below the poverty line in 1997⁸.

The poverty rate for families with children with disabilities is more than double that for the total population of families with children⁹.

According to census data, the poverty rate for visible minorities in 1996 was almost 45% compared to 21% for the entire Canadian population.

The aboriginal population in Canada continues to suffer from the effects of a history of persecution illustrated by significantly higher poverty rates and unemployment rates and lower average incomes regardless of level of education or category of employment¹⁰.

In 1998, the mayors of Canada's largest cities declared homelessness in Canada a national emergency. Canadian citizens are now dying on our streets for lack of housing and adequate social services.

These are just some of the grim statistics that describe the current state of injustice in Canada. NAPO has also documented how cuts in social investment, social assistance, health care and education have impacted on low income Canadians¹¹. To address these problems requires more than allowing people living in poverty opportunities to comment on social policy. It requires the incorporation of legally enforceable social and economic rights in the CHRA to provide people living in poverty with a mechanism to hold their government accountable for protecting their human rights.

Fifty years after endorsing the Universal Declaration of Human Rights, the

recognition of the rights defined in Article 25 still remain beyond the reach of millions of Canadians. People who live in poverty are not free.

Everyone has the right to a standard of living adequate for health and well-being of himself [herself] and of his [her] family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his [her] control.

-- Universal Declaration of Human Rights, Article 25(1)

Forced Labour

The Universal Declaration, which was adopted by the UN General Assembly in 1948, includes Article 23 which specifically prohibits mandatory forced labour programs. Over 50 years later, as we approach the millenium, who would have imagined that this article would still have significance for Canadian society? It seems utterly absurd that this issue could still be relevant in a country as developed as Canada, and yet forced labour, an activity that borders on slavery, is alive and well in Canada.

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

-- Universal Declaration of Human Rights, Article 23(1)

In 1999, in our country, there are citizens who are faced with mandatory 'Workfare' as a condition of receiving social assistance. In eight provinces (New Brunswick, Nova Scotia, Saskatchewan, Québec, Ontario, Manitoba, Alberta and British Columbia) people, including single mothers once their children reach a certain age (ranging from six months old in Alberta to seven years old in British Columbia¹²) are required to participate to some degree in forced labour programs.

There is no way to avoid the fact that people living in poverty in Canada are being persecuted simply for being poor.

An Independent Evaluation of Canada's Human Rights Record

There are certainly many voices in Canada who are speaking out about the violations of human rights that often go unnoticed, but recently, voices from the international sphere have also raised concerns about the lack of human rights protection for the poor in Canada.

United Nations Human Rights Committee

The United Nations Human Rights Committee is responsible for reviewing the implementation by governments of the International Covenant on Civil and

Political Rights. Typically they reserve their strongest censures for countries with what they consider the most serious human rights abuses, such as torture and extra-judicial killings by representatives of governments.

In 1999, representatives of the Canadian government were reprimanded by the Committee¹³ because of the level of poverty in this country.

UN HUMAN RIGHTS COMMITTEE

Concluding observations regarding Canada in 1999:

12. The Committee is concerned that homelessness has led to serious health problems and even to death. The Committee recommends that the State party take positive measures required by article 6 to address this serious problem.

20. The Committee is concerned that many women have been disproportionately affected by poverty. In particular, the very high poverty rates among single mothers leaves their children without the protection to which they are entitled under the Covenant. While the delegation expressed a strong commitment to address these inequalities in Canadian society, the Committee is concerned that many of the programme cuts in recent years have exacerbated these inequalities and harmed women and other disadvantaged groups. The Committee recommends a thorough assessment of the impact of recent changes in social programmes on women and that action be undertaken to redress any discriminatory effects of these changes.

The Committee expressed concern about a number of other areas as well, but the fact that this Committee, which normally focuses on 'traditional' civil and political rights, was sufficiently concerned with the level of poverty in Canada that it voiced concern is indicative of two things. First, the extent of poverty in Canada and the resulting loss of freedom and dignity for people living in Canada has reached an appalling level. Second, it may be possible to split human rights into two separate covenants for political expediency (as explained later in this submission), but human rights cannot be split so easily in real life. Poverty is clearly a human rights issue.

United Nations Committee on Economic, Social and Cultural Rights

The United Nations Committee on Economic, Social and Cultural Rights is responsible for reviewing the implementation by governments of the International Covenant on Economic, Social and Cultural Rights.

In 1998, the government of Canada was severely condemned by the Committee for a myriad of violations or potential violations of the Covenant. The Committee listed 26 major areas of concern and provided 21 recommendations for reform. There are clearly too many abuses of human rights cited by the Committee to

provide details in this submission.

In general, the Committee was extremely disturbed that a country as wealthy as Canada has seen substantial increases in foodbank use and homelessness, at the same time that income support and social service programs have been slashed. The Committee was also troubled by the fact that minimum wages and social assistance rates are not high enough to meet basic necessities, and they were disturbed by the proliferation of provincial "compulsory employment schemes".

The Committee also expressed concern that the Canadian government had failed to "take into account the committee's 1993 major concerns and recommendations when it adopted policies . . . which exacerbated poverty and homelessness among vulnerable groups during a time of strong economic growth and increasing affluence"¹⁴.

Interdependence and Indivisibility of Human Rights

Human rights legislation in Canada is still dominated by a limited and antiquated view of human rights. There has been a tendency for policy makers and the courts to think of human rights as synonymous with civil and political rights. The perception of economic and social rights as less important than civil and political rights came about more because of the characteristics of the international political scene rather than any substantive issues related to justice.

The Division of Human Rights

The Universal Declaration of Human Rights is recognized internationally as the preeminent document on human rights. Within a few years of the adoption of the Declaration, a movement developed to create a Covenant which would give binding legal force to the principles in the Declaration. This movement generated a political battle, split along ideological lines, between members of the UN. The subsequent division of the Declaration into two covenants (one incorporating civil and political rights and the other, economic, social and cultural) is described by Schabas:

"Canada sided with the United States and the United Kingdom in arguing that the Covenant should be restricted to civil and political rights. . . The Soviet Union and the other socialist states, together with nations of the third world, argued that human rights were indivisible and contested these efforts to amputate economic, social and cultural rights from the covenant. An eventual compromise was reached whereby two covenants, one concerned with civil and political rights, the other with economic, social and cultural rights, were drafted and adopted.

In fact, there is no acceptable theoretical explanation for the separation of the two categories of rights. Essentially, the existence of two Covenants is the result

of cold war politics. With the end of the cold war, it is time to correct this anomaly, both in international and domestic law."¹⁵

More recently, there has been a revival of the acknowledgment that freedom and human dignity can only be realized through the universal realization of civil, political, economic, social and cultural rights.

Renewed Commitment to the Universality of Human Rights

Havi Echenberg and Bruce Porter¹⁶ have drawn attention to the United Nations General Assembly Resolution 32/130 adopted in 1977, which includes the following endorsement:

"All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights"

Canada voted in favour of this resolution as well as the Vienna Declaration and Programme of Action endorsed by the UN General Assembly in 1993.

In fact, it is impossible to separate questions of poverty and economic oppression from broader human rights issues. There may be a higher comfort level in dealing with civil and political rights due to a history of past experience in the courts, but decisions about whether to promote, protect and enforce human rights cannot be based on doing what is easy or comfortable. Quite simply, they must be based on doing what is right and just.

Vienna Declaration and Programme of Action

Article 5

All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

Viewpoint of the Canadian Human Rights Commission

In 1997, the Canadian Human Rights Commissioner created some controversy by promoting the idea of the interdependence of all human rights:

"The international community has recognized for some time that human rights are indivisible, and that social and economic rights cannot be separated from

political, legal or equality rights. It is now time to recognize poverty as a human rights issue here at home as well."¹⁷

In 1998, the Chief Commissioner responded to the controversy by stating that "it is not possible to look at human rights without considering social and economic conditions". She expressed the desire that this review of the CHRA be comprehensive and that, "in assessing the adequacy of current legislation and examining the role of the Commission, it [the review] will be sensitive to the importance of incorporating into law Canada's international human rights obligations."¹⁸

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DEALING WITH OBJECTIONS TO SOCIAL AND ECONOMIC RIGHTS

*"There is nothing to the view, then, that what the majority wills is right. In fact, none of the traditional conceptions of justice have held this doctrine, maintaining always that the outcome of the voting is subject to political principles. Although in given circumstances it is justified that the majority (suitably defined and circumscribed) has the constitutional right to make law, this does not imply that the laws enacted are just."*¹⁹ --John Rawls

Courts vs. Legislatures

The main objections to making social and economic rights legally enforceable relate to whether non-elected courts or quasi-judicial bodies have the competency to make the decisions required and whether they should have the power to do so.

The question of competency is somewhat ironic when one considers the ineptitude and irresponsibility demonstrated by elected governments in recent years. There are individuals, however, with the necessary background and experience in social and economic rights who would have to be called upon to assist with the implementation of legally enforceable rights. There is also a wealth of knowledge and experience in other countries that are further ahead of Canada in this area that can be drawn upon to ensure that the decisions that are made are fair and reasonable.

The question of balance of power between the courts and the legislatures raises the larger issue of democracy and role of different institutions in the democratic process. Enforceable human rights exist in order to protect citizens from the abuse of power by their elected governments. They are indispensable to the democratic process.

The majority will always get what they want by relying on their strength in the voting process, but what they want is not necessarily right or fair. The role of the courts is not to make decisions for governments, but to ensure that the decisions do not unnecessarily infringe on the rights of citizens.

The actual basis of this objection is the fact that courts may rule against the will of the majority in favour of fairness and justice.

It is only natural that particular rights have more relevance for certain individuals in certain circumstances, but that does not imply that certain rights are more important. Although the property owning class may believe that protection of civil and political rights is all that is necessary in our society, social and economic rights have more relevance for the disadvantaged class in society, who desperately need to have their rights protected. There may be vigorous opposition from the majority to having these rights legally enforceable, but there is no just reason to submit to this opposition.

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WANTED: SOCIAL AND ECONOMIC RIGHTS IN THE CHRA

A Commitment by the Canadian Government

In addition to the mandate provided by the Minister of Justice, the delegation that represented the Canadian government in Geneva before the UN Committee on Economic, Social and Cultural Rights in 1998 made a clear commitment to that Committee that the federal government would make sure that the review of the CHRA would include consideration of expanding the Act to include protection of social and economic rights.

A few months later, the Honourable Hedy Fry, Secretary of State for the Status of Women and Multiculturalism, assured the UN Human Rights Committee that she would recommend that the review of the CHRA include consideration of expanding the mandate of the Canadian Human Rights Commission to include issues of compliance with international human rights treaties²⁰.

UN Committee on Economic, Social and Cultural Rights

Concluding observations regarding Canada in 1993:

25. The Committee recommends the incorporation in human rights legislation of more explicit references to social, economic and cultural rights.

Concluding observations regarding Canada in 1998:

9. The Committee welcomes the Canadian Human Rights Commission's statement about the inadequate protection and enjoyment of economic and social rights in Canada and its proposal for the inclusion of those rights in human rights legislation, as recommended by this Committee in 1993.

51. The Committee again urges federal, provincial and territorial governments to expand protection in human rights legislation to include social and economic rights...

Concluding observations regarding Canada in 1999:

10. The Committee is concerned that gaps remain between the protection of rights under the Canadian charter and other federal and provincial laws and the protection required under the Covenant [International Covenant on Civil and Political Rights], and recommends measures to ensure full implementation of Covenant rights.

Paris Principles and the Role of National Human Rights Commissions

The Paris Principles were developed at a meeting of representatives of national institutions in Paris in 1991. These Principles were subsequently endorsed by the United Nations General Assembly in 1993²¹.

These Principles were intended to "clarify the concept of a 'national institution' by providing *minimum standards* on the status and advisory role of national human rights commissions"²². [emphasis added]

The Principles are critical to this review of the CHRA because of the Review Panel's mandate "to ensure that the Act [CHRA] accords with modern human rights and equality principles". The minimum standards established by the Paris Principles are an appropriate starting point for amending and modernizing the CHRA to provide the Canadian Human Rights Commission with the mandate necessary to universally protect human rights.

Paris Principles *Competence and responsibilities*

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, inter alia, have the following responsibilities:

(b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation.

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CONCLUSION

"For the oppressors, there exists only one right: their right to live in peace, over against the right, not always even recognized, but simply conceded, of the oppressed to survival."²³

In the last 12 months, delegations representing the Canadian government have appeared before two international bodies that monitor human rights abuses. Both times the delegations have made commitments related to the present review of the Canadian Human Rights Act. The commitments were to ensure that this

Review Panel would consider incorporating social and economic rights into the CHRA and that the mandate of the Canadian Human Rights Commission would be expanded to include issues of compliance between Canadian legislation and international human rights treaties.

Based on the mandate for the Review Panel published by the Department of Justice, these issues clearly fall within the sphere of this review.

In terms of a starting point, the Paris Principles provide a general guideline for reforming the CHRA to make it compatible with modern human rights and equality principles. This requires formally acknowledging the universality, indivisibility, interdependence and interrelatedness of human rights in the CHRA.

The evidence of the relationship between civil and political rights and social and economic rights is quite visible in the daily lives of Canadians. People living in poverty are stereotyped as lazy and immoral; they face invasion of their privacy by representatives of the state; they are refused housing and banking services simply because they are poor; there is flagrant promotion of hatred against them in the media, by government officials and by elected politicians; they can be harassed, beaten, and lose their lives simply because their rights are not being respected.

Up until now, they have had no effective recourse. The court system is prohibitively expensive and takes far too long for people with disadvantages who are seeking remedies. The Charter of Rights and Freedoms has consistently been interpreted very narrowly to protect primarily civil and political rights.

The need for legally enforceable protection of social and economic rights in Canada has been recognized internationally as well as domestically. In December of 1998, the members of the United Nations Committee on Economic, Social and Cultural Rights were visibly exasperated by the lack of progress in this area by the federal government.

The core requirements for the realization of social and economic rights may not be clearly defined yet, but that is not sufficient reason to ignore these rights. The requirements for the realization of civil and political rights also have elements of ambiguity. Uncertainty regarding the fairness of legislation will always exist, but to refuse to evaluate the social and economic component of justice is indefensible.

Social and economic rights are not special rights for the poor. They are human rights for all Canadians. We are all able to enjoy greater freedom and more enriching lives by ensuring that no Canadian will be without the minimum requirements needed for dignity and full participation in society.

People living in poverty readily understand the significance of legally enforceable social and economic rights as a defense against the persecution they face, but often those who are more affluent tend to view social and economic rights as claims against their own 'well-earned' comfort. Limited by the ignorance of their good fortune, they may fail to realize that without guarantees of justice for all, they are one catastrophe away from experiencing oppression from the bottom up.

This Review Panel may have begun its work intent on developing a set of recommendations that would find broad support with the majority of Canadians. The proposal for including social and economic rights in the CHRA will not blend easily with this intent. As noted earlier, however, the will of the majority is not necessarily just or fair.

The Panel members will have to wrestle with their own consciences to determine the appropriate balance between protecting human rights that have been recognized internationally for over 50 years and still do not exist in Canada, and proposing amendments that may be more palatable to the more powerful interests in Canadian society.

"Compassion may itself be a substitute for justice ... compassion always already signifies inequality. The compassionate intend no justice, for justice might disrupt current power relationships."

-- Hannah Arendt

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SPECIFIC RECOMMENDATIONS

The time frame for this review of the CHRA is relatively short and there are many people living in poverty who will not get an opportunity to appear before the Review Panel or present written submissions. NAPO's mandate is to represent the perspective of low income Canadians at the national level. We have never taken our responsibility more seriously. The inclusion of social and economic rights in the CHRA is the single most important step that can be taken to begin to address the staggering level of injustice that the poor in Canada face on a daily basis. Poverty is the most pressing human rights problem in Canada and if the reform of the CHRA is to have any relevance for the 21st century, it must broaden the Act to allow some mechanism for the most disadvantaged group in Canadian society to achieve justice and freedom.

1. NAPO supports the Model Social and Economic Rights Amendment to the Canadian Human Rights Act that was developed by Martha Jackman and Bruce Porter. This model guarantees everyone the right to:

Food
Clothing
Housing
Health care
Social security
Education
Work which is freely chosen
Special measures to support the care of children
Support services
Other fundamental requirements for the security and dignity of the person

The model also establishes a Social Rights Sub-Committee responsible for evaluating and promoting compliance with these rights. A Social Rights Panel must also be created to inquire into complaints from individuals or groups about infringements of these rights in all areas within the legislative authority of the Canadian Parliament.

2. The term "social condition" must be included as one of the prohibited grounds of discrimination. The definition of social condition must include a reference to "source of income" and it must prohibit discrimination based on social or economic disadvantage.

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ENDNOTES

1 The term poverty line is used throughout this submission and refers to the before-tax Low Income Cut-offs that are published by Statistics Canada. Although Statistics Canada does not officially endorse these as poverty lines, they are widely accepted in Canada as the most dependable measure of the level at which Canadians are living in straightened circumstances.

2 Department of Justice, Press Release, *Minister of Justice Announces Review of Canadian Human Rights Act*, April 8, 1999.

3 The Paris Principles are a detailed set of minimum standards for national human rights institutions endorsed by the United Nations Commission on Human Rights and the United Nations General Assembly in 1994.

4 NAPO, *The 50th Anniversary of the UN Declaration: A Human Rights Meltdown in Canada*, 1998.

- 5 Canadian Association of Food Banks, *HungerCount99: A Growing Hunger for Change*, 1999.
- 6 Based on the Low Income Cut-offs for a single person living in a city with a population of 500,000 and over.
- 7 Calculation based on data from the National Council of Welfare, < *Incomes*>, *Winter 1997-98*.
- 8 Statistics Canada, *Low Income Persons, 1980 to 1997*, 13-569-XIB.
- 9 Canadian Institute of Child Health, from data to be released in *The CICH Profile III*, 1999.
- 10 NAPO, *The 50th Anniversary of the UN Declaration: A Human Rights Meltdown in Canada*, 1998.
- 11 See for example, NAPO's reports: *Government Expenditure Cuts and Other Changes to Health Care and Post-Secondary Education: Impact on Low-Income Canadians*, January 1998, *Poverty and the Canadian Welfare State: A Report Card*, June 1998
- 12 Carolyne Gorlick & Guy Brethour, *Welfare-to-Work Programs in Canada: A Discussion Paper*, Canadian Council on Social Development, 1998
- 13 United Nations Human Rights Committee, 65th Session, Concluding observations of the Human Rights Committee : Canada. 07/04/99., CCPR/C/79/Add. 105.
- 14 United Nations Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.31, Dec. 4, 1998.
- 15 William A. Schabas, *Freedom from Want: How Can We Make Indivisibility More Than a Mere Slogan?*, paper presented to "Building a Human Rights Agenda for the 21st Century: A Practical Celebration of the 50th Anniversary of the Universal Declaration of Human Rights", University of Ottawa, Oct. 1-3, 1998.
- 16 Havi Echenberg & Bruce Porter, "Poverty Stops Equality: Equality Stops Poverty, The Case for Social and Economic Rights", in *Human Rights in Canada: Into the 1990s and Beyond*, ed. Ryszard I. Cholewinski, Human Rights Research and Education Centre, University of Ottawa, 1990.
- 17 Canadian Human Rights Commission, *Annual Report 1997*.
- 18 Canadian Human Rights Commission, *Annual Report 1998*.
- 19 John Rawls, *A Theory of Justice*, Harvard University Press, Cambridge, Massachusetts, 1971
- 20 Minister Fry's comments were recorded by members of NGOs who were attending the review of Canada's implementation of the International Covenant on Civil and Political Rights.
- 21 United Nations General Assembly resolution 48/134, December 20, 1993.
- 22 Asia Pacific Forum, *United Nations and National Institutions: Paris Principles* {web page}.
- 23 Paulo Freire, *Pedagogy of the Oppressed*, New York: Continuum, 1993