Poverty as a Human Rights Violation*
(*Except in Governmental Anti-Poverty Strategies)*

Vincent Greason[1]

Poverty is a fundamental violation of the human rights of the poor. To be poor means to have substandard housing or bad teeth, an empty fridge or recurring sickness, or to be afflicted by a myriad of other, often combined, situations that affect one's ability to live as "fully human." A series of human rights that are recognized by states in various international and domestic instruments are ignored, violated, and shunted aside as governments entrench themselves within a "balanced budget" logic. This is the political context in which a majority of Canadian provinces have decided to "fight poverty"—it also frames the new human rights paradigm within which we currently find ourselves.

As of December 2010, Newfoundland and Labrador, Nova Scotia, New Brunswick, Quebec, Ontario, and Manitoba have adopted formal anti-poverty strategies.[2] Five of these are rooted in legislation, whereas Newfoundland and Labrador has chosen a non-legislative route. Quebec was first to adopt such a strategy. Between 1995 and 2002, a unique citizens' movement centered on the Collectif pour une loi sur l'élimination de la pauvreté[3] gathered the support of hundreds of thousands of citizens and 1,600 civil society groups who urged the Quebec government to adopt a law to eliminate poverty. Following a massive popular education campaign in the spring of 2002, a citizens' assembly made up of dozens of delegates from civil society groups across Quebec voted for a peoples' law to eliminate

poverty and several months later, 215,316 petitions in support of this demand[4] were presented to Quebec's National Assembly.

In December 2002, the *Act to combat poverty*, which contained several of the popular law's recommendations, was unanimously adopted by the National Assembly.[5] Two comprehensive five-year action plans to fight poverty followed in 2004 and 2010.[6]

Other Canadian provinces moved quickly to fight poverty. From east to west, several initiatives emerged. *Reducing Poverty: An Action plan for Newfoundland and Labrador* was tabled in 2006.[7] In Nova Scotia, a private member's bill, adopted by the Provincial Assembly in 2007, obliged the government to form the working group that produced the *Poverty Reduction Strategy* in 2009.[8] Following extensive public consultation, in 2008, New Brunswick released *Overcoming Poverty Together: The New Brunswick Economic and Social Inclusion Plan*[9] and subsequently adopted the *Economic and Social Inclusion Act* in 2010.[10] In 2008, Ontario released *Breaking the*

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[4]   That is in support of the principle of a law to eliminate poverty, not specifically in support of the content of the popular law. The "popular law" was redacted by progressive jurists and reflected the content that the Collectif would have liked to see in a "law to eliminate poverty."

[5]   *Act to combat poverty*, above note 3. Francois Aubry & Christiane Plamondon, "The Québec Act to Combat Poverty and Social Exclusion: How Does it Tackle the Situation of People with Disabilities*?"* (10 June 2010), online: CCD www.ccdonline.ca [Aubry & Plamondon]. In the foreword to Aubry & Plamondon's article, Lucie Dumais and Yves Vaillancourt make the following statement: "... [t]he fact that this law had been democratically co-constructed before its adoption, both in civil and political societies, has allowed it to acquire greater institutional strength and durability than if it had been the work of a single political party and had not been strongly rooted in civil society" (at 2). Therefore, he takes sides on an issue that has profoundly divided Quebec's anti-poverty movement: Was the *Act to combat poverty* co-constructed? Or was it the Quebec Government's calculated political response to a politically opportunistic issue? The fact that the Collectif unabashedly welcomed the passage of the *Act to combat poverty* certainly painted it into a proverbial corner and limited its role as a critical intervener in the ongoing debates concerning the implementation of the Law.

[6]   Government of Quebec, *Reconciling Freedom and Social Justice: A Challenge for the Future (2004-2010)* (April 2004), online: MESS www.mess.gouv.qc.ca; Government of Quebec, *Combating Poverty and Social Exclusion: A Priority for Québec (2010-2014)* (June 2010), online: MESS www.mess.gouv.qc.ca [Quebec, *Combating Poverty*].

[7]   Government of Newfoundland and Labrador, *Reducing Poverty: An Action plan for Newfoundland and Labrador* (June 2006), online: NL www.gov.nl.ca.

[8]   Government of Nova Scotia, *Poverty Reduction Strategy* (April 2009), online: Nova Scotia Canada http://novascotia.ca.

[9]   Government of New Brunswick, *Overcoming Poverty Together: The New Brunswick Economic and Social Inclusion Plan* (2008), online: GNB www2.gnb.ca.

[10]   *Economic and Social Inclusion Act*, SNB 2010, c E-1.105.

Cycle: A Poverty Reduction Strategy,[11] followed by the *Poverty Reduction Act* (2009).[12] Finally, Manitoba joined other provinces with *All aboard: Poverty Reduction Strategy"* in 2009,[13] followed by the *Poverty Reduction Strategy Act,*[14] which became law in June 2011. Each of these strategies emerged within the same six or seven year period during which the provinces were adjusting to the Canada Social Transfer (2004), a new Federal funding formula which dramatically altered the delivery of social programs in Canada.[15] The first decade of the new millennium was also a period when the neoliberal ascendancy asserted itself on all levels of Canadian government.

Whereas "les trente glorieuses"[16] had given rise to the Keynesian welfare state, with various legislative efforts to redistribute wealth within Canada, the present series of provincial anti-poverty initiatives arrived in a period of the dismantling of the social state. Provincial anti-poverty strategies have emerged during a period of neoliberal consolidation—more precisely, they have materialized just as the State is limiting, if not eliminating, its direct role in social program and service delivery. The changed nature of State intervention in the social sphere, coupled with reduced taxation and the offloading of State responsibilities to new social partners (philanthropic, private "for-profit," and private "not-for-profit" organizations) has a direct effect on the nature of these programs and strategies.[17]

A. Several Threads, One Web

In this paper, I identify six threads characteristic of Canada's provincial anti-poverty initiatives. Four of these, present and identifiable across the different schemes, form a tightly knit web; two others, conspicuous by their absence, fall outside of the neoliberal net.

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[11]   Government of Ontario, *Breaking the Cycle: Ontario's Poverty Reduction Strategy* (2008), online: Ontario.ca www.ontario.ca.

[12]   *Poverty Reduction Act*, 2009, SO 2009, c 10.

[13]   Government of Manitoba, *All Aboard: Poverty Reduction Strategy* (2009), online: Manitoba.ca www.gov.mb.ca.

[14]   *The Poverty Reduction Strategy Act*, CCSM c P94.7.

[15]   Barbara Cameron, "Accounting for Rights and Money in the Canadian Social Union" in M Young et al, eds, *Poverty: Rights, Social Citizenship, and Legal Activism* (Vancouver: UBC Press, 2007) 162.

[16]   "Les trente glorieuses" refers to a time of sharp economic growth that began in 1945 and continued until 1973 in the majority of OECD countries including Canada.

[17]   Vincent Greason, "Québec's Community Movement: A Force for Social Change?" (2010), online: TROVEPO www.trovepo.org [Greason, "Québec's Community Movement"].

In the first instance, the State is moving away from direct revenue transfer to the poor as a means for fighting poverty. On the other hand, the desire to measure is omnipresent as provincial anti-poverty initiatives give rise to a new "poverty industry" composed of experts in the definition and measurement of poor people and their behaviour. A third common thread can be summed up in the concept of "responsibilization" with its double connotation: the "de-responsabilization" of government as the principal agent for fighting poverty and the "responsabilization" of new social actors, beginning with the poor themselves. Related to the third, a fourth thread posits that social partners must fight poverty with "synergy"—partnerships of stakeholders must be formed and mobilized so that poverty can be attenuated and the poor can be neutralized as a socio-political threat.[18]

Whereas social commentators from the right and left of the spectrum acknowledge increasing social polarization, with the rich becoming more affluent, the middle class shrinking, and the poor becoming more numerous, none of the provincial strategies include measures, fiscal or otherwise, to limit private wealth accumulation. None acknowledge that a reduction in wealth disparity may hold the key to poverty reduction. This is the absent fifth thread.

Finally, Canada has committed itself to international human rights obligations.[19] Many human rights are directly related to poverty: the right to an adequate standard of living, social protections (pensions, legal aid, workers' compensation, unemployment insurance, etc.), a unionized workforce, adequate housing, food, health care, and free public education. Far from being an occasion for progressively implementing Canada's international human rights commitments, none of the provincial strategies have incorporated a human rights based approach to fighting poverty. Indeed, apart from Quebec, there is not a single reference to human rights in any of the various provincial strategies.

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[18]   Hélène Thomas, *Les vulnérables: La démocratie contre les pauvres* (Paris: Éditions du Croquant, 2010) at 256.

[19]   *International Covenant for Economic, Social and Cultural Rights,* 16 December 1966, 993 UNTS 3, Can TS 1976 No 46 (entered into force 3 January 1976, accession by Canada 19 May 1976) [*ICESCR*]. Among the rights guaranteed, article 11 commits the State to ensuring an adequate standard of living for all citizens. In 2006, the UN Committee responsible for ensuring compliance of the Convention criticized every province in Canada for having social welfare programmes which fell far short of the country's human rights obligations (See Committee on Economic, Social and Cultural Rights, *Canada (fourth and fifth periodic reports)*, UNESCOR, 36th Sess, UN Doc E/C.12/CAN/CO/4 & E/C.12/CAN/CO/5 (2006) at para 21, online: OHCHR www2.ohchr.org [ICESCR Committee]). Apart from this Covenant, Canada is signatory to specific treaties enshrining the rights of women, people with disability, and children. Each of these agreements contains rights related to specific aspects of poverty experienced by the targeted community.

B. Common Threads in a Neoliberal Web

1) Revenue Transfer to the Poor

Poverty has long been conceptualized as an economic deprivation. The dictionary defines its first sense as "the state or condition of having little or no money, goods, or means of support; condition of being poor; indigence."[20] For the poor person, poverty is an existential fact: "There is no food in my fridge."; "My children will have to make do without a birthday party."; "I can't make the end of the month payments." Poverty is a lack of revenue, a lack of money.[21] In short, for the poor person, poverty is economic want.

Neoliberals have repackaged the concept. In their view, poverty is more of a social deprivation than an economic one. Aubry highlights the new approach contained in the Quebec *Act to combat poverty*:

> The definition of poverty is broad and inclusive, going far beyond the sole economic situation of an individual. It indeed states that poverty is "the condition of a human being who is deprived of the resources, means, choices and power necessary to acquire and maintain economic self-sufficiency or to facilitate integration and participation in society."[22]

As an object of study, poverty is more complex than only its economic dimension. However, it suits neoliberals well to repackage the definition of poverty in such a way as to diminish its economic dimension because they prone a vision of government that limits the public role in wealth redistribution. While apparently still important to redistribute wealth towards the private sector in times of economic crisis,[23] the neoliberal State must be very judicious insofar as the distribution is directed towards individuals. It must not be perceived as a vehicle that subsidizes poor people. Consequently, programs such as welfare, injured workers compensation, and seniors' benefits are at best indexed to the cost of living when they are not completely

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[20]   *Canadian Oxford Dictionary*, 2d ed, *sub verbo* "poverty."

[21]   "It's a little but more complicated than this" as an ACEF member pointed out to me during a session on the North Shore in Quebec: "It is more a question of the imbalance between revenue and expense." He is absolutely right. However, we both believe that poverty is fundamentally an economic issue, which the neoliberals deny.

[22]   Aubry & Plamondon, above note 5 at 4. In the same vein, and to cite only one example, another provincial anti-poverty statute states: "Manitoba recognizes that poverty is not only about money; it is about social exclusion." See Government of Manitoba, *All Aboard: Manitoba's Poverty Reduction Strategy* (11 June 2011) at 2, online: Manitoba.ca www.gov.mb.ca [Manitoba, *All Aboard*].

[23]   Think of the billions of public dollars made available by governments to support the Canadian automobile and forestry industries during the economic crisis of 2008.

frozen. Unemployment insurance, while a public program (though no longer publically funded), is now inaccessible to more than sixty percent of the workers who pay into it.[24]

Indeed, most provinces have used their anti-poverty strategy as a pretext for reforming their social welfare programs. Quebec introduced significant welfare reform shortly after the adoption of its *Act to combat poverty*. In its 2010 *Progress Report*, New Brunswick announced the creation of a Social Assistance Reform Committee, which is mandated to "move from a rules-based to an outcome based system."[25] Newfoundland and Labrador, Ontario, and Manitoba have all announced significant welfare reform. Each of these reforms is strikingly similar. While part of an "anti-poverty strategy," they do not significantly increase the benefits paid to the poor.[26] In fact, an evaluation done by the Gatineau's Association for the defence of social rights (ADDS) demonstrates that from 1994 to 2002, the combined effect of a benefit freeze and its non-indexation has actually cost Quebec's welfare recipients the equivalent of one full month of revenue.[27] In real dollars, an employable Quebec welfare recipient is thirty percent poorer in 2011 than he or she was in 1987, a tendency exacerbated—not corrected—by the provincial "anti-poverty" strategy.

In most provinces, the "anti-poverty strategy" makes or reinforces a clear distinction between poor people based on their ability to work.[28] An

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[24]   See ICESCR Committee, above note 19 at para 22 (observation No 22: "The committee is preoccupied that only 39% of Canadians without work have the right to unemployment benefits in 2001...." In the intervening years, the Harper Government has certainly not reversed this trend).

[25]   Government of New Brunswick, *Overcoming Poverty Together: The New Brunswick Economic and Social Inclusion Plan* (11 August 2010), online: GNB www2.gnb.ca [New Brunswick, *Overcoming Poverty Together*].

[26]   ICESCR Committee, above note 19 at paras 20 and 53 (the Committee on the ICESCR, having noted "with concern that in most provinces and territories, social assistance benefits are lower than a decade ago" and that "welfare levels are often set at less than half the Low Income Cut-Off" urged the "State party to establish social assistance levels which ensure the realization of an adequate standard of living for all"). See also ICESCR Committee, above note 19 at para 11ff (which recalls that the Committee had made similar demands during the periodic reviews of Canada in 1993 and 1998).

[27]   ADDS-Gatineau, "Ça suffit! Mémoire présenté à la Commission des affaires sociales à l'occasion de la consultation générale sur le projet de loi n° 57, Loi sur l'aide aux personnes et aux familles" (October 2004) at 9, online : Assemblé Nationale Québec www.assnat.qc.ca.

[28]   New Brunswick makes a distinction between Transitional Assistance (employable) and Extended Benefits Program (unemployable); Quebec distinguishes between Social Solidarity (unemployable) and Social Assistance (employable) – Quebec also has a separate youth welfare programme; Ontario Works is reserved for employable poor people; the Ontario Disability Support Program is for those poor that are unable to work.

ideological distinction, these strategies are not so much conceived to lift people out of poverty as they are to get poor people into the paid labour market. They reinforce the distinction between the deserving and undeserving poor, the meritorious and non-meritorious, for which the tipping point is a person's relationship to paid employment. The distinction between the good and bad poor leads to a subtle reworking of the notion of citizenship and the resurrection of the concept of the "social contract." In the words of Quebec's Conseil de la santé et du bien être: "Employable citizens who refuse to work break their contract with the broader community" [29] Thus, the good citizen becomes the responsible citizen who does everything possible to avoid the "regime of last resort;" by extension, the employable citizen who remains on welfare is a bad citizen. Neoliberal logic holds that by freezing public assistance benefits and making welfare so intolerable that one is prepared to do anything to avoid it, the State actually 'helps' people to become good citizens. The strategy is apparently working according to the government of Quebec:

> Another reason for the improved situation in Quebec is the daily determination of individuals who work together to improve their lot and that of their family. By bettering their own living conditions, these men and women, more than anyone else, contribute to crafting a brighter future for our society in its entirety.[30]

In the neoliberal world, good, responsible citizens do all that is in their power to avoid "living off the public trough." They find jobs or prepare themselves for the workplace because it is assumed that paid employment is the best, most efficient way to fight poverty—an idea successively relayed by both the Newfoundland and Quebec Action Plans and which finds its way into the terms of reference of Ontario's Commission for the Review of Social Assistance:

- One of the best ways out of poverty is through a sufficient level of paid employment.[31]

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[29]   Conseil de la santé et du bien-être, *L'harmonisation des politiques de lutte contre l'exclusion,* (1996) at p 55 ("un refus de participation [aux activités d'employabilité], en dépit d'offres raisonnables, constitue *une rupture de la relation qui lie ces individus à leur communauté*" [emphasis added]). This report is cited several times in Francine Lepage & Chantal Martel, "Mémoire sur le document de consultation intitulé : Un parcours vers l'insertion, la formation et l'emploi—La réforme de la sécurité du revenu" (1996) at 27, 30 and 37, online: Conseil du statut de la femme www.csf.gouv.qc.ca.

[30]   Quebec*, Combating Poverty,* above note 6 at 9.

[31]   Government of Newfoundland and Labrador, *Empowering People, Engaging Community, Enabling Success, First Progress Report on the Government of Newfoundland and Labrador's Poverty Reduction Strategy* (December 2009), online: NL www.gov.nl.ca [Newfoundland and Labrador, *Empowering People*].

- Considering that employment constitutes the best means for fighting poverty… .[32]
- The most promising way to improve outcomes for people receiving social assistance is to substantially improve their employment opportunities... ."[33]

Government claiming that paid employment is the best way to fight poverty does not necessarily make it a fact. While it is true that the transition to wage labour is a useful tool for removing citizens from provincial welfare rolls (that is, for meeting the targets that will be discussed in the next section), paid employment does not guarantee that a person will leave poverty. In fact, despite (or because of) provincial initiatives, the largest growing group of poor people in Canada today are the working poor.[34] As the historian Jacques Rouillard recent

ly observed: "Depuis trois décennies, les salariés n'augmentent pas leur pouvoir d'achat, même si, en général, la croissance économique est au rendez-vous … La richesse se crée, mais les travailleurs salariés n'en voient pas la couleur."[35] Evidence supporting Rouillard's contention is everywhere: food banks report serving a dramatically increased number of workers and their families; waiting lists for social housing are growing longer as workers are unable to meet market-determined rents; "good" citizens are working two and three jobs to make ends meet. [36]

From the late 1980s until the middle of the first decade of the new millennium, and across all jurisdictions, Canadian minimum wage levels were frozen. While it is a fact that across the country, anti-poverty strategies are

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[32]   Quebec, *Combating Poverty,* above note 6 at 25. The government also restates that employment is the best and most lasting method to improve the poor's living situation and combat poverty (at 24).

[33]   Government of Ontario, *Commission for the Review of Social Assistance in Ontario, A Discussion Paper: Issues and Ideas* (June 2011), online: MCSS www.socialassistancereview.ca.

[34]   See Poor No More, "Facts About the Working Poor in Canada" (2010) online: Poor No More www.poornomore.ca .

[35]   "For 3 decades, salaries have not increased purchasing power, even though in general, economic growth is at a head… The wealth has been created but workers' salaries aren't seeing the benefit." See Jacques Rouillard, "Les colonnes du temple néolibéral ébranlées" *Le Devoir* (26 March 2011), online: Le Devoir www.ledevoir.com.

[36]   Quebec Commission of Human Rights and Youth Rights, *Avis au ministre sur le plan d'action en matière de lutte contre la pauvreté* (April 2010) at 3, on line : CDPDJ http://www.cdpdj.qc.ca. The working poor have become so prevalent that they make up one in four workers on the market. Single mothers and immigrants are among the highest demographic amongst the working poor.

credited with increasing minimum wage levels,[37] it is equally true that minimum wage workers are falling deeper into poverty with little likelihood of getting out.[38] This of course begs the question: If paid employment is proposed as the solution to poverty, why is it that the "new poor" are workers?[39]

2) The Urge to Measure

Governments have realized that one of the best ways to fight poverty is to define it and then to adopt specific measures addressing the phenomenon, thus defined. To help them in this endeavour, an entirely new industry of poverty measurement has developed, which goes far beyond traditional university research.[40] The push for measuring poverty is not just domestically generated. Different international bodies, including the UN Committee on Economic, Social and Cultural Rights, criticize Canada for not having an official poverty line. In its 2006 Concluding Observations, "[t]he Committee reiterates its recommendation that the State party establish an official poverty line."[41]

Spurred by different provincial strategies, poverty has become a hot research topic. Both within the academy and within public services inspired by the new public management model, "indicators" are being developed to follow more precisely the evolution of the object of study and public policy is

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[37]   The following provinces used their anti-poverty initiative to increase the minimum wage in their jurisdiction. The figure between parentheses represents the 2010 provincial rate: Quebec ($9.50); Newfoundland and Labrador ($10); New Brunswick ($10 - 2011); Manitoba ($9).

[38]   ICESCR Committee, above note 19 at para 18 ("[t]he committee notes with concern that the minimum wage in all provinces and territories of the State party are below the Low Income Cut-Off and are insufficient to enable workers and their families to enjoy a decent standard of living"). For comparative purposes with the preceding note, an hourly minimum wage of $10.88 CAN$ (2011) would permit a worker to attain the LICO).

[39]   Sylvain Lefèvre, Gérard Boismenu & Pascale Dufour, *La Pauvreté: Quatre modèles sociaux en perspective* (Montréal: Les Presses de l'Université de Montréal, 2011) at 119.

[40]   This is a "new poverty industry," which distinguishes itself from the "old poverty industry" rooted in charitable organizations such as the Salvation Army, St. Vincent de Paul, and soup kitchens.

[41]   ICESCR Committee, above note 19 at para 60. This follows from the 1998 Concluding Observations, which read: "The absence of an official poverty line makes it difficult to hold the federal, provincial and territorial governments accountable with respect to their obligations under the Covenant.". *See* United Nations Committee on Economic, Social and Cultural Rights, *Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant: Concluding Observations of the Committee on Economic, Social and Cultural Rights: Canada*, UNESCOR, 19th Sess, UN Doc E/C12/1/Add 31, (1998) at para 13.

being fashioned by social modeling.[42] The use of measurement and indicators gives a scientific veneer to the results-based approach to fighting poverty because these tools are characterized as objective and neutral. They are reputed to be detached, non-emotive tools for policy elaboration. Using such a methodology, the Quebec government is confident that its approach "is founded upon a solid scientific base."[43]

Every provincial anti-poverty strategy adopts the measurement approach. In New Brunswick, a public "call for tender" was issued in the summer of 2010 with a clear objective: to develop adequate indicators for the measurement of New Brunswick poverty.[44] Manitoba's *Poverty Reduction Act* legislates the measurement of its anti-poverty strategy's progress.[45] In Ontario, the use and type of indicators are also legislated, requiring "indicators to measure the success of the strategy that are linked to the determinants of poverty, including but not limited to income, education, health, housing and the standard of living."[46]

Quebec *Act to combat poverty* places poverty measurement at the heart of the fight. This legislation commits to "make Quebec, by 2013, one of the industrialized nations having the fewest poor people, *according to internationally recognized methods for making comparisons*."[47] Itself created by the Quebec Act, the Centre d'étude sur la pauvreté et l'exclusion issued a recent study identifying no fewer than seventy-five different ways of measuring poverty.[48]

While the debate on the 'best' measure for calculating poverty is a subject for another paper, it is important to note that the choice of such a measure is eminently political.[49] Since the preferred indicator will be used as a reference point for measuring the success of different government strategies,

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[42]   Vincent Greason & Lucie Lamarche, "Indicators and Human Rights – Do we really want to go there, and if so, how far?" (2011) at 3 & 4, online: TROVEPO www.trovepo.org [Greason & Lamarche].

[43]   Government of Quebec, *Government Action Plan for Solidarity and Social Inclusion (2010-2015)* (June 2010), online: MESS www.mess.gouv.qc.ca. The Government Action Plan for Solidarity and Social Inclusion also has a solid scientific foundation thanks to the collaboration of the Centre d'étude sur la pauvreté et l'exclusion (CEPE).

[44]   New Brunswick, *Overcoming Poverty Together*, above note 25 at 10.

[45]   Manitoba Family Services and Labour, *All Aboard: Manitoba's Poverty Reduction and Social Inclusion Strategy* (Summer 2011) at 6, online: Manitoba.ca www.gov.mb.ca.

[46]   *Poverty Reduction Act,* above note 12, s 3(3).

[47]   *Act to combat poverty,* above note 3, s 4 [emphasis added].

[48]   Government of Quebec, *Inventaire des indicateurs de pauvreté et d'exclusion sociale* (October 2005), online: Institut de la statistique du Québec www.stat.gouv.qc.ca.

[49]   Greason & Lamarche, above note 42 at 5-7.

it stands to reason that the choice of one indicator over another will have political consequences.

Similarly, it is politically important to maintain control over the definition of the preferred measure and its application. This is such a sensitive issue that several provinces claim that measures developed by the highly respected Statistics Canada ignore or distort regional particularities. To complement their anti-poverty strategies, both Quebec and Newfoundland have chosen to invest time, energy, and resources into developing regional variants of federal data to more accurately measure the progress of their anti-poverty initiatives.[50] As mentioned, the call for tender issued by the New Brunswick government is to develop "adequate" indicators for measuring "New Brunswick poverty." Therefore, "New Brunswick poverty" will fight with "child poverty," "seniors' poverty," and "women's poverty" to claim its "poverty space."

Having accurate provincial data is absolutely essential when one of the measurement outcomes by which anti-poverty strategies are to be judged is comparative. Indeed, these strategies are akin to childish competitive arguments about who has won a contest. Rather than being designed to ensure that the beneficiaries of the strategies are those who have been living in poverty, the purpose of the measurement seems to be to allow one government to say to others: "*We* are better than *you*"!

On this front, Quebec has set the bar very high. Its objective is to be, by 2013, amongst the international jurisdictions with the fewest people living in poverty "measured by internationally recognized standards."[51] Not to be outdone, Newfoundland and Labrador promises to move from the poorest province to the least poor one by 2014.[52] For its part, Ontario's strategy reflects that province's "aspiration to be a leading jurisdiction in reducing poverty."[53] Meanwhile, poor Nova Scotia seems handicapped from the start: "[t]he percentage of Nova Scotians living in low-income circumstances is the

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[50]   See Newfoundland and Labrador, *Empowering People*, above note 31 at 30. The Newfoundland and Labrador Statistics Agency has developed the Newfoundland and Labrador Market Basket Measure (NLMBM) based on tax data rather than surveys. With this corrected data, it has created a NLMBM of housing affordability and a gender-specific MBM specific to the province. In Quebec, the Institut de la statistique du Québec, together with the Centre d'étude sur la pauvreté et l'exclusion sociale have adjusted federal data to better reflect the Quebec reality. What one measures understandably determines the outcome measured.

[51]   *Act to combat poverty*, above note 3, s 4.

[52]   Newfoundland and Labrador, *Empowering People*, above note 31 at vii (the goal, repeated in Newfoundland and Labrador is audacious: "...to realize the Government of Newfoundland and Labrador's commitment to become the province in Canada with the lowest poverty rate in the Country by 2014").

[53]   *Poverty Reduction Act*, above note 12, s 2.

lowest it's been in a decade, and lower than the Canadian average...." [54] The race is on.

The urge to measure has dramatically transformed how poverty is conceptualized. Understood as a human rights violation, poverty is grounded in lived reality. Storytelling gives a voice, and from the perspective of the poor person it is seen as a legitimate method to gain knowledge and understanding. Understood as a neoliberal construct, poverty becomes a statistical reality, a phenomenon to be measured and compared. Depending upon the measure chosen, a person is poor or not. Poverty becomes an object to be debated amongst those experts who are producing different methods for measuring it. It becomes a contest to see who has the best and most accurate indicator. The poor become dispossessed of their own reality and their voices are not heard because they are not important. The poor person is the person deemed poor by the choice of indicator; change the indicator and you change the poor person. Poor people are reduced to statistics on a page, part of an aggregate forming a trend.

Further, when poverty policy decisions are based upon "poverty measurement" criteria, another dislocation occurs. As policy becomes directed to meeting State-identified needs, a hierarchy is established: certain needs are deemed more important than others. Limited resources will be targeted to redress the most urgent needs. The fight against poverty thus becomes the fight to meet targets. In reality, it has little to do with moving poor people out of their situation of poverty. To quote the minister responsible for the Newfoundland and Labrador Poverty Reduction Strategy: "I am proud to report that the indicators point to significant improvement in the fight against poverty in our province."[55] If the indicators say it, it must be true.

Such reliance on measurement and indicators makes it all the more difficult to understand the Harper Government's recent decision not to renew the long-form census data collection.[56] As provinces juggle to be able to measure where we are in order to trace and plan to where we want to be, provincial statisticians and planners must be highly frustrated. Except perhaps for Ontario: Munir Sheikh, Canada's former chief statistician and casualty of the Harper government's aforementioned census decision, is now the co-chair of the province's Commission for the Review of Social Assistance.[57]

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[54]   Government of Nova Scotia, *Preventing Poverty. Promoting prosperity. Poverty Reduction Strategy* (2009), online: Nova Scotia Canada http://novascotia.ca [Nova Scotia, *Preventing Poverty*].

[55]   Newfoundland and Labrador, *Empowering People*, above note 31 at 3.

[56]   For more, see "Long-form census cancellation taking toll on StatsCan data : questions raised over how data can be used reliably", *CBC News* (27 October 2012), online: CBC www.cbc.ca.

[57]   See www.socialassistancereview.ca.

To resume the argument developed to this point: The first two threads linking provincial anti-poverty strategies highlight the emerging nature of the neoliberal State's intervention in the fight against poverty. Its prime role is to move poor people off the "public purse" towards paid employment, notably by reducing direct public revenue transfers to an absolute minimum. Its role is also to identify indicators in such a way as to accurately measure the evolution of poverty. One further public role needs to be outlined and that is the State's role in seeking out, convincing, and coordinating those new social actors who must now take up the fight.

3) Responsibilisation

The Preamble of Quebec *Act to combat poverty* states: "Whereas persons living in poverty and social exclusion are the first to act to improve their situation and that of their families and whereas such improvement is linked to the social, cultural and economic development of the entire community... ."[58] The *Act* is quite clear: the poor themselves are the principle actors for fighting poverty. This idea is explicitly pursued throughout both Quebec Action Plans.[59] Other provincial strategies also seem grounded in the idea that good, meritorious, responsible citizens are defined as those who do not make demands upon the State. Responsible citizens learn how to wash and dress themselves and get to work on time. They (when "they" are two parents, rather than single parents) learn to juggle two jobs while looking after young children. Most of all, they are kept so busy surviving that they are unable to become socially or politically involved.[60] While it would be inaccurate to claim that neoliberalism holds poor people personally responsible for their poverty, the neoliberal state does hold them responsible for taking "active" measures to escape it.

It is not only the poor themselves who are responsible for fighting poverty. In the words of Manitoba's government: "All aboard!" The neoliberal locomotive is leaving the station and all passengers must be on the train! Among these paying passengers are the United Way, community organizations, schools, municipalities, and charitable foundations.

In recasting poverty as something other than "economic deprivation," neoliberalism evokes a form of social-determinism. Poverty results from poor schooling, parental incompetence, bad neighbourhoods, violence, unstable family situations, alcoholism, *et cetera*. Consequently, the fight against poverty shifts from the economic to the social domain. Understood as social deprivation, it follows that "new" (or at least non-traditional, non-State) actors

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[58]   *Act to combat poverty*, above note 3, Preamble.

[59]   Quebec*, Combating Poverty*, above note 6 at 24.

[60]   See Greason, "Québec's Community Movement", above note 17 at 17-19 (for a discussion on how the ideology valorizing "paid" over "militant" labour has had an impact on the depoliticizing of Quebec's community movement).

must be brought into the anti-poverty "struggle." Schools must become involved because hungry children do not learn well; social agencies and community organizations need to contribute to building the self-esteem of poor people, making them better parents and preparing them to confront the paid employment market; municipalities must become involved because poor neighbourhoods are dangerous, dirty, and bad for business. Wealthy people, their trust funds and companies must contribute (and be recognized for contributing) to the struggle because Canada lags far behind other jurisdictions in its development of a "culture of philanthropy."

Reaching out to the broader community and encouraging it to become actively involved in fighting poverty characterizes every provincial anti-poverty initiative. Newfoundland and Labrador "engages community partners."[61] Nova Scotia uses "a community development model to allow opportunity for public involvement in the fight against poverty. We will also continue to encourage businesses to become actively engaged."[62] Non-State partners are so important to the New Brunswick strategy that their significance is found in the very name of the initiative, *Overcoming Poverty Together*. The strategy continues: The fight against poverty is a "… shared responsibility of every citizen."[63] Manitoba's *All aboard* calls for partnerships with "businesses, non-profit organizations, communities and individuals." [64]

Three provinces, New Brunswick, Quebec, and Ontario, have taken the involvement of new actors a step further by "territorializing" their anti-poverty strategies and delegating specific responsibilities to municipal or local authorities. New Brunswick's Community Economic and Social Inclusion Networks have been established at the local level and are composed of representatives of people living in poverty, non-profit, business, and government sectors. The province has also developed an "integrated service delivery model" wherein all Government departments and service providers are instructed to find ways to work more collaboratively in the fight against poverty.

Quebec has taken this preoccupation a step further with the integrated territorial approach (ITA). This model includes a territorial integration of both actors (governmental, philanthropic, private for-profit, and not-for-profit) and financial resources (public and private) around common projects "determined by the milieu." The ITA is fundamentally an attempt by the public power to "responsibilize" (with money and mandates) municipalities, regions, and non-state actors in the fight against poverty.

Ontario's *Poverty Reduction Act* clearly delineates the role of the third sector, including non-profit and voluntary organizations, as being

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[61]   Newfoundland and Labrador, *Empowering People*, above note 31.

[62]   Nova Scotia, *Preventing Poverty*, above note 54 at 7.

[63]   New Brunswick, *Overcoming Poverty Together: The New Brunswick Economic and Social Inclusion Plan* (2009) at 1, online: GNB www2.gnb.ca.

[64]   Manitoba, *All Aboard*, above note 22 at 2.

"integral to a poverty reduction strategy by delivering the programs and services that matter to people, by strengthening communities, and by making a positive contribution to the economy."[65]

4) Use of Philanthropic Organizations

Several of the provincial anti-poverty strategies reserve a role for philanthropic organizations. Given the historical role that organizations such as the Salvation Army and the St. Vincent de Paul Society have played in the field of poverty appeasement, this should not be surprising. However, neoliberals are putting philanthropy to new use. As the State reorganizes service delivery in the social sphere, fiscal policy encourages Canadians to develop a "culture of philanthropy" similar to the one south of the border. Even as income taxes are cut, taxpayers (both individual and corporate) seek new tax shelters. Not-for profit organizations must become more accountable to real, or potential, donors.[66] Charitable donations increase, private foundations multiply, and the private sector is increasingly called upon to lend its support to fighting poverty.

Within provincial anti-poverty strategies, the role conferred upon the private sector and philanthropic organizations is formalized and institutionalized. In Manitoba, the government contracted the United Way to carry out the public consultation phase of the anti-poverty strategy. In Quebec, private foundations such as the Lucie and André Chagnon Foundation and the Club des petits déjeuners find themselves at the heart of the public anti-poverty strategy. Also, the Chagnon Foundation is an active partner in three explicit and legislated Public-Private Partnerships to fight poverty, thereby controlling more than $500 million in public funds over ten years.[67] The McCain family has actively committed itself to building a series of childcare centres as part of the New Brunswick anti-poverty initiative; in Newfoundland, the province has partnered with the Canadian Tire Foundation for Families Jumpstart program.[68] Across the country, community foundations, often controlled by the United Way and local partners, are active in funding anti-poverty projects.

This use of philanthropic interests is another form of privatizing the anti-poverty struggle. Philanthropy relies, to a large extent, on excessive

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[65]   *Poverty Reduction Act*, above note 12, ss 2 and 8.

[66]   Georges LeBel, "Quand nos lois encouragent la cupidité" (March 2010) 739 *Revue Relations*, online: Centre justice et foi www.cjf.qc.ca.

[67]   Fédération autonome de l'enseignement and TROVEPO, *Mieux comprendre l'affaiblissement des services publics: Quand les fondations privées ébranlent les fondations de l'édifice social* (August 2009), online: ROCFM www.rocfm.org; "Si nous étions la Fondations Chagnon" (5 February 2010), online: Observatoire Fondation Chagnon. http://observatoirechagnon.blogspot.ca.

[68]   Newfoundland and Labrador, *Empowering People*, above note 31 at 6.

private wealth, which has been poorly redistributed. In another époque, one with greater political courage, such excessive wealth would be the object of fiscal redistribution.

5) Partnerships: Everyone Now Fights Poverty

As the neoliberal State reduces its role in direct income support and eliminates universal public services and programs, more people become poorer and economic needs increase. Ironically (or tragically), as public services and programs target "the poorest" (thereby statistically reducing the numbers of those in that category, however it is defined), a whole new form of poverty becomes visible.[69] Schools discover poor kids and realize the urgency of becoming involved in anti-poverty measures—in effect, hungry students do not learn well.[70] Immigrant services become involved, because the once-existing public support network has been weakened. Poor health is an indicator of poverty, which costs the healthcare system. It is apparently not citizens from wealthy neighbourhoods such as Forest Hill or Westmount who are flooding the overextended public health network, therefore initiatives to address the poor health of poor people become "anti-poverty" initiatives. Municipal authorities have no more control over the incomes of poor people than do private foundations, immigrant services, or the local hospital. Yet, these are precisely the actors to whom the State is turning to implement a series of truly baffling anti-poverty programs and initiatives that are being heralded as 'success stories' in various provincial Government and civil society reports.[71]

A recent study was conducted analysing Quebec's ITA to fighting poverty.[72] While the anti-poverty model does indeed mobilize local resources

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[69]   Collectif pour un Québec sans pauvreté, "Le Crédit pour la solidarité, c'est pour tout le monde!" (2011), online: Collectif pour un Québec sans pauvreté www.pauvrete.qc.ca. It is estimated that fully one third of Quebec's taxpayers will be eligible to receive the brand new "Solidarity" tax credit, vaunted as an anti-poverty measure. In a rich country, thirty-three percent is a scandalously high number of citizens who need an anti-poverty measure.

[70]   Coincidently, students who do not learn well impact very negatively on school graduation rates and related success scores. Newly available anti-poverty funding potentially offers one way of alleviating certain financial stresses which some local schools may be experiencing.

[71]   Vincent Greason, "Does struggling locally against poverty really produce 'inspiring practices'?"(2010) at 9 & 10, online: TROVEPO www.trovepo.org ((this is a translation of Vincent Greason, "Lutter localement contre la pauvreté, donne-t-il réellement 'des pratiques inspirantes'?" (2010) 1:4 *Revue vie économique*). In the name of "fighting poverty," dog runs and skate parks have been built in poor neighbourhoods, photo and art exhibits organized, neighbourhood guided tours developed, and community centres and alleyways spruced up.

[72]   *Ibid*.

and energies, the study concludes that the "anti-poverty" label has become a pretext allowing newly created local elites (school principals, CLSC community organizers, municipal authorities, community organization staffers, employment councillors, representatives from private foundations, and the United Way) to initiate and fund hundreds of projects and measures responding to a variety of needs, but which do very little to reduce poverty understood as the economic deprivation of real people.

C. Conclusion: Two Missing Threads

This article has highlighted several of the common themes that characterize the different provincial anti-poverty initiatives. In conclusion, we wish to highlight two common themes that are absent from these initiatives—themes that, coincidentally, are not to be found in the neoliberal manual of policy directives. Provincial anti-poverty strategies do not address the problem of increasing wealth disparity within their jurisdiction, nor do they adopt a human rights approach to fighting poverty.

1) Clawing From the Bottom, Not Capping the Top

Following decades during which income disparity within industrial societies was reduced, the neoliberal policies of the past twenty years have reversed the trend and polarized income divisions between the wealthy and the poor. The Canadian Centre for Policy Alternatives,[73] Conference Board of Canada[74] and Le Monde diplomatique[75] have all documented this tendency both within Canada and the OECD. Obviously the same polarization is occurring between the industrialized world and what used to be called the "developing economies": the rich are becoming richer and the poor, while not necessarily becoming poorer,[76] are becoming more numerous and more confined to a condition from which they cannot escape.

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[73]   See also Errol Black & Jim Silver, "Fast Facts: We have a floor, now we need a ceiling. Reducing Canada's income inequalities*" (4 February 2010), online: Centre for Policy Alternatives www.policyalternatives.ca.

[74]   Gérard Bérubé, "Les inégalités de revenu progressent plus vite au Canada qu'aux États-Unis" *Le Devoir* (14 September 2011) online: Le Devoir www.ledevoir.

[75]   Till Van Treeck, "Grande crise act II: Victoire à la Pyrrhus pour l'économie allemande" Le Monde diplomatique" (September 2010), online: Le monde diplomatique www.monde-diplomatique.fr.

[76]   As with the UN's Millennium Objectives project, provincial anti-poverty strategies target "the poorest clientele," or those "most at risk." By addressing resources and programs for "the neediest," few resources are directed at those who are "needy but not the neediest." The recent "Solidarity tax credit" introduced in Quebec highlights the result of this targeting: no less than 2.7 million households, representing roughly thirty three percent of the Quebec population, qualify for this anti-poverty measure.

If the middle class is disappearing, if there are more millionaires than ever before, if working people are using food banks and social housing in historic numbers, if both parents are working not because of gender equality but because of economic necessity, one conclusion seems inevitable: wealth distribution has become a serious problem. In this light, it is truly striking that not one provincial anti-poverty strategy addresses the issue of wealth redistribution, or lack thereof, as a potential solution to the problem. The "economic" dimension of poverty has been so ignored that significant fiscal reform has not been envisaged as part of a solution.[77] No province has suggested a cap on wealth.

2) The Idea That "Poverty" Is a Violation of a Person's Human Rights

We do not believe that poverty is primarily a social phenomenon to be measured and counted. We do not believe that urban renewal solves poverty. Poverty is fundamentally a multi-faceted human rights violation of the person who is poor. In this sense, it is highly significant that Canada is signatory to several international human rights treaties guaranteeing all citizens social and economic rights—that is, the progressive realization of their right to an adequate standard of living, decent housing, adequate nutrition, social programs, and the opportunity to join a trade union. Taken seriously, the full realisation of these rights would eliminate poverty in this country.

Further, sections 7 and 15 of the *Canadian Charter of Rights and Freedoms* enshrine security of the person and equality rights[78]; the *Charter of human rights and freedoms* has a section on social and economic rights, which guarantees, among others, the right to a decent standard of living.[79]

With the exception of Quebec, not one provincial anti-poverty initiative makes any reference to poverty as a human rights issue. Indeed, only Ontario speaks of the "moral imperative" incumbent upon a rich society to reduce its own poverty.[80] For its part, faced with huge pressure coming from the highly organized human rights movement, Quebec has been forced to recognize its

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For more, see Revenu Québec, online: Revenu Québec www.revenuquebec.ca. When one third of the population of a wealthy country qualifies for an anti-poverty measure, alarm bells should be ringing.

[77]   See for example: Eve-Lyne Couturier & Bertrand Schepper, "Qui s'enrichit, qui s'appauvrit 1976-2006" (2010), online: IRIS www.iris-recherche.qc.ca. See also, Armine Yalnizyan, "The Rise of Canada's Richest 1%" (2010), online: CCPA www.policyalternatives.ca. Within civil society, these groups have put forward very interesting proposals for fiscal reform which address the issue of increasing wealth disparities.

[78]   Part I of the Constitution Act, 1982, being Schedule B to the *Canada Act 1982* (UK), 1982, c11.

[79]   RSQ c C-12.

[80]   Government of Ontario, *Breaking the Cycle: Ontario's Poverty Reduction Strategy* (2011) at 5, online: Ontario.ca www.children.gov.on.ca.

international human rights obligations, which it does most reluctantly in the second action plan.[81]

The challenge to make the discussion of poverty a human rights issue is one that needs to be taken up by the organized civil society. Civil society—organized labour, housing advocates, women's organizations, and anti-poverty groups—must increase their pressure on governments at all levels (federal, provincial and municipal) so that they respect their freely-chosen international and domestic human rights obligations. Strengthening universal public health care is not just an issue for the trade unions and workers who are directly concerned—it is to be supported because it is the means chosen by Canadians to implement their right to health. Reinvesting in social programmes such as legal aid, worker's compensation, unemployment insurance, social housing, and publicly-funded childcare should be supported because they all exemplify a concrete application of a human rights based approach to fighting poverty.

Our reading of Canadian governments' approaches to fighting poverty indicates that the promotion of human rights is not the motivating factor behind their policies. In sum, poverty is a human rights violation, except in governmental anti-poverty strategies.

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[81]   Referencing the *ICESCR*, Quebec's second action plan states: "[t]he government recognizes that in an inclusive society such as ours, everyone has the right to live with dignity and with a sufficient standard of living according to international standards ... The Quebec government firmly resolves to continue its action on these fronts because it acknowledges that this action benefits each and every Quebecker, but with a proviso: it must carry out this mission in keeping *with our society's ability to absorb the costs thereof*" (at 6). Two pages later, referencing Article 2 of the Convention, the action plan continues: "[i]n 1976, the Quebec government embraced the International Covenant on Economic, Social, and Cultural Rights, adopted in 1966 by the General Assembly of the United Nations. This Covenant arises from the Universal Declaration of Human Rights. This Action Plan is one of the many ways in which Quebec has pledged to abide by the commitment to progressively provide all citizens with the conditions required for them to live with dignity and with a sufficient standard of living according to international standards, while *respecting our society's ability to absorb the costs thereof*" (at 9) [emphasis added]. Quebec, *Combating Poverty*, above note 6 at 9 and 12 (article 2 of the ICESCR engages governments to consecrate a maximum of available resources to progressively implementing their international human rights obligations. Tax cuts for the rich, as a means of escaping these obligations, does not fall within our reading of Article 2 of the *ICESCR*. Nevertheless, we recognize that the above reference is perhaps the first time that a Canadian provincial or federal government has explicitly recognized its human rights obligations under the ICESCR in a domestic policy statement).