

Commentary: Committing to the Status Quo: Canada's Response to the Universal Periodic Review Recommendations on Homelessness, Hunger and Poverty

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The human rights community in Canada and internationally will be appalled to learn tomorrow, when Canada appears before the UN Council to declare which recommendations it will accept, that it has refused to accept key recommendations for national strategies to address the human rights crisis of homelessness, poverty and hunger.

The Universal Period Review (UPR) before the UN Human Rights Council is the most significant review of Canada's compliance with international human rights. Occurring only once every four years, is "peer review" in the sense that recommendations are made by other states about what Canada should do to address key human rights issues. Canada appeared before the UN Human Rights Council in April for its Second UPR and among the key recommendations were that Canada should implement strategies to address and ameliorate homelessness, poverty and food insecurity.

It is well known that Canada is committed, under international human rights treaties that it has ratified, to uphold the right to an adequate standard of living, the right to adequate food and the right to adequate housing. While these rights cannot be fulfilled immediately in many circumstances, governments are required, at a minimum, to adopt and implement national plans or strategies and to commit to reasonable measures, within available resources, to move progressively toward fulfilling these rights. The fact that Canada is one of the few developed countries without such strategies has become an increasing cause of concern within the UN. Moreover, the extent of homelessness and hunger in Canada is clearly disproportionate to the available resources. The UN Special Rapporteurs on Adequate Housing and on the Right to Food have both made special missions to Canada to investigate this, and made urgent calls for national housing and food security strategies. Numerous UN human rights bodies have also pressed Canada to adopt strategies.¹

[The continued refusal of recommendations to implement housing, anti-poverty and food security strategies](#) places Canada in clear violation of international human rights law. This isn't a matter of policy choices as to the best approach to adopt. Strategies can be designed and implemented in different ways by different governments. What is required, however, is a commitment. Governments must recognize homelessness and hunger amidst affluence as human rights violations and to commit to remedying these, over time, in a coherent, reasonable fashion, with clear goals and timelines, commensurate with available resources. Canada has made no meaningful or concrete commitments in its UPR response to address these issues as human rights violations. Where specific actions have been recommended, Canada has refused to accept them. Using obfuscating language of "partial acceptance" or "acceptance in principle" Canada has simply pulled out of the recommendations those aspects which seem to describe its current policies, and then committed to continuing with current policies and programs – the very policies that have left millions homeless and hungry! That is the opposite of what the UPR is supposed to be about. Canada's "we're great already" responses make a mockery of the UPR process and of historical commitments to human rights.

The UN is not alone in recommending concerted strategies to address housing, homelessness and food insecurity. There have been recommendations from House of Commons Committees, Senate Committees, provincial premiers

¹ Bruce Porter & Martha Jackman, [International Human Rights and Strategies to Address Homelessness and Poverty in Canada: Making the Connection](#)

and countless submissions made to parliament urging the adoption of national strategies based on human rights, with clear goals and timelines. Earlier this year, the government defeated [Bill C-400](#), a bill to implement a housing strategy as recommended by the United Nations. It had the support of all opposition parties and independent members of parliament but was defeated after the PMO issued its marching orders to Conservative MPs.

In light of the continued refusal of governments to take the actions necessary to ensure their rights, homeless people have also turned to Canadian courts. This would seem to be a reasonable choice when fundamental human rights are being ignored. The Supreme Court of Canada told us many years ago that the Charter should protect “those groups in society to whose needs and wishes elected officials have no apparent interest in attending.” In a [decision](#) released earlier this month, however, Justice Thomas Lederer of Ontario’s Superior Court granted the Government of Canada’s motion to stop the historic challenge from homeless people in Canada in its tracks – without even considering the 1200 pages of evidence as to the harm inflicted and the barriers facing this group in getting the government to act. Justice Lederer ruled that homeless people can’t use Canadian courts to review the policies that deprive them of rights to life, security of the person and equality. He said that the way in which laws and policies affect homeless people aren’t concerns of the courts. Issues such as “the basis on which people may be evicted from where they live and the treatment of those with psycho-social and intellectual disabilities are important, but the courtroom is not the place for their review.” Yikes! So much for Charter protecting disadvantaged groups! If Justice Lederer’s decision is not overturned by the Ontario Court of Appeal these groups won’t even get a hearing!

People living with poverty and homelessness in Canada have run out of options. The UN has given them a hearing, through a variety of important review mechanisms, but Canada has refused to listen to the UN. The doors of the courts have been slammed in their face. Their organizations are deprived of funding from federal sources if they advocate for change. Many are threatened with having their charitable status revoked if they try to advocate for changes through parliament or legislatures. It is time to wake up to the crisis of human rights in Canada and sound the alarm bells.