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NATIONAL  
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ORGANIZATION

# NAPO NEWS

SPECIAL EDITION WITH THE CHARTER COMMITTEE ON POVERTY ISSUES

## TAKING CANADIAN POVERTY ISSUES TO THE U.N.

by Sarah Walsh

Message - May 6, 1993: Sarah, I'm in a hurry but I thought you would like to know that CCPI and NAPO have standing at the United Nations. Talk to you later. Bruce.

When I read the message I was ecstatic. What we in Canada and others at the U.N. had been lobbying for had come true. We were going to appear at the United Nations before the Committee on Economic, Social and Cultural Rights on behalf of Canada's poor people. Wow, I thought, we've done it!

Since this was the very first time non-governmental organizations had been given the privilege to appear before the Committee, I knew that what we were about to do would be a part of history but, more importantly, it was an opportunity for poor people in Canada to have a voice - this time internationally.

Bruce called me the next day and we talked at length about what we thought should go into the report. We had a grant of money from the Children's Aid Society Foundation and had hired a couple of law students to work for two weeks on the research. With help from NAPO staff, the Native Council of Canada, the Coalition of Provincial Organizations of the Handicapped, the Centre for International Statistics and many others, much information on poverty was forwarded to Bruce Porter at CERA (Centre for Equality Rights in Accommodation).

As Bruce worked on the written text, I was calling around the country to the NAPO Board of Directors looking for slides or statistics that would be used in the document. Bruce made contact with local groups in Ontario. We were in daily contact and could visualize the presentation coming together.



Sarah Walsh and Bruce Porter on the grounds of the Palais des Nations in Geneva

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Then finally the "BIG CALL" from the CERA office — Bruce had left for Geneva and the report was not quite finished. My job was to carry the report to Geneva. This presentation was now, for me, having all the hype of an international spy story. Gosh, I was so excited - we were going to do it!

I arrived in Geneva on May 14. I hardly had time to get settled when Bruce, Maureen Callahan and I started to work on the historic presentation. It had to be perfect.

Bright and early Saturday morning we set out for the Palais des Nations - man it was something! I had never seen so much marble in all my life! Bruce and Maureen had been to Room XII where the hearings would take place. Bruce told me it was somewhat intimidating. I'd say - rows of tables and chairs, a translation booth with five or six translators, and the head table which would seat the chairperson Philip Alsten and Executive Committee Members. Off to the side were more chairs that would seat the Canadian delegation. Our point of presentation would be the centre of the room.

People at the Human Rights Centre had made an office, photocopier and printer available to us - and so we began the task of perfecting the report and the slide presentation. As Bruce continued with the final pages of the report, Maureen and I sifted through hundreds of slides. The slides were excellent and I wanted to include everything, but I knew, with only 45 minutes to make our presentation, we had to be selective. The hours seemed like minutes and before too long we realized it was night.

On Sunday morning, we left bright and early to complete our work. The document was written and proofed finally.

With evening upon us again, it was time to leave. We had accepted an invitation to supper by some Committee members. After supper we returned to the hotel and Bruce and I started back to editing the slide presentation. Using the text as our guide we carefully selected the slides for the presentation — I knew every slide, every face, every expression. I could see their hurt, I could hear their message and I knew all too well the stigma that comes with being poor, and its related problems of isolation, homelessness, hunger, and discrimination and that's what this presentation was about.

Bruce finalized the oral presentation that would accompany each slide. We concluded the writing and

editing at around three Monday morning and I finally went home to take advantage of what was left of sleep time. I didn't sleep though - I kept seeing the faces of Canada's poor: its children, its elderly, the homeless, the street people, the food bank users, the single parents, our Native peoples, those who died because they were evicted from their homes, and those who took up the fight of challenging the courts by letting their cases go public. "This better be good", I thought. "I believe in the anti-poverty movement and I believe in the Charter of Rights and Freedoms. I believe that *all* Canadians, rich and poor alike, have rights under our Charter - I really believe that!"

The phone rang. "Sarah, it's time to go", Bruce said. I was ready. Maureen ran off to the printers and had the presentation copied and bound. Bruce and I went to the Palais des Nations to Room XII. The Chairperson said a few words. Then Bruce and I were called.

The walk down the aisle to the centre seemed endless. I opened the presentation with the formal introduction and thank-yous and introduced the document. *The Right to an Adequate Standard of Living in a Land of Plenty*. I provided the Committee with a historical perspective of the Charter Committee on Poverty Issues and the National Anti-Poverty Organization and then turned the floor over to Bruce. Bruce's deep, well-spoken voice filled the room as he read from the prepared script, and I systematically showed slide by slide the evidence of poverty in Canada.

As Bruce spoke, you could hear a pin drop. All eyes were focused on the screen. Even the Canadian delegation was in awe. As I looked at the faces of Canada's poor, I recall that I felt a hurt — a hurt that was so great that I almost wept — and I thought to myself "These are our modern day heroes. They are fighting a war — a silent war, a war of hurt, hunger and despair. Poor people can and will send a message to the whole world and Canada in particular that poverty is not right — poor people's rights are being violated and that justice is not being served. Better still, perhaps in Geneva, where all the countries of the world have come together to end former wars, perhaps they could help us end this war against poverty!"

We did good — we did real good! But our work didn't stop there. That afternoon was spent listening to Canada make its presentation. Canada was asked a lot of questions. One question, which I felt was very powerful and still stands out in my mind, was from a gentleman

from Tunisia who asked the Canadian delegation: how is it that Canada, one of the richest nations in the world, having most of the world's fresh water supply and more housing than it needs, still has so much poverty? How is that possible? But there was no answer!

*The Right to an Adequate Standard of Living in a Land of Plenty* was highly praised by the Canadian delegation to the U.N. and the Committee on Economic, Social and Cultural Rights for its accurate information and for the way it was written and presented. The document has also been praised by numerous people in Canada and has generated a lot of interest from government officials and organizations across Canada and around the world.

The best news of all was when Bruce called me from Paris a week later to say "The United Nations Committee has sharply criticized the Canadian government for allowing poverty and homelessness to persist at disturbing levels in one of the world's richest countries. The committee also attacked the governments's failure to take adequate steps to solve the poverty problem." We had won!

Many people provided assistance during the time we were readying ourselves to make the presentation. Some include: Miloon Kothari (Geneva) and Scott Leckie (Utrecht, Holland) from the Habitat International Coalition; Maureen Callahan who came to Geneva for a holiday and ended up with a full-time volunteer job; the staffs of CERA and NAPO and also to all those individuals who sent in materials. Finally, a message to Canada's poor people: UNITED WE STAND, DIVIDED WE FALL BUT TOGETHER WE CAN MAKE A BETTER TOMORROW! Thank you for the honour to serve!

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## U.N. Human Rights Body Hears Submissions from CCPI and NAPO: Criticizes Canada for Violating Rights of the Poor

The National Anti-Poverty Organization and the Charter Committee on Poverty Issues won a major victory in May at the United Nations in Geneva. CCPI and NAPO appeared before a United Nations Committee charged with monitoring compliance with the International Covenant on Economic, Social and Cultural Rights, signed by Canada in 1976. Every five years the Committee reviews Canada's record on a number of the rights contained in the International Covenant. This time, they were to review whether Canada ensures the right of everyone to adequate housing, food and an adequate standard of living.

Although the Committee had never before heard submissions from non-governmental organizations, it decided, after much debate, to break new precedent by hearing from CCPI and NAPO. Their decisions caused a stir in the United Nations community, which is so often inaccessible to non-governmental and community based organizations.

On May 17, the Committee heard a presentation from CCPI/NAPO, presented by Sarah Walsh and Bruce Porter, and was also presented with an 89 page written submission. The presentation included slides of graphs and photographs illustrating violations of social and economic rights in Canada, such as homelessness, hunger and inadequate income.

The submissions showed that Canada is the wealthiest of the major industrialized countries to have ratified the International Covenant (only the United States has

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### ***National Anti-Poverty Organization***

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### ***Organisation nationale anti-pauvreté***

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NAPO is a non-profit organization established in 1971 to represent the interests of low-income Canadians. It advocates on their behalf at a national level and supports similar provincial/territorial and local groups.

**Membership:** Any Canadian who is poor or has been poor can become a regular member of NAPO for a suggested annual fee of \$2. Others who aren't poor can become associate members for an annual fee of \$35. Membership is also open to non-profit groups. Fees depend on budget size. Annual membership fees include 4 issues of NAPO NEWS. To become a member or for more information write to: Executive Director, NAPO, 316-256 King Edward Avenue, Ottawa, Ontario, K1N 7M1. Phone (613) 789-0096, FAX (613) 789-0141. Charitable Registration No. 0418020-09-10.

refused to ratify it), yet we have one of the highest rates of poverty, particularly among vulnerable groups such as single mothers. Contrary to what Barbara Green claimed, this was not only based on Statistics Canada's "low income cut-off," generally used as the poverty line in Canada, but also on international studies using widely accepted measurements of poverty such as the Luxembourg Income Study.

The submissions detailed the impoverishment of four particular groups — single mothers, people with disabilities, young families and Aboriginal peoples. We reported on widespread evictions, homelessness and hunger, showing slides of low-income communities fighting evictions, of some who died after being evicted for Expo 86 in Vancouver and of food banks - a largely unknown concept to the Europeans on the Committee. We spoke of what the government has done in response to this - cutting back on social spending and on transfer payments to the provinces for social assistance and social programs.

The CCPI/NAPO submissions also detailed attempts by poor people to enforce social and economic rights under the Charter of Rights and other Canadian law. Showing slides of some of the major champions of the rights of poor people who have gone to courts in Canada - Jim Finlay, Lorraine Conrad, Irma Sparks, Elizabeth Wiebe, Louise Gosselin, Eric Fernandes and others, we described how the courts and the governments in Canada have usually taken the position that there are no social and economic rights in Canada - the complete opposite of what they say internationally. We also talked about the cancellation of the Court Challenges program and the fact that poor people now have no access to the courts to enforce their rights.

The Committee had high praise for the NAPO/CCPI submissions. They proceeded to question the Canadian delegation over the course of a day and a half of hearings, often referring to our submissions. And a week later, they came out with a report on Canada which was more critical than any previous report on a major industrialized country. The Committee's comments on Canada were widely reported in the media and sparked an uproar in the House of Commons over the government's dismal record in fighting poverty.

### What the U.N. Report Says

The Committee expressed "concern" about the extent of poverty, hunger and homelessness in Canada in view of its "enviable" economic situation and about the fact that there has been no measurable progress in alleviating

or eliminating poverty in recent years. It noted that more than half of single mothers in Canada live in poverty, as well as a large number of children.

The Committee was disturbed by evidence of families such as Elizabeth Wiebe having to relinquish their children to foster care because of inability to provide basic necessities. It was critical of Canada for not linking social assistance rates to the poverty level.

The Report was also critical of Canada for not ensuring that all tenants have security of tenure. It also expressed concern about widespread discrimination in housing against families with children and against people with low incomes or unfavourable credit ratings.

In an unprecedented move, the Committee addressed a number of its comments to the Canadian courts rather than simply to the government. Noting with "satisfaction" that earlier indications from the Supreme Court of Canada suggested that the Canadian Charter of Rights would cover many of the social and economic rights contained in the Covenant, the Committee expressed concern that recent lower court decisions have ruled that the Charter does not cover these rights.

The Committee was critical of the flimsy "social charter" in the Charlottetown Accord, where social and economic rights were described as "mere policy objectives of governments rather than as fundamental human rights".

The report recommends improving human rights legislation to include social and economic rights, concerted effort by governments to eliminate the need for food banks, and reinstatement of federal transfer payments at the levels stipulated in cost-sharing agreements like the Canada Assistance Plan Act.

The Report recommends that the Federal Government reinstate the Court Challenges Programme and extend it to cover provincial legislation in order to ensure that poor people have access to the courts when their rights are violated. It also recommends training courses for judges on Canada's obligations under the Covenant and urges Canadian courts to provide appropriate remedies for violations of social and economic rights in Canada.

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## What We Can Do with the U.N. Report on Canada

by Bruce Porter and Sarah Walsh

The U.N. Report should serve us well in all areas of anti-poverty work - grass roots organizing, political lobbying and legal advocacy.

As an organizing tool, we can use the report to show that the anti-poverty movement is really a human rights movement - that what poor people in Canada are asking for is not a hand-out or charity or kindness but simply respect for fundamental human rights. We can distribute the report to other community based organizations and refer to it as much as possible in our advocacy. We can put it in more accessible forms for community organizations to use.

In political lobbying, the report gives us a great opening to ask for commitments from various parties, both federal and provincial, to implement the recommendations of the U.N. Committee. These can be summarized and sent to politicians for firm commitments as to whether they will move to bring Canada into compliance with our international obligations.

The Canadian Housing and Renewal Association has summarized the Committee's concerns and recommendations and sent them to all responsible ministers, and set up a monitoring committee to review measures taken to comply with the Covenant in the area of housing. Something similar could be done in other areas, such as income adequacy and hunger.

Legally, we will want to refer to the Committee's report in virtually every case which raises the issues of poverty. The courts have an obligation to interpret Canadian law so as to ensure that international human rights are not violated, and they now have been told by a U.N. body that they have not been doing this. There is also the possibility of going to court or to human rights tribunals to ask for a declaration that social and economic rights have been violated. Even though the courts do not have the power to directly enforce the International Covenant, they may still be able to issue declarations regarding violations of fundamental human rights. We should also contact all of the Human Rights Commissions in Canada and ask if they will implement the recommendations of the Committee.

We could set up our own Commissions of Inquiry into human rights violations, getting respected persons with human rights expertise to examine the evidence of violations.

The most important lesson we learned in Geneva is that rights only work if those whose rights are violated take possession of the rights. The U.N. Report gives us a unique chance to launch a campaign for the recognition of the rights of poor people in Canada, in our own work, in our political system and in our legal system. It's a campaign which can only be led by poor people themselves — by the real experts on human rights violations and on everyone's right to dignity, security and an adequate standard of living.

*Bruce Porter and Sarah Walsh are members of the CCPI Steering Committee. Bruce is Coordinator of the Centre for Equality Rights in Accommodation. Sarah is a former President of NAPO.*

### The Charter Of Rights And The Fight Against Poverty: Are We Winning?

*Conference and General Meeting of the CCPI — University of Ottawa, October 17 - 18, 1993 (revised dates)*

The Charter Committee on Poverty Issues, founded in 1989, is a coalition of anti-poverty groups and advocates whose objective is to use the legal system in the fight against poverty. At the October conference in Ottawa, we will assess our success to date and consider future litigation strategies. A new Steering Committee will also be elected.

Anyone interested in attending should contact Arne Peltz (Winnipeg 204-985-8540) or the NAPO Office (Ottawa 613-789-0096). Very limited travel and expense subsidies are available, so delegates are urged to actively seek local funding wherever possible.

Anyone willing to be nominated to the Steering Committee of CCPI, whether or not they can attend the October meeting, is encouraged to put their name forward. Contact Arne Peltz in Winnipeg for more information.