



Ligue des  
droits et libertés

Montreal, January 27, 2016

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**Subject:** Addendum to the shadow report submitted by the Quebec Ligue des droits et libertés (LDL) to the Committee on Economic, Social and Cultural Rights in respect of the review of Canada's 6th Periodic Report at its 57th session.

Further to the shadow report already submitted to the Committee on Economic, Social and Cultural Rights by the LDL in January 2015 and the List of Issues the Committee subsequently sent Canada, we would like to submit the following points to complement our shadow report.

Before discussing the issues the Committee addressed to Canada, the LDL would like to draw the Committee's attention to the control measures the Government of Quebec is planning to impose on civil society organizations in Quebec, which will create major obstacles to citizen participation in democratic life and citizens' ability to defend and assert their economic, social and cultural rights. Since the publication of the Committee's List of Issues, the Government of Quebec has made it clear that it wants to impose strict rules on advocacy by NGOs directed at the State's political apparatus by subjecting them to the *Lobbying Act*. The LDL **recommends** the withdrawal of the provisions of Bill 56 that subject non-profit organizations to the *Lobbying Act*. It also **recommends** that Quebec introduce measures to protect freedom of association and strengthen the role of civil society organizations, particularly social movements and local associations, in democratic life and promote their participation in decision-making processes that have an impact on the realization of economic, social and cultural rights.

Here are our comments concerning some of the issues the Committee addressed to Canada.

#### **Article 2, paragraph 1 of the Covenant**

##### Point 5

The LDL wishes to reiterate the serious concerns it expressed in January 2015 about the Government of Quebec's austerity measures, which are producing major setbacks in the

realization of the right to education and health. For example, recent cuts in education and health have forced establishments to reduce staff and make cuts to many services.<sup>1</sup> Some establishments that provided public services have been forced to close their doors, such as the Mélaric and ReNasc detoxification centres.<sup>2</sup> In 2006, the Committee found that there were no factors or difficulties impeding the implementation of the Covenant in Canada.<sup>3</sup> It further recommended that Canada use all available resources to meet its obligations, as provided for by the Covenant.<sup>4</sup> However, by introducing a series of austerity measures, Quebec has made a deliberate choice not to use its available resources to implement economic, social and cultural rights, in violation of its obligations.

## **Article 2, paragraph 2**

### Issue 7

Grounds related to social origin, wealth and birth are not among the prohibited grounds of discrimination in the *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act*. However, Quebec's *Charter of Human Rights and Freedoms* does refer to social condition, which includes the three factors listed above.<sup>5</sup> The LDL **recommends** that social condition be included as a prohibited ground in the *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act* in order to protect the equality of rights of a greater number of vulnerable people. The LDL also notes the Prime Minister of Canada's promise to reinstate the Court Challenges Program<sup>6</sup> and **urges** him to honour this pledge on an urgent basis. That Program was an important instrument for the promotion of equality rights in Canada and the Committee had noted its existence in 2006.<sup>7</sup>

## **Article 3, Equality of men and women**

### Issue 9

No Quebec or Canadian legislation provides real legal protection for economic, social and cultural rights, and no redress is formally provided for in the event of violation of

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<sup>1</sup> Institut de recherche et d'informations socio-économiques, "Observatoire des conséquences des mesures d'austérité au Québec," online: health and social services <<http://austerite.iris-recherche.qc.ca/sante-et-services-sociaux#contenu>>, primary and secondary education <<http://austerite.iris-recherche.qc.ca/education-primaire-et-secondaire#contenu>>.

<sup>2</sup> Ici Radio-Canada, "Un centre de désintoxication ferme ses portes et blâme le gouvernement Couillard," January 12, 2016, online: <<http://ici.radio-canada.ca/nouvelles/societe/2016/01/12/002-centre-melarc-desintoxication-fermeture-quebec-aide-sociale.shtml>>. Ici Radio-Canada, "Le centre de traitement en dépendances La maison ReNasci d'East Angus ferme ses portes," September 22, 2015, online: <<http://ici.radio-canada.ca/regions/estrie/2015/09/22/002-maison-renasci-fermeture-coupees-aide-sociale-dependances.shtml>>.

<sup>3</sup> United Nations Economic and Social Council, *Considerations of reports submitted by states parties under articles 16 and 17 of the Covenant*, May 22, 2006, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, par. 10.

<sup>4</sup> *Ibid.*, par. 44.

<sup>5</sup> See Commission des droits de la personne et des droits de la jeunesse, "Lignes directrices sur la condition sociale," March 1994, online: <[http://www.cdpdj.qc.ca/publications/lignes\\_condition.pdf](http://www.cdpdj.qc.ca/publications/lignes_condition.pdf)>.

<sup>6</sup> Government of Canada, "Minister of Canadian Heritage Mandate Letter," online: <[pm.gc.ca/eng/minister-canadian-heritage-mandate-letter](http://pm.gc.ca/eng/minister-canadian-heritage-mandate-letter)>.

<sup>7</sup> United Nations Economic and Social Council, *supra* note 3, par. 13.

those rights. The Committee has on numerous occasions drawn the State party's attention to the need to enact legislation specifically recognizing economic, social and cultural rights, and providing for effective legal sanctions to ensure effective implementation of those rights.<sup>8</sup> The absence of such legislation or provisions in the *Canadian Charter of Rights and Freedoms* and Quebec's *Charter of Human Rights and Freedoms* is a real impediment to the achievement of equality between men and women. Similarly, employment equity legislation both at the federal level<sup>9</sup> and in Quebec<sup>10</sup> does not provide for sufficient sanctions to force employers to meet their obligations.<sup>11</sup> The LDL **recommends** that Canada be required to implement the Committee's past recommendations aimed at giving full effect to economic, social and cultural rights, and that citizens be provided with redress if the State should fail to honour its obligations. The LDL also **recommends** that the State party include truly effective sanctions in its employment equity legislation to make the right to equality in employment a reality for affected female workers.

### **Article 9, Right to social security**

#### Issue 16

The LDL is very concerned about the Government of Quebec's plans to overhaul its income security system (Bill 70), which would have the effect of creating a new category of first-time applicants whose entitlement to last-resort financial assistance program would automatically be contingent upon their participation in the Aim for Employment Program. Among other things, the Bill provides that social assistance may be reduced by up to 50% every time, for example, the beneficiary fails to comply with instructions to find employment, which violates the right to social security, the right to an adequate standard of living and the right to freely chosen or accepted work. According to experts, the statistics show that 45.2% of new applicants turn to social assistance because of the termination or inadequacy of their employment insurance benefits, and 23.1% to supplement inadequate income or because they are waiting for expected income from other government programs (worker's compensation, Quebec pension, automobile insurance, etc.)<sup>12</sup>.

The LDL **recommends** that Quebec withdraw *Bill 70: An Act to allow a better match between training and jobs and to facilitate labour market entry*.

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<sup>8</sup> *Ibid.*, par 11.

<sup>9</sup> *Employment Equity Act*, S.C. 1995, c. 44.

<sup>10</sup> *Charter of Human Rights and Freedoms*, CQLR c C-12, s 86-92; *An Act Respecting Equal Access to Employment in Public Bodies*, CQLR c A-2.01.

<sup>11</sup> See Carol Agócs, ed, *Employment Equity in Canada: The Legacy of the Abella Report* (Toronto: University of Toronto Press, 2014) at chapter 13; Marie-Thérèse Chicha & Éric Charest, *Le Québec et les programmes d'accès à l'égalité : Un rendez-vous manqué ?* (Centre d'études ethniques des universités montréalaises, 2013).

<sup>12</sup> "Aide sociale, Des experts pourfendent la réforme libérale," *Le Devoir*, January 22, 2016, online <http://www.ledevoir.com/politique/quebec/460947/aide-sociale-des-experts-pourfendent-la-reforme-liberale>, consulted January 22, 2016.