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Alternative Report Submitted by the *Front d'action populaire en réaménagement urbain (FRAPRU)* to the Committee on Economic, Social and Cultural Rights

Canada's Sixth Periodic Review

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The Front d'action populaire en réaménagement urbain (FRAPRU) is a national network of 160 community organisations all through the province of Quebec. Created in 1978, it intervenes mainly on stakes related to the right to housing and is active in the fight against poverty and for the fight to protect public services and social programs.

As a collective rights defence network, FRAPRU has for mission to challenge the different levels of government on their responsibilities to respect, protect and implement these rights.

In 2012, FRAPRU set up a Traveling Popular Commission on the right to housing that covered 17 administrative regions of Quebec to hear testimonies from organisations and individuals on the situation of housing in the province.

FRAPRU works closely with the *Ligue des droits et libertés du Québec* (Quebec's Civil right and liberties League) and shares its concerns put forward in its own alternative report that has been submitted to the Committee on Economic, Social and Cultural Rights

Even if Canada's sixth report covers the period from January 2005 to December 2009, FRAPRU's alternative report will mainly address the present situation.

General Remarks

In its December 1998 Final Observations on Canada's third report, the Committee on Economic, Social and Cultural Rights noted "since 1994, in addressing the budget deficits by slashing social expenditure, the State Party has not paid sufficient attention to the adverse consequences for the enjoyment of economic, social and cultural rights by the Canadian population as a whole, and by vulnerable groups in particular"¹.

¹ Final Observations, Committee on Economic, Social and Cultural Rights: December 10th, 1998, observation 11.

However, Canada and Quebec repeated these actions to try to counter budget deficits recorded since the financial and economic crisis of the end of the 2000s. They opted for austerity policies to return to a balanced budget, without consideration for the consequences on the full enjoyment of economical, social and cultural rights and, also, on environmental protection.

Besides the issues tackle later in the report (social welfare, housing, homelessness), Canada has also made important cuts to women's organisations, to Canadian international solidarity NGOs and to popular education groups. It has slashed scientific research budgets and cancelled environmental impact studies of industrial projects, in particular those related to natural resources extraction. It increased the retirement age from 65 to 67 years and its most recent reform to employment insurance now forces unemployed workers to accept jobs with lower pay, not linked to their skills and further from their place of residence. Therefore, it disadvantages even more strongly vulnerable categories in the labor market, such as women, youth and precarious workers (among them those who have seasonal employment).

Quebec has not acted differently. It has imposed severe budget cuts to all its ministries and bodies. In her 2014-2015 report, the Quebec National Ombudsperson (*Protectrice du citoyen du Québec*) "called public authorities to measure the social and economic consequences of an underinvestment in services of first importance"². She was particularly worried about such a disinvestment's consequences on the services intended "for people with mental health issues and for homecare support in a context associated with an ageing population and as public housing is limited, and on education, where services should be better adapted to the needs of students with learning difficulties"³. Because of these cuts, the budgets intended for the work integration of people living with disabilities have been proven clearly insufficient in regard to the scale of the needs.

Social Assistance (Welfare)

In Canada, social assistance is of provincial jurisdiction. However, the federal government contributes through the Canada Social Transfer intended for three main purposes: support for children, postsecondary education and social programs. A governmental document dating from July 2004 reported "that the federal cash contribution intended for PSE and social assistance remains below its early-1990s levels"⁴. The amounts transferred by the federal government increased substantially since this moment. In current dollars, they remain however much lower than what they were before the cuts operated in the 1990s.

In its May 2006 final observations on Canada's fourth and fifth periodic reports, the Committee on Economic, Social and Cultural Rights noted "with concern that in most provinces and territories, social assistance benefits are lower than a decade ago, that they do not provide

² Protecteur du citoyen (Quebec Ombudsperson), press release, September 17th, 2015.

³ *Idem*

⁴ Canada Social Transfer, Information document, July 26th, 2014.

adequate income to meet basic needs for food, clothing and shelter, and that welfare levels are often set at less than half the Low-Income Cut-Off⁵.

This is still the case in Quebec. In 2016, the basic social assistance benefits are 623 \$ a month. We can notice the big insufficiency of this benefit when we know that, according to the National Household Survey led in 2011 by Statistics Canada, the median rent paid, in Quebec, by a single person was 577 \$ a month. And rent prices have continued to increase since then.

The Quebec government admitted in 2013 that the disposable income of single people on social assistance covered only 49 % of their basic needs, as estimated by the Statistics Canada's Market Basket Measure (MBM). Its objective was to increase this percentage to 52.5 % over a period of three years.

The basic social assistance benefits for a couple is 947 \$ a month, while the median rent paid by such a household in 2011 reached 685 \$ a month, without children, and 748 \$, with children. Let us specify that, in Quebec, social assistance benefits do not include children aid, which is the object of separate programs.

However, the situation of welfare recipients has deteriorated since 2013 because of two regulations adopted by the Quebec government reducing the amounts of assistance received by certain households, and even excluding others. All this goes against Article 9 of the International Covenant on the “the right of everyone to social security, including social insurance”, as well as Article 11 on “the right of everyone to an adequate standard of living”.

An even more serious rollback movement will occur if Quebec’s National Assembly adopts a new bill presented this Fall 2015. This new law would impose on first demanders, mainly youth and immigrants, the obligation to take part in compulsory employability measure. If not willing or unable to participate, or withdrawing from the program before its completion, a financial penalty would be imposed. Such a penalty would also take place if the person is offered an allegedly suitable employment, even if it is in a city distant from the place where they live. In our opinion, this bill goes against Article 6 of the Covenant on the right to gain his living by work which he freely chooses or accepts.

In 1998, the Committee had moreover noticed with concern that Canadian provinces, as Quebec, “have adopted “workfare” programs that either tie the right to social assistance to compulsory employment schemes or reduce the level of benefits when recipients, who are usually young, assert their right to choose freely what type of work they wish to do”.⁶ That measure had finally not been applied, but Quebec now reiterates.

The Act to Combat Poverty and Social Exclusion, adopted in 2002, used by Quebec, and even Canada, to show the governments’ efforts in these matters, has not apparently forced Quebec

⁵ *Final Observations, Committee on Economic, Social and Cultural Rights: May 22nd, 2006, observation 21.*

⁶ *Final Observations, Committee on Economic, Social and Cultural Rights: December 10th, 1998, observation 30.*

to respect more adequately the rights of all welfare recipients and more exactly single people. The Act asks various ministries to indicate “the direct and significant impacts on the people’s and families” of any legislative or statutory proposal. Yet, such disposition has not prevent Quebec from forging ahead with its two regulations and from proposing a bill among which the impacts on a part the people’s and the families’ income are nevertheless obvious.

Housing and Homelessness

Notwithstanding of the Article 11 of the International Covenant and the recommendations formulated in 1998 and 2006 by the Committee on Economic, Social and Cultural Rights, housing and homelessness issues remain a major concern in Canada as in Quebec. One has to note that no adequate follow-up was given to the recommendation made in 1998 and reiterated in 2006 on “its recommendation that the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency”⁷.

In spite of an economic situation that, altogether, has been favorable, the number of households having core housing needs has increased of about 4 % in Canada between 2006 and 2011 to reach 1 552 000, very mainly tenants. In Quebec, they were 348 485 in 2011, 7 % more than in 2006.

Also, among the households with core housing needs, some are in even more dire situations. In Canada, about 774 000 tenant households dedicate more than half of their income to housing, which can only be done to the detriment of their other essential needs. This is a 11 % increase compared to 2006. Nearly one tenant household out of five are in this situation. In Quebec, the number of tenant households struggling with this problem is of 228 000, of which 53% of these households have a woman as the main financial support.⁸

Furthermore, a research paper, published in 2014, asserts that more than 235 000 people lived in homelessness, at one point or another of one year, in Canada.⁹ All the community organisations involved on this issues report a constant increase of the number of people living in homelessness, particularly regarding women, youth, the elderly, Indigenous and Aboriginal peoples and recent immigrants.

The National Household Survey led by Statistics Canada reveals that, on 360 615 people belonging to a First nation and living in a community recognized as a reserve under the Indian Act, 39,5 % live in a dwelling that requires major repairs and 34 % live in a house of insufficient dimension in regards to their family’s size.

⁷ *Final Observations, Committee on Economic, Social and Cultural Rights: May 22, 2006 observation 62.*

⁸ Data from the National Household Survey, 2011, Statistics Canada.

⁹ Canadian Observatory on Homelessness and Canadian Alliance to End Homelessness, *The State of Homelessness in Canada 2014, A Homelessness Hub Research Paper*, 2014, p. 5.

The situation is not less difficult for the Inuit population living in northern communities. According to the National Housing Survey, in Nunavik, a northern territory of Quebec, 6260 people live in a dwelling of insufficient size, representing 52 %. In a report published in 2007 on youth protection in Nunavik¹⁰, the Commission on Human Rights and Youth Rights of Quebec (*Commission des droits de la personne et des droits de la jeunesse du Québec*) demonstrated the impacts of such a situation on the worsening of social problems endangering the development and safety of children.

In its 2013 report, the Popular Traveling Commission on the Right to Housing, initiated by FRAPRU, which held audiences in Kuujuaq (Nunavik), and in Lake Simon, an Anishnabe Nation (Algonquian) community in Abitibi, exposed how bad housing conditions acted “as a padlock that blocks the access to other human rights”. The Commission quoted in particular “rights to education, to health, to safety, to equality, to non-discrimination and to self-determination”¹¹.

Yet, the budget Canada dedicates to housing through the Canada Mortgage and Housing Corporation (CMHC) is usually of around 2 billions \$ a year, the same sum as in 1993, before Canada withdrew from the direct financing of new social housing. In 2015-2016, this budget represented only 0.8 % of the federal government’s public spending.

Of these 2 billions \$, the government dedicates 253 millions \$ a year to the Investment in Affordable Housing (IAH) which is distributed between Canada’s 10 provinces and 3 territories. These funds can be use for local programs to low-income tenants but require that the provinces and territories invest equivalent sums into these programs. Besides additional investments announced in 2006 and 2009, among other things, to contribute to the economic stimulus plan shaken by the financial and economic crisis, the \$253 million amount remains exactly the same, in current dollars, than fifteen years ago. However, the cost of living and the prices in real estate have considerably increased and, therefore, this sum has a much inferior value.

The CMHC and Indigenous and Northern Affairs Canada (AADNC) also contribute to the construction and renovation of housing in First Nations communities. According to their own data, this financial support permitted the construction of about 1750 housing units and the renovation of about 3100 units, during the last five years, which is far from meeting the much vaster needs, as demonstrated by National Household Survey numbers mentioned above. As for Nunavik where at least 1000 units must be urgently built to face the housing overpopulation and all the social issues related to it, Quebec agreed to finance 500 units, among them 300 social housing units, during the next few years. Canada, however, has refused to increase its investments.

¹⁰ Commission des droits de la personne et des droits de la jeunesse du Québec (Quebec Human Rights and Rights of the Youth Commission), *Investigation into child and youth protection services in Ungava Bay and Hudson Bay: Report, conclusions of the investigation and recommandations*, April 2007.

¹¹ *Urgence en la demeure, Report from the Traveling Popular Commission Rapport de la Commission populaire*, March 2013, p. 20.

The rest of the \$2 billion CMHC budget is mainly used for long-term subsidies to existing social housing established prior to 1993. However, the \$1.6 billion budget that the federal government uses to this end is shrinking as the long-term agreements, mostly of a 35 years duration, are coming to an end. Public, cooperative and non-profit housing complexes, totalling 33 000 housing units, have already lost their federal funding between 2011 and 2014. Through the next years, 553 700 social housing units that received such funding will be cut, among them 91 000 units from 2015 to 2018.

The Canadian Housing and Renewal Association (CHRA) estimates that, out of these 553 700 housing units, 365 000 are intended for low-income households. That's where the shoe pinches. The end of federal subsidies means that social housing will not receive these sums that were redistributed to low-income households as to enable them to pay a fixed rent according to their revenue. The tenants who, at present time, live in these units risk undergoing significant rent increases. As for their units, they will never again be as financially accessible for tenants who will need them in the future.

All the actors, including the Federation of Canadian Municipalities, consider that this federal disengagement will undermine the already weak capacity of provinces, cities and community organisations to face housing problems. The ability to enjoy the right to adequate housing will be dangerously compromised.

Since the end of the 1990s, Canada has adopted a strategy allowing investments on homelessness. The problem, again, is that these sums have not increased since the beginning of this strategy. Up to 2019, 119 millions \$ will be invested annually. The insufficiency of this amount, bounded to the governmental single approach "Housing First" makes it so that community resources working to end homelessness, but also to its prevention, do not have the means to carry out their work.

In 2015-2016, Quebec planned to dedicate 447 millions \$ to housing¹², representing only 0.7 % its total programs expenses. These last years' budget cuts have also affected housing.

Thus, the sums dedicated to housing improvement (domiciliary renovation and adaptation for people living with disabilities and autonomous seniors) fell from 76.1 millions \$ in 2013-2014 to 24.3 millions \$ in 2015-2016, a reduction of 213 %. In 2014-2015, 1438 housing units were adapted in Quebec and this number will undoubtedly be lower, this year. We estimate, nevertheless, to 40 000 the number of people living with disabilities who live in units do not meet their needs.

The *AccèsLogis* program, the only program to finance new social housing in Quebec, has for its part seen its budget reduced in half for 2015-2016. Hardly 1500 units will be realized for all of Quebec, instead of the 3000 announced almost every year since 2008.

¹² Quebec Government, *Expenses Budget 2015-2016*, p. 37.

Instead of these social housing units, the budget announced funding for 5800 housing supplements over a period of five years. These housing supplements will enable low-income tenant households to rent units on the private market. However, one of the main problems with this formula is that it does not represent a long-term aid, such as social housing, as it is only budgeted for 5 years.

Hunger

The right to adequate food, recognized by the article 11 of the International Covenant, is also in danger, as demonstrated by the attendance increase in food banks since 2008. The HungerCount 2015, published by Food Banks Canada, shows that during a single month, in March 2015, 852 000 people received food from a food bank. This is 1.3 % more than in March 2014 and, especially, a 26 % increase from 2008.

As asserted by Food Banks Canada, in its assessment, “households that make the difficult decision to ask for help from food banks tend to be the most severely food insecure because their incomes are too low to cover even the most basic needs”¹³.

The following percentages illustrate the link between the respect for the right to adequate food and that for an adequate standard of living:

- 46% of households accessing food banks are on provincial social assistance benefits.
- 18% of households receive disability-related income supports;
- 16% of those assisted earn the majority of their income through work;
- 7% of households helped by food banks live primarily on income from a pension;

Food Banks Canada also shows the link between the enjoyment of the rights to adequate housing and to adequate food, by stating that “households that request assistance are often forced to limit their spending on food because of the high and relatively inflexible cost of housing”¹⁴. Moreover, “67% of households helped live in rental housing and pay market-level rents”¹⁵.

In the province of Quebec, 163 152 people received food aid in March 2015, 4 % more than in 2014 and a 28 % increase from 2008.

Yet, reading Canada’s sixth report gives the clear impression that Quebec counts only on food banks and other community organisations to insure the right to adequate food.

In a 2011 *Globe and Mail* article, Queen's University of Toronto professor Elaine shows to what extent this approach is fallacious.

¹³ Food Banks Canada, HungerCount 2015, November 2015, Summary, p.1.

¹⁴ *Idem*

¹⁵ *Idem*

Prof. Power, who has also volunteered at food banks, wonders if their presence “provide a comforting illusion that no one is hungry - or if they are, it's their own fault. They shelter us from the harsh reality that millions lack the basic necessities of life”¹⁶. She states that the majority of the people who go hungry simply do not frequent food banks. She supports this assertion on a Canada wide scale governmental study, which shows that 1 person afflicted by hunger out of 4 turned to a food bank. In her opinion, food banks will never solve the problem of poverty. As she writes, “it's time to hold our governments accountable to their obligation to ensure that all Canadians have a standard of living adequate for health and well-being”.

Conclusions

As written by the Committee on Economical, Social and Cultural Rights in its 2006 final observations, “on the average, Canadians enjoy a high standard of living and Canada has the capacity to achieve a high level of realization of all Covenant rights”¹⁷. Yet, the examples given in this report show that it is not the case. In its 2006 final observations, the Committee also regretted that most of the recommendations formulated in 1993 and 1998 had no effective follow-up. The majority of the recommendations of 2006 can now be added to this list.

Let us finally underline that the International Covenant on Economical, Social and Cultural Rights compels States parties to act “to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means” (article 2), as well as to recognize the right to all people “to the continuous improvement of living conditions” (article 11). These obligations cannot accommodate to back tracks and declines as the ones imposed these last years in Canada and in Quebec. This is what this alternative report has sought to highlight.

¹⁶ Elaine Power, *It's Time to Close Food Banks*, *Globe and Mail*, July 25th, 2011.

¹⁷ *Final Observations, Committee on Economic, Social and Cultural Rights: May 22, 2006 observation 3.*