

*Every human being has the inherent right to life.
This right shall be protected by law.
No one shall be arbitrarily deprived of his life.*

DEATH on the STREETS of CANADA

A Report to the

United Nations Human Rights Committee

Regarding

**Compliance with Article 6 of the
International Covenant on Civil and Political Rights by
CANADA**

Submitted by

Toronto Disaster Relief Committee

Toronto, Ontario, Canada

March 15, 1999

Toronto Disaster Relief Committee

Page 1 of 11

1. Article 6 of the CCPR and Section 7 of Canada's Charter.

This report is focused on Article 6(1) of the Covenant on Civil and Political Rights: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

Section 7 of the Canadian Charter of Rights and Freedoms contains a similar guarantee: "the right to life, liberty and security of the person and the rights not to be deprived thereof except in accordance with the principles of fundamental justice."

In the review of Canada's fourth report on its compliance with the Covenant's obligations, we call on the United Nations Human Rights Committee to pay special attention to Canada's violation of Article 6(1).

All human rights violations are acts that disregard human dignity and the rule of law.

The government of Canada's actions and lack of action leading to, and failing to prevent, morbidity and death, violates the moral and ethical codes of the nations's religions, the Canadian Charter of Rights and Freedoms, and federal and provincial human rights codes. We now call on international human rights law for assistance in the struggle to force Canadian federal and provincial governments to take action to end this most fundamental human rights abuse.

2. The Toronto Disaster Relief Committee. <http://www.tao.ca/~tdrc/>

The Toronto Disaster Relief Committee (TDRC) is a community-based non-governmental organization. It was established last year for the sole purpose of mobilizing all Canadian NGOs and CBOs, as well as all individuals, to demand that our national and provincial/territorial governments take responsibility for the 'unnatural' human disaster which they, in part, have caused and for which they refuse to do anything.

TDRC is a group of community health workers, social policy, health care and housing experts, academics, business people, social workers, anti-poverty activists and members of the faith community. We have worked with homeless people, studied homelessness, served on numerous committees and task forces, and have watched the homeless crisis worsen daily. We have bandaged the injuries caused by being homeless and have attended the funerals of many people. We are urging the federal, provincial and local governments to declare homelessness a national disaster. Governments need to commit

Report to the United Nations Human Rights Committee

March 1999

Toronto Disaster Relief Committee

Page 2 of 11

the funds, and work with community partners, in practical programs to end homelessness.

From a group of about two dozen people in the summer of 1998 the TDRC has become the facilitator of a national disaster relief movement, which now includes municipal governments, to demand that the federal and provincial governments take immediate action. In a four month period more than 400 organizations, including the City Councils of Ottawa-Carleton, Vancouver and Toronto; the Big City Mayor's Caucus of the Federation of Canadian Municipalities; St. Michael's Hospital in Toronto; the Children's Aid Society of Toronto; and more than 1,200 individuals; have endorsed our call for recognition of homelessness as a national disaster.

3. Government action and lack of action is leading to dramatic increases in morbidity and death.

Since 1984, the national and provincial (Ontario) governments have cut funding, programs and legislative protection that were directed at the lowest income households. Funding and programs for housing, income maintenance and support services have been cut substantially or even, in some cases, eliminated entirely. In addition, these governments have deliberately and consistently refused to take action when presented with evidence of the lethal impact of their policies on the maintenance of life itself.

These governments have refused to adopt the specific recommendations of government-appointed inquest juries and other formal panels, and they have refused to adopt the specific recommendations of community-based inquiries.

As a direct result of governmental actions and inaction, tens of thousands of people have been forced into substandard housing, into overcrowded and inadequate temporary shelters for the homeless and onto the streets. Increased morbidity and early death have followed.

The burden of illness, disease and death is exacerbated by crowding, stress, hunger, lack of basic facilities for hygiene, inadequate health care and dismantled health programs. The actions and inactions by governments have led directly to increased physical and mental harm, the spread of infectious diseases (including tuberculosis, hepatitis and HIV/AIDs) and malnutrition.

The inherent right to life is not being protected by the Canadian federal and provincial governments and the most disadvantaged and vulnerable people are arbitrarily being allowed to die.

Report to the United Nations Human Rights Committee

March 1999

4. Since 1994 there has been no federal social housing supply program.

On April 26, 1993, the Government of Canada tabled its budget which, effective January 1994, ended any further spending on new social housing, terminating a set of programs that had been in existence since the late 1940s. Since then Canada has been one of the few states without a national program to help meet severe housing need. By terminating the social housing supply programs, according to the budget, the government of Canada removed more than \$1.2 billion (covering the years 1993 to 1998) from the effort to meet severe housing need. Since then, during a period of general economic prosperity in Canada, homelessness has dramatically increased in all parts of the country.

Neither the Government of Canada nor any of the provincial and territorial governments has an explicit policy objective of reducing – let alone eliminating – homelessness. Poverty has grown, while spending on income assistance programs has not kept pace with inflation. The National Council of Welfare (a federal advisory group appointed by and reporting to the Minister of Human Resources Development) reported that most people living on welfare in Canada were poorer in 1996 than those who had been living on welfare in 1986.

In the spring of 1996, the federal government announced plans to abandon entirely social housing by transferring administrative responsibility for existing federally-funded social housing units to provincial and territorial administration. Social housing transfer deals have been signed with five of the ten Canadian provinces, and with both territorial governments. Once a deal is signed, the federal government's financial contribution is capped and will decrease annually to zero in an average of 10 to 15 years. Recent amendments to Canada's National Housing Act, which have been proposed by the government, would further reduce the role of the social housing sector and remove the rent affordability guidelines from federal housing rehabilitation programs.

The 1999 federal budget, while mentioning the word "homeless" once, does not provide a single penny of new spending on housing and homelessness.

5. Since 1995, Massive Ontario Government Cuts.

In 1995, the very first action of the newly elected government in Ontario, the nation's largest province, was to cancel the development of 17,000 affordable co-op and non-profit housing units that were under development. Particularly hard-hit were Aboriginal

Toronto Disaster Relief Committee

Page 4 of 11

off-reserve housing projects. Every single project under development in the province was cancelled. Each year since then, the provincial government has made cuts to subsidies for the existing stock of social housing units. In 1995, the Ontario government launched a plan to cut by 21.6 % the shelter component and basic needs portion of social assistance cheques. This led directly to a massive increase in economic evictions.

The Ontario government has cut health and social services directed at the poor, the sick, abused women and many other disadvantaged groups. On January 1, 1998, the Ontario government transferred the funding responsibility for provincial social housing programs to municipalities – one of the few jurisdictions in the world to take this action. The municipal tax base – which already supports hard services such as roads and sewers, emergency services such as police, fire and ambulance, and a variety of other initiatives including parks and recreation and planning – was sorely stretched by the addition of this \$807 million bill. The Ontario government is planning to transfer administrative responsibility for social housing to municipalities, which would further fracture the administration of affordable housing, reduce to virtually zero the possibility of funding for new social housing units and add further costs to municipalities.

In 1998, the Ontario government also effectively ended rent regulation by removing rent controls on vacant units. Rent increases of 30% and higher have been reported, leading to further economic evictions. Other vital tenant protection regulations were also abolished as was the Ontario Rental Housing Protection Act, which prevented demolition and condo-conversion. The private sector no longer builds rental housing due to the low incomes of tenants relative to homeowners.

6. National plans of action have been developed – and ignored.

The failure to prevent death due to homelessness in Canada is not due to any lack of information or a lack of understanding the nature of the problem.

One of the best blueprints for addressing Canada's housing problems, including ending homelessness, is contained in a 50-page report written in 1990 by Paul Martin, the current Minister of Finance for the Government of Canada. The report is called *Finding Room: Housing Solutions for the Future*.

Released after an extensive national consultation, when Mr. Martin's Liberal Party was not in power, the report contains 25 recommendations to improve the lot of Canada's homeless population, aboriginal people, renters and low-income homeowners.

The report states: “The federal role in housing must not be a residual one. The connection between housing and other aspects of both social and economic policy means that the federal government must take a lead role.... Our market housing system has not responded adequately to all of society’s needs.... The Task Force believes that ... all Canadians have the right to decent housing, in decent surroundings, at affordable prices.”

This is the first major national study in which it was the author himself, MP Paul Martin who became Canada’s Minister of Finance after writing the report, who refused, and continues to refuse, to implement his own report.

7. Homelessness is often caused by discrimination and racism.

Up to a quarter of the homeless people in Canadian cities are Aboriginals. About 15 per cent of Toronto’s hostel users are immigrants and refugees. Race is still a barrier to equal treatment in Canada’s job and housing markets. A disproportionate number of Canada’s homeless people and a disproportionate number of the homeless who are dying are people from Canada’s first nations.

Families are now the fastest growing group among the homeless. Some landlords refuse to rent apartments to families with children or to people on social assistance. Many community-based services that used to help these families have lost their provincial and federal funding.

Federal and provincial human rights codes are well-intentioned but toothless documents and enforcement mechanisms are weak. Budget cuts have slowed progress in combating discrimination. For example, the Ontario government recently cut all funding to the Centre on Equality Rights in Accommodation, an agency that provided effective help to people experiencing housing discrimination.

8. The Government of Ontario has ignored the results of its own inquest into the freezing deaths of three homeless men.

Government refuses to implement a formal tracking system for street deaths. In the last 24 months Toronto’s social service workers have recorded a rate of one death a week related to homelessness. In the winter of 1995-96 three homeless men, Eugene Upper, Irwin Anderson, and Mirsalah-Aldin Kompani, froze to death on Toronto’s streets. The jury of the Ontario Coroner's Inquest, which delivered its verdict in June 1996, urged

Toronto Disaster Relief Committee

Page 6 of 11

“all levels of government and society at large to make a concerted and serious effort to alleviate the burden of this group of people to allow them to live in dignity.”

The jury made more than 50 recommendations. None of the recommendations relating to provincial and federal responsibilities has been implemented.

9. Emergency shelter use is increasing in Toronto.

The 1998 report of the Toronto Mayor's Action Task Force on Homelessness cited recent studies of users of emergency shelters. On any given day in 1996, about 3,100 different individuals were using Toronto's emergency shelters. This is an increase from 2,600 in 1994 and 2,100 in 1988. In 1996, almost 26,000 different people used Toronto's emergency shelter system. Families accounted for 13 per cent of shelter cases in 1996 but represented 46 per cent of the people using shelter beds in that year. In 1996, 19 per cent of the people using shelters – 5,300 individuals – were children. More than 80,000 people (about 4 per cent of Toronto's population) are at risk of becoming homeless because they are spending more than 50 per cent of their income on rent or living in precarious situations.

Every night in Toronto more than 4,500 men, women and children are in an emergency shelters; about 37,000 qualified applicants are on a waiting list for subsidized housing, and about 40,000 additional people are precariously housed – some of whom will become homeless. There are many, many people being placed at risk of permanent harm to their health and well-being.

10. All forms of assistance for Toronto's poor and unemployed are decreasing.

The Mayor's Action Task Force on Homelessness also described the context of homelessness. In 1996, 36 per cent of Toronto's renter households lived in poverty – an increase since the end of the recession in the early 1990s (by comparison, the poverty rate for homeowners was 7.2 per cent). Renters' incomes fell by 12 per cent in real terms between 1990 and 1995 (homeowners' incomes fell by 5 per cent). In the late 1980s, 3 per cent of the City's population qualified for and received social assistance; at the end of 1996, the corresponding number was 8 per cent. Because of changes to the federal unemployment system, only 40 per cent of the unemployed in the Toronto area received

Toronto Disaster Relief Committee

Page 7 of 11

benefits, compared to 68 per cent in 1993. Because of changes in provincial social assistance, fewer people are eligible for welfare.

Ontario's welfare payments were cut by 21.6 per cent in 1995. Medical and drug benefits for the working poor have been eliminated. So has the \$37-a-month pregnancy allowance. A new, more restrictive definition of disability has been introduced, which means that fewer disabled people will be eligible for benefits.

Although rents in Toronto's licensed rooming houses average about \$450 per month, the housing allowance component of social assistance for a single person is \$325. The number of licensed, regulated rooming houses in Toronto is steadily declining: there were 603 in 1986; there are 393 today. Meanwhile, there are hundreds of illegal, unlicensed and often unsafe rooming houses in the city. No new social housing is being built today (for the past two decades an average of 2,100 units per year were built in Toronto).

11. Summary: Canadian Governments are depriving Canadians of the Right to Life.

Deliberate decisions by the federal and Ontario governments to radically cut funding for housing and social programs, reduce legislative protections for tenants and other low-income households and to abandon entirely housing and related social programs have led directly to increased morbidity and death.

The death in early February 1999 of "Al", a homeless man who was sleeping on a heating grate directly under the office of Ontario Premier Mike Harris, along with the death in late February 1999 of Lynn Bluecloud, a homeless woman who was five months pregnant, who died within sight of the Parliament buildings in Ottawa, dramatically underline the consequences of the governments' actions and inactions.

Studies by community-based organizations, social agency and academic institutions, coroners' inquests and, most recently, the Toronto Mayor's Action Task Force on Homelessness, have all developed detailed plans of action. Time and Again they have called on the federal and Ontario gov-

Toronto Disaster Relief Committee

ernments to take action in partnership with the city and community-based agencies and organizations so as to ensure that all Canadians have the right to life in its most basic sense.

1. **The Toronto Disaster Relief Committee** calls on the United Nations Human Rights Committee to recognize the actions and the lack of action of the Canadian and Ontario governments as **a serious and direct violation** of Article 6(1) of the International Covenant on Civil and Political Rights.
2. **The Toronto Disaster Relief Committee** further calls on the Committee to **require** that the **Canadian** government **develop and implement** a National Plan of Action on Housing and Homelessness, including funding, legislative proposals and new programs, within 12 months.
3. **The Toronto Disaster Relief Committee** further requests that the Committee **require** that the **Ontario** government, as a sub-national government, **develop and implement** a housing plan of action for its geographical jurisdiction. Both plans of action should be developed and implemented in partnership with community-based organizations.

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Toronto Disaster Relief Committee homepage: <http://www.tao.ca/~tdrc/>

# Toronto Disaster Relief Committee

Page 9 of 11

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Article 6(1), International Covenant on Civil and Political Rights

## DEATH on the STREETS of CANADA

Excerpts from Newspaper Accounts

**TORONTO**, Nov '98

### **Street deaths 'almost like a slaughter'**

By Catherine Dunphy, *Toronto Star*, Wednesday, November 4, 1998

Another day, another death. Since Vernon Crow died some time during the night of Oct. 1, surrounded by empty bottles of cheap cooking alcohol, four more of Toronto's homeless have died on the city's streets. The bodies of two homeless men were found late last month at Queen and Sherbourne Sts. "It's almost like a slaughter," said street nurse Cathy Crowe. "Two in a row this week, it's too much. A society can't assimilate this any longer." She has recently been tracking deaths of homeless people in Toronto "in the recent past." Her list consists of more than 40 names. Social worker Beric German of the Toronto Coalition Against Homelessness says many more than 40 people have died because they are forced to live on Toronto's streets.

**CALGARY**, Jan '99

### **Homeless tragedy, Man found frozen to death**

By Peter Smith, *Calgary Sun*, Friday, January 22, 1999

One of Calgary's homeless was found frozen to death early yesterday.... Homicide detectives have classified the death as "suspicious," but Staff Sgt. George Rocks, of the homicide unit, said it's possible an autopsy today may show the man died of hypothermia. No autopsy could be carried out yesterday because the man's body was too deeply frozen and was still being thawed out.

**OTTAWA**, Mar '99

### **Homeless pregnant woman died of exposure**

Ken Gray and Hattie Klotz, *The Ottawa Citizen*, Monday 1 March 1999

A homeless woman, whose death on the weekend was probably caused by exposure, was about five months pregnant, police said yesterday. Lynn Maureen Bluecloud's fully clothed body was found in the bushes by a passer-by, in a small park between Nicholas Street and the Rideau Canal, early Saturday morn-

Report to the United Nations Human Rights Committee

March 1999

# Toronto Disaster Relief Committee

Page 10 of 11

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ing. Her body was taken to the Ottawa Hospital, General site, for an autopsy yesterday. "The results are basically inconclusive," said Sgt. Dennis Smith leading the investigation. "There's no obvious cause of death but the apparent cause of death would be hypothermia."

Ms. Bluecloud, who was originally from the Yellow Quill reserve, northeast of Saskatoon, was 33 years old, and five months pregnant at the time of her death. She had been living in Ottawa for the last five or six years say police. "She was very happy-go-lucky and easy going," said Terry Hogan, a former volunteer at the Mission for Men shelter, who was once homeless himself.

**TORONTO**, Feb '99

## **Death of homeless man renews call to create more affordable housing**

By Kellie Hudson and Michelle Shephard, *Toronto Star*, February 5, 1999

A homeless man was found dead on a heating grate yesterday, across the street from Queen's Park. The man, believed to be in his 50s or 60s, has not been identified, nor has the cause of death been determined. ... A police officer later retrieved his meagre possessions: a cardboard box, two sleeping bags, a blue tarp, jeans, a bottle of water, some plastic bags and an unopened can of corn.

A young woman watched reporters interviewing politicians who crossed the street from Queen's Park. She shook her head. "I've watched a number of MPPs walk past here without even so much as glancing at homeless people living on the grates. "I think sometimes they're even on their way to a meeting to talk about homelessness. They don't get it." ...

Councillor Jack Layton (Don River) also said that ... "the shelters are crowded, we don't have enough staff to help homeless people, and the result is that you end up with people staying out on the street and dying." The funding for housing that needs to be there just isn't." Anne Golden, who prepared the Mayor's Homeless Action Task Force report, says ... "It is so sad to think of someone dying on a grate, in a city as rich as ours. It highlights the need for swift action on the recommendations that we've put forward. We have to focus not just on the tragedy that happened, but why and how he got there, and on prevention."

**TORONTO**, "*Please. Do Something*" Nov '98

## **'My wife and I live in a doorway'**

### **Health board sits silent at man's desperate tale**

By Catherine Dunphy, *Toronto Star*, November 11, 1998

Some of the homeless were too scared to even show up. Not Dennis Flarity. He was the second speaker yesterday afternoon in Metro Hall's large, low-lit Committee Room. He lowered his long legs easily into the chair at one end of the vast board table, leaned into the microphone and told the politicians and the bureaucrats at Toronto's board of health meeting on the homeless about his life. "My wife and I live in a doorway in a laneway. Have for two years. Last winter my wife got pneumonia four times. We went to St. Mike's, there was no bed. They sent her to a women's shelter and she came home after four days." ... For the first time all afternoon, the room is completely silent. "We use the Queen St. Centre but we have

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Report to the United Nations Human Rights Committee

March 1999

# Toronto Disaster Relief Committee

Page 11 of 11

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no access to any kind of health care. I lost an eye because of living on the street, I had a jaw broken because of living on the street, I lost a quarter of my stomach because of living on the street.”

## **TOO MANY DYING**

He says 10 of his friends have died, and too many more are dying from living outside. He says they all should be able to get more health care, even if it's just for pneumonia. His voice has been clear and strong, it slips a little here. It's clear his wife's health is a worry to him. He tells the board they have the power to do something. All he and his friends can do is talk and hope they are heard. He's one of the few people there who doesn't sound angry, but his voice grows louder as he ends. “I'm pleading with you. Don't sit there and talk about it,” he says. “Please. Do something.”

**TORONTO** – Mayor Demands Federal Government Help, Nov '98

## **Toronto Mayor Lastman 'begs' for homeless: Challenges Prime Minister to see first-hand the `disaster' of people living in Toronto streets**

By William Walker, Ottawa Bureau Chief, *Toronto Star*, November 5, 1998

OTTAWA - Toronto Mayor Mel Lastman is challenging Prime Minister Jean Chrétien to see for himself what life is like on the streets for the city's homeless. Lastman has offered a personal tour to Chrétien to hammer home the extent of the problem. “It's a disaster. It's horrible. It's awful,” Lastman said in a telephone interview yesterday. ... City officials say as many as 500 people may be sleeping outdoors each night because Toronto's 4,200 hostel beds are full. The mayor called The Star after reading a story yesterday about Ottawa considering forming a cabinet committee to co-ordinate a strategy. “Seeing this article just made me feel great,” Lastman said. “It's going to take the Prime Minister and the city and the Premier to win this war. People are going to freeze to death on our streets this winter. This is not a Third World country. I'm begging (Chrétien), don't let this become a Third World country. We can do something about this and it doesn't have to cost a fortune.”

Toronto Disaster Relief Committee homepage: <http://www.tao.ca/~tdrc/>

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Report to the United Nations Human Rights Committee  
March 1999

## UN Human Development & Human Poverty Rankings

Change (HPI minus HDI)

poorest 20%  
= \$6,000 / yr  
richest 20%  
= \$42,100 / yr

poorest 20%  
= \$5,800 / yr  
richest 20%  
= \$52,000 / yr

poorest 20%  
= \$7,100 / yr  
richest 20%  
= \$32,000 / yr

poorest 20%  
= \$7,200 / yr  
richest 20%  
= \$33,000 / yr

poorest 20%  
= \$4,000 / yr  
richest 20%  
= \$38,000 / yr

poorest 20%  
= \$6,600 / yr  
richest 20%  
= \$38,000 / yr

| HDI<br>Human Development In-<br>dex, 1995 | HPI<br>Human Poverty<br>Index, 1995 | Change in<br>Rank<br>HPI - HDI | Income Gap<br>between<br>highest &<br>lowest 20% |
|-------------------------------------------|-------------------------------------|--------------------------------|--------------------------------------------------|
| 1. <b>Canada</b>                          | 1. Sweden                           | + 9                            | 4.6                                              |
| 2. France                                 | 2. Netherlands                      | + 5                            | 4.5                                              |
| 3. Norway                                 | 3. Germany                          | +16                            | 5.8                                              |
| 4. USA                                    | 4. Norway                           | - 1                            | 5.9                                              |
| 5. Iceland                                | 5. Italy                            | + 16                           | 6.0                                              |
| 6. Finland                                | 6. Finland                          | --                             | 6.0                                              |
| 7. Netherlands                            | 7. France                           | - 5                            | 7.5                                              |
| 8. Japan                                  | 8. Japan                            | --                             | 4.3                                              |
| 9. New Zealand                            | 9. Denmark                          | + 9                            | 7.2                                              |
| 10. Sweden                                | 10. <b>Canada</b>                   | - 9                            | <b>7.1</b>                                       |
| 11. Spain                                 | 11. Belgium                         | + 1                            | 4.6                                              |
| 12. Belgium                               | 12. Australia                       | + 3                            | 9.6                                              |
| 13. Austria                               | 13. New Zealand                     | - 4                            | 8.8                                              |
| 14. United Kingdom                        | 14. Spain                           | - 3                            | 4.4                                              |
| 15. Australia                             | 15. United Kingdom                  | - 1                            | 9.6                                              |
| 16. Switzerland                           | 16. Ireland                         | + 1                            | na                                               |
| 17. Ireland                               | 17. USA                             | - 13                           | 8.9                                              |
| 18. Denmark                               |                                     |                                |                                                  |
| 19. Germany                               |                                     |                                |                                                  |
| 20. Greece                                |                                     |                                |                                                  |
| 21. Italy                                 |                                     |                                |                                                  |

UN Development Programme (1998) *Human Development Report 1998*, NY: Oxford U Press.

Boxes: Real GDP per capita, purchasing power parity, 1980-1994 average (p.186).