



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues prior to submission of the seventh periodic report of Canada\*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum) by 30 June 2021. The State party's replies to the list of issues prior to reporting will constitute its seventh periodic report under article 16 of the International Covenant on Economic, Social and Cultural Rights.

#### A. Issues of particular relevance

2. Please provide information on the legislative measures taken to give full effect to the Covenant rights in the legal order. Please also provide information on the progress made in guaranteeing the justiciability of the Covenant rights, particularly with the review of litigation strategies, including the principles guiding the Attorney General of Canada in Charter litigation. Please also provide information on training for judges, lawyers and other legal professionals, including training programmes provided by the National Judicial Institute, to ensure that the provisions of the Covenant are applied by and invoked before courts at all levels. Please further provide information on the institutional or other measures taken to ensure that individuals claiming a violation of their rights under the Covenant have access to effective remedies.

3. Please provide information on the legislative and policy framework that guarantees the right of indigenous peoples to free, prior and informed consent. Please also provide information on the mechanisms put in place at the federal, provincial and territorial levels to ensure meaningful participation of indigenous peoples in the decision-making process in relation to development projects that have an impact on their lands or territories. In particular, please provide information on how the legislative, policy and procedural framework relating to the rights of indigenous people has been applied in practice, especially in relation to the cases referred to by the Committee on the Elimination of Racial Discrimination in its decision of 13 December 2019 under its early warning and urgent action procedure. Please also indicate whether any development projects have been halted owing to a lack of meaningful consultation or the opposition or protest of affected communities. Please further provide information on the progress made in reforming the Comprehensive Land Claims Policy and the Inherent Right Policy.

4. Please provide information on the measures taken to improve the quality of employment and on the steps taken to provide workers in non-standard forms of employment with the same level of labour and social protection as those in standard forms of employment. Please also provide information on the progress made, including through the implementation of the Youth Employment and Skills Strategy and of the recommendations made by the Expert Panel on Youth Employment, to facilitate youth employment, particularly for those who are not in education, employment or training. Please further provide information on the legislative and policy measures taken at the

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\* Adopted by the pre-sessional working group at its sixty-sixth session (9–13 March 2020).



federal and provincial levels to address the discrimination experienced by indigenous peoples, people of African descent and persons with an immigration background in accessing the labour market.

5. Please provide information on the measures taken to increase the availability of affordable rental housing and to regulate the excessive rent increases reportedly caused by the acquisition of purpose-built rental apartment buildings by institutional investors, including the Canada Pension Fund. Please also provide information on the steps taken to address the increase in the number of evictions, including so-called renovictions and demovictions, and on the evictions carried out, including the number of evictions authorized by the courts, the reasons for the evictions and the alternative accommodation or compensation provided to the persons who have been evicted. Please further provide information on the measures taken to reduce homelessness and the reportedly increased incidence of deaths caused by homelessness, and on the measures taken to improve the protection and services, including shelters, provided to homeless persons.

## **B. Ongoing implementation of the Covenant**

6. Please provide information on the measures taken by the State party to monitor and coordinate the efforts made at the provincial and territorial levels to fulfil the obligations of the State party under the Covenant, particularly in areas such as social services, health and education, where local governments are delegated to deliver services. Please also provide information on the concrete measures taken to reduce regional disparities in the enjoyment of essential public services, particularly those relating to the realization of Covenant rights, in light of section 36 of the Constitution.

7. Please provide information on legislative, policy or other measures taken at the federal and provincial levels to ensure that businesses respect economic, social and cultural rights and implement human rights due diligence throughout their operations, including when operating abroad. Please indicate the extent to which judicial remedies are available in the State party for the victims of violations committed by Canadian businesses abroad, and provide specific examples. Furthermore, please provide information on the Canadian Ombudsperson for Responsible Enterprise, including its mandate, jurisdiction and powers, as well as its relations with the existing mechanisms such as the Extractive Sector Corporate Social Responsibility Counsellor and the Canadian National Contact Point, and on any investigations carried out by the Ombudsman into cases of human rights abuse by business entities.

8. Please provide information on the measures taken to address the adverse effects of climate change on the enjoyment of economic, social and cultural rights, particularly by indigenous peoples. Please also provide information on the progress made in meeting the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement on climate change, and particularly on the measures taken to improve the effectiveness of energy taxation to facilitate saving energy and using renewable energy. Please also provide information on the contributions that the State party has proposed to make to the Green Climate Fund. In addition, please indicate the measures taken by the State party to meet its commitment to allocating 0.7 per cent of its gross national income to development assistance, and the expected timelines.

9. Please provide information on the measures taken to address the significant disadvantages faced by indigenous peoples in enjoying their Covenant rights, and the outcome of those measures. In particular, please provide information on:

(a) The policy and institutional framework adopted to address the root causes of violence, including poverty, inadequate housing or homelessness, and barriers in accessing employment, health care and education, particularly in light of the findings and recommendations of the National Inquiry into Missing and Murdered Indigenous Women and Girls;

(b) The extent to which the State party has taken steps to eliminate the socioeconomic disparities between the indigenous population and the non-indigenous population;

(c) The annual budget allocated to indigenous peoples living both on and off reserves, during the reporting period;

(d) The measures taken to resolve and prevent the jurisdictional disputes between federal and provincial governments on funding to indigenous peoples.

10. In order for the Committee to assess whether the State party is using the maximum available resources to realize the rights recognized in the Covenant, please provide information on the evolution over the past 10 years of:

(a) The proportion of the population below the poverty line as defined at the national level and the levels of inequality, defined as the ratio of the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is financed through taxes;

(c) Tax rates levied on corporate profits and on personal incomes, and value added tax (exclusive of value added tax on luxury items, tobacco, alcohol, sugary drinks and snacks, and petrol and diesel), the tax rates on energy use, and the percentage of total revenue from personal income taxes that is collected from the richest decile of the population;

(d) Public expenses as a percentage of gross domestic product and, within total public expenses, the proportion of the public budget that is dedicated to social priorities (employment, education, food, health, water and sanitation, social security, housing and culture);

(e) Inflation-adjusted absolute levels of social spending.

11. Please indicate whether the State party has monitored the impact of the austerity measures introduced by provinces. In addition, please provide information on the measures taken by the State party to mitigate the adverse impact of such measures on marginalized and disadvantaged individuals in their enjoyment of the Covenant rights, including the rights to social security, health and education.

12. Please provide information on the concrete steps taken to combat corruption in the public and private sectors and to enhance transparency and accountability in the conduct of public affairs, particularly with regard to procurement, land administration and tax administration. Please also provide information on the cases filed with national anti-corruption mechanisms, particularly those involving high-level officials, including the number of cases filed, investigated and prosecuted and the sentences passed on those involved in corruption, during the reporting period. Please indicate the legislative or other measures put in place to protect whistle-blowers and to ensure the protection of and remedies for victims of corruption.

13. Please provide information on the steps taken by the State party to ensure that anti-discrimination provisions, including those in the Canadian Human Rights Act and provincial human rights acts, prohibit discrimination based on all grounds, including language, political or other opinion, social origin, property or other status. Please also provide information on the steps taken to review the Canadian Human Rights Act with a view to enabling victims of discrimination, regardless of their legal status, to lodge their complaints with the Canadian Human Rights Commission.

14. Please provide information on the implementation of the refugee status determination procedures, including both the Immigration and Refugee Board and the pre-removal risk assessment process, with details of the number of applications submitted and the results thereof, and of the provision of legal aid to the applicants under the two procedures. Please also provide information on the extent to which the State party has taken measures to identify stateless persons and to reduce and prevent the incidence of statelessness. Furthermore, please provide information on the availability and accessibility of employment, social security, housing, health-care services and education to refugees, asylum seekers, including those under the pre-removal risk assessment process, and stateless persons, and on the measures taken to improve the availability and accessibility of these services.

15. Please provide updated information on the minimum wages set by each province during the reporting period, the level of compliance with these minimum wages, the adequacy of the current minimum wages and the efforts made to ensure that the minimum wages provide workers and their families with an adequate standard of living. Please also provide information on the implementation of the Pay Equity Act, on the legislative framework at the provincial level, which incorporates the principle of equal pay for work of equal value, and on the implementation of this principle in practice. Please further provide information on the extent to which the State party has taken steps to curb the persistently high gender pay gap. In this regard, the Committee also looks forward to the information that the State party will provide to the Committee on the Elimination of Discrimination against Women in relation to its list of issues prior to reporting (CEDAW/C/CAN/QPR/10).

16. Please provide information on the legislative and institutional measures taken at the federal and provincial levels to enhance occupational safety and health. Please also provide information on the mechanisms through which workers can file complaints relating to occupational safety and health, including the availability and accessibility of such mechanisms, particularly for migrant workers, and on the systemic issues identified through the complaints and the measures taken to address them. Please further provide information on the measures taken to strengthen labour inspections, particularly in the sectors where migrant workers and workers in non-standards forms of employment are concentrated. Please provide annual statistical data, disaggregated by industry and region, on the number of inspections carried out and the main areas of concern identified through inspections, during the reporting period. Furthermore, please provide information on occupational accidents and diseases, including annual statistical data disaggregated by industry, and on data collection at the federal and provincial levels in this regard.

17. Please indicate which categories of workers are denied the right to strike in labour legislation and the reasons for this prohibition, and provide information on any steps taken to review the prohibition. Please indicate which categories of workers are denied the rights to form or join trade unions in labour legislation and the reasons for these prohibitions, and provide information on any steps taken to review the prohibitions. In particular, please provide information on the legislative framework that provides for the trade union rights of seasonal agricultural workers, foreign temporary workers and subcontractors and on the actual exercise of these rights by those workers.

18. Please provide information on any ongoing efforts to reform the Canada Pension Plan and on the measures taken to increase the replacement rates of the pension, which is currently below the Organization for Economic Cooperation and Development average, with a view to ensuring that pensioners enjoy an adequate standard of living. Please also provide information on the measures taken to expand the coverage of child, disability and unemployment benefits and to ensure that the amounts of these benefits are sufficient to provide beneficiaries with an adequate standard of living. Please further provide information on the implementation of the Committee's previous recommendations relating to social assistance (E/C.12/CAN/CO/6, para. 30).

19. Please provide information on the steps taken to follow up on the decision of the Canadian Human Rights Tribunal of 6 September 2019 in the case of the removal of indigenous children from their families (2019 CHRT 39). Please also provide information on the measures taken to implement an Act respecting First Nations, Inuit and Métis children, youth and families (S.C. 2019, c. 24) and the effectiveness thereof, and on the annual budget allocated to implement the Act. Please further provide information on the steps taken to implement the decisions of the Canadian Human Rights Tribunal in the cases relating to child and family services provided to indigenous peoples, including 2017 CHRT 14 and 2016 CHRT 2. Please provide information on the measures taken to address the disproportionately high number of indigenous children and children of African descent in foster care, and on the effectiveness of those measures.

20. Please provide information on the targeted measures taken to address the disproportionately high incidence of poverty among children in single-parent families, migrants and refugees, indigenous peoples and persons with disabilities, and to address the working poor. Please also provide information on the social assistance programmes available to them as regards the eligibility, coverage, take-up rates and adequacy, and on the measures taken to ensure that the Market Basket Measure provides recipients with an adequate standard of living. Furthermore, please provide information on the measures taken

to strengthen the accountability framework in the Canada Social Transfer and to repeal the clawback provisions in provincial jurisdictions and in the amendments to Bill C43 that allow provinces to deny asylum seekers and persons without permanent status in the country access to social assistance.

21. Please provide information on the steps taken by the State party to give effect to the National Housing Strategy Act at the provincial level, and clarify whether any of the mechanisms provided for in the Act have the power to provide remedies in the case of violation of the right to housing and, if not, indicate the mechanisms that can provide remedies. Please also provide information on the key initiatives contained in the National Housing Strategy that aim to improve the access of low-income families to adequate and affordable housing, including with regard to target groups, concrete goals and timelines, and the budget of each of these initiatives and their share of the total budget allocated to the Strategy. Please further provide information on the provision of social housing to low-income families, including annual statistical data on the number of social housing units provided and on the budget allocation thereto.

22. Please provide information on the outcome of the policy and institutional measures taken to reduce the continuing food and nutrition insecurity in the State party. In particular, please provide information on the assessment of the effectiveness of the Nutrition North Canada programme and the measures taken to follow up on the assessment, in light of the increased incidence of food insecurity despite the increased budget spent for the implementation of the programme.

23. Please provide information on any gaps in health-care services, including with regard to the availability of medicines, provided by provinces and territories and on the measures taken to remove the regional disparities in health-care services. Please also provide information on any concrete steps taken to expand the scope and coverage of health-care services provided by public health insurance. Furthermore, please provide information on the extent to which the right to health, as enshrined in article 12 of the Covenant, has been incorporated in the criteria for the Canada Health Transfer provided for in the Canada Health Act and on any reviews that have been carried out on the criteria based on the human rights framework. In addition, please provide information on the cases in which the Canada Health Transfer has been withheld or reduced during the reporting period, including annual statistical data, disaggregated by region, on the number of such cases and the reasons for them.

24. Please provide information on:

(a) The implementation of the national Mental Health Strategy for Canada (2007–2017), including the progress made and challenges faced in implementing the Strategy;

(b) The steps taken to integrate mental health in primary health care and to address the disparities between physical health care and mental health care in terms of availability, accessibility and quality of services;

(c) The budgets allocated to the mental health sector and the ratio within the total health budget, at the federal and provincial levels;

(d) The measures taken to address the high proportion of women with mental health conditions in maximum security prisons;

(e) Annual statistical data, disaggregated by age and indigenous or ethnic origin, on the incidence of suicide in the State party and the measures taken to address the reportedly high incidence of suicide among indigenous young people;

(f) The implementation of the Committee's previous recommendations relating to drug users (E/C.12/CAN/CO/6, para. 50), the measures taken to address the high number of opioid-related deaths and the evaluation of the effectiveness of the amendments made in 2017 to the Controlled Drugs and Substances Act, legalizing and regulating recreational marijuana.

25. Please provide information on the efforts made by the State party to reduce the large disparity in health conditions between indigenous and non-indigenous populations and the progress made in this regard. Please also provide information on the measures taken to address the adverse impact of the mercury contamination in Grassy Narrows First Nation

on the health and livelihood of the indigenous peoples who were affected and on the effectiveness of these measures. Furthermore, please indicate whether any health and environmental assessments have been carried out with regard to the indigenous peoples affected by the Mount Polley mine disaster and, if so, provide information on the extent to which the State party has taken measures to address the assessment. Please provide information on the degree to which those responsible for those incidents have been held accountable, the compensation granted to the individuals and communities that were affected, and the measures taken to prevent the recurrence of such incidents.

26. Please provide information on:

(a) Progress made in ensuring that indigenous students and students of African descent complete primary and secondary education;

(b) Measures taken to address the disparities in the quality of education and the educational outcomes between schools on reserve and off reserve, and the disparities in funding allocated to the two groups of schools;

(c) Steps taken to address the persistently high tuition fees in post-secondary education and the high number of college graduates with a large debt;

(d) Measures taken to improve the availability, accessibility and quality of preschool education;

(e) Measures taken to ensure that students have equal access to education under the three-tier school system in Quebec, regardless of the economic status of their parents, and measures taken to improve the quality of education in ordinary public schools.

27. Please provide information on the progress made by the State party in promoting the preservation and use of indigenous languages and culture, including by ensuring that provincial and territorial authorities guarantee that indigenous languages are taught and used in schools. Please also provide information on the measures taken to promote the art and culture of African-Canadians, including in the context of the International Decade for People of African Descent, proclaimed by General Assembly, and on the budget allocated in this regard.

28. Please indicate the measures taken for the conservation, development and diffusion of science and culture, and to ensure access, without discrimination, to the benefits of scientific progress and its applications for everyone, especially for women, persons with disabilities and persons living in poverty. Please indicate the measures taken to ensure access to the Internet, especially for disadvantaged and marginalized individuals and groups.

### **C. Good practices**

29. Please provide information on good practices in policy formulation and implementation that have been developed by the State party during the reporting period and that have effectively contributed to the realization of economic, social and cultural rights, in particular for marginalized and disadvantaged individuals and groups. Please indicate how the Committee's previous concluding observations (E/C.12/CAN/CO/6) have been taken into account in developing such practices.

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