

ICESCR, as outlined in *General Comment No. 10* with respect to national human rights institutions.³⁵

Sixth, expanding the ambit of the *CHRA* and the role of the Canadian Human Rights Commission and Tribunal would ensure a better integration of domestic and international human rights review procedures, and a more coherent domestic response to the concerns of international human rights treaty monitoring bodies. The Committee on Economic, Social and Cultural Rights,³⁶ the Committee on the Elimination of Discrimination Against Women,³⁷ and the Human Rights Committee³⁸ have identified a number of critical issues of discrimination against social assistance recipients and low income women in Canada.³⁹ These include: restricted access to civil legal aid; the claw-back of the National Child Benefit from social assistance recipients; minimum income criteria, which disqualify low income women and social assistance recipients from rental housing and mortgages; workfare, and the denial of the protections of labour relations law to workfare participants; direct payment of social assistance to landlords; and the damaging effect of welfare rate cuts, including on access to housing. While only some of these issues fall squarely within federal jurisdiction, most engage the federal government at least as a joint actor. The Canadian Human Rights Commission could, with the appropriate mandate, encourage joint responses by federal, provincial and territorial human rights commissions to the concerns of international treaty monitoring bodies. Some of the issues identified by the U.N. Committees have been the subject of domestic human rights complaints and tribunal rulings. However, there has been no coherent response by Canadian human rights commissions in relation to review and petition procedures at the international level, and human rights tribunals in Canada have generally ignored the fact that many of the issues raised in the poverty-related claims brought before them have also been the subject of concern at the international level.⁴⁰

Seventh, adding social and economic rights to the *CHRA* will couple legal remedies for rights violations with institutional mechanisms for supporting and promoting these rights. Through its monitoring, investigation and education functions under the *CHRA*, the Canadian Human Rights

³⁵*Supra* note 16 at paragraph 3 .

³⁶*Concluding Observations, 1998, supra* note 14 at paragraphs 16, 21, 22, 26, 31, 32, 46.

³⁷United Nations Committee on the Elimination of Discrimination Against Women, *Adoption of the Report of the Committee on the Elimination of Discrimination Against Women on its Sixteenth Session: Concluding Observations of the Committee on the Elimination of Discriminations Against Women* (Canada), 29 February 1997, A/52/28/Rev.1 at paragraph 306-343.

³⁸*Concluding Observations, 1999, supra* note 6 at paragraph 17, 18.

³⁹See generally, C. Scott, "Canada's International Human Rights Obligations and Disadvantaged Members of Society: Finally Into the Spotlight" (1999) 10 *Constitutional Forum* (forthcoming).

⁴⁰On the issue of workfare, see *Louise Gosselin v. Procureur Général du Québec* (6 April 1999) Montreal 500-09-001092-923 (C.A.); [1992] R.J.Q. 1657 (C.S.) and *Lambert v. Québec (Ministère du Tourisme)*, [1996] J.T.D.P.Q. No. 42 ; on direct payment of rent, see *McEwen v. Warden Building Management Ltd. and V.I.P. Property Mangement Ltd.* (14 November, 1993) (O.H.R.T.) [unreported]; on minimum income criteria, see *Quebec (Comm. des droits de la personne) v. Whittom* (1993), C.H.R.R. D/349 and *Kearney et al. v. Bramalea Limited et al.*, [1998] 21 O.H.R.B.I.D., Decision No. 98-021. In both the *Whittom* and *Kearney* cases, international human rights provisions relating to the right to adequate housing were argued, but were not addressed in the tribunals' decisions. See, for example, the expert report submitted in *Kearney*, Exhibit 42, Scott Leckie, "Income Discrimination in Rental Housing and Canada's International Human Rights Obligations" (March, 1995).