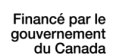




# SDG 1 ON ENDING POVERTY IN ALL ITS FORMS EVERYWHERE: CONTRIBUTIONS OF CANADIAN LAW, POLICY AND GOVERNANCE

A Toolkit of Legal & Institutional Practices







# SDG 1 on Ending poverty in all its forms everywhere: Contributions of Canadian Law, Policy and Governance

## A Toolkit of Legal & Institutional Practices

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## About the Toolkit

CISDL, in cooperation with the Dalhousie Schulich School of Law, Balsillie School of International Affairs/University of Waterloo, McGill University Faculty of Law/ Faculté de droit Université de Montréal, University of Victoria Peter A. Allard School of Law, and a consortium of institutional partners, held a hybrid online and multisite symposium on February 14, 2020, convening legal experts across Canada to discuss areas of opportunity to inform Canada's 2030 agenda. This toolkit is part of a series which builds upon legal research conducted in collaboration with UN Environment. The by-projects of this research which look at legal measures for achievement of the SDGs in Canada are intended to inform policy-making moving forward.

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# List of Abbreviations and Acronyms

CBD	<i>Convention on Biological Diversity</i>
CEDAW	<i>Convention on the Elimination of all Forms of Discrimination Against Women</i>
CERD	<i>Convention on the Elimination of All Forms of Racial Discrimination</i>
CRPD	<i>Convention on the Rights of Persons with Disabilities</i>
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
ILO	International Labour Organization
IUCN	International Union for Conservation of Nature
MDG	Millennium Development Goals
NWT	Northwest Territories
PEI	Prince Edward Island
SDG	Sustainable Development Goals
UDHR	<i>Universal Declaration on Human Rights</i>
UNCCD	<i>United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa</i>
UNCRC	<i>United Nations Convention on the Rights of the Child</i>
UNEP	United Nations Environment
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	<i>United Nations Framework Convention on Climate Change</i>
UNICEF	United Nations Children's Emergency Fund

# I. Introduction

## SDG 1: An Opportunity to End Poverty in All its Forms Everywhere

The Sustainable Development Goal to end poverty in all its forms everywhere (SDG 1 No Poverty) represents an ambitious and important commitment by the United Nations (UN) General Assembly to improve the lives of the world's poorest individuals and groups. Chapter IV of the UN Charter contains the powers and functions of the General Assembly,<sup>1</sup> including support of the global commitment to end poverty, as found in Articles 10<sup>2</sup> and 13,<sup>3</sup> which empower the UN General Assembly to promote social and economic development, as well as more generally in Chapters IX and X.<sup>4</sup>

SDG 1 seeks to build upon its predecessors, the Millennium Development Goals' (MDGs), commitment to cut poverty by half, with a commitment to establish an absolute end to poverty. While this is a bold target, international discourse has evolved significantly since the advent of the MDGs, and legal pathways for achievement of SDG 1 have become more embedded in the global economy as well as the economies of many States. This Toolkit focuses on SDG 1 and seeks to advance implementation by highlighting the range of legal measures already in practice in Canada and which can be seen to further the goals and requirements of SDG 1.

### Structure of the Toolkit

The Toolkit provides an introductory survey of principal national and international law, policy and governance measures having the potential to contribute to realizing SDG 1 in Canada and internationally. It considers options for legal and policy preparedness, notes the potential for mainstreaming and more integrated implementation at the international and national levels, and offers some recommendations to address these issues.

The Toolkit is separated into four sections and additional reference materials:

- **Introduction** offers brief background to the issues, the structure of the toolkit, and an overview of the intended audience.
- **Legal Innovations & Practices from Across Canada to Achieve SDG 1** provides an initial survey of federal, provincial, and territorial approaches which support achievement of specific targets under the SDG.

<sup>1</sup> UN Charter, Arts. 10-17.

<sup>2</sup> *Ibid*, Art 10 provides "The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and ... may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters."

<sup>3</sup> *Ibid*, Art 13 states:




"1. The General Assembly shall initiate studies and make recommendations for the purpose of: (a) Promoting international co-operation in the political field and encouraging the progressive development of international law and its codification; (b) Promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."

<sup>4</sup> UN Charter, Article 13. The Chapters alluded to in Article 13(2) address "International Economic and Social Co-operation" and "The Economic and Social Council", respectively. In very general terms, Chapter IX requires the UN and its Member States to promote human rights as well as economic and social development without discrimination against persons or groups based on immutable characteristics, including the requirement to cooperate with specialized agencies established by intergovernmental agreement. Chapter X establishes an organ of the UN that is permitted to achieve some of the ends listed above by initiating studies or reports and making recommendations to various branches of the UN and its Members on "international economic, social, cultural, educational, health, and related matters".

- **International Legal Dimensions of SDG 1** highlights legal obligations under international instruments related to education.
- **Legal Preparedness for Achieving SDG 1 with Canadians** summarizes findings and provides mechanisms for enhancing efforts across all levels of government.
- **Recommended Resources** provides a brief list of resources that could supplement information provided.
- **Annex I: Domestic Legal Instruments: Overview Table** provides a single reference table that includes all domestic laws identified and separated by SDG target.
- **Annex II: About the Project** summarizes the project, key partners, and goals.

The analysis suggests that the SDG 1 targets are supported by international governance systems and legal measures as well as Canadian domestic instruments and institutions which provide pre-existing pathways to support national implementation. While law and governance mechanisms which support achievement of the SDG 1 have been identified, there remain significant areas of opportunity to promote greater policy cohesion, refinement, scaling up of ambition, and engagement with civil society actors. This project, in collaboration with Economic and Social Development Canada (ESDC), as well as law schools and research networks across the country, identifies current pathways that provide for the achievement of SDG 1 in Canada.

## Reference Guide

	<b>Key Aspects</b>	Summarizes principal takeaways from the legislation. Emphasizes the elements exemplified by the approach.
	<b>SDG Targets</b>	Identifies the SDG targets which the legislative approach may be used to implement.
	<b>Jurisdiction</b>	Indicates the jurisdiction of the legislation.

The above icons are used throughout the report to highlight aspects and legislative approaches that align with the specific needs of users of this toolkit.

## Target Audience

Sustainable development as a crosscutting policy goal requires engagement of law and governance authorities at all levels. This Toolkit has a target audience of law and governance professionals at the federal, provincial, and territorial levels, as well as Aboriginal communities, and local and municipal authorities who seek to engage in and influence debate. In addition, the Toolkit acts as a valuable resource for non-governmental organizations (NGOs) and members of civil society seeking to understand these and related issues and identify options to inform decision makers within their constituencies. Lastly, the Toolkit supports legal professionals, members of the judiciary, law professors, and students seeking to gain insights into the role played by law and governance institutions in supporting the achievement of SDG 1.



## SDG 1: Catalyzing action to end poverty.

### SDG 1 Poverty – End poverty in all its forms everywhere

1.1 By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day

1.2 By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions

1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and, by 2030, achieve substantial coverage of the poor and the vulnerable

1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance

1.5 By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters

1.a. Ensure significant mobilization of resources from a variety of sources, including through enhanced development cooperation, in order to provide adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies to end poverty in all its dimensions

1.b Create sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investments in poverty eradication actions

## II. Legal Innovations & Practices from Across Canada to Achieve SDG 1

Although the SDGs may not be binding treaty obligations or reflective of international customary law, States are required to consider them as a commitment made by the international community in good faith. Moreover, the SDGs can be considered as providing the normative context for treaty implementation.<sup>5</sup> While, in some cases, the SDGs require legal refinement in the domestic context, SDG 1 benefits from a broad groundwork of legal and policy measures which have evolved over the years and provide a framework for achievement. This section will explore approaches to achieve SDG 1 at the federal, provincial and territorial level in Canada.

### Federal

#### *Poverty Reduction Act*



#### National targets for poverty reduction

The purpose of the Poverty Reduction Act is to continuously monitor poverty reduction in Canada and provide modalities for the designated Minister to develop and implement a poverty reduction strategy.<sup>6</sup> Under the Act, targets for poverty reduction in Canada are set at 20% below the level of poverty in 2015 by 2020 and 50% below the level of poverty in 2015 by 2030.<sup>7</sup> A National Advisory Council on Poverty is established and comprised of 8 – 10 members. The National Advisory Council on Poverty's function is to provide ongoing advice to the designated Minister on poverty reduction options in Canada.<sup>8</sup> The National Advisory Council on Poverty is required to have a member specifically focused on children's issues as a key element of developing and implementing a holistic strategy for addressing poverty.

These targets are based on a measure that lists 4.2 million Canadians as low income as of 2015. Regarding the poverty line, the government's selected market-basket measure is focused on the cost of buying basic goods and services such as food, clothing, transportation and shelter. Statistics Canada also produces the low-income measure, defined as 50 percent of median household incomes.

Through the establishment of designated targets, coupled with inclusion of the National Advisory Council on Poverty and strategic planning on poverty, the Poverty Reduction Act assists in operationalizing poverty reduction efforts in accordance with SDG 1.1, 1.2, and 1.3.



SDG 1.1, SDG 1.2, SDG 1.3.



Federal

<sup>5</sup> May Miller-Dawkins, *Global goals and international agreements. Lessons for the design of the Sustainable Development Goals*, ODI Working Paper 402, Overseas Development Institute, November 2014, available at <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9295.pdf>.

<sup>6</sup> Poverty Reduction Act, SC 2019, c. 29, s. 315, s. 3, 5. [Poverty Reduction Act]

<sup>7</sup> *Ibid*, Poverty Reduction Act, s. 6.

<sup>8</sup> *Ibid*, Poverty Reduction Act, s 9-10.

## *Old Age Security Act*



Monthly payment scheme to provide a minimum income for eligible seniors

The Old Age Security Act establishes a pension program with monthly payments available for eligible seniors aged 65 and older and creates a social protection program for people with limited capacity for income.<sup>9</sup> The amount of pension will depend on how long a person has worked in Canada, their respective contribution to the pension system, and the adjusted cost of living.<sup>10</sup> The most vulnerable seniors with the lowest income can be eligible for the guaranteed income supplement also provided by the Act.<sup>11</sup>

The Act, which has a direct link to poverty alleviation for seniors and establishes Canada as an international leader with some of the lowest rates of elderly poverty throughout the world,<sup>12</sup> provides a social safety net that actively works to minimize poverty levels among the most vulnerable and supports achievement of SDG 1.2 and 1.3.



SDG 1.2, SDG 1.3.



Federal

## *Income Tax Act, Canada Child Benefit*



Annual tax-free benefit for eligible parents

The Canada Child Benefit subdivision of the Income Tax Act aims at providing support, through monthly payments, to eligible families for the cost of raising children. The amount paid depends on the number of children, their ages, the family net income and potential disability benefit, with a tax-free maximum annual benefit of \$6,400 per child under the age of six and \$5,400 per child aged 6 through 17.<sup>13</sup> It is targeted at low- and middle-income families and offers a social protection as part of the goal of ending infantile poverty in Canada. The Canada Child Benefit is credited with removing nearly 300,000 Canadian children from poverty in the years following its implementation.<sup>14</sup>

The two-fold purpose of the Canada Child Benefit subdivision of the Income Tax Act is to reduce child poverty and to recognize the financial contribution parents make in raising children. Through development of a support program for families in need under the Canada Child Benefit subdivision of the Income Tax Act, conditions of poverty can be proactively minimized in line with SDG 1.2 and 1.3.



SDG 1.2, SDG 1.3.



Federal

<sup>9</sup> Old Age Security Act, RSC 1985, c O-9, s. 3. [Old Age Security Act]

<sup>10</sup> *Ibid*, Old Age Security Act, s. 8, 27.

<sup>11</sup> *Ibid*, Old Age Security Act, s. 10-12.

<sup>12</sup> Nanna Kildal and Stein Kuhnle, "Old Age Pensions, Poverty and Dignity" (2008) 8:2 Global Social Policy 208.

<sup>13</sup> Income Tax Act, RSC 1985, c 1 (5th Supp), s 122.6.

<sup>14</sup> Government of Canada, "The Canada Child Benefit" (2019), online: <[www.canada.ca/en/employment-social-development/campaigns/canada-child-benefit.html](http://www.canada.ca/en/employment-social-development/campaigns/canada-child-benefit.html)> .



## *Indian Act*



### Discretionary powers to support those in need

Under the terms of the Indian Act, the designated Minister, with the consent of the applicable First Nations community, may authorize the expenditure of funds for the purpose of promoting the general progress and welfare of the community. This includes assistance for the sick, disabled, aged, or destitute, as well as financial support for burial of deceased members.<sup>15</sup>

This discretionary power, exercised with the consent of the applicable First Nations community, provides a mechanism to support destitute members of the community and their families when there is a loss. Through the development of social programs of this nature to assist those in need in the First Nations community context, the Indian Act advances implementation of SDG 1.2 and 1.3.



SDG 1.2, SDG 1.3.



Federal

## *National Housing Strategy Act*



### Systematic support for housing needs

The National Housing Strategy Act establishes a strategy aimed at reducing homelessness and ensuring housing accessibility throughout Canada, with a particular focus on those with the greatest needs.<sup>16</sup> It recognizes the right to adequate housing as a fundamental human right that is essential to dignity and sustainability.<sup>17</sup> The Act also created the National Housing Council to provide advice to the government and the Federal Housing Advocate to monitor progress.<sup>18</sup>

In 2018, the first National Housing Strategy led to the promise of over 40 billion dollars in investments across Canada over the next 10 years. This could remove approximately 530,000 Canadians from a situation of housing need within a decade.<sup>19</sup> By developing a strategic framework to systematically support housing needs and advance housing access, the National Housing Strategy Act supports implementation of SDG 1.4 and 1.a.



SDG 1.4, SDG 1.a.



Federal

## *Accessible Canada Act*



### Development of programs and standards to enable disabled persons

With the aim of treating all persons with dignity, regardless of disability status, the Accessible Canada Act seeks to ensure that everyone has the opportunity to establish a livelihood and to be

<sup>15</sup> Indian Act, RSC 1985, c I-5, s. 66(1-2).

<sup>16</sup> National Housing Strategy Act, SC 2019, c 29, s 313, s. 5. [National Housing Strategy Act]

<sup>17</sup> *Ibid*, National Housing Strategy Act, s. 4.

<sup>18</sup> *Ibid*, National Housing Strategy Act, s. 6, 13.

<sup>19</sup> Government of Canada, "Canada's National Housing Strategy: A place to call home" (2018), online: <<https://www.placetocallhome.ca/-/media/sf/project/placetocallhome/pdfs/canada-national-housing-strategy.pdf>>.

integrated into and participate in society without barriers.<sup>20</sup> The term “barrier” is broadly defined to include “anything physical, architectural, technological or attitudinal” that hinders full and equal participation in society. Disability under the terms of the Act also includes any physical, mental, intellectual, cognitive, learning or communication impairment.<sup>21</sup>

Taken together, the scope and application of the Act recognizes the interlinkages between disability and poverty, with all persons entitled to benefit from opportunities and the removal of barriers related to employment, integration, communication, transportation, and procurement of goods and services.<sup>22</sup> As part of the Act, the Canadian Accessibility Standards Development Organization was created to work to facilitate standards which allow for the removal of barriers and alleviate discrimination.<sup>23</sup> Duties are also established for regulated entities including telecommunication, transportation, and broadcasting to facilitate the integration of accessibility standards.<sup>24</sup>

The Accessible Canada Act’s requirements and methodology for inclusion of those with disabilities in all aspects of life, especially those where there is a potential for overlap between disability and poverty, support the achievement of SDG 1.4 through the development of standards and bodies which facilitate social integration and removal of barriers.



**SDG 1.4.**



**Federal**

## Provincial and Territorial Laws

Canada maintains a rich legal framework of social support networks to assist those in need of assistance and social inclusion. A minimum standard of care and quality of life for all Canadians is grounded in a robust network of institutions, policies and programs to provide a basis for inclusive development. While the Federal legal regimes addressing poverty provide a basis for large scale innovation, the provincial and territorial efforts truly impact the lives of individuals on a daily level. The following are key examples of provincial and territorial legal innovations which support achievement of SDG 1.

*1.1 By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day*

<sup>20</sup> Accessible Canada Act, S.C. 2019, c. 10, s. 6. [Accessible Canada Act]

<sup>21</sup> *Ibid*, Accessible Canada Act, s. 2.

<sup>22</sup> *Ibid*, Accessible Canada Act, s. 5.

<sup>23</sup> *Ibid*, Accessible Canada Act, s. 17-19.

<sup>24</sup> *Ibid*, Accessible Canada Act, s. 42-72.

## ***Economic and Social Inclusion Act***



**Institutional framework for support of the those in need through representative governance**

With the aim of facilitating collaboration across government, businesses and the non-profit sector to assist members of the community in meeting their basic needs with dignity, New Brunswick created an institutional approach to reduce income poverty by 25% and deep income poverty by 50%.<sup>25</sup> Under the terms of the Economic and Social Inclusion Act, the designated Minister is empowered to create a Provincial Plan to foster sustained economic and social inclusion. The implementation, coordination, community outreach and management of funds allotted under the Act are to be accomplished through the Social Inclusion Corporation.<sup>26</sup> The Corporation is governed by a board comprised of three provincial ministers appointed by the Lieutenant-Governor, the leader of the opposition, and thirteen members of the public. Among the public members, three are to be from the business sector, three are to be from the non-profit sector, and seven are to be people who live or have lived in poverty. Within the governance system established for the Corporation, there are four elected Vice-Chairs, one from each representative group.<sup>27</sup>

Through the development of an institutional framework under the leadership of a representative body, which includes constituent members who have experience living or working with those in poverty, the New Brunswick Economic and Social Inclusion Act provides a framework for development of practical policies and programs in line SDG 1.1, 1.2, 1.3 and 1.4.



**SDG 1.1, SDG 1.2, SDG 1.3, SDG 1.4.**



**New Brunswick**

## ***Human Rights Code***



**Promotion of the principle of free and full participation in society for vulnerable groups**

The purpose of the British Columbia Human Rights Code is to foster free and full participation in the economic, social, political, and cultural life of the province, promote a culture of understanding between various components of society, prevent discrimination, including discrimination based on poverty, eliminate persistent patterns of inequality, and provide a means of redress to those who face discrimination.<sup>28</sup> While income level is not explicitly enumerated as a prohibited ground for refusal of a public service, the denial of a customarily public service based on income level would lack reasonable justification.<sup>29</sup> The Code also creates the Office of the Human Rights Commission to address inequality in the province.<sup>30</sup>

Identifying the removal of inequality as a target for British Columbia provides a pathway for furthering the application of SDG 1. While income inequality is not explicitly included in the terms of the Code, factors like the need for a “reasonable justification” for the denial of public services,

<sup>25</sup> Economic and Social Inclusion Act, SNB 2010, c E-1.105, s. 3-5. [Economic and Social Inclusion Act]

<sup>26</sup> *Ibid*, Economic and Social Inclusion Act, s. 2, 7-8.

<sup>27</sup> *Ibid*, Economic and Social Inclusion Act, s. 10-11.

<sup>28</sup> Human Rights Code, RSBC 1996, c 210, s. 3.

<sup>29</sup> *Ibid*, Human Rights Code, RSBC 1996, c 210, s. 8.

<sup>30</sup> *Ibid*, Human Rights Code, RSBC 1996, c 210, s. 47.01 - 47.12.



coupled with the mandate of the Human Rights Commission, provide a basis to continue efforts toward further integration in accordance with SDG 1.1, 1.3, and 1.4.

 **SDG 1.1, SDG 1.3, SDG 1.4.**

 **British Columbia**

*1.2 By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions*

*1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable*


### ***Act Respecting Labour Standards***



### **Minimum labour and wage standards**

The Quebec Act Respecting Labour Standards sets the minimum acceptable standards for workplace conditions throughout the province. Most importantly for combatting poverty, it establishes a minimum wage,<sup>31</sup> a mandatory notice of termination,<sup>32</sup> maternity and paternity leaves,<sup>33</sup> and the duty of employers to provide uniforms where necessary rather than requiring employees to purchase them independently.<sup>34</sup> The Act also establishes the "Commission des normes, de l'équité, de la santé et de la sécurité du travail" with functions and powers to supervise the implementation of these labour standards. By establishing minimum wages and labour conditions, the Act further reduces likelihood of poverty according to national definitions.

Through establishment of minimum labour standards under the Act Respecting Labour Standards, discrimination and poverty rates can be reduced and a reasonable standard of living provided for, in accordance with SDG 1.2, and 1.3.

 **SDG 1.2, SDG 1.3.**

 **Quebec**

<sup>31</sup> Act respecting labour standards, CQLR c N-1.1, s. 40. [Act respecting labour standards]

<sup>32</sup> *Ibid*, Act respecting labour standards, s. 82.

<sup>33</sup> *Ibid*, Act respecting labour standards, s. 81.2, 81.4.

<sup>34</sup> *Ibid*, Act respecting labour standards, s. 85.

## ***Employment Support and Income Assistance Act*** **Financial and social programs aimed at fostering self sufficiency**

The Nova Scotia Employment Support and Income Assistance Act combines income assistance with other support schemes to foster independence and help individuals develop skills and abilities that will enable them to participate in the economy and in their communities.<sup>35</sup> Programs created under the Act include those providing: (i) assistance to develop individual, family and community capacity to be self-sufficient; (ii) support to assume greater responsibility for the individual himself/herself; (iii) support services to lessen or overcome a dependence on public financial assistance; and (iv) for the removal or prevention of the causes and effects of poverty.<sup>36</sup>

One of the programs created under the auspices of the Act includes the Poverty Reduction Credit, which provides additional financial assistance to individuals who receive Income Assistance and do not have children, as the province considers them the most vulnerable to long-term poverty.<sup>37</sup> This support is provided with the goal of preventing and eliminating the causes of poverty and dependence on public assistance.

Support schemes created under the Act, which comprise financial and social programs aimed at fostering self-sufficiency, assist at reducing poverty in accordance with SDG 1.2, provide pathways to address challenges for the most vulnerable, advance SDG 1.3, and provide economic resources and access to basic services, furthering achievement of SDG 1.4.

 **SDG 1.2, SDG 1.3, SDG 1.4.**

 **Nova Scotia**

## ***Ontario Works Act*** **Minimum financial support and employment skills and placement**

Under the Ontario Works Act, a framework for social assistance in the province that promotes self-reliance through employment and provides temporary financial assistance to and support for individuals to become and stay employed is established.<sup>38</sup> Programs for eligible individuals, such as those with dependents or with disabilities, include: employment assistance, such as community participation; basic income assistance for essential needs, such as food, clothing and shelter; health benefits; and temporary child care.<sup>39</sup> Additional “employment measures” can include job-search services, basic education assistance, job-specific skills training, and job placement.

Through the provision of both minimum financial support in conjunction with skills training and job placement under the Ontario Works Act, individuals are able to actively integrate into the workforce in line with SDG 1.2, with the financial assistance program providing a minimum social standard of care for all individuals in accordance with SDG 1.3.


<sup>35</sup> Employment Support and Income Assistance Act, SNS 2000, c 27, s. 2. [Employment Support and Income Assistance Act]


<sup>36</sup> *Ibid*, Employment Support and Income Assistance Act, s. 6-7.

<sup>37</sup> Nova Scotia Community Service, “The Poverty Reduction Credit (PRC),” online: <<https://novascotia.ca/coms/noteworthy/PovertyReductionCredit.html>>.

<sup>38</sup> Ontario Works Act, SO 1997, c. 25, Sched. A, s. 1. [Ontario Works Act]

<sup>39</sup> *Ibid*, Ontario Works Act, 4-6, 10,

 SDG 1.2, SDG 1.3.


 Ontario

## *Social Assistance Act*

### Social support framework

The Prince Edward Island Social Assistance Act provides financial support (classified as emergency, short-term and long-term) to individuals in need, as well as social services designed to lessen, remove or prevent the causes or effects of poverty, child neglect and dependence on public assistance.<sup>40</sup> This includes community development services that are designed to encourage and assist residents of a community to participate in improving the social and economic conditions of that community. The designated Minister is empowered to develop and maintain an organization to fulfill the goals of the Act, provide grants to organizations or groups to fulfill that purpose, maintain residential institutions, operate community development services, enter into agreements with other organizations, and approve residential institutions in the province to support the purposes of the Act.<sup>41</sup>

Similar to other provincial systems, establishment of minimum financial and social support programs to provide a social network of initiatives under the Prince Edward Island Social Assistance Act advances SDG 1.2 and 1.3.<sup>42</sup>

 SDG 1.2, SDG 1.3.

 Prince Edward Island

## *Mental Health Act*

### Provides support for those suffering from mental health issues

The Northwest Territories Mental Health Act provides for both voluntary and involuntary mental health procedures aimed at facilitating access to a health professional for examination and treatment.<sup>43</sup> Patients are provided an ongoing assessment on a reasonable basis to determine the mental health challenges they face, with treatment to be agreed on by the patient or consented to by the nearest relative where appropriate.<sup>44</sup> Throughout the process created under the Act, patients have clearly delineated rights that are dependent upon the manner in which the individual came to be receiving treatment, with those voluntarily receiving care having more liberties than those assigned to care as the result of a court order.<sup>45</sup>

<sup>40</sup> Social Assistance Act, RSPEI 1988, c S-4.3, s. 1-2. [Social Assistance Act]

<sup>41</sup> *Ibid*, Social Assistance Act, s. 3.

<sup>42</sup> Social support programs have been observed in multiple jurisdictions with slight nuances including Quebec (Individual and Family Assistance Act, CQLR c A-13.1.1), Manitoba (The Social Services Administration Act, C.C.S.M. c. S165), and British Columbia (Poverty Reduction Strategy Act, SBC 2018, c 40) among others.

<sup>43</sup> Mental Health Act, SNWT 2015, c.26, s. 3-7, 10. [Mental Health Act.]

<sup>44</sup> *Ibid*, Mental Health Act, s. 20, 30.

<sup>45</sup> *Ibid*, Mental Health Act, s. 8, 76.1, 77.



By providing for mental health treatment programs that can assist in reintegrating individuals into society and support self-sufficiency, thus reducing the correlation between mental health issues and poverty, the Northwest Territories Mental Health Act is in accordance with SDG 1.2 and 1.3.



SDG 1.2, SDG 1.3.



Northwest Territories

## ***Health Insurance Act***



Access to healthcare for all residents

The Health Insurance Act establishes the Ontario Health Insurance Plan (OHIP), which provides universal healthcare to all Ontarians, thus reducing the financial burdens of healthcare costs and treatment.<sup>46</sup> OHIP, which is funded by taxes, pays for all medically necessary procedures and medicine for Ontarians, eliminating the cost of necessary healthcare and assisting in allowing those within the province to participate in the economic, social and civic life of the province rather than suffering from inadequate healthcare and treatment. The Act's purpose is "providing for insurance against the costs of insured services on a non-profit basis on uniform terms and conditions available to all residents of Ontario" regardless of socioeconomic status, reflecting the province's policy that everyone possesses a right to healthcare.<sup>47</sup> Individuals have the right to select their own healthcare provider, and insured services include access to hospitals and healthcare facilities, necessary prescribed medical services performed by a physician, and prescribed health care services.<sup>48</sup>

By providing for access to publicly funded health care services without discrimination throughout the province for all Ontarians, the Health Insurance Act serves as a critical basis for advancement of SDG 1.3.



SDG 1.3.



Ontario

## ***Workers' Compensation Act***



Compensation scheme for injured workers

The Alberta Workers' Compensation Act primarily creates the Workers' Compensation Board (WCB).<sup>49</sup> The organization compensates injured workers for lost income, healthcare, and other costs associated with a work-related injury through an employer funded model.<sup>50</sup> The WCB is comprised of 3 members, representing employers, workers, and the general public.<sup>51</sup> Compensation is provided for injuries, disabilities, and deaths which occurred due to an accident on the job or while performing a job-related function.<sup>52</sup> Compensation is paid from an accident

<sup>46</sup> Health Insurance Act, RSO 1990, c. H.6, s. 10. [Health Insurance Act]

<sup>47</sup> *Ibid*, Health Insurance Act, s. 10-11.

<sup>48</sup> *Ibid*, Health Insurance Act, s. 11.2-13.

<sup>49</sup> Workers Compensation Act, W-15 RSA 2000, s. 2-3. [Workers Compensation Act]


<sup>50</sup> *Ibid*, Workers Compensation Act, s. 1.

<sup>51</sup> *Ibid*, Workers Compensation Act, s. 5.

<sup>52</sup> *Ibid*, Workers Compensation Act, s. 24, 56, 79.

fund, which receives contributions from employers and disburses funds to injured workers or their families in case of a work-related death based on the findings of the WCB.<sup>53</sup>

By ensuring that injured workers and/or their families have recourse to receive funds for accidents that occurred during the line of work, the Alberta Workers' Compensation Act provides a minimum social standard to support workers and reduce incidences of poverty, in accordance with SDG 1.3 and 1.4.

 SDG 1.3, SDG 1.4.

 Alberta

*1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance*

## ***Charter of Human Rights and Freedoms*** **Recognition of fundamental freedoms and protections against discrimination**

The Quebec Charter of Human Rights and Freedoms sets out a number of rights related to poverty alleviation. Contrary to the Canadian Charter of Rights and Freedoms, the Quebec Charter contains a section explicitly addressing economic and social rights,<sup>54</sup> although those provisions and protections are less binding than the rest of the Charter.<sup>55</sup> This section includes the right to free education,<sup>56</sup> financial assistance capable of ensuring acceptable standards of living,<sup>57</sup> and fair conditions of employment throughout the province.<sup>58</sup> Other relevant rights contained in the Quebec Charter include the prohibition of discrimination based on race, gender, pregnancy, civil status and social condition (including income, occupation and education),<sup>59</sup> a specific prohibition of discrimination in hiring,<sup>60</sup> the right to equal pay for equivalent work,<sup>61</sup> and equal access to employment regardless of past criminal convictions.<sup>62</sup>

<sup>53</sup> *Ibid*, Workers Compensation Act, s. 90 - 91.

<sup>54</sup> Charter of Human Rights and Freedoms, CQLR c C-12, 39 - 48. [Charter of Human Rights and Freedoms]

<sup>55</sup> *Ibid*, Charter of Human Rights and Freedoms, s. 50.

<sup>56</sup> *Ibid*, Charter of Human Rights and Freedoms, s. 40.

<sup>57</sup> *Ibid*, Charter of Human Rights and Freedoms, s. 45.

<sup>58</sup> *Ibid*, Charter of Human Rights and Freedoms, s. 46.


<sup>59</sup> *Ibid*, Charter of Human Rights and Freedoms, s. 10.

<sup>60</sup> *Ibid*, Charter of Human Rights and Freedoms, s. 16.

<sup>61</sup> *Ibid*, Charter of Human Rights and Freedoms, s. 19.

<sup>62</sup> *Ibid*, Charter of Human Rights and Freedoms, s. 18.2.

By reducing the risk of economic discrimination, the Quebec Charter helps provide social protections and guarantees access to basic services and civil rights to the marginalized, thereby advancing achievement of SDG 1.3 and 1.4.

 SDG 1.3, SDG 1.4.

 Quebec

### ***Poverty Reduction Strategy Act***

 Strategic approach to refinement of poverty eradication initiatives

Under the Manitoba Poverty Reduction Strategy Act, a Committee on Poverty Reduction and Social Inclusion is created. The Committee is responsible for providing advice on the poverty reduction and inclusion strategy, as well as the establishment of key indicators relating to poverty levels and poverty reduction in the province and development of programs, policies, and initiatives.<sup>63</sup> The strategy, developed by the provincial government supports long-term poverty reduction through a focus on key areas including: (i) quality and accessible education, (ii) employment-focused training, (iii) employment opportunities, (iv) income support, (v) affordable housing, (vi) supportive safe communities and (vii) support of strong families.<sup>64</sup> Reports are published annually and submitted to the provincial Standing Committee on Social and Economic Development for review and consideration.<sup>65</sup>

Through the development of an institutional framework for development, evaluation, and refinement of poverty reduction initiatives and the development of poverty indicators for the province, the Manitoba Poverty Reduction Strategy Act advances access to economic opportunities and pro-poor opportunities in accordance with SDG 1.3, 1.4, and 1.b.

 SDG 1.3, SDG 1.4, SDG 1.b.

 Manitoba

### ***Student Financial Assistance Act***

 Financial support for vulnerable students

Operating separately from student loan provision, the Alberta Student Financial Assistance Act provides for financial assistance to students enrolled in eligible full-time programs.<sup>66</sup> The designated Minister is empowered to establish the maximum amount of financial assistance a student may receive in any calendar year and in the student's lifetime.

By providing additional or alternative sources of funding to student loans, the Alberta Student Financial Assistance Act aides in mitigating long-term debt, ensuring access to education for those who qualify for various educational programs, and establishing a minimum social standard for students in accordance with SDG 1.4.

<sup>63</sup> The Poverty Reduction Strategy Act, C.C.S.M. c. P94.7, s. 3. [The Poverty Reduction Strategy Act]

<sup>64</sup> *Ibid*, The Poverty Reduction Strategy Act, s. 2.

<sup>65</sup> *Ibid*, The Poverty Reduction Strategy Act, s. 5.

<sup>66</sup> Student Financial Assistance Act, S-20.5 2002, s. 12.





SDG 1.4.



Alberta

*1.5 By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters*

### ***Emergency Management Act***



**Management apparatus for addressing threats to life, property or the environment**

The Northwest Territories Emergency Management Act creates the Emergency Management Organization (EMO), comprised of members from public service and relevant agencies, to respond to “hazardous conditions”, defined as including threats to life, injury, property damage, socio-economic disruption or environmental degradation.<sup>67</sup> Under the direction of the designated Minister, the EMO is empowered to support management of an emergency, including the promotion of public awareness, establishment of policies and programs, conduct of exercises and training, review of local management plans, procurement and stocking of commonly needed items (food, fuel, water, medicine, etc.), provision of advice to local governments, and the commissioning of reports to allow for a better understanding of the issues involved in leading emergency responses within the territory.<sup>68</sup> Territorial emergency plans are also created under the Act, and these plans are made in consultation with local authorities in order to ensure the incorporation of multiple levels of concern and need.<sup>69</sup> The Act also provides the basis for a declaration of a state of emergency in the Territory, which provides the designated Minister with broader powers to address a crisis, such as activating local response plans, restricting travel, leading an evacuation, and authorizing distribution of essential supplies.<sup>70</sup>

By setting in place an organization to manage emergencies and establishing a clear system of powers to escalate responses when needed, the Northwest Territories Emergency Management Act provides a pathway to respond to extreme events be them climate-related, economic, social or environmental in accordance with SDG 1.5.<sup>71</sup>



SDG 1.5



Northwest Territories

<sup>67</sup> Emergency Management Act, SNWT 2018, c.17, s. 4, 6(1 - 2). [Emergency Management Act]

<sup>68</sup> *Ibid*, Emergency Management Act, s. 6(3 - 4).

<sup>69</sup> *Ibid*, Emergency Management Act, s. 9 - 10.

<sup>70</sup> *Ibid*, Emergency Management Act, s. 14, 17.

<sup>71</sup> Similar approach adopted in Alberta, see: Emergency Management Act, E-6.8 RSA 2000.

*1.a. Ensure significant mobilization of resources from a variety of sources, including through enhanced development cooperation, in order to provide adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies to end poverty in all its dimensions*


*1.b Create sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication actions*

***Act to Combat Poverty and Social Exclusion***  Includes gender-based analysis of poverty in policy planning

The Quebec Act to Combat Poverty and Social Exclusion establishes a national strategy, an advisory committee, and a fund dedicated to combat poverty with the aim of reducing the poverty level throughout the province.<sup>72</sup> Interestingly, the preamble recognizes the role of anti-poverty measures in the human rights context, citing the Quebec Charter of Human Rights and Freedoms for support.<sup>73</sup> The strategy must address the causes and consequences of poverty and the implications on a broad range of actors, including those living in poverty.<sup>74</sup> The strategy's implementation must take into account a specific gender-based analysis of poverty.<sup>75</sup> Measures adopted pursuant to the strategy should strengthen the social and economic safety net to guarantee a minimum access to income, housing, food, health and social services and education.<sup>76</sup>

By strengthening social support schemes and incorporating a gender-based analysis of the impacts of poverty, the Quebec Act to Combat Poverty and Social Exclusion advances achievement of SDG 1.3, and 1.b.

 SDG 1.3, 1.b.

 Quebec

<sup>72</sup> An Act to Combat Poverty and Social Exclusion, SQ 2002, c 6, s. 1. [An Act to combat poverty and social exclusion]

<sup>73</sup> *Ibid*, An Act to Combat Poverty and Social Exclusion, preamble.

<sup>74</sup> *Ibid*, An Act to Combat Poverty and Social Exclusion, s. 5.

<sup>75</sup> *Ibid*, An Act to Combat Poverty and Social Exclusion, s. 7.

<sup>76</sup> *Ibid*, An Act to Combat Poverty and Social Exclusion, s. 9.

## III. International Legal Dimensions of SDG 1

Across Canada and the international community, much work will be necessary to coordinate the delivery of key targets for SDG 1. The international community and many individual States have implemented diverse policy and governance measures that can assist in overcoming the obstacles facing the successful implementation of the SDG to end poverty. Indeed, through decades of experience and lessons learned, institutional and governance arrangements have evolved into venerable and innovative sources of policies on poverty eradication at the international level. Across the board, however, these institutions require support to more effectively achieve coherence in policy development and implementation of global poverty eradication efforts.

For the purposes of this section of the Toolkit, the focus is placed on how international agreements and frameworks provide a primary trigger to further strengthen governance, law, and policy in support of SDG 1.

**Table 1: Relevant International Agreements**

Universal Declaration on Human Rights (UDHR) International Covenant on Economic, Social and Cultural Rights (ICESCR) International Covenant on Civil and Political Rights (ICCPR) Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) Convention on the Rights of Persons with Disabilities (CRPD) The United Nations Framework Convention on Climate Change (UNFCCC) The Paris Agreement to the United Nations Framework Convention on Climate Change
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### ***Universal Declaration on Human Rights (UDHR)*** **Early recognition of education as an essential right**

Adopted by the international community in 1948, the Universal Declaration on Human Rights (UDHR) forms the foundation of modern international human rights law although, in itself, the UDHR is a non-binding instrument. The UDHR provides for the universal and effective recognition and observance of various human rights, including several that directly relate to the contents and targets of SDG 1. Some examples of this include the right to own property,<sup>77</sup> the right to have equal access to a national public service,<sup>78</sup> the right to social security, the right to realize one's

<sup>77</sup> UDHR, GA Res. 217A (III), UN Doc. A/810 at 71 (1948), Art. 17 (see SDG 1.4).

<sup>78</sup> UDHR, Art. 21(2) (see SDG 1.4).

economic, social, and cultural rights,<sup>79</sup> and other rights that relate to poverty as reflected elsewhere in the SDGs.<sup>80</sup>

### Relevance for Canada

Since the adoption of the UDHR, Canada has continued to develop a framework for the preservation of human rights, culminating most recently in the passage of the Canadian Charter of Rights and Freedoms in 1982. Progress in actualizing the provisions of UDHR in Canada has proven more difficult, in particular rights relating to food, housing, health care, and security in rural areas and Indigenous communities.



SDG 1.3, SDG 1.4.



United Nations Declaration. Canada supported.

### *International Covenant on Economic, Social and Cultural Rights (ICESCR)*



Framework agreement on economic, social and cultural rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR) speaks to the need for self-determination and equal rights and addresses issues regarding ending poverty more directly, as set out in SDG 1. For example, this treaty includes an undertaking on behalf of all State Parties to take steps, to the maximum of their available resources, to progressively realize the rights contained in the ICESCR, including many that relate explicitly or implicitly to poverty.<sup>81</sup> In addition, the ICESCR recognizes that everyone has the right to social security, including social insurance.<sup>82</sup> The ICESCR also recognizes the need to accord protection to women and mothers by requiring that marriage is entered into only with the full consent of both parties and that new mothers are provided paid leave from their employment as well as adequate social security benefits.<sup>83</sup> In addition to these provisions that specifically reflect the text of the SDG to end poverty, there are a number of other provisions in the ICESCR that could assist in the efforts to end poverty, and that are included elsewhere in the SDGs.<sup>84</sup>

### Relevance for Canada

Canada has long pursued human rights law implementation, acceding to the ICESCR in 1976. Canada provided its Sixth Periodic Report to the UN Committee on Economic, Social and Cultural Rights in 2012, receiving a list of issues to be further addressed in 2015, and holding a subsequent follow up meeting with the Committee in which federal and provincial leadership answered questions relating to domestic implementation.<sup>85</sup> While domestic progress was noted, further efforts are needed to support rural and indigenous communities.

<sup>79</sup> UDHR, Art. 22 (see SDG 1.3).

<sup>80</sup> See for example, UDHR Arts. 23 (Right to work), 25 (Right to an adequate standard of living), and 26 (Right to Education).


<sup>81</sup> ICESCR, Art. 2 (see SDG 1.a).

<sup>82</sup> ICESCR, Art. 9 (see SDG 1.3).

<sup>83</sup> ICESCR, Art. 10 (see SDG 1.b).

<sup>84</sup> See for example ICESCR, Arts. 6 and 7 (Right to Work), Art. 11 (Right to an Adequate Standard of Living), Art. 12 (Right to physical and mental health), Art. 13 (Right to Education), and Art. 15 (Right to Take Part in Culture and Enjoy the Benefits of Scientific Progress).

<sup>85</sup> Canada, Sixth Periodic Report on the implementation of the provisions of the International Covenant on Civil and Political Rights, (2012) CCPR/C/CAN/6; UNHR, "Human Rights Committee discusses the report of Canada" (8 July 2015), available at:

 SDG 1.3, SDG 1.4.


 International Agreement. Canada is a Party.

### ***International Covenant on Civil and Political Rights (ICCPR)*** Framework agreement on civil and political rights

The International Covenant on Civil and Political Rights (ICCPR) guarantees the rights of persons in accordance with the UN Charter. Although the ICCPR does not speak directly to the issues raised in the SDG to end poverty, its focus on self-determination, equal rights and meaningful participation in society and governance is essential to achieve various aspects of economic and social progress that are reflected elsewhere in the SDGs.<sup>86</sup>

#### **Relevance for Canada**

Canada has worked to progress civil and political rights by embedding them in the constitutional framework and ongoing refinement at all levels. In 2013, Canada submitted its Sixth Report to the ICCPR oversight committee, covering the 2005-2009 period.<sup>87</sup> While domestic progress was noted, further efforts are needed to support rural and indigenous communities.

 SDG 1.2, SDG 1.3, SDG 1.4.

 International Agreement. Canada is a Party.

### ***Convention on the Rights of Persons with Disabilities (CRPD)*** Recognition of and protections for the special needs of those with disabilities

Inclusion of and protections for vulnerable groups in the context of poverty are provided for in the Convention on the Rights of Persons with Disabilities (CRPD), which recognizes in its preamble the contributions made towards, among other things, the eradication of poverty and recognizing that poverty disproportionately affects the disabled.<sup>88</sup> More concretely, the CRPD enshrines protections for the right to work as well as the development of social protection programs for those with disabilities, including women, girls, and the elderly, to support poverty reduction efforts.<sup>89</sup> These terms of the CRPD are essential to the accomplishment of SDGs 1.2, 1.3 and 1.4.

#### **Relevance for Canada**

[www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16215&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16215&LangID=E); Economic and Social Council, Concluding observations on the sixth periodic report of Canada, (23 March 2016) E/C.12/CAN/CO/6.

<sup>86</sup> ICCPR, see for example: Arts. 2 and 3 (Equality), Art. 9 (Security of the person), Art. 14 (Equal access to courts), and Art. 19 (Freedom of Expression and Access to Information).

<sup>87</sup> Canada, International Covenant on Civil and Political Rights, Sixth Report of Canada (January 2005-December 2009), (2013), available at: [www.canada.ca/content/dam/pch/documents/services/canada-United-nations-system/reports-united-nations-treaties/intnl\\_civil\\_politique-intnl\\_civil\\_political-eng.pdf](http://www.canada.ca/content/dam/pch/documents/services/canada-United-nations-system/reports-united-nations-treaties/intnl_civil_politique-intnl_civil_political-eng.pdf).

<sup>88</sup> Convention on the Rights of Persons with Disabilities, 3 May 2008, UNTS 2515 p. 8, *Preamble*.

<sup>89</sup> *Ibid.* at art. 28.



Canada has made significant advancements on facilitating access for those with disabilities. In 2014, Canada provided the First Report to the Convention oversight committee, with further issues discussed in 2017. These discussions noted domestic progress with limitations, and required a further report in 2020.<sup>90</sup>



SDG 1.2, SDG 1.3, SDG 1.4.



International Agreement. Canada is a Party.

### ***Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)***



Equal access to educational and vocational institutions for women

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) notes in the preamble that situations of poverty, such as poor access to food, health, education, and training, disproportionately impact women. Rights and protections established for women, in particular economic freedoms, have an important role in ensuring livelihoods and fostering sustainable development.<sup>91</sup> These provisions directly support SDG targets 1.1, 1.2, 1.3, and 1.4.

#### **Relevance for Canada**

Canada has a long history of working to eliminate gender disparities. In 2015, Canada submitted its Ninth Report to the Convention to the oversight committee, receiving and replying to comments over 2016.<sup>92</sup>



SDG 1.1, SDG 1.2, SDG 1.3, SDG 1.4.



International Agreement. Canada is a Party.

### ***United Nations Framework Convention on Climate Change (UNFCCC) / Paris Agreement***



International agreement for governance of climate change

The United Nations Framework Convention on Climate Change (UNFCCC) affirms the social and economic dimensions of climate change and the need for application of an integrated approach to policy formulation, with particular attention to the needs of developing countries to foster

<sup>90</sup> Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Canada, (8 May 2017), CRPD/C/CAN/CO/1, available at: <[www.canada.ca/en/canadian-heritage/services/canada-United-nations-system/reports-united-nations-treaties.html](http://www.canada.ca/en/canadian-heritage/services/canada-United-nations-system/reports-united-nations-treaties.html)>.

<sup>91</sup> Convention Relating to the Status of Stateless Persons, 3 September 1981, UNTS vol. 1249 p. 13, art. 3, 13 - 14.

<sup>92</sup> Committee on the Elimination of Discrimination against Women, Eighth and ninth periodic reports of States parties due in 2014 Canada (28 April 2015), CEDAW/C/CAN/8-9; Committee on the Elimination of Discrimination against Women, List of issues and questions in relation to the combined eighth and ninth periodic reports of Canada (26 September 2016), CEDAW/C/CAN/Q/8-9/Add.1.

economic growth and eradicate poverty.<sup>93</sup> Article 4 of the UNFCCC recognizes that effective implementation of the obligations for developing countries is dependent upon availability of financial resources, with economic and social development and poverty eradication identified as overriding priorities.<sup>94</sup> The Paris Agreement similarly identifies in the preamble the intersection of climate change action with fostering sustainable development and poverty eradication.<sup>95</sup> In addition, the Paris Agreement notes that implementation, including through development of non-market mechanisms, aims to strengthen global responses to climate change in the context of sustainable development and efforts to eradicate poverty.<sup>96</sup>

To supplement this requirement, the Katowice Outcomes enacted during the 24<sup>th</sup> Meeting of the Conference of the Parties (COP 24) in Katowice, Poland in 2018, also incorporate recognition of the intersection of climate action with efforts to foster sustainable development and eradicate poverty in relation to the transparency framework, increased ambition in nationally determined contributions (NDCs), and mobilization of climate finance.<sup>97</sup> Taken together, these provisions of the UNFCCC, Paris Agreement and Katowice Outcomes support SDG 1 through recognition of the need to address poverty and establishment of modalities to mobilize climate-related finance. Similar provisions recognizing the prioritization of poverty elevation can be found in the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (UNCCD),<sup>98</sup> as well as the Convention on Biological Diversity (CBD).<sup>99</sup>

### Relevance for Canada

Addressing multidimensional poverty plays a key role in climate adaptation and mitigation across all levels. Given the prioritization of climate change responses in the Pan-Canadian Framework and the continued challenges to address issues of poverty prevalent on reserves and among Aboriginal communities, there remains an area of opportunity to link climate change adaptation and mitigation actions with poverty eradication within the country.



**SDG 1.1, SDG 1.2, SDG 1.3, SDG 1.4.**



**Multilateral Environmental Agreement. Canada is a Party.**

**Table 2: International Agreements and the SDGs**

<i>Agreement</i>	<i>Focus</i>	<i>Link to SDG and target</i>
Universal Declaration on Human Rights (UDHR)	Early recognition of education as an essential right	<b>Goal 1, targets 1.3, 1.4.</b>
Civil and Political Rights (ICCPR)	Framework agreement on civil and political rights	<b>Goal 1, targets 1.2, 1.3.</b>

<sup>93</sup> United Nations Framework Convention on Climate Change, 20 January 1994, UNTS vol. 1771, p. 107, *Preamble*.

<sup>94</sup> *Ibid* at art 4(7).

<sup>95</sup> Paris Agreement, 12 December 2015, UNTS No. 54113, *Preamble*.

<sup>96</sup> *Ibid* at art 2(1), 4(1), 6(8).

<sup>97</sup> UNFCCC, Decision 1/CP.24 “Preparations for the implementation of the Paris Agreement and the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement” Report of the Conference of the Parties on its twenty-fourth session, held in Katowice from 2 to 15 December 2018, (19 March 2019), FCCC/CP/2018/10/Add.1.

<sup>98</sup> United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 26 December 1996, UNTS No. 33480, preamble, art 4, 10(4), 17(1)(e), 20(7).

<sup>99</sup> Convention on Biological Diversity, 5 June 1992, UNTS vol. 1760, p. 69, preamble.

Economic, Social and Cultural Rights (ICESCR)	Framework agreement on economic, social and cultural rights	<b>Goal 1, targets, 1.2, 1.3, 1.4.</b>
Persons with Disabilities (CRPD)	Recognition and protections for the special needs of those with disabilities	<b>Goal 1, targets 1.2, 1.3, 1.4.</b>
Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)	Equal access to educational and vocational institutions for women	<b>Goal 1, targets 1.1, 1.2, 1.3, 1.4.</b>
UNFCCC / Paris Agreement	Covered agreements of the WTO and programs of work facilitate multilateral trade	<b>Goal 1, targets 1.1, 1.2, 1.3, 1.4.</b>

## IV. Legal Preparedness for Achieving SDG 1 with Canadians

SDG 1 builds on the accomplishments of the MDGs and highlights the need to take a holistic approach to poverty eradication, focusing not just on wealth inequality, but also on access to opportunities. The adoption of SDG 1 promotes the implementation of States' existing obligations under major international human rights treaties. These treaties range from some of the oldest and most uniformly recognized human rights treaties – such as the UDHR, ICESCR, ICCPR, and CEDAW – to bedrock environmental treaties and emerging implementation regimes including the UNFCCC, Paris Agreement, the UNCCD, and the CBD.

To strengthen and secure efforts toward the implementation of SDG 1, a human rights-based approach must be applied. Such an approach must encompass the principles of equality, participation, transparency and accountability in all actions taken, and ensure that progress is spread across all members of society, so that no-one is left behind. At the same time, it must be recognized that a variety of other international, national and local legal and policy areas are implicated in the application and achievement of SDG 1 and associated targets.

Integration of the SDGs into policy planning is beneficial at all levels of government. Legal preparedness for achieving SDG 1 follows a stepwise approach of adoption, consultation, implementation and refinement.

1. **Policy formulation and outline:** Begin by adopting SDG 1 and the relevant targets and establishing a commitment for development, implementation, and refinement based on a clear timeline and metrics. This often consists of a policy statement and high-level targets such as a designated percentage of protected areas by 2030.
2. **Legal preparedness assessment:** Take stock of law and governance instruments in place within and/or applicable to the jurisdiction and identify those that support the designated objective.
3. **Prioritize policy initiatives and reforms:** Engage with relevant stakeholders – governmental, civil society, and aboriginal – to consult on prioritization of relevant programs, initiatives, and reforms. Through consultations, relevant aspects of the SDG targets may be contextualized and informed by local stakeholder considerations.

4. **Legal action plan:** Identified priorities should be outlined in a formal action plan with established milestones and metrics, as well as appropriate financial resources to support the initiatives.
5. **Monitoring and refinement:** Legal and policy reform would benefit from a learning-by-doing model informed by iterative reporting and refinement. Established reporting requirements should continue to inform fine-tuning of initiative to broaden implementation.

Canada provides a critical example of a State in which many laws and regulatory frameworks supporting the terms and requirements of SDG 1 are already in existence. These laws and rules reflect the unique cultural heritage of Canada and Canadians by providing for social support schemes, inclusion of social status into discrimination legislation, and creation of institutions for emergency management. The importance SDG 1 as both a cross-cutting issue and as an explicit goal is undeniable. All areas of environmental law, governance, and policy, drawing on mechanisms found in many different international human rights and other treaties can contribute towards and benefit from its implementation.

## V. Recommended Resources

### Books:

Sumudu Atapattu, ed., *Human Rights Approaches to Climate Change: Challenges and Opportunities* (Cambridge: Cambridge University Press, 2016).

Marie-Claire Cordonier Segger, HE C.G. Weeramantry, eds., *Sustainable Development in International Courts and Tribunals* (London: Routledge, 2017).

Marie-Claire Cordonier Segger, Frédéric Perron-Welch, Christine Frison eds., *Legal Aspects of Implementing the Cartagena Protocol on Biosafety* (Cambridge: Cambridge University Press, 2013).

Marie-Claire Cordonier Segger, Markus Gehring and A. Newcombe, eds., *Sustainable Development in World Investment Law* (The Hague: Kluwer Law International, 2010).

Marie-Claire Cordonier Segger and Ashfaq Khalfan, *Sustainable Development Law: Principles, Practices and Prospects* (Oxford: Oxford University Press, 2004).

Marie-Claire Cordonier Segger and Judge C.G. Weeramantry, eds., *Sustainable Justice: Integrating Environmental, Social and Economic Law* (Leiden: Martinus Nijhoff, 2004).

Claire Fenton-Glynn, ed., *Children's Rights and Sustainable Development: Interpreting the UNCRC for Future Generations* (Cambridge: Cambridge University Press, 2019).

Alexandra Harrington, *International Organizations and the Law* (London: Routledge, 2018).

Hoi Kong, L. Kinvin Wroth, eds. *NAFTA and Sustainable Development: The History, Experience and Prospects For Implementation* (Cambridge: Cambridge University Press, 2015).

Armand L.C. de Mestral, P. Paul Fitzgerald & Tanveer Ahmad, eds., *Sustainable Development, International Aviation, and Treaty Implementation* (Cambridge: Cambridge University Press, 2018).

Michel Morin, Marie-Claire Cordonier Segger, Fabien Gelin, and, Markus Gehring, *Responsibility, Fraternity and Sustainability in Law: In Memory of the Hon Charles Doherty Gonthier* (Chicago: LexisNexis, 2012).

Chidi Oguamanam ed., *Genetic Resources, Justice and Reconciliation: Canada and Global Access and Benefit Sharing* (Cambridge: Cambridge University Press, 2018).

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# Annex I: Domestic Legal Instruments: Overview Table

## Federal

*Poverty Reduction Act*, SC 2019, c. 29, s. 315.

*Old Age Security Act*, RSC 1985, c O-9.

*Income Tax Act*, RSC 1985, c 1 (5th Supp).

*National Housing Strategy Act*, SC 2019, c 29, s 313.

*Accessible Canada Act*, S.C. 2019, c. 10, s 5.

*Indian Act*, RSC 1985, c I-5.

## Provincial / Territorial

### SDG 1.1

*Economic and Social Inclusion Act*, SNB 2010, c E-1.105

*Human Rights Code*, RSBC 1996, c 210.

### SDG 1.2 / SDG 1.3

*Act Respecting Labour Standards*, CQLR c N-1.1.

*Employment Support and Income Assistance Act*, SNS 2000, c 27

*Ontario Works Act*, SO 1997, c. 25, Sched. A

*Social Assistance Act*, RSPEI 1988, c S-4.3

*Mental Health Act*, SNWT 2015, c.26

*Health Insurance Act*, RSO 1990, c. H.6.

*Workers Compensation Act*, W-15 RSA 2000.

### SDG 1.4

*Charter of Human Rights and Freedoms*, CQLR c C-12.

*The Poverty Reduction Strategy Act*, C.C.S.M. c. P94.7.

*Student Financial Assistance Act*, S-20.5 2002.

***SDG 1.5***

*Emergency Management Act, SNWT 2018, c.17.*

*Emergency Management Act, E-6.8 RSA 2000.*

***SDG 1.a / SDG 1.b***

*An Act to Combat Poverty and Social Exclusion, SQ 2002, c 6.*

## Annex II: About the Project

The Sustainable Development Goals (SDGs) offer Canada a unique opportunity to assess the many areas of policy innovation in which it is already excelling at the national and provincial levels, as well as to craft new, durable implementation mechanisms that will benefit Canadians and the international community now and in the future. As Canada embarks on the development of its National Strategy on the SDGs, this is a critical moment for analysis of existing laws and dialogue regarding new legal and societal avenues reflecting the SDGs.

Through “The Sustainable Development Goals for Canada: What’s Law Got to Do with It?” conference, the Centre for International Sustainable Development Law (CISDL) and its partners, along with the Sustainable Development Goals Unit at Employment and Social Development Canada and Justice Canada, engaged in a vital dialogue on the SDGs broadly, and specifically SDGs 1 (poverty), 6 (water), 14 (life below water), and 16 (peace, justice and strong institutions). Overall, the SDGs are an indivisible construct of Agenda 2030, however these particular SDGs were chosen for focus at this conference because they relate to climate change, biodiversity, education and institution building, which together form the foundation of systems and issues that must be analyzed and established in order to meaningfully achieve the SDGs in Canada. This event convened local, regional and national stakeholders, academics, policy makers, lawyers and legal experts located at four sites around the country – Waterloo, Montreal, Halifax and Victoria – through a virtual meeting platform. Additionally, governmental officials and other experts not present in these locations were able to join through the virtual meeting system, allowing for further diversity in perspectives and insights.

The findings of the conference and research conducted in conjunction with it also serve as the basis for a series of new modules on the SDGs that will be offered as part of the CISDL’s Continuing Legal Education (CLE) course for members of bars across Canada. In the approximately 2 months since these new modules were announced, registrations for the CLE course has more than quintupled, indicating a strong interest in these topics among those in the legal and policy fields throughout Canada.

As noted in the conference keynote address by Ms. Janet McIntyre, Deputy Director General, Intergovernmental and External Relations Division, Justice Canada, “when Canada submitted its National Voluntary Review last year before the United Nations, Canada recognized that the 2030 Agenda for Sustainable Development is among the defining global frameworks of our time. And further, the Government of Canada strongly supports the overarching principle of the 2030 Agenda, to leave no one behind. Canada is a staunch supporter of SDG 16 and its inclusion in the 2030 Agenda marked a milestone.” These words highlight the importance of the SDGs to Canada and the need to understand the place they currently occupy in existing Canadian national and provincial law as well as the areas in which Canada can create new laws and policies that will ensure the inclusion of Canadians and serve as an example to the international community.

Special thanks are due to Ms. Janet McIntyre (Justice Canada), Mr. Ugo Therien and Ms. Tina Cobb (ESDC), along with the Social Sciences Humanities Research Council, and the New Frontiers Research Fund for supporting the evolution of this project.





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