

ASSOCIATION OF COMMUNITY LEGAL CLINICS
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ONTARIO'S POVERTY REDUCTION STRATEGY & COMMUNITY LEGAL CLINICS

Speaking Notes: Mary Marrone

Introduction:

My topic is - where do clinics fit into Ontario's poverty reduction strategy? I'm going to start by talking a bit about the strategy itself, and where it came from, and how clinics have already been involved. Then I'll move on to get to the relationship between access to justice and poverty reduction, and specifically about how clinics fit. And finally a just a few words about the elephant in every room these days, the implications for all of this given the state of the economy.

Let's start with the good news. This week, Ontario joined Quebec, Ireland and the UK in legislating poverty reduction with the passage of Bill 152. This bill is called: An Act respecting a long-term strategy to reduce poverty in Ontario. It legislates a requirement that the current and future governments of Ontario keep in place poverty reduction strategies with measurable targets and timelines.

After the draft Bill was introduced, this government worked with the community and with opposition parties to make amendments that would strengthen it, requiring governments to report on progress to the legislature (not just posting it to a website) and requiring consultation on future strategies with "those living in poverty... including...immigrants, women, single mothers, people with disabilities, aboriginal peoples and racialized groups". It added adults into the picture, moving beyond the current strategy's focus on child poverty. And it also includes an aspiration to be a leading jurisdiction in poverty reduction.

And, perhaps most importantly, it was supported by all parties, passing unanimously.

Why does this matter? Internationally, and locally, it marks a change in the conversation about poverty. It shifts the conversation from blaming low-income people for being poor. It acknowledges that poverty is the result of political and policy choices, and makes governments responsible for those choices, to set and meet targets that reduce poverty.

For us as community legal clinics, when we advocate for our clients, we can now do so transparently as a contribution to stated government policy. We no longer need a different hook to advance the interests of low-income communities.

Background

Where did this idea come from? For several years, anti-poverty policy experts and advocates had been looking around the world and were seeing that other jurisdictions were taking a more systematic approach to poverty. Instead of piecemeal changes that often undermined each other, they saw a move towards comprehensive cross-sectoral

approaches that were producing results. I'm told that about two years ago the idea of beginning to organize around a comprehensive poverty reduction strategy emerged in a meeting with partners in an ISAC boardroom.

The 25in5 Network was launched during the provincial election campaign in the fall of 2007 by Campaign 2000, the City of Toronto and ISAC. Although coordinated out of Toronto, it has grown and lent support to a province-wide movement. At its first public meeting that fall, it drew 150 people, including many low-income people from around the province. By April 2008, at its next public event, over 500 people from around the province came together, symbolically at a Queen's Park meeting room. This time, low-income people kicked off the day with their stories while Minister Matthews listened, and later addressed the crowd.

The 25in5 Network has become influential with government and with the media. And many clinics played a part in that work. When Minister Matthews held her consultations, clinics and anti-poverty groups participated and brought low-income people to the table. In communities where there were no consultations, MPP's were urged to hold meetings, and those were supported by clinics. In ridings where local MPP's wouldn't hold meetings, newly forming anti-poverty groups held their own meetings, getting positive media coverage.

It was the work on the ground, in communities around the province that breathed life into the one – line campaign promise that was wrung out of the Liberals during the election.

In December of 2008, the government released its strategy, *Breaking the Cycle: Ontario's Poverty Reduction Strategy*, with its commitment to reduce child poverty by 25% in 5 years. The strategy focuses on children and families, but also includes, a commitment to a Review of Social Assistance and to the development of a long-term affordable housing strategy. We have a lot of work to do to ensure these commitments are honoured in a way that will bring meaningful change to our client communities.

And finally, this week we saw the passage of Bill 152, the legislated entrenchment of poverty reduction. The all- party support that this bill received will make it harder for future governments to repeal the legislation.

Access to Justice

The question is not just where do clinics fit into poverty reduction, but where does access to justice fit? So far in Ontario, there is no specific reference to legal aid or access to justice in the poverty reduction strategy or Bill 152. But that doesn't mean there is no fit.

Other jurisdictions have drawn the connection explicitly. In the developing world, the link has been addressed by the United Nations Development Programme. In a 2004 document on Access to Justice, it states:

Access to justice is also closely tied to poverty reduction since being poor and marginalized means being deprived of choices, opportunities, access to basic resources and a voice in decision-making.

In the US, the first 100 days of the new administration have been occupied with economic crisis and two wars, but the conversation is also changing among policy experts and anti-poverty advocates. The Centre for Legal And Social Policy based in Washington in submissions to the President and Congress is calling for a ten-point strategy that begins with a commitment to reduce poverty by 50% in 10 years, and ends with a commitment to increase funding to civil legal aid. CLASP is also seeking to end the limits on the full range of services that used to be provided by federally funded legal aid offices to restore law reform services, and to restore the federal research and training infrastructure that used to support legal aid services across the country.

In arguing for the importance of civil legal assistance, they assert, for example, that “studies have shown that of all the support services available to victims of domestic violence, only access to legal assistance decreases the likelihood that women will be battered again”.

What about access to justice and poverty reduction in Ontario?

Although the Attorney General was a member of the Cabinet Committee on Poverty Reduction, access to justice never entered the policy discussions. Clinics were active in the development of the poverty reduction strategy, we used our skills and expertise and resources to advocate behalf of our client communities in the areas we know best: income maintenance, housing and education. We used our community organizing skills and resources to bring low-income communities to the table.

We did not stop to articulate why we were doing what we were doing, how our work supports this government policy and why it’s important to government and the public to continue to support poverty law services. This is what we need to begin to do.

Conceptually the connection between clinics and poverty reduction strategies is crystal clear. As many of you know, Ontario clinics are the product of an anti-poverty movement that was rooted in empowering low-income communities. They were designed not to provide the same services that were available to the middle class but to respond to and challenge the “sharp corners” that poor people bump into every day. The community clinic model grew out of the War on Poverty that began in the US in the late 1960’s under the Johnson administration and influenced the development of community based legal clinics around the world. Re-asserting that clinics are organizations that contribute to the reduction of poverty is simply taking us back to our institutional roots.

But that alignment with Ontario government policy doesn’t have to reach that far back. It’s about the areas of law that we practice and how we practice it. Our services are essential to the well-being, and sometimes the very survival, of our client community. The range of services and strategies that we use, and our base in communities make us a key partner in supporting the success of the strategy. In London at the southwest training,

Minister Matthews asked for our help in bringing low-income people to the table. We can do that through our community organizing efforts. And government needs us to make the social assistance review a meaningful process. Clinic caseworkers are the experts in the ways in which Ontario Works and the Ontario Disability Support Program create barriers and deepen the poverty of our client communities. Similarly our expertise with the housing needs of low-income people make us key partners in the development of an affordable housing strategy.

And our links to local constituency offices help build the support the Minister needs in Cabinet and caucus to continue to push the poverty reduction strategy forward. Local MPP constituency offices often understand better than anyone the importance of the work that we do.

Beyond clinic law, family law services are also critical to women and children who are often driven into poverty by family breakdown. Particularly in its initial plan with a focus on child poverty, family law legal services have to be a priority with this government. Legal Aid Ontario needs to think about how family law services can be provided in a way that mitigates the economic damage done by family breakdown, and get the necessary resources from government.

Impact of Economic Crisis

While Ontario's poverty reduction strategy was being developed, the economy has fallen into the deepest crisis of our lifetime. We're seeing record job losses and bankruptcies, and Ontario's social safety is thinner than ever before with the erosion of EI. And we're already feeling the impact of cost containment in social assistance as local offices get tough with recipients. We can assume that cost containment was at least part of the reasoning behind the new telephone hearings in southwestern Ontario, a clear erosion of our clients' rights.

Government revenues are down (as are Law Foundation revenues). What does this mean for the poverty reduction strategy, and what will it mean for legal aid funding? Is it inevitable that Ontario follows the pattern of other jurisdictions where civil legal services are eroded at the expense of criminal services that continue to grow as law and order agendas continue to thrive?

I don't think we have to accept that apparent inevitability. Inside this crisis is a sliver of a silver lining. For the first time in decades, we are seeing cracks in the "accepted wisdom" of smaller government as the American federal government becomes a shareholder in the banking and auto sector. There is a re-newed legitimacy in the role of government, of interventionist government and of government spending. There is international consensus on the need for fiscal stimulus – so the question on government spending is who gets how much and how big is the deficit. For the first time, when ISAC appeared before Ontario's Standing Committee on Finance for its pre-budget hearings earlier this year, we could cite the International Monetary Fund and US presidential economic advisors about the importance of putting money into the hands of poor people as effective economic stimulus and sound economic policy.

To their credit, in its 2009 budget the government at least in part adopted this thinking by accelerating the implementation of the Ontario Child Benefit because, as Minister Matthews said, “it is the best economic stimulus there is.”

This doesn't mean the threats created by this crisis aren't real, but that we have to find those openings for our clients and ourselves.

And for civil legal aid and poverty law services, internationally recognized legal needs experts say that access to civil justice is especially important in tough times, because “civil legal aid (is) necessary not only to lift up socially excluded but equally important in the current climate to prevent the slide into social exclusion”. We have to remind the Ontario government of that.

We have to think about what we as a clinic system, and Legal Aid Ontario as guardian of legal aid, should be doing to ensure that civil legal aid and poverty law services are clearly and explicitly recognized as a key component of and partner in Ontario's Poverty Reduction Strategy. And to remind government of the necessary investment that requires.