Implementing the Human Right to Housing in Canada's National Housing Strategy

"Canadians deserve safe and affordable housing. That is why the federal government is taking these additional steps to progressively implement the right of every Canadian to access adequate housing. Our plan is grounded in the principles of inclusion, accountability, participation and non-discrimination, and will contribute to United Nations Sustainable Development Goals and affirm the International Covenant on Economic, Social and Cultural Rights." The National Housing Strategy, November 2017

The federal government has announced a National Housing Strategy based on Canada's obligations under international human rights law to implement the right to housing. This is an historic opportunity, and the government is currently seeking feedback on how the National Housing Strategy (NHS) can embed this "rights-based approach" to housing in legislation.

In the early stages of these consultations, it has become clear that the government needs to hear from all of us that for the Housing Strategy to be truly rights-based, the legislation must include the key elements identified below.

Key elements of a rights-based National Housing Strategy

The NHS legislation should be based on Canada's obligations under international covenants and include the following:

- 1. Explicit recognition of the right to adequate housing as defined in international law and of the obligation of governments to progressively implement the right within a reasonable period of time.
- A commitment to address systemic inequality on the basis of race, gender, disability, and other grounds, the impacts of colonization, and the rights of Indigenous communities, including those in urban centres.
- Prioritization of those in most urgent housing need and a commitment to eliminate homelessness by 2030 as Canada has agreed to under the UN Sustainable Development Goals.
- 4. An accessible process through which systemic issues are subject to public hearings, adjudication and remedies.
- 5. Independent monitoring of progress and accountability based on human rights-based goals and timelines.

Further, this human rights framework should be embedded in every aspect of the NHS. This means:

6. Individuals and communities affected by homelessness and inadequate housing have opportunities for input, leadership and decision-making throughout – as rights claimants and program beneficiaries, and also in monitoring, evaluation, and oversight roles.

- 7. The NHS enshrines an all-of-government approach where all implicated ministries and all levels of government recognize their obligations with respect to the right to housing.
- 8. NHS funding is allocated and monitored using rights-based criteria and targets which trigger local, provincial, and territorial governments' obligations to realize the right to housing.

What a rights-based NHS framework should look like



The legislation should:

- Affirm the right to adequate housing as defined in international law
- Set goals, timelines and clarify responsibilities of different levels of government
- · Require funding streams to comply with the rights-based strategy
- Establish claiming mechanisms to address and remedy systemic issues
- Set a mandate for the Office of Housing Advocate and National Housing Council



Government should be required to issue a prompt, public response to recommendations from the Adjudication Panel and Office of the Housing Advocate.

The Office of the Housing Advocate should engage communities to identify the barriers they face and bring systemic claims to an Adjudication Panel. The Housing Advocate should be independent, adequately resourced and have the authority to make

formal recommendations to

government and require

remedial action.

An Adjudication Panel should include members from affected communities and people with human rights expertise to hear claims regarding systemic issues and make remedial recommendations to government.

The National Housing Council should include members chosen by and from affected communities. It should shape and monitor the NHS, ensure compliance with the rights-based strategy, and appoint an Adjudication Panel based on established criteria.



Community Based Initiatives should be led by and with affected communities. They should support local education and organizing for the right to housing, enable action on local and systemic issues, and bring claims to the Office of Housing Advocate.

Housing Rights Public Engagement should provide training and education on the right to housing in all sectors funded by the NHS including communities, governments, non-profits and private companies.



All NHS **funding** streams should be allocated and monitored using rights-based criteria and targets which trigger all levels of government to ensure the progressive realization of the right to housing.

About this paper

This document was developed by Bruce Porter of Social Rights Advocacy Centre and Emily Paradis. It reflects a consensus on key principles arrived at by civil society representatives at the first CMHC Consultation Roundtable held in Ottawa April 19 2018. It builds upon two ideas papers that can be found at: https://tinyurl.com/ybf4vcz8 and https://tinyurl.com/ydeo78bm The authors are grateful to Maytree for financial support for this work.