THE NATIONAL RIGHT TO HOUSING NETWORK

Attn: Federal, Provincial and Territorial Ministers Responsible for Human Rights

Re: Establishing an FPT Working Group for the implementation of the right to housing

Dear Ministers:

We are writing on behalf of the National Right to Housing Network (NRHN), a group of over 250 individuals and organizations, who are leaders, thinkers, experts and people with lived experience of homelessness and inadequate housing, dedicated to the progressive realization and meaningful implementation of the right to housing in Canada.

We are writing to suggest that you decide at this meeting to create a Federal, Provincial, Territorial (FPT) Working Group to develop a protocol or framework for inter-governmental collaboration and co-operation in the implementation and progressive realization of the right to housing, in accordance with the shared obligations under the International Covenant on Economic, Social and Cultural Rights.

Our members welcomed the communique issued at the last meeting of FPT Ministers Responsible for Human Rights in 2017, in which the Ministers "reaffirmed their commitment to the progressive realization of economic, social and cultural rights, and highlighted the importance of these rights." The federal government made a historic advance in implementing that commitment when it adopted the *National Housing Strategy Act* in June of last year, recognizing the right to housing as "a fundamental human right affirmed in international law" that is "essential to the inherent dignity and well-being of the person" and committing to "further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights."

The *National Housing Strategy Act* requires the federal government to develop and maintain a national housing strategy to further this commitment, based on a rights-based approach, and which includes goals, timelines and participatory processes. It creates a National Housing Council to provide advice and ensure the effectiveness of the national housing strategy and an independent Federal Housing Advocate, supported by the Canadian Human Rights Commission, to receive submissions on systemic issues from affected groups, make findings and submit recommendations to the federal government. It also provides for a Review Panel to hold participatory hearings, render opinions and recommend measures. It requires the designated Minister to respond in a timely manner to findings and recommendations submitted by the Housing Advocate or the Review Panel.

The *National Housing Strategy Act* directly references Canada's international human rights obligations, and it was drafted to respond directly to longstanding concerns from UN treaty bodies. The UN Human Rights Committee, in its 2006 review of Canada, recognized that homelessness in Canada leads to serious health consequences and even death, and clarified, for the first time, that "positive measures are required by article 6 [the right to life] to address this serious problem." The Committee on Economic, Social and Cultural Rights has repeatedly urged Canada to "implement a national strategy for reduction of homelessness that includes measurable goals and timetables, consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms, in keeping with ICESCR standards."[1] The UN Special Rapporteur on the right to adequate housing, after conducting a mission to Canada, made the same recommendation for a national housing strategy based on the right

[1] CESCR, Concluding observations, 22 May 2006, E/C.12/CAN/CO/4 - E/C.12/CAN/CO/5, para. 62

to housing in a 2008 report to the UN Human Rights Council, and this recommendation has been reinforced by subsequent Special Rapporteurs.

The *National Housing Strategy Act*, however, formally applies only to "matters over which Parliament has jurisdiction." The federal legislation does not address the need for provinces and territories to similarly recognize the right to housing and for co-ordinated action to implement a collaborative, co-ordinated approach to its progressive realization that respects respective jurisdictional responsibilities while achieving national goals. Canada has emphasized in its responses to UN Special Rapporteurs and in reports to the UN Committee on Economic, Social and Cultural Rights that housing is an area of shared federal-provincial and territorial jurisdiction and "the federal government remains committed to collaborating with these orders of government and other partners."[2] The present meeting provides a unique opportunity to ensure the necessary collaboration and co-ordination.

Creating an FPT Working Group to develop a framework for the implementation of the shared commitment to the progressive realization of the right to housing would be responsive to repeated concerns and recommendations from UN human rights bodies. The UN Special Rapporteur on the right to adequate housing recommended in his mission to Canada, that the "right to adequate housing be recognized in federal and provincial legislation as an inherent part of the Canadian legal system" and recommended that "federal, provincial and territorial authorities should work in close collaboration and coordination and they should commit stable and long-term funding to a comprehensive national housing strategy."[3]

We believe that the *National Housing Strategy Act* provides a helpful model for the development of parallel provincial/territorial legislation and strategies. The City of Toronto has adopted a parallel strategy at the municipal level, based on the federal model, but provinces and territories have not yet done so. The housing, homelessness and evictions/arrears crisis, created by the pandemic, has highlighted the urgent need for FPT collaboration and co-ordination in this critical area of human rights protection that is directly linked to the protection of the right to life.

Should the Ministers agree to the creation of an FPT Working Group on the Implementation of the Right to Housing, our Network would be pleased to assist in ensuring effective civil society and stakeholder participation.

Thank you for your attention to our concerns and suggestions.

Sincerely,

Michèle Biss,
Project Manager, National Right to Housing Network
And Steering Committee members:
Anita Khanna, United Way Centraide Canada
DJ Larkin, Barrister & Solicitor
Debbie McGraw, Lived Experience Advisory Council
Elizabeth McIsaac, Maytree

[2] See, for example, Canada's Response to Joint Communication dated May 16, 2017 (AL CAN 1/201 7

[3] UN Special Rapporteur on Adequate Housing, Miloon Kothari, Report to the Human Rights Council on Mission to Canada (2009) A/HRC/10/7/Add.3 paras 88, 92.

Emily Paradis, Maytree Fellow and Independent Researcher
Bruce Porter, Social Rights Advocacy Centre
Tim Richter, Canadian Alliance to End Homelessness

Cc: The Honourable Ahmed Hussen
Minister of Families, Children and Social Development