



Canada Without Poverty Submission for Canada’s National Housing Strategy
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I. Introduction

Canada Without Poverty (CWP) is pleased to submit this formal brief for the National Housing Strategy consultation process entitled *Let's Talk Housing*.

Founded in 1971 under our former name, the National Anti-Poverty Organization (NAPO), CWP has represented low-income populations in Canada for 45 years. Many of CWP's members are living in poverty and our Board of Directors is comprised of people with direct, personal experience of poverty, both past and present. CWP has sought to provide meaningful and effective representation of people living in poverty to ensure a first-voice perspective in social policy discussions. We promote a better understanding of the lived experience of poverty in Canada, poverty as it relates to human rights, and work to address problems of stigmatization and discrimination against people living in poverty.

CWP/NAPO was the first NGO to undertake an oral presentation before a UN Treaty Body in 1993. Since that time, CWP continues to promote the implementation of human rights as the fundamental basis for the eradication of poverty and acts as a central resource point on poverty and human rights in Canada.

Further to this written report, CWP has participated in in-person consultations including expert roundtables hosted in Ottawa on the topics of: distinctive housing needs; furthering the progressive realization of the right to housing through a National Housing Strategy; federal leadership in housing; and homelessness. CWP also attended an in-person community consultation hosted by the Alliance to End Homelessness Ottawa.

II. The State of Housing in Canada

One-fifth of all households in Canada experience extreme housing affordability¹ issues – with 18% of all renters (over 730,000 households) experiencing severe housing affordability problems, threatening their security of tenure.² It is estimated that approximately 235,000 people in Canada experience homelessness each year.

Real estate speculation and the drive for investment – particularly in urban centres like Vancouver and Toronto – has fuelled the perception that housing is a commodity rather than a human right. Additionally, past federal housing policy has primarily focused on ownership,

¹ Spending more than 50% of income on rent.

² Stephen Gaetz, Tanya Gulliver & Tim Richter, *The State of Homelessness in Canada 2014*. available here: <http://www.homelesshub.ca/sites/default/files/SOHC2014.pdf>

while only 6.5% of homeowners are housing insecure – compared to 26.4% of renter households who experience housing insecurity.³

As noted in the Canadian Centre for Policy Alternatives publication, *It's Time to Move On: Alternative Federal Budget 2016*, “[m]uch of national and sub-national housing policy is focused on the ownership market, covering areas like interest rates, supply, and first-time ownership. But most housing needs are in the non-ownership sectors, including Canada’s aging affordable rental and social housing stock, as well as the growing need for new affordable and social housing supply in most parts of the country.”⁴ Policies and laws to address housing must go beyond the context of homeowners and understand the needs of those who are the most precarious in their housing.

Across Canada there are various housing programs and policies, but none that use a human rights framework. Canada’s National Housing Strategy must commit to understanding, and responding to, housing as a human right. This requires a paradigmatic shift that ensures housing is seen as more than a physical structure, but rather the ability to live in dignity with access to clean water, be in good health, to connect with community and establish roots, feel safe and secure, and live near services such as schools, hospitals and transport. The human rights framework ensures this by recognizing those who are homeless and inadequately housed – the most vulnerable in society – are treated as rights-holders, both in program development and practice. This approach, once entrenched in policy and law, will then guide all future decisions about housing and evaluate options from the perspective of how they will interact with the rights of individuals.

a) Federal Investment In Housing

Over the last 20 years, the annual national investment in housing by the federal government has decreased by more than 46% while the population has increased by 30%. The federal government now spends one-third less on social housing than it did in the 1990s. With operating agreements between social housing providers and the government about to expire, 365,000 households are at risk of having their rents increased to unaffordable levels.

The withdrawal of the federal government for funding social housing and the delegation of social housing to the subnational level has had a significant impact on the availability of social housing. As noted in a report published by the Canadian Centre for Policy Alternatives-Manitoba, “[b]etween 1985 and 1989, the federal government helped fund 5,356 units of social housing per year. If Ottawa had continued to fund social housing at this rate, between 1994 and 2013, some 107,120 homes could have been built.”⁵

³ Canadian Centre for Policy Alternatives, “It’s Time to Move On: Alternative Federal Budget 2016. Available here: https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2016/03/AFB2016_Main_Document.pdf

⁴ *Ibid.*

⁵ Brownlee, Clark, “Fast Facts: Federal housing strategy key to improving child welfare”, available here: <https://www.policyalternatives.ca/publications/commentary/fast-facts-federal-housing-strategy-key-improving-child-welfare>.

Without federal leadership or investment, the lack of affordable housing has led to wait list times as high as 10 years in cities such as Toronto. In fact, wait lists for affordable housing have grown by more than 45,000 households in 12 years in Ontario.⁶ According to the Big City Mayor's Caucus, "Calgary and Waterloo have more than 3,000 families on wait-lists for affordable housing, and Metro Vancouver has 4,100"⁷.

With the decrease in spending on social housing, it is estimated that federal funding for social housing will drop to zero by 2040.⁸ Aside from the need for new, affordable and culturally adequate units, many social housing units need to be upgraded and require significant repairs. As the current trend of cuts to co-op housing subsidies and the termination of funding agreements with co-operative housing continues, many low-income tenants are fearful of evictions and live in precarity.⁹

b) Homelessness

The United Nations has described housing and **homelessness** in Canada as a "**national emergency**".¹⁰ In past estimates, the Government of Canada has stated that 150,000 people are homeless each year, a figure which only covers those using emergency shelters. Of course, many homeless individuals do not resort to shelters for various reasons, including lack of available spaces or fear of security. Other estimates put the number of homeless at over **235,000 people annually**, which includes those in shelters and in temporary housing (e.g.: motels).¹¹ Neither figure includes the hidden homeless: thousands of individuals (particularly women and youth) and families doubled up with friends, family, or neighbours.

Marginalized groups including persons with disabilities, youth, Indigenous persons, and members of the LGBTQ2S community are more likely to experience homelessness. Indigenous persons are overrepresented among homeless populations in virtually every urban centre in Canada.¹² In Vancouver, for example, 30% of homeless youth are Indigenous.¹³ Youth represent a significant number of homeless individuals in Canada; in fact, youth aged 16-24 make up about 20% of Canada's homeless population.¹⁴

⁶ Ontario Non-Profit Housing Association, Canada Mortgage and Housing Corp, "2016 Waiting Lists Survey Report", available here: http://www.onpha.on.ca/onpha/web/Policyandresearch/2016_Waiting_List_Survey/Content/PolicyAndResearch/Waiting_Lists_2016/2016_Waiting_Lists_Survey.aspx?hkey=08cff4ce-7f97-4af4-910c-c64954d28a4a.

⁷ Oren Newson, "Big City Mayors declare Canadian "housing crisis" (1 June 2013). Available here: <http://housingjustice.ca/big-city-mayors-declare-canadian-housing-crisis/>.

⁸ Vineeth Sekharan, "Infographic: Federal Investment in Affordable Housing", available here: <http://homelesshub.ca/blog/infographic-federal-investment-affordable-housing#sthash.7Wv3bEqb.dpuf>.

⁹ Erika Tucker and Vassy Kapelos, "Fears of evictions across Canada as feds end co-op housing subsidy", available here: <http://globalnews.ca/news/1100348/co-op-housing-subsidy-to-end/>.

¹⁰ UN Committee on Economic, Social and Cultural Rights, Review of Canada 1996, 2008 and UN Special Rapporteur on Adequate Housing, Mission Report on Canada, 2009.

¹¹ Stephen Gaetz, Tanya Gulliver & Tim Richter, The State of Homelessness in Canada 2014. available here: <http://www.homelesshub.ca/sites/default/files/SOHC2014.pdf>

¹² *Ibid.*

¹³ Patrick, C. (2014). Aboriginal Homelessness in Canada: A Literature Review. Toronto: Canadian Homelessness Research Network Press.

¹⁴ Stephen Gaetz, Tanya Gulliver & Tim Richter, The State of Homelessness in Canada 2014. available here: <http://www.homelesshub.ca/sites/default/files/SOHC2014.pdf>.

c) Homelessness and the Right to Life

Studies have also shown that living in shelters, rooming houses, and hotels – in other words, homelessness – is associated with much higher mortality than compared to wealthier individuals.¹⁵ Dr. Hwang at St. Michael’s Hospital in Toronto has said, “homelessness affects tens of thousands of Canadians and has important health implications”, which include an increased risk of dying prematurely or suffering from a wide range of health problems, such as seizures, chronic obstructive pulmonary disease, musculoskeletal disorders, tuberculosis, and skin and foot problems. Homeless people also face significant barriers that impair their access to healthcare.”¹⁶ More than 50% of homeless youth across Canada experience mental health issues, and 75% of these young people are thus unable to access adequate housing.¹⁷

In Hamilton, Ontario, a 21-year difference was found in the life expectancy of individuals between the poorest and wealthiest residents of the city.¹⁸ In January 2015, two homeless persons died in Toronto, Ontario due to cold weather, poverty, and lack of adequate housing.¹⁹

The relationship between women’s premature death and domestic violence is well documented. Many women experiencing domestic violence have few housing options, which means they are compelled back to a violent situation or are compelled into homelessness. Either way, their lives are at stake. One study in Toronto found that homeless women 18 to 44 years old are 10 times more likely to die than women of the same age group in the general population.²⁰

d) The Criminalization of Life-Sustaining Activities in Public Spaces

The lack of rights-based homelessness strategies at the national and subnational levels has led to a patchwork of policies absent of a cohesive framework to address homelessness. The need for national leadership on homelessness is great, particularly with regards to ending the criminalization of individuals who are ‘living rough’ and who must engage in life-sustaining activities in public spaces, such as sleeping in parks, loitering, or panhandling.

In communities across the country, subnational governments have created laws and bylaws targeting such activities, which in essence, discriminate against a population who are trying to

¹⁵ Stephen W Hwang, et al. “Mortality among residents of shelters, rooming houses, and hotels in Canada: 11 year follow-up study”, available here: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2767481/>.

¹⁶ Stephen W. Hwang, “Homelessness and health” CMAJ (January 2001), available here: <http://www.cmaj.ca/content/164/2/229.short>

¹⁷ Learning Community (2013). Mental Health of Homeless Youth 2013 Infographic. Retrieved from: <http://learningcommunity.ca/lcwp/tags/mental-health-of-homeless-youth/>.

¹⁸ Code Red, “CODE RED: Mapping the Health of Hamilton”, available here: http://media.metroland.com/thespec.com/statistics_flash/

¹⁹ Daniel Otis, “Second homeless man dead as bitter cold envelops city” Toronto Star (January 2015), available here: http://www.thestar.com/news/gta/2015/01/06/second_homeless_man_dead_as_bitter_cold_envelops_city.html

²⁰ Angela M. Cheung, Stephen W. Hwang, “Risk of death among homeless women: a cohort study and review of the literature” CMAJ (April 2004), available here: <http://www.cmaj.ca/content/170/8/1243.full>

meet basic needs. For example, the Safe Streets Act²¹ of Ontario allows municipal officials to issue tickets to those who are panhandling, squeegeeing or exercising other forms of solicitation. The language of the Act is vague, and allows law enforcement broad discretion in its application. In 2009, 13,023 tickets were issued to individuals living in poverty in the city of Toronto alone.²² Attached to each of these tickets is a fine to be paid to the municipality, which is nearly impossible for individuals experiencing homelessness to pay.

Municipalities have been left to develop and interpret policies addressing homelessness in their day-to-day interactions with little to no knowledge of Canada's international human rights obligations, and by extension, their need to respect and fulfill those rights. For example, in Abbotsford, British Columbia, law enforcement officials spread chicken manure on the tents in a homeless encampment to force those who are homeless to vacate the area²³. Another example is the targeted removal of homeless individuals with Aboriginal ancestry from public spaces in Vancouver, British Columbia.²⁴ Both cases represent a broader problem of refusing to recognize the rights of homeless persons or offering access to justice, as well as a need for guidance from the federal government on how to implement these rights on the ground.

e) Challenges with Measuring Homelessness Persons

In January 2016, the federal government initiated steps to begin a point-in-time homelessness count in thirty communities across the country. A number of cities have determined that they will not participate in the point-in-time count as they are already aware of the systemic causes of homelessness in their communities²⁵ and the actions needed to address the issue. This can be a problematic stance as it does not appear that a robust, comprehensive homeless count exists as many statistics are approximations and fail to document root causes.

CWP has expressed concern that a homeless count will not consider those who are the "hidden homeless", and generally fail to measure or address discrimination and stigma faced by those who are homeless. To overcome these obstacles, we suggest that the government consider its human rights obligations in this regard. This can include adjusting for the inevitable limitations, omissions, and possible distortions in available data through the collection of qualitative data and longitudinal studies in all regions of the country. It also suggests that a national policy on data collection framed in human rights would be beneficial. Such a policy should include persons who are homeless in the design and data collection process as well as a focus on testimonials and opportunities to include information on the hidden homeless.

²¹ Safe Streets Act, S.O. 1999, CH. 8

²² Homeless Hub, "Coalition for the Repeal of Ontario's Safe Streets Act", available here: <http://homelesshub.ca/safe-streets-act>
²³ CBC News, "Abbotsford homeless lawsuit closing arguments begin at B.C. Supreme Court" available here: <http://www.cbc.ca/news/canada/british-columbia/abbotsford-homeless-lawsuit-closing-arguments-begin-at-b-c-supreme-court-1.3175319>

²⁴ West Coast Leaf, "VANDU v DV BIA [2014]", available here: <http://www.westcoastleaf.org/our-work/vandu-v-dvbia-2014/>

²⁵ Emily Mertz, Global News, "Edmonton won't participate in first national homeless count", available here: <http://globalnews.ca/news/2451497/edmonton-wont-participate-in-first-national-homeless-count/>

III. Canada's International Human Rights Obligations for Housing and Homelessness

a) The Right to Housing

Canada is a signatory to the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), recognized as the principle articulation on the right to housing. This right is also referenced in many other treaties, which have been ratified by Canada. These include:

- Article 25.1 of the *Universal Declaration of Human Rights*
- Article 5 (e)(iii) of the *Convention on the Elimination of All Forms of Racial Discrimination*
- Article 17 of the *International Covenant on Civil and Political Rights*
- Article 14.2 (h) of the *Convention on the Elimination of All Forms of Discrimination Against Women*
- Articles 16.1 and 27.3 of the *Convention on the Rights of the Child*
- Articles 2, 5.3, 9.1(a), 19(a), 22.1, 28.1 and 28.2 (d) of the *Convention on the Rights of Persons with Disabilities*

The United Nations has called upon Canada, on many occasions, to not only create a national housing and homelessness strategy, but to ensure that it is based in human rights – with explicit reference to the right to housing. CWP is pleased that the government has begun to develop a National Housing Strategy, however, there has been no mention of whether the Strategy will take a rights-based approach to housing and homelessness. **Without consideration of the right to housing in the context of a National Housing Strategy, we are deeply concerned that those who are the most marginalized will face discrimination and will be left out of the housing policies, laws, and programs.**

The right to housing must be at the centre of a National Housing Strategy. As stated by the UN Special Rapporteur on the Right to Housing, Leilani Farha, “[u]nder international law, to be *adequately* housed means having secure tenure – not having to worry about being evicted or having your home or lands taken away. It means living somewhere that is in keeping with your culture, and having access to appropriate services, schools, and employment.”²⁶

The right to adequate housing is much more than four walls and a roof. As articulated by the Office of the United Nations High Commissioner for Human Rights²⁷, housing adequacy is determined by social, economic, and cultural elements, as well as several specific factors:

²⁶ OHCHR, “Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context”, Available here: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>.

²⁷ Office of the United Nations High Commissioner for Human Rights, “The Right to Adequate Housing: Fact Sheet No. 21”, Available here: http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf.

- **Security of tenure:** Regardless of the type of tenure (lease, cooperative housing, emergency housing, etc.), everyone possesses a level of security of tenure which legally protects against forced eviction, harassment, or other intimidations.
- **Availability of services, materials, facilities and infrastructure:** Adequate housing must contain the means necessary for health, nutrition, security, and comfort. This includes: access to safe drinking water; heating and lighting; sanitation facilities; food storage; site drainage; energy for cooking; and access to emergency services.
- **Affordability:** The financial cost of housing should not be so high that it threatens the attainability of other fundamental rights and needs. Everyone has the right to be protected by appropriate means against unreasonable rent prices or increases.
- **Habitability:** Housing must be liveable in terms of protection from cold, damp, heat, rain, wind, and other potential threats to health and wellbeing. It also must have sufficient space for living.
- **Accessibility:** housing must accommodate the special needs of disadvantaged groups such as the elderly, the terminally ill, people with physical or mental disabilities, and people with persistent medical problems.
- **Location:** Housing must be in a location which has access to healthcare services, schools, employment possibilities, and other social services. Housing should not be built in polluted areas that threaten the health of inhabitants.
- **Cultural adequacy:** the construction of housing (including building materials and method) must take cultural identity and diversity into account.

As a pillar of Canada’s National Housing Strategy, the right to housing will not merely be an aspirational vision but rather point to practicalities with regards to development and implementation. Other states and subnational governments have recognized the value of the right to housing, and have used it to strengthen laws, policies and programs, which reference housing and homelessness, and recent global commitments compel governments further to recognize and protect human rights.

The Sustainable Development Goals, and the New Urban Agenda, both which Canada has committed to, point to the importance of fulfilling human rights and more specifically the right to housing. In his letter to the Minister of International Development and La Francophonie, Prime Minister Trudeau outlined the need to address “[help] the poorest and most vulnerable”²⁸. This goal and the commitment to ‘leave no one behind’ will not be achieved without a rights-based agenda, which is an inclusive process that supports the most disadvantaged in society.

Treaty body reviews under the above Covenants have demonstrated the practical application of the right to housing within the context of our National Housing Strategy. For example, the Committee on Economic, Social and Cultural Rights (CESCR) instructed Canada in the 2016 Concluding Observations:

²⁸ Mandate letter to the Minister of International Development and La Francophonie, Available here: <http://pm.gc.ca/eng/minister-international-development-and-la-francophonie-mandate-letter>.

*The Committee urges the State party to **develop and effectively implement a human-rights based national strategy on housing and ensure that all provincial and territorial housing strategies are aligned with the national strategy.** In the light of its general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions, the Committee recommends that the State party:*

(a) Progressively increase federal and provincial resources allocated to housing and reinforce the housing subsidy within the social assistance benefit so as to be commensurate with living costs;

(b) Take effective measures to substantially increase the availability of social and affordable housing units;

(c) Regulate rental arrangements with a view to ensuring that tenants enjoy the right to affordable and decent housing and are not vulnerable to forced evictions or homelessness;

(d) Ensure that its legislation on forced evictions is compatible with international norms, particularly with respect to its obligation to ensure that no persons find themselves homeless or victims of other human rights violations due to evictions, and that compensation or alternative accommodation is provided to victims. [emphasis added]²⁹

Prior to these recommendations, the former Special Rapporteur on Adequate Housing, Miloon Kothari, on an official visit to Canada in 2007, further noted the need for Canada to connect a National Housing Strategy to the right to housing. In his final mission report he recommended that Canada “adopt a comprehensive and coordinated national housing policy based on indivisibility of human rights and the protection of the most vulnerable. This national strategy should include measurable goals and timetables, consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms”³⁰.

IV. A Human Rights Framework for the National Housing Strategy

CWP’s primary recommendation is that the Government of Canada prioritize human rights in the creation, implementation, and monitoring of a strategy. The following submission will outline the components of a rights-based approach to a National Housing Strategy.

²⁹ CESCR Concluding Observations, 2016, available here:

http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/CAN/E_C-12_CAN_CO_6_23228_E.pdf.

³⁰ Miloon Kothari, “Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Miloon Kothari”, Available here:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.7.Add.3.pdf>.

A human rights framework can ensure inclusion and a participatory approach to decision-making places those directly affected by the strategy at the table with decision-makers, while a focus on accountability and accessing remedies helps to distinguish roles and responsibilities.

A human rights based approach to housing means addressing all conditions and experiences on the housing spectrum from homelessness to inadequate housing for the most vulnerable groups. Homelessness strategies must not be separated out from broader housing strategies.

The following are elements of a human rights approach to be considered within the development of the strategy:

a) Explicitly Reference Human Rights

Canada's National Housing Strategy must explicitly reference human rights and international human rights obligations. Practically, this means specifically naming obligations under particular UN treaties, concluding observations stemming from UN committees, or general comments that speak to the right to housing within the strategy, which could be complimented by legislation that also references these rights.

By naming these rights explicitly in policy the rights-based approach can be concretized. It further allows rights claimants to understand how rights are accessible to them, and opens avenues to access to justice as well as forces greater accountability by all levels of government.

It is generally recommended that the national housing strategy be supported through legislation.

b) Develop Measurement Tools

Along with quantitative data, such as point-in-time counts, online questionnaires, or shelter surveys, it is important to acquire a qualitative understanding of the needs and circumstances of people in core housing need based on their experiences. This can be captured through oral testimony, photographs, videos, or interviews with frontline workers.

Critical to this process will be to disaggregate, or break down, data to ensure that information gathered on marginalized groups, such as Indigenous persons, racialized persons, and individuals who identify as LGBTQ2S can be considered.

c) Ensure Human Rights Training for those involved with the National Housing Strategy

It is important to ensure that everyone involved in the creation of a National Housing Strategy (including policy makers and those conducting consultations) understands Canada's obligations with respect to the right to housing.

d) Include those experiencing housing insecurity and homelessness in the development, implementation, and evaluation of the Strategy

A human rights approach is not just about what goes into the strategy, it's also about *how* the strategy is developed. Those experiencing housing insecurity and homelessness must be meaningfully engaged at every step of the process. **This may be the single most critical aspect to a successful strategy.**

As stated by a former UN Special Rapporteur on extreme poverty and human rights, Maria Magdalena Sepúlveda, "[t]hrough meaningful and effective participation, people can exercise their agency, autonomy and self-determination... [c]onceived as a right, participation is a means of challenging forms of domination that restrict people's agency and self-determination. It gives people living in poverty power over decisions that affect their lives, transforming power structures in society and creating a greater and more widely shared enjoyment of human rights"³¹.

By removing barriers to participation, and meaningfully consulting with people experiencing homelessness and housing insecurity, Canada can take steps towards the fulfillment of our legal obligations. This right to participation is enshrined in many international human rights instruments ratified by Canada including:

- the *Universal Declaration of Human Rights* (arts. 21 and 27)
- the *International Covenant on Civil and Political Rights* (art. 25)
- the *International Covenant on Economic, Social and Cultural Rights* (arts. 13.1 and 15.1)
- the *Convention on the Elimination of All Forms of Discrimination Against Women* (arts. 7, 8, 13(c) and 14.2)
- the *International Convention on Elimination of All Forms of Racial Discrimination* (art. 5(e)(vi))
- the *Convention on the Rights of the Child* (arts. 12 and 31)
- the *Convention on the Rights of Persons with Disabilities* (arts. 3(c), 4.3, 9, 29 and 30)

We have found that the *Let's Talk Housing* process has been met with significant critique by those with lived experience of homelessness and housing insecurity. As most of the process has been conducted online the process has been exclusionary for those who are living rough or in shelters are unable to access the internet. As it is these individuals who will benefit most

³¹ Magdalena Sepúlveda Carmona, "Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona", Available here: <http://webcache.googleusercontent.com/search?q=cache:G7YpDYn7OuoJ:docbox.un.org/DocBox/docbox.nsf/GetFile%3FOpenAgent%26DS%3DA/HRC/23/36%26Lang%3DE%26Type%3DDOC+&cd=1&hl=en&ct=clnk&gl=ca>.

from a strategy, and who require the greatest support from government, it would be detrimental to the strength of the final plan if they are not heard. The importance of face-to-face consultations cannot be underestimated – it builds respect and trust with a population that is normally alienated, and offers a sense of ownership that can support future engagement and lead to greater impact.

We agree with the comments made in the Right to Housing Coalition statement that, “[t]he federal government has not promoted this consultation widely and there is a lack of public and community awareness among social services, housing agencies, civil society, and especially among tenants and homeless people. While we understand that focus groups are being scheduled with people with lived experience, very few details about when, where, and how these consultations will take place have been provided. We are concerned that a failure to adequately reach those most affected by the lack of affordable, adequate, and suitable housing and people who are living rough or homeless will compromise the consultation and provide an incomplete picture on the scope of need and solutions.”³²

We recommend that in further consultations, the Minister of Families, Children and Social Development consider the following four principles:

- **Meaningful and effective participation of people living in poverty must be conceived not as a privilege but as a human right, and thus part of every process.**
- **Consultations must focus on empowerment of those living in poverty rather than tokenism.**
- **Consultations must focus on principles of non-discrimination and equality.**
- **Meaningful consultation requires dialogue with people living in poverty to occur at all stages of the process including creation, implementation, and review. Review mechanisms of the consultation process itself must be put in place to ensure accountability for those living in poverty.**

e) Developing Goals and Timelines

Human rights standards recognize ‘**progressive realization**’ meaning that some aspects of a plan may take time to implement (for example: building new social housing). At the same time, under international human rights law, governments also have some immediate obligations. These include, for example, eliminating discrimination in the administration of programs and policies currently in place, addressing homelessness as a priority, as well as repealing local laws that criminalize or stigmatize homeless individuals. Progressive realization ensures there are no “regressive” steps – movements backwards which deprive people of rights they previously enjoyed.

In this regard, the Committee on Economic, Social and Cultural Rights in its February 2016 review of Canada recommended:

³² Right to Housing Coalition Submission on the Right to Adequate Housing, Available here: https://righttohousing.files.wordpress.com/2016/09/r2h_nhs_submission_final2.pdf.

“that the State party take effective measures to ensure the availability of adequate emergency shelters throughout the country and repeal provincial by-laws that penalize homeless persons for finding solutions necessary for their survival and well-being.”

f) Make the National Housing Strategy a budget priority

Without proper resources, it becomes impossible for a national housing and homelessness strategy to achieve its goals. A human rights approach requires all levels of governments to take positive action and set aside resources in their budgets for preventing and addressing homelessness.

“Maximum Available Resources” is an important element of a human rights approach that requires “States” (i.e. government actors) to prioritize human rights obligations in favour of “budget constraints”. This is especially true for wealthy countries such as Canada.

The Committee on Economic, Social and Cultural Rights recently commented on Canada’s spending in relation to our maximum available resources in paragraph 10 of their 2016 Concluding Observations: **“The Committee recommends that the State party increase national spending to guarantee Covenant rights so as to achieve the progressive realization of economic, social and cultural rights.** The Committee urges the State party to adopt and implement a tax policy that is adequate and socially equitable and improves tax collection, so as to ensure the mobilization of resources sufficient for implementing economic, social and cultural rights, with special attention paid to disadvantaged and marginalized individuals and groups.”³³

g) Monitor and Report on Progress

Accountability is essential for the National Housing Strategy to be successful. The rights of those experiencing housing insecurity can only be realized if they have a way to hold governments and other key actors responsible for the effective implementation of any strategy. Regularly reporting on goals and benchmarks, demonstrating funding capacity in annual budgets, and offering an open and transparent process, helps to ensure progress is made.

h) Provide Access to Justice

A National Housing Strategy must create and implement an open, accessible, and responsive complaints procedure and a space to accept information relevant to the human rights of those experiencing housing insecurity.

³³ CESCR Concluding Observations, 2016, available here: http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/CAN/E_C-12_CAN_CO_6_23228_E.pdf.

CWP recommends that the Minister explore mechanisms through which this documentation can be presented to officials and effective remedies provided. For example: human rights commissions; courts; ombuds offices; legislative hearings.

V. The Implementation of International Human Rights Obligations

Responsibilities to protect and implement human rights are best understood when considering the principles that states agree to follow. **Respect, Protect and Fulfill** speak to the overarching responsibilities of states to ensure rights are realized, while **Recognize, Institutionalize and Accountability**, provide guidance on *how to implement* rights.

RESPECT RIGHTS: a state cannot interfere with existing rights and must refrain from acting in a way that would restrict or infringe upon a right.	RECOGNIZE RIGHTS: states must take steps to recognize rights in laws and policies.
PROTECT RIGHTS: a state must intervene when a third party interferes with an individual’s rights.	INSTITUTIONALIZE RIGHTS: ensure institutions that monitor and implement human rights include economic and social rights including the right to housing.
FULFILL RIGHTS: a state must take positive steps to ensure all human rights are fulfilled.	ACCOUNTABILITY FOR RIGHTS: ensure avenues for redress if violations occur.

a) The role of Sub-National Governments

All levels of government (federal, provincial, territorial and regional) are responsible for the implementation of the right to housing. Practically, this means that all laws, policies and programs must be considered under a human rights framework. For example, when a city is considering zoning bylaws which may prevent the construction of affordable housing in a community with severe housing needs, it must prioritize its human rights obligations.

The federal government has a particularly important role in the implementation of human rights. While subnational governments may be working directly with individuals, it’s the federal government that can provide adequate financial resources and is responsible for ensuring the fulfillment of international human rights obligations. The federal government can also demonstrate leadership on the right to housing by creating strong monitoring and accountability measures for the strategy and guiding subnational governments on human rights responsibilities.

VI. ‘Stepping up’ to Canada’s International Human Rights Obligations

a) Intersectionality with other strategies

We recognize that a National Housing Strategy is part of a broader social security system and as such, must relate to the Canadian Poverty Reduction Strategy, National Early Learning and Childcare Framework, initiatives related to income support programs (i.e. the Canada Child Benefit), and many other policies, programs, and laws. As a member of CWP’s board, Wayne MacNaughton, noted in a recent article, the *Let’s Talk Housing* online survey missed “the intersectionality of housing with all the other aspects of poverty – particularly inadequate income supports. Housing isn’t an isolated thing”³⁴.

Created over five-years in consultation with experts, civil society partners, community members and persons living in poverty, *Dignity for All National Anti-Poverty Plan*³⁵ carefully considers how these policies can fit together. While in the context of a national poverty plan, this model plan demonstrates how a National Housing Strategy can complement a larger social safety net.

Leadership from the federal government on the right to housing is imperative to creating a successful strategy. While the Ministry of Families, Children and Social Development has an integral role to play, other Ministries must also be involved in the creation and implementation of the strategy. For example, the Ministry on the Status of Women, Ministry of Justice, Ministry of Indigenous and Northern Affairs, and Ministry of Finance should all be engaged in a National Housing Strategy.

b) A Flexible and Multi-Pronged Approach

To be effective, a National Housing Strategy must take a flexible, multi-pronged approach to housing and homelessness. As noted in the Right to Housing Coalition submission, this can include a number of housing solutions:

- “A mixture of purpose-built truly affordable social/public housing and adequate resources to ensure housing quality and sustainability (including environmental issues). The federal, provincial and municipal governments should provide affordable and free land, and help with zoning barriers to expedite building new affordable housing, or provide resources to nonprofit affordable housing land trusts.
- Truly affordable housing should ensure rents are not more than 30% of gross income. Programs in both Ontario and Canada have eroded the concept of “affordability” in recent years, often defining affordable housing in relation to market housing rates.

³⁴ Canada Without Poverty, “CWP’s Board Talks Housing!”, Available here: <http://www.cwp-csp.ca/2016/08/cwps-board-talks-housing/>.

³⁵ Dignity for All, “Dignity for All: A National Anti-Poverty Plan for Canada”, Available here: http://www.dignityforall.ca/sites/default/files/docs/DignityForAll_Report-English-FINAL.pdf.

- A form of rent supplements/housing allowances in private market housing units that result in truly affordable rents. When using these kinds of portable allowances or rent supplements, it is essential that there is accountability and that the standards of the housing provided are monitored by the local government to ensure tenant rights are not violated.”³⁶

Many countries outside of Canada have seen the utility and effectiveness of including portable shelter allowances in their national strategies alongside social housing — countries like Australia, Austria, Belgium, Denmark, France, Finland, Germany, Switzerland, Sweden, New Zealand, and Norway. An advantage of a portable shelter allowance is that it allows people living in poverty the choice of living in the private market.

The implementation of policies including social housing availability or a portable shelter allowance must always coincide with human rights obligations. For example, if additional investment is made in increased availability of social housing, the stigma of the process to apply for housing must be considered; units must be accessible for persons with particular needs, such as disability or mental health; and measures must be taken in the interim to ensure wait times for social housing are reasonable.

Communities across Canada will have different needs; therefore, a multi-pronged approach is crucial. **To determine which policies fit each community, we recommend that policy members consult directly with individuals experiencing housing insecurity and homelessness.**

VII. Summary of Recommendations

- A National Housing Strategy must be **based in human rights**. Concretely, we recommend that the strategy:
 - Explicitly reference human rights;
 - Develop measurement tools to assess the impact of the Strategy;
 - Ensure human rights training for those involved with the Strategy at all levels of government;
 - Include those experiencing housing insecurity and homelessness in the development, implementation and evaluation processes;
 - Set human rights goals and timelines;
 - Make the National Housing Strategy a budget priority;
 - Monitor and report on progress; and
 - Give people a space to claim their rights.
- **A National Housing Strategy must be connected to other policy areas** including: food insecurity; childcare; jobs and employment; income support; and health.

³⁶ Right to Housing Submission

- **An immediate goal of the National Housing Strategy must be to remove laws, policies and programs, which stigmatize and punish those who are homeless.** This includes the removal of bylaws, which prohibit life-sustaining activities for homeless persons as well as zoning bylaws, which restrict the construction of social housing. The federal government must recognize discrimination based on social condition (e.g. socio-economic disadvantage) in human rights legislation.
- **A National Housing Strategy must be flexible and multi-pronged.** This can include approaches such as increasing supply of social housing and portable shelter allowance. The implementation of these policies must adhere to human rights obligations. To determine which policies fit each community, we recommend that policy members consult directly with individuals experiencing housing insecurity and homelessness.

We would be pleased to advise the Minister of Families, Children and Social Development, as well as other Ministers about the importance of Canada's international human rights obligations and how a human rights framework can be applied to address inadequate housing and homelessness.