

## **Backgrounder – Open Letter to Prime Minister Trudeau and Legislating the Right to Housing in Canada.**

On November 22<sup>nd</sup> 2017, the government announced a [National Housing Strategy \(NHS\)](#) that would be based in human rights. For the first time, the federal government committed to implementing Canada’s obligation under international human rights law, as described in the NHS, “to progressively implement the right of every Canadian to access adequate housing.” The government also promised to adopt legislation that would create an obligation on future governments to maintain a rights-based housing strategy.

Consultations were held across the country in April and May 2018 to consider how to implement a rights-based approach to the NHS. In the consultations, civil society organizations and experts agreed that the right to housing must be embedded in the National Housing Strategy legislation.

Following the national consultations, an open letter signed by over 170 organizations and prominent Canadians is calling for the right to housing to be enshrined in the NHS legislation.

### **Who’s behind the open letter?**

The letter was penned by [Amnesty International Canada](#), [Campaign 2000: End Child and Family Poverty](#), [Canada Without Poverty](#), the [Canadian Alliance to End Homelessness](#), housing and homelessness researcher Emily Paradis, and the [Social Rights Advocacy Centre](#). This group is coordinating a grassroots advocacy effort to build public and political support for a legislated right to housing in Canada.

### **What is the campaign calling for?**

We’re calling on the federal government to make good on its commitment to the right to housing by enshrining it in the upcoming National Housing Strategy legislation that it is currently developing. The legislation must:

1. affirm the **recognition of the right to housing** as a fundamental human right;
2. implement **accountability mechanisms** through which those affected by homelessness or inadequate housing can hold governments accountable for the progressive realization of the right to housing;
3. ensure that the **Office of the Federal Housing Advocate** and **National Housing Council** are independent, adequately resourced and given authority to make recommendations and require remedial action for compliance with the right to housing;
4. provide for an **adjudication body** – *outside of the court system* - which includes both experts in human rights and persons with lived experience of homelessness or

inadequate housing, to hold accessible hearings into systemic issues (not *individual claims*) affecting the progressive realization of the right to housing and to recommend effective remedies;

5. require **goals and timelines for the elimination of homelessness** and access to adequate housing, in accordance with Canada's obligations under international human rights law and commitments to the Sustainable Development Goals;
6. mandate **rights-based participation by**, and accountability to, **diverse individuals and communities affected by homelessness and inadequate housing**, in all NHS mechanisms including the Office of the Federal Housing Advocate, National Housing Council, adjudication body, and community initiatives;
7. provide resources and support for local **lived-experience-led monitoring** of NHS programmes and for community initiatives to promote the right to adequate housing engaging all levels of government;
8. provide for initiatives to **identify and address the distinctive barriers, needs and rights of Indigenous peoples**, co-developed with Indigenous peoples' organizations, as well as housing strategies for First Nations, Inuit, Métis Nation, and urban and rural Indigenous partners, negotiated on the basis of Inuit-to-Crown, government-to-government, nation-to-nation relationships, to ensure the right to housing of Indigenous peoples both on and off reserve, in rural and urban settings, consistent with the Declaration on the Rights of Indigenous Peoples.

### **Isn't housing already a right in Canada?**

Though Canada has committed to the right to adequate housing through international treaties including the International Covenant on Economic, Social, and Cultural Rights, the right has not been recognized in Canadian law. Canada's housing and homelessness crisis is the result of a failure to protect human rights.

### **Why is the right to housing important?**

Canada is experiencing a housing and homelessness crisis. Every year over 235,000 people experience homelessness in Canada. Today, over 1.7 million households are living in unsafe, inadequate or unaffordable housing without better options available to them. These households are disproportionately led by women, and feature overrepresentation of Indigenous peoples, people with disabilities, immigrants and refugees, youth and older adults, and groups facing racial discrimination. Legislating the right to housing would require governments to fix the broken housing system that is failing so many people, and to prioritize resources for those most in need.

## **How will the right to housing make things better for people who are facing homelessness and inadequate housing?**

The right to housing gives people living in homelessness or housing instability a voice in the policy decisions that impact them, creates legal protections against the policy decisions that may harm them and creates accountability mechanisms to ensure there is federal action to address Canada's housing and homelessness crisis. Our [Consensus proposals](#) for the architecture of the National Housing Strategy, and our [draft legislation](#), propose mechanisms for rights-based participation by people and communities directly affected by housing and homelessness, so they can hold governments accountable. We also propose the federal government have targets, timelines and plans for the elimination of homelessness and an adjudication process to hear cases of systemic breakdowns in the realization of the right to housing.

## **Will the proposed legislation enforce the right to housing through the courts?**

No, remedies would be ensured through other means than courts. [Consensus proposals](#) as well as [draft legislation](#) have been developed to demonstrate how the legislation could ensure that those affected are able to identify systemic issues and hold governments accountable drawing on the government's proposed Federal Housing Advocate, Housing Council, community initiatives and programmes.

## **Why must this happen now?**

We are closer than ever before to realizing the right to housing in Canada – but it is critical the government sees there is widespread support to ensure the right to housing becomes a reality in Canada. With the NHS, the federal government is recognizing its responsibility to ensure that everyone in Canada has access to adequate housing. Legislating the right to housing would put the force of law behind the government's funding and policy commitments and maintain consistency across changes in government.