

Realizing the Right to Housing through the National Housing Strategy CAEH 2018

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“The National Housing Strategy alone creates a multitude of serious problems entrenching housing as a charter right would solve as it legally requires all governments to align all laws policies and practices to adequate housing and non discrimination therein.”

– Ana McBee, Victoria

What is the right to adequate housing?

“The right to live somewhere in security, peace, and dignity.”

Adequate housing is:

- Affordable
- Safe
- Secure
- Accessible
- Habitable
- Culturally appropriate
- Connected to services & amenities

Right to housing is at the centre of other rights

- Fundamental rights: human dignity, self-determination
- Civil rights & freedoms
- Political rights
- Equality rights

Recognition of the R2H

International UN Covenants Canada has signed

- Covenant on Economic, Social, and Cultural Rights
- Universal Declaration of Human Rights

BUT recognition within Canada is partial

- Provincial Human Rights Codes prohibit discrimination in housing
- Provincial laws set out tenants' rights
- **Not in Charter of Rights and Freedoms**

The right to housing does not mean that individuals can claim an immediate right to a house but ...

Housing strategies must ensure that “the measures being taken are sufficient to realize the right for every individual **in the shortest possible time** in accordance with **the maximum of available resources.**” (CESCR, General Comment 4)

How did we get here?

Trudeau says housing is a human right – UN says such a recognition does not mean the government has to build all of the nation's mean exactly?

By John Paul Tasker, CBC News Posted: Nov 23, 2017 5:00 AM ET | Last Updated: Nov 23, 2017 1:37 PM ET



Prime Minister Justin Trudeau visits a housing development in Toronto's Lawrence Heights neighbourhood on Wednesday. Trudeau pledged \$40 billion over 10 years as part of a 'human right' housing strategy announcement Wednesday. (The Canadian Press)

New housing strategy to build 80K affordable rental units for Canadians 'feeling the pinch'

Plan will also spend \$25 billion over 10 years to ease homelessness
By Jordan Press, The Canadian Press Posted: Nov 19, 2017 7:50 PM ET | Last Updated: Nov 19, 2017 7:52 PM ET

National housing strategy to include rental benefit

Housing benefit for low-income tenants included in plan Trudeau will roll out in
Toronto on Wednesday.
Trudeau says government is focusing on housing affordability

Liberals promise \$40 billion over 10 years for National Housing Strategy, including personal subsidies

By Staff The Canadian Press

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National housing strategy affirms that housing rights are human rights

Shelina Ali Pro Bono December 14, 2017

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POLITICS IN CANADA

Housing as a Commodity vs. Housing as a Right



It hasn't always been like this...

The Minister of State for Urban Affairs said in 1973:

“... good housing at reasonable cost is a social right of every citizen in this country....”



**RIGHT TO
HOUSING**



Toronto homeless launch charter challenge

Homeless and formerly homeless Torontonians say Ottawa and Queen's Park are violating their charter rights by lacking a plan to fight homelessness.

By **LAURIE MONSEBRAATEN** Social Justice Reporter

Thu., May 27, 2010

Litigating the Right to Housing in Canada

- Universal Declaration of Human Rights (1948)
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention on the Elimination of all Forms of Discrimination
- Convention on the Rights of Persons with Disabilities

Canadian Charter of Rights and Freedoms

- **Section 7 :**

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice

- **Section 15:**

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Court dismisses landmark Charter challenge on behalf of homeless Canadians

Judge says legislatures, not courts, are the place to combat homelessness, but lawyers say the ruling denies justice to the poor.

By **LAURIE MONSEBRAATEN** Social Justice Reporter
Fri., Sept. 6, 2013

Homeless people have been denied their day in court in the wake of an Ontario Superior Court decision that dismisses a landmark Charter case, say lawyers who vow to appeal.

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LEGAL

THE GLOBE AND MAIL 

Homeless rights group vows to appeal dismissal of Charter challenge

ADRIAN MORROW

TORONTO — The Globe and Mail

Published Sunday, Sep. 08, 2013 9:00PM EDT

Last updated Sunday, Sep. 08, 2013 9:02PM EDT

"We have a group of people who are tremendously poor ... but they are being blocked from raising their legal claim," said Fay Faraday, one of the lawyers on the case. "They are being blocked from bringing their evidence to court."

No place for courts in affordable housing fight, Ontario's top court rules

By Colin Perkel The Canadian Press

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TORONTO – An argument over whether people have a constitutional right to adequate housing that governments are violating is not up to judges to decide, Ontario's top court ruled Monday in a split decision.

In its ruling, the Court of Appeal sided with a lower court that tossed the case without even hearing arguments on its merits.

Homeless denied day in court

Charter challenge dies as Supreme Court of Canada refuses to hear the landmark case arguing that homelessness violates the right to “security of the person.”



By **LAURIE MONSEBRAATEN** Social justice reporter
Thu., June 25, 2015

A landmark Charter challenge on the right of homeless people to affordable housing is dead.

The Supreme Court of Canada ruled Thursday that it would not hear an appeal of a lower court’s decision to quash the case, essentially upholding the view that legislatures, not the courts, are the place to fight homelessness.

Canada's lack of national housing strategy targeted by Ontario court case



Ira Lamcja | Nov 7th, 2012



An important precedent for Vancouver?

The case in Ontario sets a precedent that a similar case would be successful in British Columbia, and in particular Vancouver.

Should housing be a human right? Experts across Canada sound off

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Vancouver: DJ Larkin, lawyer, Pivot Legal Society

Winnipeg: Clark Brownlee, co-ordinator, Right to Housing Coalition

Ottawa: Stacy Douglas Assistant Professor, Law and Legal Studies at Carleton University

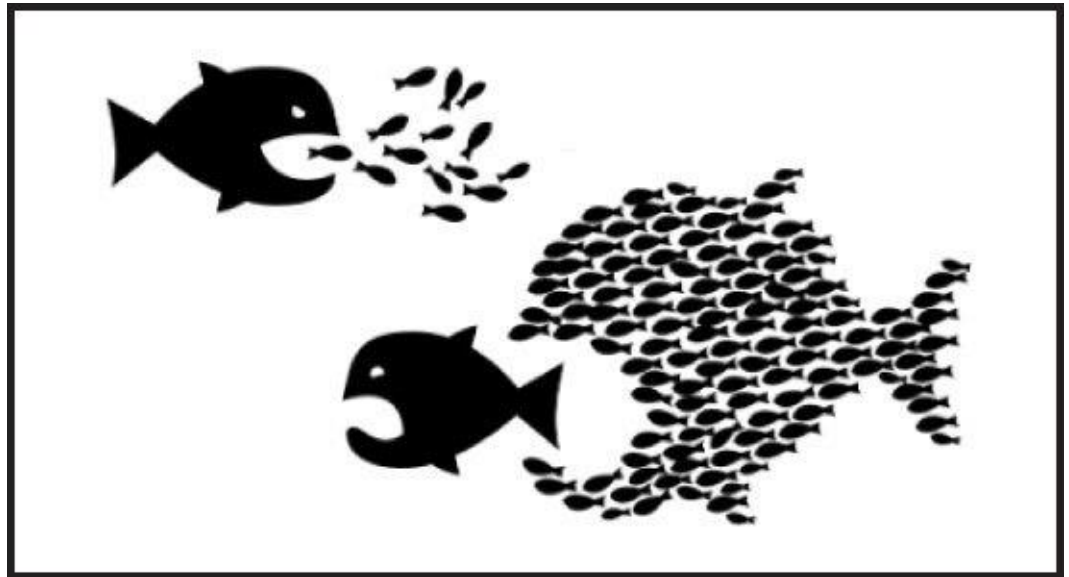
Halifax: Jim Graham, program co-ordinator, Affordable Housing Association of Nova Scotia

By: Staff Metro Published on Wed Dec 03 2014

Do people have a constitutional right to adequate housing? The Court of Appeal for Ontario recently ruled that this is a matter for governments to decide, not courts, but advocates plan to take their fight to the Supreme Court of Canada. Metro staff from across the country talked to housing advocates for their take:

Litigation is just one piece...

Mobilizing
Lobbying
Media
Public Education
Demonstrations



Building a Coalition, building a movement...

Aboriginal Legal Services

ACORN

Amnesty International

Anduhyun Inc.

Anglican Church Child Poverty Committee

ARCH Disability Law Centre

Asper Centre for Constitutional Rights

Canada Without Poverty

Canadian Pensioners Concerned

Canadian HIV/AIDS Legal Network

Centre for Equality Rights in Accommodation

Charter Committee on Poverty Rights

Children's Aid Society of Toronto

Colour of Poverty – Colour of Change

Covenant House

The Dream Team

Elizabeth Fry Toronto

ESCR.Net

Federation of Metro Tenants Association

Fred Victor Mission

FORWARD

Habitat Services

Hamilton Community Legal Clinic

HIV/AIDS Legal Clinic Ontario

Holland Bloorview Kids Rehab

Housing and Homelessness Umbrella Group

Income Security Advocacy Centre

June Callwood Centre

Justice for Girls

Kensington-Bellwoods Community Legal Clinic

Metro Toronto Chinese and Southeast Asian Community Legal Services

National Aboriginal Housing Association

National Anti-Poverty Organization

Native Women's Association of Canada

Native Women's Resource Centre

Nellies

ODSP Action Coalition

Older Women's Network

Pivot Legal Society

Sistering

Springtide Resources

Social Rights Advocacy Centre

Toronto Drop-in Network

Tenants for Social Housing

Toronto Disaster Relief Committee

St. Stephen's Community House

Voices From the Street

Wellesley Institute

Women's Legal Education and Action Fund (LEAF)

Workers' Action Centre

Working for Change

Fay Faraday, Faraday Law

Professor David Hulchanski, University of Toronto

Professor Martha Jackman, University of Ottawa

Emily Paradis, Research Associate, University of Toronto

Peter Rosenthal, Roach, Schwartz and Associates

Dean Lorne Sossin, Osgoode Hall Law School



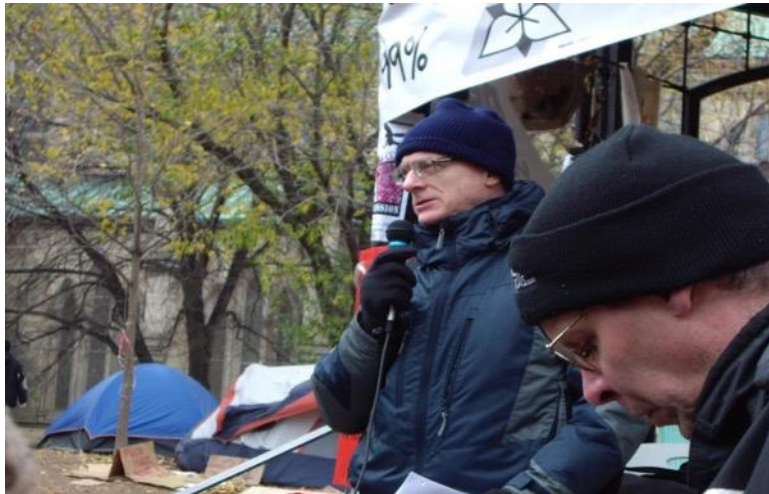
Housing activists renew their call for a Canadian national housing strategy

John Bonnar November 23, 2013

CIVIL LIBERTIES WATCH



National Housing Day





Making the right to housing a Federal election issue, 2015



What the parties say they will do about

HOUSING



CONSERVATIVE GREEN LIBERAL NDP

Recognize and commit to housing as a human right



Adopt a national housing strategy



Re-invest in existing social housing



Invest in building new affordable housing



Visit acto.ca for their responses



Wednesday, September 30



FORUM

on affordable housing & homelessness

Speakers:

Leilani Farha

United Nations Special Rapporteur on Adequate Housing

Christa Big Canoe

Aboriginal Legal Services of Toronto

Alex Neve

Amnesty International

♿ Free - all welcome!



6:30pm - 8:30pm: Ryerson University

Library Building, Room 72, 350 Victoria St.

Part of a National Week of Action! #votehousing4all

Co-sponsored by the CAW-Sam Gindin Chair in Social Justice and Democracy at Ryerson University

For more information: www.acto.ca



UN raises concern over Canada's persistent 'housing crisis'

Affordable housing activists applaud UN committee for giving Canada "a boot in the butt" for failing to live up to its international obligations to protect vulnerable Canadians.



BUSINESS 03/08/2016 01:44 EST | Updated 03/08/2016 01:59 EST

UN Warns Of 'Persistent Housing Crisis' In Canada

Daniel Tencer
The Huffington Post Canada

UN critical of Canada's record on housing, homelessness

Review of human rights record finds failures around poverty, housing and visible minorities
CBC News | Posted: Mar 08, 2016 11:44 AM ET | Last Updated: Mar 08, 2016 11:44 AM ET



National Housing Day, 2016



News · GTA

Report on Canada's national housing strategy released

Countrywide consultation identified priorities for improving access to safe, affordable housing.

thestar.com

News · GTA

Activists march to get housing recognized as a right

Big change demanded Friday as protesters await feds' summary of consultations.

By **EMILY MATHIEU** Investigative News reporter
Fri., Nov. 18, 2016



Protesters march from Queen's Park in support of the National Housing Day of Action on Nov. 18, 2016. (BERNARD WEIL / TORONTO STAR)

By **EMILY MATHIEU** Investigative News reporter
Tues., Nov. 22, 2016

Chapter 1

Housing Rights Are Human Rights



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.

“Housing rights are human rights...”
– Justin Trudeau (Nov 22, 2017)



New Legislation

Following a period of consultation with housing partners, the federal government will introduce a bill to enable new legislation that promotes a human rights-based approach to housing. The new legislation will require the federal government to maintain a National Housing Strategy that prioritizes the housing needs of the most vulnerable. It will also require regular reporting to Parliament on progress toward the Strategy's targets and outcomes. A detailed National Housing Strategy report will be tabled every three years, starting in early 2020. The legislative approach will ensure that the National Housing Strategy is here to stay and grow.

The Rights-Based Approach in the NHS

Legislation enshrines the Right to Housing & creates mechanisms to enforce it

Government must ensure policies and programs are consistent with the R2H

Office of the Housing Advocate
Independent & well-resourced to support communities to bring claims forward

Hearing mechanism
Includes members of affected communities
Issues findings and recommendations to government

National Housing Council
Shapes & monitors the NHS, includes representative from affected communities

Community-Based Initiatives
Lived-experience-led local monitoring of NHS programs. Bring information to the Federal Advocate about systemic barriers.

Lived Experience Consultations

- Toronto, Hamilton, Winnipeg, Saskatoon, Victoria
- 64 leaders & participants - people with lived experience of homelessness
- Focused on rights-based participation in the National Housing Strategy:
 - Inclusive processes
 - Access to justice
 - Support for local initiatives
 - Representation
- Key theme: Importance of local-level engagement

Waterloo, London & Hamilton

“We need leaders not in love with money but in love with justice, not in love with publicity but in love with humanity.”

Martin Luther King Jr.

“I don’t understand what is going to make a difference. Just because they say it is a right - does that make it a right? Will the housing fairy come and make homelessness disappear?”

Hamilton consultation participant

Winnipeg

Toronto

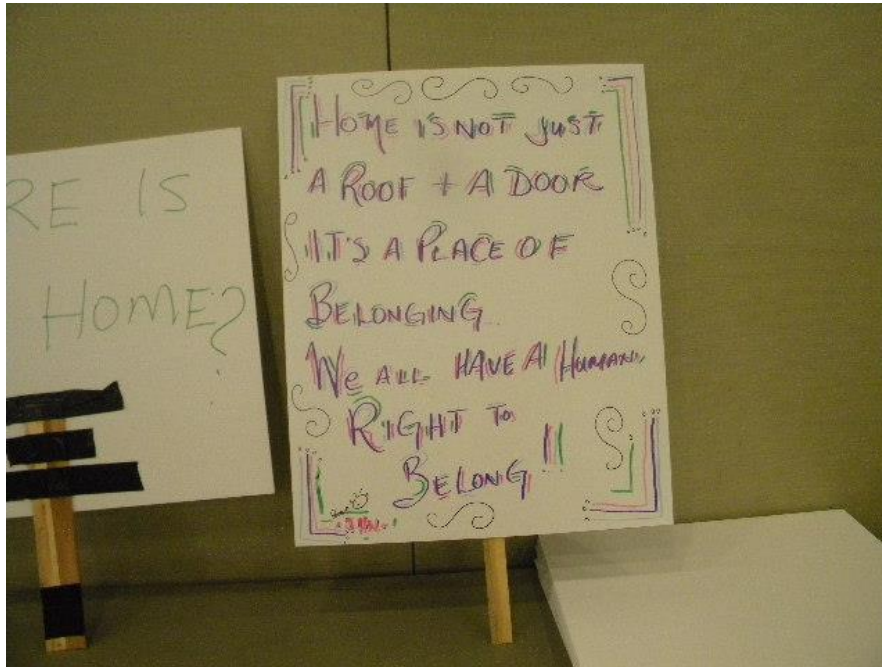
Victoria

“...it is hard to escape, the disillusionment and betrayal. Our hopes have been blasted and our dreams have been shattered. ..The poor, (Indigenous) black and white, are still perishing on a lonely island of poverty in the midst of a vast ocean of material prosperity. What happens to a dream deferred? It leads to bewildering frustration and corroding bitterness.”

Martin Luther King

Three Evils Of Society

Saskatoon



Levels of governance

1. Lived experience
2. Indigenous
3. Local
4. Provincial / Territorial
5. Federal

Break-out discussions

- What myths and fears stand in the way of lived experience leadership?
- What are the challenges of lived experience organizing?
- How do we debunk the myths? What are the solutions?
- What is happening in your community to move these solutions forward? What would you like to see, where are the possibilities?

Resources

Nothing About Us Without Us: Seven Principles for Leadership and Inclusion of People with Lived Experience (Lived Experience Advisory Council)

<http://www.homelesshub.ca/NothingAboutUsWithoutUs>

Right to Housing Campaign

<https://nhs.socialrights.ca/>

Consultation report <https://maytree.com/wp-content/uploads/Paradis-submission-Rights-based-participation-and-accountability-1-June-2018.pdf>