### Land Acknowledgement

We acknowledge that the land on which we gather, known today as Santiago, is the ancestral and unceded territory of the Mapuche Peoples, as well as the Picunche and Diaguita Peoples, who have stewarded these lands for generations.



Paving the Way to Housing Justice: Advancing the Right to Housing in Canada

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Misha Khan and Michèle Biss



## Agenda

- 1. What is the Right to Housing and Where Does it Come From
- 2. The Sustainable Development Goals vs. International Human Rights Law: Key Differences
- 3. Understanding the Right to Housing: Implications for Canada
- 4. The Role and Work of the National Right to Housing Network
- 5. Lessons Learned: Canada's Progress with its Legislated Right to Housing Commitment
- 6. Charting the Future of Housing Rights in Canada





"The right to housing is not just a rallying cry. It, like human rights more generally, offers concrete standards that can be implemented and measured for progress."

- UN Special Rapporteur on the Right to Adequate Housing





# The right to adequate housing in international law

## 7 essential features of adequate housing:

- i. Legal security of tenure
- ii. Availability of servicesand materials
- iii. Affordability
- iv. Habitability
- v. Accessibility
- vi. Location
- vii. Cultural adequacy

## Principles of the *International Covenant on Economic, Social, and Cultural Rights*

- Progressive realization
- Maximum available resources
- Human Rights Goals and Timelines (i.e., ending homelessness in the shortest possible time)

The right to adequate housing is not just about housing programs but also about legal protections of housing rights, tax measures, planning, and regulation of investors.





## Countries that have ratified the International Covenant on Economic, Social, and Cultural Rights

- Argentina (1986)
- Australia (1980)
- Canada (1976)
- Chile (1972)
- Finland (1975)
- France (1980)
- Ireland (1989)

- Mongolia (1974)
- New Zealand (1978)
- Pakistan (2008)
- South Africa (1998)
- United Kingdom of Great Britain and Northern Ireland (1976)

Full list here



# International human rights laws

- Connected to a monitoring system including
   Treaty Body reviews (every 5 years or so) and
   Special Rapporteurs
- Highlights accountability and requires governments to respect, protect and fulfill these rights
- Legally binding obligations established
   through international treaties, including the
   International Covenant on Economic, Social and
   Cultural Rights (ICESCR)

## Sustainable Development Goals

- A global framework with a set of 17 goals, adopted in 2015 under the United Nations 2030 Agenda
- Focuses on targets and measurable progress towards sustainable development
- Voluntary commitments by countries – no binding legal obligations





# Understanding the Right to Housing: Implications for Canada

- The right to housing in the courts
  - The Tanudjaja v. Canada (AG) case
- Going to treaty bodies reviews of Canada
- Open letter campaign
- National Housing Strategy Act legislated in 2019



### INTERNATIONAL HUMAN RIGHTS MECHANISMS

#### THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (CESCR)

- Issues General Comments and statements on emerging issues
- Hears from NGOs, all levels of governments, and human rights commissions during periodic reviews; issues Concluding Observations
- Considers individual and systemic cases from countries that have ratified the Optional Protocol to the ICESCR; issues findings and recommendations

#### UN SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING

- Independent but supported by the Office of the High Commissioner on Human Rights at the United Nations (UN)
- Actively engages with rights holders and experts; issues thematic reports, identifying critical systemic issues and clarifying obligations under international human rights law
- Conducts missions to countries and submits reports on findings and recommendations

#### CANADA'S PARALLEL MECHANISMS UNDER THE NHSA

#### **NATIONAL HOUSING COUNCIL (NHC)**

- Advises the Minister to ensure that the NHS
   "furthers the progressive realization of the right to
  housing"
- Appoints a 3-person Review Panel to hold hearings on systemic issues

#### FEDERAL HOUSING ADVOCATE: MARIE-JOSEE HOULE

- Independent but supported by the Office of the Federal Housing Advocate (OFHA) at the Canadian Human Rights Commission
- Actively engages with rights holders, experts and research into systemic issues, identifying critical systemic issues and clarifying obligations under international human rights law; submits findings and recommendations to the Minister
- Receives "submissions" on systemic issues, conducts reviews, and refers certain issues to the Review Panel
- Monitors goals and timelines and progressive realization under the NHSA

#### **REVIEW PANEL**

- Comprised of 3 NHC members (with **lived experience** of homelessness and housing need, **human rights expertise**)
- Holds hearings on systemic issues; hears from rights-holders and organizations with human rights/housing expertise and submits findings and recommendations to the Minister

#### MINISTER OF HOUSING, INFASTRCTURE, AND COMMUNITIES CANADA

- Receives findings and recommendations from the Housing Advocate, NHC, and Review Panel
- Must respond to findings and recommendations of the Panel within 120 days via a tabled report with the House of Commons and the Senate



## Creation of the National Right to Housing Network

- Launched in 2020
- Goals of the NRHN:
  - To advise and strengthen Canada's infrastructure for the implementation and growth of Canada's commitment to housing as a fundamental human right; and
  - To build the community-based infrastructure and culture that supports the meaningful implementation of the right to housing.
- Currently has a membership of over 2,000 individuals and organizations committed to the meaningful implementation of the right to housing in Canada



# What we've learned from:

- The first ever review panel last year —
  which was on the issue of financialization
  of purpose-built rental housing
- The first Advocate led review on government responses to homeless encampments

# Barriers and How we've Responded:

- 1) Accessibility: Many rights claimants feel overwhelmed or excluded by the complexity of standard consultation processes.
- 2) Public Knowledge and Education: The public simply doesn't know about review panels and how to engage in this new process.
- 3) Trust-building through Transparency and Action: Rights claimants often enter these processes with skepticism wondering whether their input will lead to real change.

# **Charting the Future of Housing Rights in Canada**





## How do we have success with governments who have historically been resistant to human rights implementation?

Go to www.mentimeter.com

Code: 6467 6461



## How are you finding that the climate crisis intersects with homelessness in your context?

Go to www.mentimeter.com

Code: 6467 6461



## Thank You!

Misha Khan, Strategic Development Manager

misha@housingrights.ca

Michèle Biss, National Director

michele@housingrights.ca

housingrights.ca

## Sign up for the NRHN Newsletter here!







