

CONSENSUS OF UN HUMAN RIGHTS BODIES ON THE NEED FOR A HOUSING STRATEGY BASED ON THE HUMAN RIGHT TO ADEQUATE HOUSING

United Nations Treaties and Declarations

Universal Declaration of Human Rights

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

International Covenant on Economic, Social and Cultural Rights

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

Convention on the Rights of Persons with Disabilities

Article 28

Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

Treaty Monitoring Bodies and Special Rapporteur

UN Special Rapporteur on Adequate Housing – Mission Report on Canada (2007)

18. Canada is one of the few countries in the world without a national housing strategy. The federal, provincial, territorial and municipal governments, along with civil society organizations (including the charitable sector) have introduced a series of one-time, short-term funding initiatives that have been described by housing experts in Canada as a “fraying patchwork”. This issue has been raised in various occasion including in the recent report by the Ontario Human Rights Commission (OHRC).

22. Canada has a significant number of programmes relating to housing that are funded by the authorities at federal, provincial and municipal levels. Due to funding, programme and legislative differences in various parts of the country, the overall effect seems uneven and disorganized. Similarly, it has also been argued that lack of a national and coordinated national strategy on affordable housing or homelessness has led to high costs with little concrete impact on the situation. These concerns have also been expressed by local authorities.

59. In its most recent review of Canada's periodic report, the Committee on Economic, Social and Cultural Rights called upon "federal, provincial and territorial governments to address homelessness and inadequate housing as national emergency by reinstating or increasing, where necessary, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels, and providing adequate support services for persons with disabilities".

60. The CESCR has also called on 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".

90. The Special Rapporteur calls for Canada to 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.

92. In order to design efficient policies and programmes, 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. Federal, provincial and territorial authorities should also collaborate with authorities that are the closest to the need of the population such as municipal authorities, service providers and civil society organizations.

93. The authorities should take advantage of the outstanding level of academic analysis of right to housing issues available in Canada to implement the detailed recommendations contained in the Ontario Human Rights Commission report.

UN Committee on Economic, Social and Cultural Rights (2006)

28. ... the Committee is concerned that the estimated number of homeless persons in Canada still ranges from 100,000 to 250,000. The Committee, while welcoming the decrease in the proportion of households with core housing need, notes with concern that in 2001 such households still represented about 13.7 to 16 per cent of all households. The Committee is further concerned that shelter allowances and social assistance rates continue to fall far below average rental costs, and that waiting lists for subsidized housing remain very long, for example, in Hamilton and Montreal.

29. The Committee notes with particular concern that many evictions occur on account of minimal arrears of rent, without due consideration of the State party's obligations under the Covenant.

57. The Committee recommends that the State party give special attention to the difficulties faced by homeless girls, who are more vulnerable to health risks and social and economic deprivation, and that it take all necessary measures to provide them with adequate housing and social and health services.

59. The Committee recommends that the State party ensure that low-income women and women trying to leave abusive relationships can access housing options and appropriate support services in keeping with the right to an adequate standard of living.

62. The Committee reiterates its recommendation that the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency by reinstating or increasing, where necessary, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels, and providing adequate support services for persons with disabilities. The Committee urges the State party to implement a national strategy for the reduction of homelessness that includes measurable goals and timetables, consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms, in keeping with Covenant standards.

UN Human Rights Committee (1999)

12. The Committee is concerned that homelessness has led to serious health problems and even to death. The Committee recommends that the State party take positive measures required by article 6 [right to life] to address this serious problem.

UN Committee on Economic, Social and Cultural Rights (1998)

46. The Committee recommends that the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency by reinstating or increasing, as the case may be, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels, providing adequate support services for persons with disabilities, improving protection of security of tenure for tenants and improving protection of affordable rental housing stock from conversion to other uses. The Committee urges the State party to implement a national strategy for the reduction of homelessness and poverty.

UN Committee on Economic, Social and Cultural Rights (1993)

17. The Committee is concerned that the right to security of tenure is not enjoyed by all tenants in Canada.

18. The Committee learned from non-governmental organizations of widespread discrimination in housing against people with children, people on social assistance, people with low incomes, and people who are indebted. Although prohibited by law in many of Canada's provinces, these forms of discrimination are apparently common. A more concerted effort to eliminate such practices would therefore seem to be in order.

20. Given the evidence of homelessness and inadequate living conditions, the Committee is surprised that expenditures on social housing are as low as 1.3 per cent of Government expenditures.

25. The Committee recommends the incorporation in human rights legislation of more explicit reference to social, economic and cultural rights.

27. The Committee recommends the extension of security of tenure to all tenants and draws the attention of the State party to its General Comment No. 4 on the Right to Adequate Housing (article 11-1 of the Covenant), in particular paragraph 8.

United Nations Human Rights Council Recommendations made Under Universal Periodic Review and Accepted by Canada

Recommendation 47

Consider taking on board the recommendation of the Special Rapporteur on adequate housing, specifically to extend and enhance the national homelessness programme and the Residential Rehabilitation Assistance Programme.

Recommendation 48

Intensify the efforts already undertaken to better ensure the right to adequate housing, especially for vulnerable groups and low income families.

General Comment 4: The Right to Adequate Housing, Adopted by UN Committee on Economic, Social and Cultural Rights (1991)

12. While the most appropriate means of achieving the full realization of the right to adequate housing will inevitably vary significantly from one State party to another, the Covenant clearly requires that each State party take whatever steps are necessary for that purpose. This will almost invariably require the adoption of a national housing strategy ...