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Amendments to the National Housing Strategy Act

Oral presentation to the House of Commons Standing Committee on Finance regarding Bill C-97, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures

May 14, 2019

I am Leilani Farha, the United Nations Special Rapporteur on the right to housing. I was appointed to this position by the UN Human Rights Council in 2014. In this capacity, my role is to monitor and assess the right to housing in countries across the world. I often provide technical assistance to governments with respect to the drafting and implementation of law and policy related to the right to housing.

I thank the Committee for providing me with an opportunity to appear before it. My comments today will be brief and will focus on the National Housing Strategy Act. I have been in conversation with Minister Duclos' office as well as with Parliamentary Secretary Adam Vaughan as this legislation has taken shape.

In May 2017 I issued a formal communication – called an Allegation Letter – to the Government of Canada expressing my concerns regarding the alarming rates of homelessness in the country – which I note, persist until today – and the lack of a national housing strategy based in human rights. Subsequently, in November 2017, the Government introduced its rights based National Housing Strategy (NHS).

In July 2018, I was compelled to write a follow-up letter to the Government of Canada expressing my concern regarding two matters. First, that while a “rights-based” NHS had been adopted, the government appeared to be reluctant to recognize the right to housing in legislation. Second, the government appeared to be reluctant to ensure access to effective remedies through which rights holders could hold the Government accountable to the obligation to progressively realize the right to housing. I indicated at that time that this would put the Government of Canada at odds with its international human rights obligations.

In April of this year, the Government wrote to assure me that my concerns were being addressed through Bill C-97.

Unfortunately, in its current form, Bill C-97 does not address my concerns. Amendments are required.

The National Housing Strategy Act (NHSA) makes a policy commitment to the progressive realization of the right to housing consistent with the International Covenant on Economic, Social and Cultural Rights, creates an independent Housing Advocate supported by the Canadian Human Rights Commission, establishes a National Housing Council with explicit inclusion of people with lived experience of homelessness and inadequate housing, and commits to ensuring participation of affected communities. These developments are positive and I commend their inclusion in the NHSA. But more needs to be done if Canada wants to comply with its international human rights obligations and become a model for other governments.

I understand that last week representatives from civil society provided you with an overview of amendments to the Act that would be required to bring Canada in compliance with its international human rights obligations. I concur with their submissions and reiterate them as follows:

1. The NHSA must include a clear articulation that housing is a fundamental human right.
2. The Government's implementation of the progressive realization of the right to housing must be monitored. The proposed Housing Council should play a role in this.
3. The Housing Advocate must be able to receive and investigate petitions that identify systemic housing rights issues and make specific recommendations to which the Minister must respond;
4. The legislation must establish a procedure for the Housing Advocate to refer important systemic housing rights issues to public hearings before a panel drawn from the Housing Council, ensuring affected groups have a voice. The panel's recommendations must be considered by the Minister.

The proposed amendments are by no means a high-water mark of the right to housing. Other jurisdictions offer more protections and accountability. These amendments are, however, creative, responsive to the Canadian context, and consistent with Canada's human rights obligations.

There is no reason to be fearful of legislation that embraces Canada's human rights obligations. It is now well understood internationally that alongside climate change, housing is the key issue of our times. The world is experiencing a housing crisis, and Canada is in the thick of it. One need only walk down the city streets of Toronto, Vancouver and even Ottawa to know it. It is now well established that only an approach based in human rights will achieve the housing outcomes I know this government is keen to reach.

I do hope that amendments such as those proposed in this submission and those of others last week will be tabled and adopted by this Committee and that I might be able to share Canada's achievement on the World stage.

Thank you.