



MEETING SD 26-20-24

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**THURSDAY, SEPTEMBER 5, 2024
DET'ANCHOGH KÙÉ - EAGLE ROOM / ZOOM
1:30 PM**

AGENDA

1. Call to Order
2. Prayer
3. Review and Adoption of Agenda
4. Declarations of Conflict of Interest
5. Public Matters:
 - a. Public Briefing on Housing as a Human Right with National Right to Housing Network
6. In Camera Matters:
 - a. Housing as a Human Right Project
 - i. Debrief
 - ii. Further Invitations to Witnesses
 - iii. Project Scope
 - b. Confidential Correspondence:
 - i. 2024-08-26 Honourable Minister of Health and Social Services
 - ii. 2024-08-27 Honourable Minister of Health and Social Services
 - iii. 2024-08-30 Honourable Minister of Education, Culture and Employment
 - c. Workplan
7. New Business
 - a.
8. Date and Time of Next Meeting: Friday, September 6, 2024 at 1:30PM
9. Adjournment



The Right to Housing in Canada

September 5, 2024

Presented by Michèle Biss,
National Director of the NRHN



THE NATIONAL
RIGHT TO HOUSING
NETWORK

Outline

1. Story of advocacy to get to the *National Housing Strategy Act* (NHSA)
2. What does the right to housing mean?
3. Application to the North and report developed by Janine Harvey and Lisa Alikamik





The story of advocacy to get to the NHSA

- 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

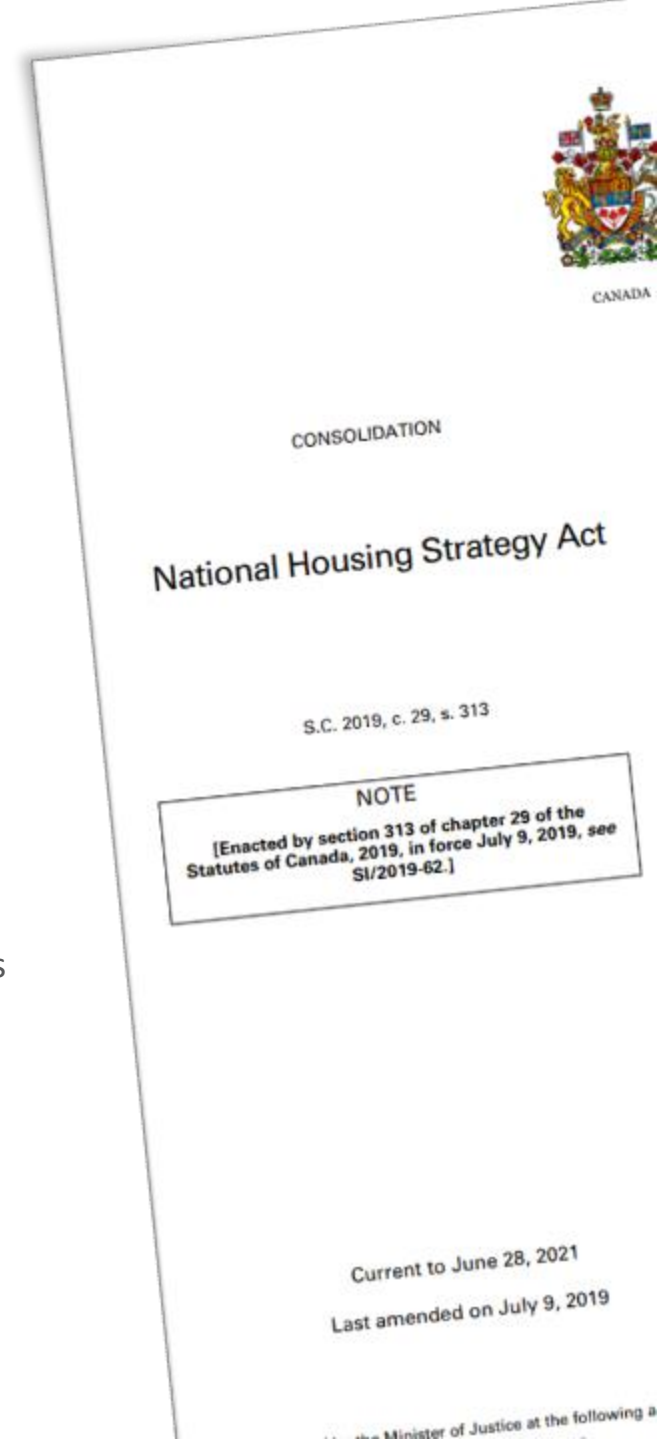
MINISTER OF HOUSING, INFRASTRUCTURE, AND COMMUNITIES

- 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

Background on the NHSA (i.e. “the Act”)

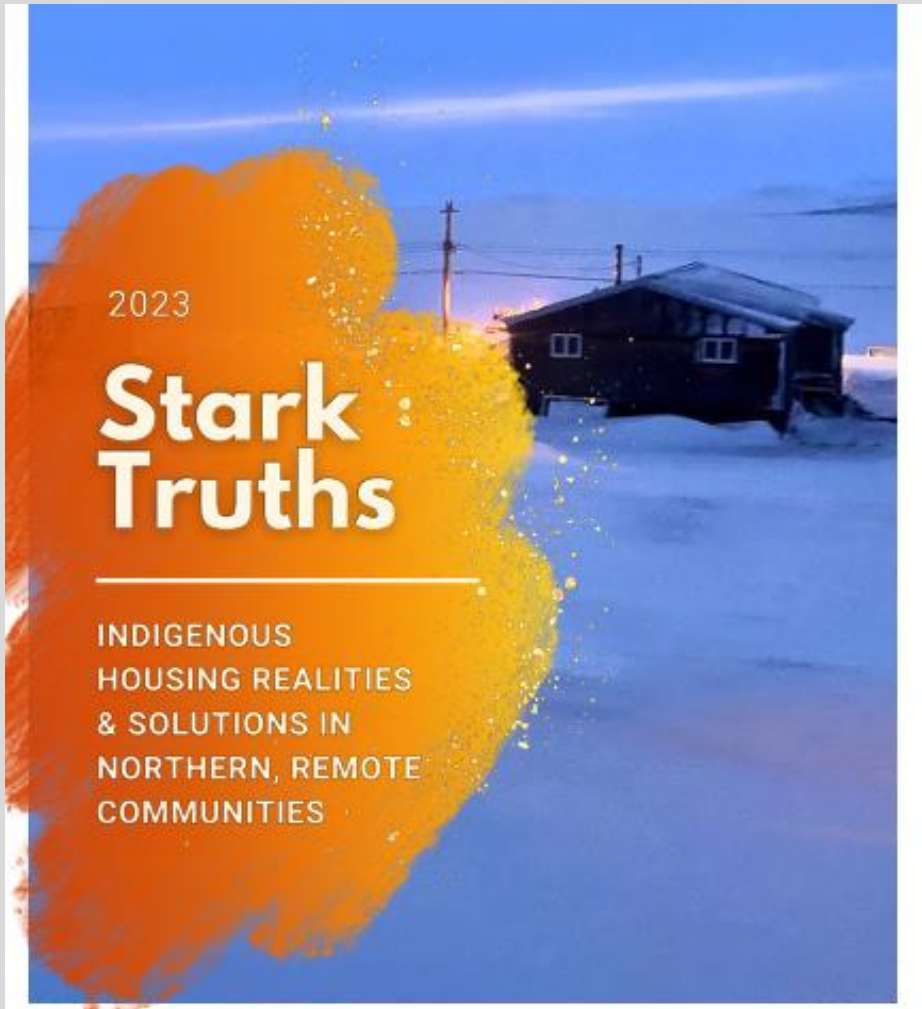
The *National Housing Strategy Act* requires the government of Canada to:

- a) Recognize the right to housing as a **fundamental human right based on international human rights law**.
- b) Establish that the **National Housing Strategy**, the **National Housing Council** and the **Federal Housing Advocate** must further the **progressive realization of the right to housing**.
- c) Mandate the Federal Housing Advocate to **engage with rights-claimants and civil society**, receive **submissions on systemic housing issues** and **submit findings and recommendations** on the realizing the right to housing to the government.
- d) Establish a **Review Panel with human rights and lived experience expertise** to hold **public hearings in systemic issues**, ensuring participation by affected groups and civil society organizations and make findings and recommendations to the government.
- e) **Respond to all findings and recommendations.**



“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



Thank You!


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 @R2HNetwork

 @R2HNetwork

 National Right to Housing Network



THE NATIONAL
RIGHT TO HOUSING
NETWORK



Speaking Notes for Northwest Territories Legislature Study on the Right to Housing

Michèle Biss, National Director

September 5, 2024, at 3:30 pm ET

(Slide one)

Good morning and thank you for the opportunity to speak to this committee. My name is Michèle Biss, and I am the National Director of the National Right to Housing Network. I am joining you today from the traditional lands of the Algonquin Anishinaabe, colonially known as the city of Ottawa.

For some context, the National Right to Housing Network is a broad-based, grassroots civil society network of over 2,000 organizations and individuals, established to fully realize the right to housing in Canada. Since our launch in February 2020, the NRHN has become a key resource in guiding Canada's new human rights-based oversight mechanisms – including the Office of the Federal Housing Advocate, the National Housing Council, and now the upcoming review panels mandated to hold open hearings on systemic violations of the right to housing. We play a critical role as a core convener and representative of rights-based analysis, engagement, and advocacy around housing, collaborating with government authorities to ensure that the historic commitments in the legislated National Housing Strategy Act (NHSA) are meaningfully realized.

I'm pleased to hear that this committee is considering the question, "What does the right to housing mean for law and policies in the Northwest Territories?" I hope to answer some of your questions today and provide you with critical background on what implementing the right to adequate housing has looked like at the national level.

(Slide two)

In my presentation, I will first tell the story of Canada's federal right to adequate housing mechanisms; second, I will outline the norms and principles in international human rights law as they relate to the right to adequate housing; and lastly, I will highlight a report developed by Janine Harvey and Lisa Alikamik, two Inuit right-to-housing advocates, who traveled across the Northwest Territories and Nunavut to conduct culturally appropriate interviews with Indigenous community members, gathering their stories and first-hand experiences of trying to find affordable, safe, and secure housing in the North.

(Slide three)

Before I begin, I would like to share a story about the development of Canada's National Housing Strategy Act, passed by the federal government in 2019. About six years ago, the federal government

began to explore what the right to housing would mean in legislation. This followed an important *Charter* litigation decision that this committee should know about, called the Tanudjaja or “Right to Housing” case. The court challenge was launched by a broad coalition of organizations and individuals affected by homelessness and inadequate housing, claiming that the Ontario and Canadian governments failed to respond to repeated and urgent recommendations from United Nations human rights bodies, human rights commissions, and a range of experts urging these governments to implement comprehensive housing strategies based on the right to adequate housing, including firm goals and timetables for eliminating homelessness.

Despite over 9,000 pages of evidence filed by experts, the Attorneys General filed a motion to strike, which was granted by the trial-level judge and upheld by two members of the Ontario Court of Appeal, although there was a strong dissent from one Ontario Court of Appeal justice, Justice Feldman. I'm sad to say that the case was never heard, and those 9,000 pages of evidence were never reviewed. I tell this story because it is important to know that advocates across the country, including people with lived experience of homelessness, have had a deep hunger for the right to housing to become tangible and meaningfully accessible for decades.

Around 2016, a new federal government began to talk about the right to housing, incorporating it into their National Housing Strategy, which was introduced in 2017. Then, in 2018, a coalition was built of civil society advocates who created draft legislation on the right to adequate housing. Significant community and civil society momentum built behind this movement, and through deep discussions with the government, I am happy to say that in 2019 the federal government passed the National Housing Strategy Act (also known as the NHSA). Critical to this discussion is that the NHSA requires that the 2017 National Housing Strategy be consistent with the progressive realization of the right to adequate housing. However, a fulsome review of the National Housing Strategy has arguably not yet taken place.

(Slide four)

The NHSA also introduced the Federal Housing Advocate, the National Housing Council, and review panel mechanisms. I won't go into too much detail because I know you're hearing later this month from the Federal Housing Advocate herself, but the legislation works in such a way that the Federal Housing Advocate can receive submissions on violations of the right to adequate housing and make an investigation. Her findings and recommendations then go to the Minister of Housing, Infrastructure, and Communities Canada, who must respond within 120 days.

The Federal Housing Advocate also has the power to refer a systemic issue to a review panel made up of three members of the National Housing Council. Those three members have the authority to hold open hearings—both written and oral—from those who have expertise (particularly lived expertise) on the systemic issue. After the hearings, the review panel members make recommendations to the Minister of Housing, Infrastructure, and Communities Canada, and the Minister again has to respond to those recommendations within 120 days.

The first systemic review undertaken by the Federal Housing Advocate under the NHSA was launched last year. On February 13, 2024, the Advocate released her final report and recommendations to the federal government on how to address the systemic issue of encampments under the guidance of the right to housing. This report – the first exercise of the accountability mechanisms of the NHSA – has made tremendous waves. Over the past months, media discourse on the report has shifted focus to

ensuring that long-term solutions to homelessness are prioritized, but that in the meantime, the human rights of those in encampments must be respected. Following this report, we saw a commitment of \$250 million from the federal government in Budget 2024 for communities to engage rights-based responses to encampments.

In May 2024, we received recommendations from the first-ever review panel under the NHSA, which conducted oral and written hearings on the financialization of purpose-built rental housing. In this process, 200 organizations and rights holders with lived experience came forward to make submissions in the hearings. This aligns with the federal government's commitment to invest in non-market housing, and develop a *Renter Bill of Rights*.

Perhaps most critically, this fall the second review panel will launch on the failure of government to address the affordable housing and homelessness crisis faced by women and gender-diverse persons – particularly Indigenous women, girls, and two-spirit persons. Despite the National Housing Strategy's recognition of women and gender-diverse individuals as priority populations, there remains a significant gap in how housing policies and programs are designed and implemented to meet their specific needs. The systemic barriers faced by women and gender-diverse individuals in accessing housing are multifaceted and often exacerbated by intersectional factors such as race, socioeconomic status, and disability.

What is the right to housing?

(Slide 5)

Canada's historic NHSA reaffirms Canada's international obligations to the right to housing and commits the Government of Canada to implementing housing as a fundamental human right based on the requirements of international human rights. The NHSA commits the federal government to "further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights" and requires that the government develop and maintain a national housing strategy, a coherent set of programs, policies, and budgetary allocations to fulfill this commitment. The NHSA applies to any measures within federal jurisdiction—including the exercise of its spending power for housing programs in federal and other jurisdictions.

The rights-based approach outlined in the NHSA mandates that federal investments in housing programs and policies must apply international human rights norms as defined by United Nations authorities, including the UN Committee on Economic, Social, and Cultural Rights, and Special Rapporteurs.

The federal government must use the "maximum of available resources" and "all appropriate means" (including legislative and other measures) to ensure adequate housing for all. This is a high standard for a wealthy state like Canada, commensurate with the priority that must be accorded what the NHSA affirms as a "fundamental human right ... essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities." It also requires that these investments target and prioritize those in greatest housing need, with an aim of "progressively realizing" the right to housing in the shortest possible time, using clear targets, timelines, and monitoring processes to track progress.

The right to adequate housing, as outlined in the NHSA and international human rights law, recognizes that all people are entitled to adequate housing. There are seven elements to the right to housing:

security of tenure, affordability, habitability, access to basic services, location, accessibility, and cultural adequacy.

A rights-based approach to housing also requires that housing decisions, policies, and investments be rooted in meaningful engagement with affected communities (i.e., people with lived or living experience of homelessness or inadequate housing), human rights experts and advocates, and civil society. Critically, access to justice is a core component of the right to adequate housing—meaning that rights holders need opportunities to speak truth to their experiences and be met with remedies.

(Slide 6)

On this slide, you'll see a quote from the UN Special Rapporteur on the Right to Adequate Housing – if you take anything from this presentation, I hope it is that the right to housing is not just a rallying cry, it is a set of norms and standards articulated by international human rights authorities.

I'd like to pause and highlight two key recommendations:

- 1. That the Government of the Northwest Territories reflect, in legislation, the right to adequate housing as it articulated in international human rights law, by the UN *Convention on Economic, Social, and Cultural Rights*, which applies to all levels of government, including territorial governments.**
- 2. That the Government of the Northwest Territories consider the appointment of a territorial housing advocate who functions in a similar manner to the Federal Housing Advocate.**

Cultural Adequacy

(Slide 7)

The last point I would like to discuss is cultural adequacy, one of the seven elements of the right to adequate housing. Last year, Janine Harvey and Lisa Alikamik of Ulukhaktok, Northwest Territories, conducted culturally appropriate interviews and surveys within their Indigenous communities to hear from local residents about their stories and experiences with housing in the NWT.

The report they produced is called [*Stark Truths: Indigenous Housing Realities and Solutions in Northern Remote Communities*](#). Critically, the development of the report involved culturally appropriate sessions with those who had experienced the housing crisis in the Northwest Territories. People were more open to sharing their experiences and the solutions they saw available to them because of the deep trust built through culturally appropriate interviews. Their report highlights issues around homelessness, shelters, transitional housing, discrimination, arrears and evictions, safety, basic infrastructure, health and habitability, and education.

In the interest of time, I will not go through all the recommendations in the *Stark Truths* report, but I **strongly recommend that this Committee review those recommendations in detail.**

I will highlight two key recommendations from their report: one, the appointment of advocacy workers, to help tenants and people experiencing homelessness file paperwork, help with applications, and seek funding to attend hearings in a culturally appropriate way. The second recommendation is for culturally appropriate applications to be available so that people who can

speaking Indigenous languages are involved in accepting housing applications and assisting throughout the process.

I will note as well for this committee, that the Federal Housing Advocate released a report in 2023 as an [Observational Report on Inuit Housing](#). I strongly encourage this Committee to review that report, though I anticipate you will hear more about that study during the appearance of the Federal Housing Advocate later this month.

(Slide 8)

Thank you again for the opportunity to engage with this committee. I wish you the very best in your study and look forward to answering any questions you might have.