

The Ontario Housing First Regional Network Community of Interest (OHFRN-Col) presents a webinar on...

The human rights approach to housing

Thursday September 13, 2018 1pm – 2:30pm (EDT)

The human rights approach to housing webinar

HOUSEKEEPING

- The audio is being stream via your computers. For optimal sound, please use external speakers or earphones. If you are still having trouble hearing our presenters, you can dial into **1-800-509-6600**
Participant PIN: 95437934#
- This webinar will be recorded and posted on the [Col's webpage](#) following the presentation.
- Please also let us know via the chat box if someone is watching the webinar with you!
- Some collected data from the webinar might be used for reporting.
- We would appreciate having your feedback on today's knowledge exchange webinar. You will receive a link to an online survey towards the end of the webinar. **Thanks in advance for the 5 minutes of your time to complete our online feedback survey!**

The human rights approach to housing webinar

Today's webinar

This webinar will explore how a Housing First approach fits with a human rights approach to housing.

You will learn about:

- ✓ A rights-based approach for the National Housing Strategy;
- ✓ How Housing First fits with the approach; and,
- ✓ How to get the rights-based approach into legislation.

The human rights approach to housing webinar

Before we begin, we would like to know a little about YOU!

WHICH SECTORS are participating in today's webinar. Please answer the poll:

What sector do you work in?

- ☐ Hospital
- ☐ Community mental health and addictions
- ☐ Housing and homelessness
- ☐ Developmental disabilities
- ☐ Family services
- ☐ Primary care
- ☐ Justice
- ☐ Corrections
- ☐ Education
- ☐ Culturally based and/or ethno/faith/language/population specific services
- ☐ Government/Ministry
- ☐ Persons with lived experience
- ☐ Public health
- ☐ Funder
- ☐ Peer support services
- ☐ Employment
- ☐ Other (please specify which sector in the chat box)

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Before we begin, we would like to know a little about YOU!

WHO is participating in today's webinar. Please answer the poll:

What is your main role in relation to the addictions and/or mental health sectors?

- ☐ Agency Leadership
- ☐ Direct Service Provider
- ☐ Knowledge Broker/Implementation Staff
- ☐ Person with Lived Experience and/or Family Member
- ☐ Policy Maker/Decision Maker
- ☐ System Planner
- ☐ Researcher/Research staff
- ☐ Other (please specify in chat-box)
- ☐ Not in the addictions and/or mental health sectors

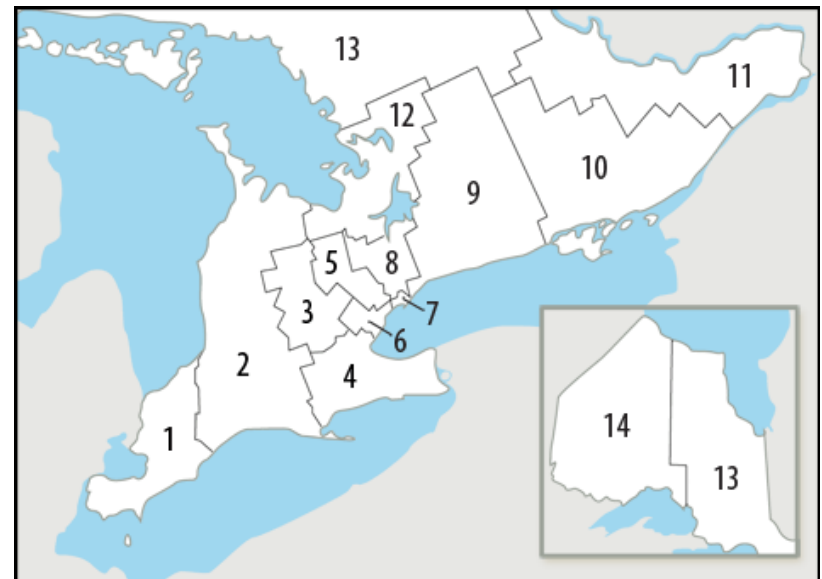
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Now we would like to know a little more about YOU!

WHERE everyone is participating from. Please answer the poll:

Which Local Health Integration Network (LHIN) area are you participating from?

- ☐ 1. Erie St. Clair
- ☐ 2. South West
- ☐ 3. Waterloo Wellington
- ☐ 4. Hamilton Niagara Haldimand Brant
- ☐ 5. Central West
- ☐ 6. Mississauga Halton
- ☐ 7. Toronto Central
- ☐ 8. Central
- ☐ 9. Central East
- ☐ 10. South East
- ☐ 11. Champlain
- ☐ 12. North Simcoe Muskoka
- ☐ 13. North East
- ☐ 14. North West
- ☐ I am participating from outside of Ontario
- ☐ Not sure



The human rights approach to housing webinar

Ontario Housing First Regional Network CoI (OHFRN-COI)

Purpose: To assist communities across Ontario to develop, evaluate, and improve Housing First (HF) programs based on the Pathways model tested, adapted, and shown to be effective in the [At Home / Chez Soi Demonstration Project](#).



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OHFRN-COI's Goals



1. **Build** local capacity for HF programs;
2. **Expand** HF programs across the province;
3. **Promote** high quality implementation of the HF model that includes both fidelity to and adaptation of the model;
4. **Obtain** financial support for HF programs and research; and,
5. **Inform** provincial and local housing and support policies for homeless people with mental illness and addictions.

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Membership

Members of the OHFRN-COI will consist of Ontario HF policy-makers planners, managers, service-providers, researchers, and persons with lived experience, including representatives from the housing, health, and justice sectors. Key partners may include the Canadian Alliance to End Homelessness, the Homeless Hub, Service Canada and the Homelessness Partnering Strategy, and local HF programs.

The OHFRN-COI encourages community entities to participant in our Col!

For more information, visit <http://eenet.ca/housing-first-community-of-interest/>

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Some of OHFRN-COI Activities to date

- ✓ Hosted the [Ontario Housing First Forum: Linking Research to Practice](#) on January 25th, 2018
- ✓ Sent a [letter](#) to federal Minister of Families, Children and Social Development, regarding Housing First & National Housing Strategy
- ✓ Developed a policy brief, "[A Portable Housing Benefit as an Indispensable Component of Ending Homelessness in Canada](#)"
- ✓ Hosted a webinar on [Fidelity Assessment in Housing First](#)
- ✓ Hosted a [Rent Assistance webinar](#)

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More OHFRN-COI Activities to date

- ✓ Established a roster of Ontario HF training and technical assistance and research/evaluation consultant experts to help communities evaluate or study their Housing First programs.
- ✓ Sent a letter to Ministry of Housing / Ministry Responsible for the Poverty Reduction Strategy, (and previously to Chris Ballard) that provides feedback on the Portable Housing Benefit Framework.
- ✓ Presence on the Community Workspace on Homelessness
- ✓ Developing an inventory of HF programs in Ontario. **If you are implementing an HF program, let us know here:**
https://www.surveymonkey.com/r/OHFRNCOI_HFinventory

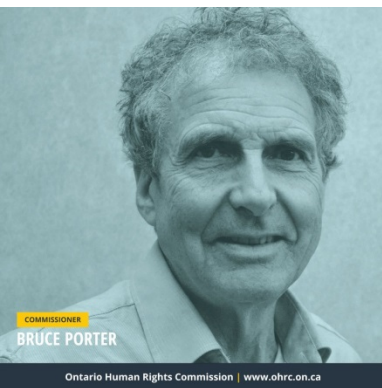
Today's presenters:



Kenneth Hale is a lawyer and the Director of Advocacy and Legal Services at the Advocacy Centre for Tenants Ontario (ACTO), focusing on law reform work, training and test cases. Over his long career he has argued many cases on behalf of residential tenants in Ontario's courts and tribunals and has made presentations to professional training programs and community meetings all across Ontario.



Emily Paradis has been an activist, researcher, advocate and front-line service provider on issues of housing and homelessness for 25 years. Her scholarship and practice aim to support marginalized communities in claiming spaces and rights in the city



Bruce Porter is the Director of the Social Rights Advocacy Centre, a Commissioner of the Ontario Human Rights Commission and the Senior Advisor to the Special Rapporteur on the Right to Adequate Housing. Bruce has spearheaded advocacy and legal initiatives for the right to housing in Canada and internationally for many years, as well as publishing many articles and book chapters. He has been active in the campaign for the right to housing in Canada's National Housing Strategy legislation and in the development of draft legislation based on civil society proposals.

Human Rights Approach to Housing Webinar for OHFRN-Col, 13 Sept 2018

Kenn Hale, Advocacy Centre for Tenants Ontario

Emily Paradis, Independent researcher

Bruce Porter, Social Rights Advocacy Centre

History & background of the Right to Housing

We have already agreed that housing is a human right:

- 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

Canada recognized that housing is a fundamental right by ratifying the International Covenant on Economic, Social and Cultural Rights in 1976

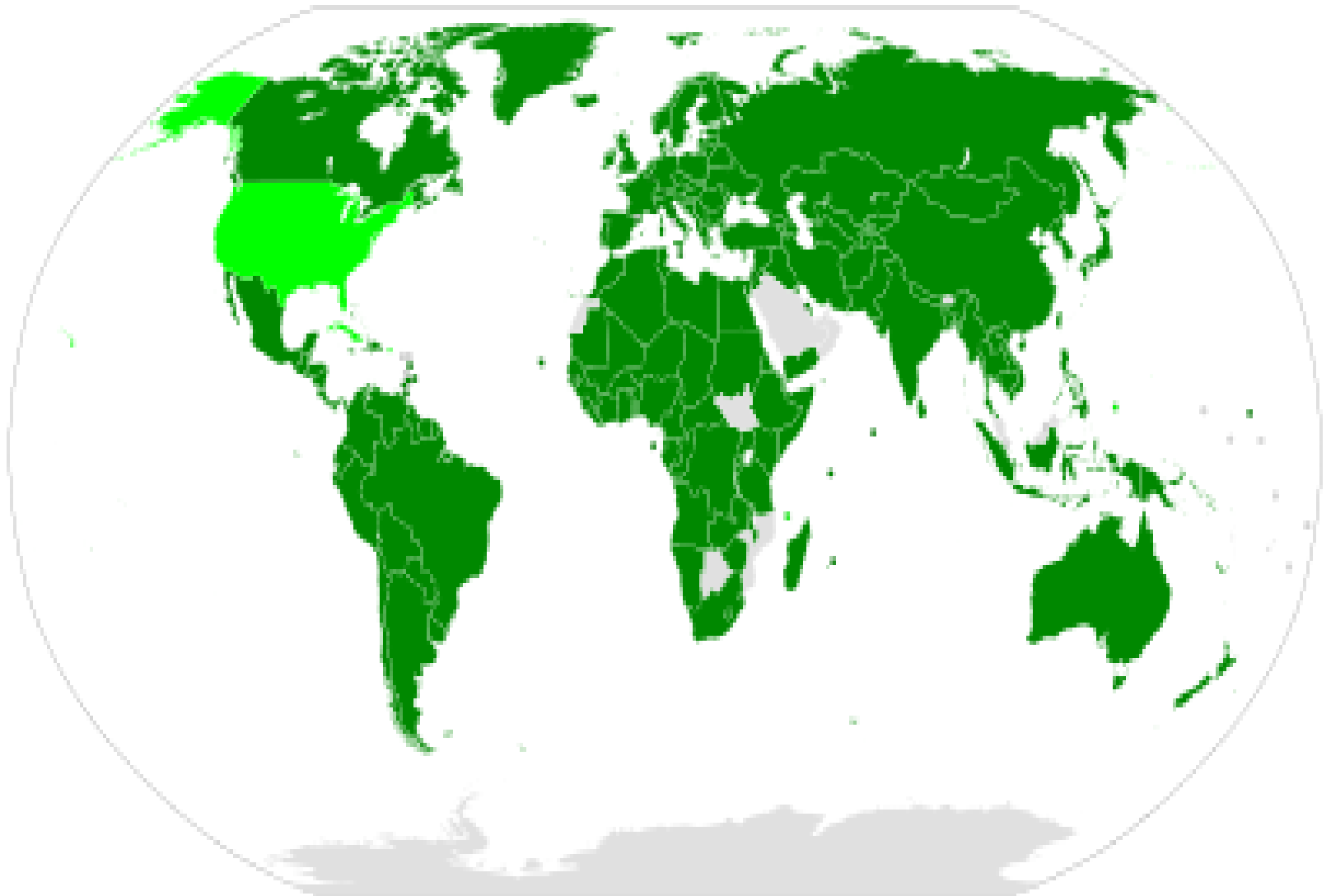
Article 11

1. The States Parties to the present Covenant recognize the right of everyone to **an adequate standard of living ... including adequate food, clothing and housing ...**

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, **to the maximum of its available resources**, with a view to **achieving progressively the full realization** of the rights recognized in the present Covenant **by all appropriate means, including particularly the adoption of legislative measures.**

Countries that have ratified the ICESCR



What does the right to housing mean?

CESCR

the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as **the right to live somewhere in security, peace and dignity.**

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)

States must ensure access to effective remedies for the right to housing

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. (**Universal Declaration of Human Rights**)

“the Covenant norms must be recognized in appropriate ways within the domestic legal order, appropriate means of redress, or remedies, must be available to any aggrieved individual or group, and appropriate means of ensuring governmental accountability must be put in place (Committee on Economic, Social and Cultural Rights (General Comment No. 9)

Most countries recognize the right to housing as a constitutional right or in legislation

Some of the countries that have the right to housing in their constitution:

Argentina, Bangladesh, Belgium, Brazil, Burkina Faso, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Finland, Guatemala, Guyana, Haiti, Honduras, Maldives, Mali, Mexico, Nepal, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Poland, Republic of Korea, Russian Federation, Russian Federation, Seychelles, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Uruguay, Viet Nam, Sri Lanka.

UN human rights bodies have expressed strong concern about lack of accountability for the right to housing in Canada

The Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the right to housing have urged Canada to recognize the right to housing as a component of Charter rights and through legislation. Canada must implement a national housing strategy that includes “measurable goals and timetables, consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms.” (CESCR 2006; Special Rapporteur Report to Human Rights council on Mission to Canada, 2008)

History & background of the Right to Housing

We have a Charter that “guarantees” respect for human rights:

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.

History & background of the Right to Housing

“As economically poor women in the trenches, we sincerely believe that this Committee will remember our voices, insight, and experiences when formulating your Concluding Observations on Canada. ... Our lives bear the scars of Canadian governments’ flagrant disregard of the Covenant in the period covered by this review. The rights violations we have experienced demonstrate that an adequate standard of living and adequate housing are fundamental to all human rights.”



Doreen Silversmith,
Statement to the 36th
Session of the Committee on
Economic, Social & Cultural
Rights, 1 May 2006.

The Right to Housing – Concern and Action

2009

The UN Special Rapporteur on Housing:

- “...remains concerned about the significant number of homeless in all parts of the country and by the fact that the government could not provide reliable statistics on the number of homeless.”
- Expressed concern that Canada is one of the only countries in the world without a national housing strategy

2010

“4 courageous individuals and one small but mighty organization” sued the Government of Canada and the Government of Ontario, ask the courts to tell those governments to:

- address the homelessness crisis across Canada and ensure that all Canadians have adequate housing
- adopt a national housing strategy in consultation with groups across Canada

The Right to Housing Coalition

Aboriginal Legal Services of Toronto

ACORN

Amnesty International

Anduhyaun 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

Tenants for Social Housing

Toronto Disaster Relief Committee

Voices From the Street

Wellesley Institute

Women's Legal Education and Action Fund (LEAF)

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

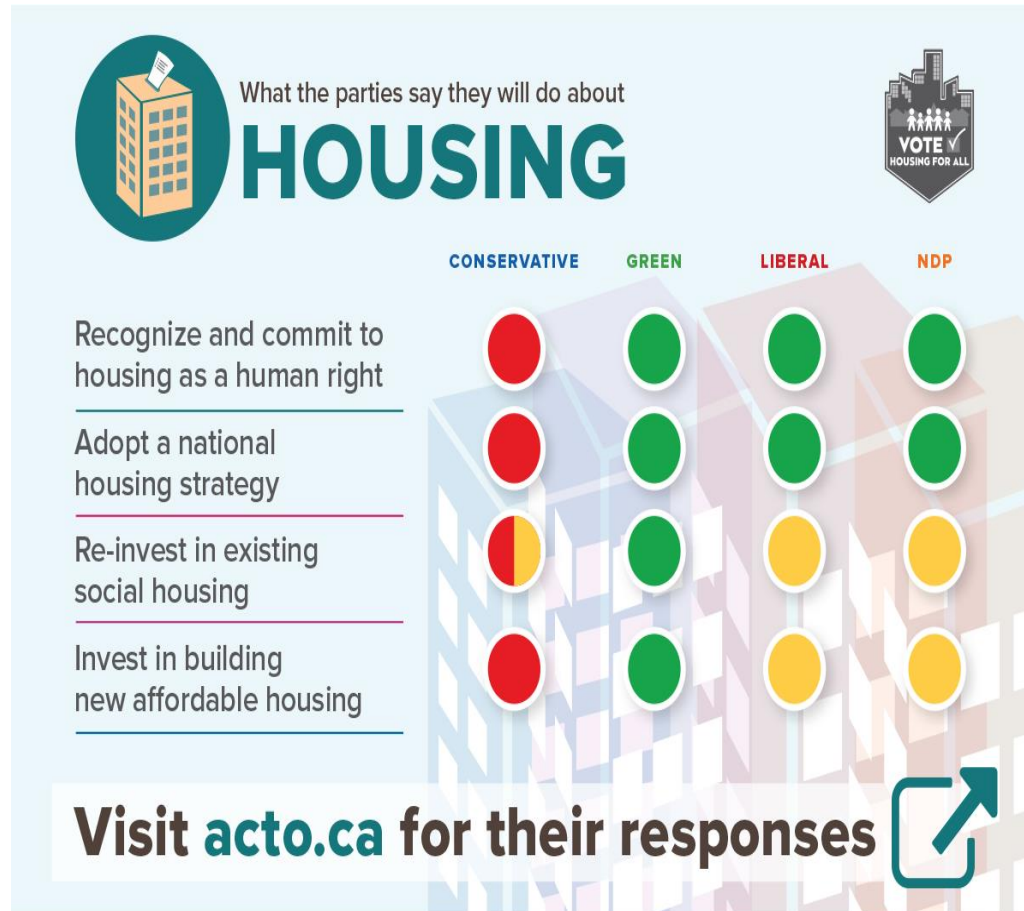
Dean Lorne Sossin, Osgoode Hall Law School

What did the Courts do?

- Application dismissed in a 52-page decision with no evidence before the court
- Appeal to the Ontario Court of Appeal
- On appeal:
 - Two judges found that the claim was more “political” than “legal” and dismissed the appeal
 - Justice Feldman said that the appeal should not be dismissed: “How could the court understand the claims in the absence of evidence?”
- Leave to the Supreme Court?
 - DISMISSED – June 2015



Federal Election, Oct. 2015 – Report Card Time!



National Housing Day – November 2015



UN Committee on Social, Cultural & Economic Rights Reports on Canada's Housing Record (2016)



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



A National Housing Strategy?

Chapter 1

Housing Rights Are Human Rights

Canadians deserve safe and affordable housing. That is why the federal government is taking steps to progressively implement the right of every Canadian to access adequate housing in the principles of inclusion, accountability, participation and non-discrimination, and in the United Nations Sustainable Development Goals and affirm the International Covenant on Social and Cultural Rights.



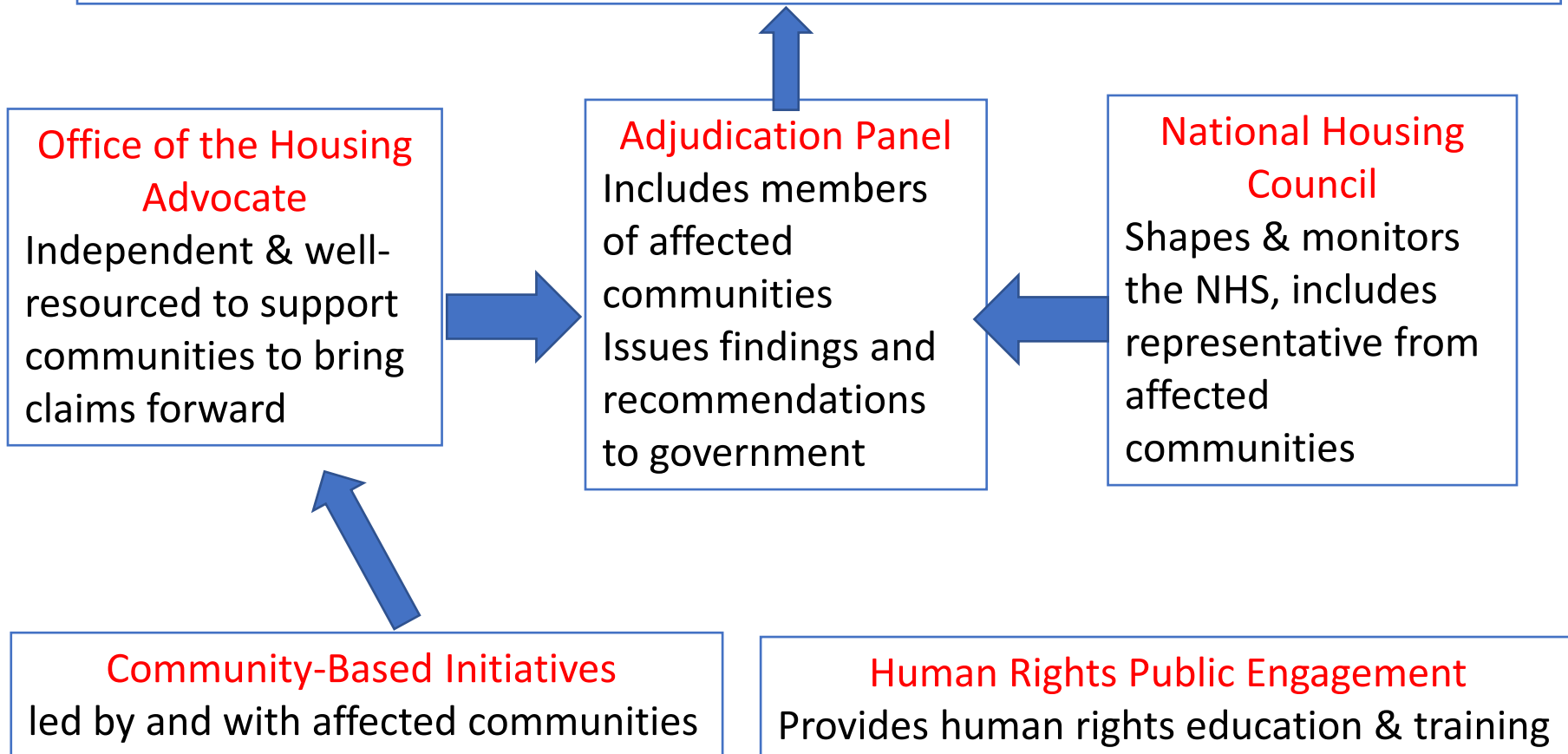
New Legislation

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

Government must issue prompt, public response to findings of Advocate & Panel



Open Letter & Right to Housing Campaign

“We call on the government to ensure that the National Housing Strategy legislation:

- affirms the recognition of the right to housing as a fundamental human right;
- implements accountability mechanisms through which those affected by homelessness or inadequate housing can hold governments accountable for the progressive realization of the right to housing;
- ensures that the Office of the Federal Housing Advocate and National Housing Council are independent, adequately resourced and given authority to make recommendations and require remedial action for compliance with the right to housing
- provides for an adjudication body which includes both experts in human rights and persons with lived experience of homelessness or inadequate housing, to hold accessible hearings into systemic issues affecting the progressive realization of the right to housing and to recommend effective remedies ...”

Sign on & email your MP at <http://nhs.socialrights.ca/open-letter/>

What does it look like in legislation?

An Act to progressively realize the right to housing in Canada by means of a National Housing Strategy ☐

Preamble

Considering that Canada has ratified the International Covenant on Economic, Social and Cultural Rights and other human rights treaties and has, in so doing, **recognized that access to adequate housing is a fundamental human right,**

Excerpt from the Draft Act to progressively realize the right to housing in Canada by means of a National Housing Strategy

Purpose: Progressive realization of right to housing

3. (1) The purpose of this Act is to affirm the Government of Canada's recognition of the right to housing as a fundamental human right, to ensure accountability for the progressive realization of this right and to implement a National Housing Strategy to progressively realize the right to housing in Canada. The right to housing affords everyone a safe and secure home in which to live in security, peace and dignity, meeting standards of adequacy, including standards relating to legal security of tenure, affordability, habitability, availability of services, accessibility, location and culture.

Excerpt from the Draft Act to progressively realize the right to housing in Canada by means of a National Housing Strategy

Elements of the Housing Strategy

The strategy must include:

(f) measures to be implemented in coordination with provinces, territories, municipalities and Indigenous communities to prevent and eliminate homelessness, including measures to provide rapid relief and necessary assistance to low income households and individuals for the payment of housing costs, adjusted to local housing needs and priorities and consistent with the purpose of this Act;

Excerpt from the Draft Act to progressively realize the right to housing in Canada by means of a National Housing Strategy

The strategy must include:

j) plans, targets and timelines based on the indicators, consistent with the purpose of this Act, for reducing and eliminating homelessness, removing households from housing need, creating new housing units, repairing and upgrading existing housing units, improving the housing conditions of groups identified in 3(a); and other measures of progress in achieving the purposes of this Act.

Ontario Housing First Regional Network

COI Letter on Discussion Paper on HRA to Housing: Key Points

1. RBA for the NHS must have an unambiguous focus on preventing and ending homelessness
2. RBA should prioritize people experiencing homelessness and precarious housing in order to end homelessness in Canada as quickly as possible
3. RBA to housing must clearly focus on reducing inequality and exclusion and addressing poverty
4. RBA is consistent with the Housing First approach, with people with lived experience having choice over all aspects of their housing and support

Ontario Housing First Regional Network

COI Letter on Discussion Paper on HRA to Housing: Key Points

5. Benefits must be put in place to enable people who are living in extreme poverty to purchase or rent quality housing
6. For a RBA to work, there needs to be monitoring mechanisms set in place to ensure compliance
7. A more ambitious goal consistent with a RBA is to eliminate chronic homelessness within 10 years

Discussion

How does a Rights-Based Approach correspond to principles and practices guiding Housing First?

- Non-discriminatory
- Goal of secure housing for everyone
- Makes the elimination of homelessness an obligation
- Recognizes those who are homeless as rights-holders and gives them a voice
- Prioritizes the needs of the most vulnerable
- Addresses stigmatization of homeless persons
- Supports community based initiatives
- Requires government to allocate available resources

But:

- Broad v. narrow definition of who gets support

Keep up the pressure – we`re almost there!

Let Ottawa and your local community know how important housing is –
important enough to be a human right!

Kenn Hale actto.ca

Emily Paradis, Independent researcher
e.paradis@utoronto.ca

Bruce Porter, Social Rights Advocacy Centre
<http://socialrights.ca>

The human rights approach to housing webinar

Q/A Session

**Please let us know your questions by
typing in the chat box.**



The human rights approach to housing webinar

Thanks to all participants for joining today's webinar.

The OHFRN-Col would also like to give a special THANKS to Kenneth, Emily and Bruce for today's presentation!



Please take a few minutes to answer our survey on today's webinar and give us suggestions on future webinar topics:

<https://www.surveymonkey.com/r/ohfrncoihumanrightsapproach>

The recording of today's webinar will also be posted the [Col's webpage](#) shortly.

STAY TUNED FOR MORE WEBINARS FROM OUR COI!