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HUMAN RIGHTS COUNCIL  
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Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE  
RIGHT TO DEVELOPMENT**

**Report of the Special Rapporteur on adequate housing  
as a component of the right to an adequate standard of living, and on the right to non-  
discrimination in this context, Miloon Kothari**

**Addendum**

**Preliminary note on the mission to Canada\*  
(9 to 22 October 2007)**

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\* The present note was submitted after the deadline, in order to incorporate the latest available information. Due its late submission, it is circulated as received in English only.

## **PURPOSE AND DESCRIPTION OF THE MISSION TO CANADA**

1. At the invitation of the Government, the Special Rapporteur conducted a mission to Canada from 9 to 22 October 2007 to examine the status of realization of the right to adequate housing, particularly for the most vulnerable parts of the population. The visit focused on homelessness, women and their right to adequate housing, Aboriginal populations' adequate housing and the possible impact of the 2010 Olympic Games on the right to adequate housing in Vancouver.
2. During the course of the mission, the Special Rapporteur visited urban and rural areas, including Montréal, Kahnawake territories, Edmonton, Little Buffalo and Lubicon, Vancouver, Musqueam territories, Toronto and Ottawa. The Special Rapporteur met with high-ranking officials, representatives of Government agencies, civil society organizations, community-based housing and homelessness service providers and representatives of Aboriginal peoples.
3. The Special Rapporteur wishes to express his gratitude to the Government of Canada for the invitation and the support it provided during the mission. He regrets that, due to various problems, he was not able to finalize his mission report for the 7<sup>th</sup> session of the Human Rights Council. He appreciates the detailed comments and suggestions provided by the Government, with little notice, on this preliminary note and will consider them carefully in the preparation of the more detailed mission report which he undertakes to complete promptly and share with the Government for its review.

### **I. GOOD PRACTICES**

4. Canada has a long and proud history of housing successes, and has been known around the world for its innovative housing solutions. The Special Rapporteur visited and received information about programmes, laws and policies that represent good practices. It included centers and shelters accommodating homeless people, women fleeing from violence, Aboriginal women, persons living with HIV-AIDS, children with disabilities, and those suffering from drug addictions fully or partially funded by State programmes. Canada can also rely on a tremendous range of academic and civil society resources.

### **II. GENERAL OBSERVATIONS**

5. Canada has a large number of programs relating to housing that are funded by the authorities at federal and State level. During his visit, the Special Rapporteur met and received numerous testimonies from homeless people and those in inadequate and insecure housing conditions. This situation was also largely documented by a variety of sources including academics, service providers and non-governmental organizations. The prevalence of these conditions in one of the richest countries in the world makes them all the more striking.

6. Canada has ratified numerous international human rights instruments that recognize the right to housing, creating obligations to take steps for the progressive realization of these rights. In its most recent review of Canada's periodic report, the Committee on Economic, Social and Cultural Rights, referred to homelessness and inadequate housing as a "national emergency".

7. There has been a significant erosion of housing rights over the past two decades. Canada's successful social housing programme, which created more than half a million homes starting in 1973, has been discontinued. The three remaining national housing and homelessness initiatives will expire in the coming months.

### **III. HOMELESSNESS**

8. The Special Rapporteur remains concerned about the significant number of homeless in all part of the country. He was disappointed that the Government could not provide reliable statistics on the number of homeless. The National Homelessness Secretariat has estimated that there might be 150,000 homeless people, but experts have suggested that the actual number may be at least twice as large.

9. Considering that Canada is a highly developed and wealthy country, the number of people living in poverty is striking. Studies indicate that a significant number of people that cannot afford housing is growing, resulting in an increasing number of homeless.<sup>1</sup> Canada Mortgage and Housing Corporation notes that 1.5 million Canadian households are classified as in "housing core need"<sup>2</sup>, which qualifies them as inadequately housed and may put them at risk of homelessness.

### **III. AFFORDABILITY**

10. While the increase of housing prices and the lack of affordability particularly impacts the poor, it is progressively affecting other sectors of the population. The Special Rapporteur observed an apparent shortage of social housing stock.

11. Cuts in social spending have heavily impacted many of the lowest-income households leading to chronic poverty and inadequate housing, or forcing them to spend most of their revenue on housing, with little left for other needs such as food, energy, medicine or clothing.

### **IV. WOMEN'S RIGHT TO ADEQUATE HOUSING**

12. The lack of adequate and secure housing particularly impacts women who are disproportionately affected by homelessness, affordability problems, violence and discrimination in the private rental market. The Special Rapporteur heard many testimonies of women, including about insufficient social assistance entitlements that do not match the cost of housing and other living expenses or about children being taken away from their

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<sup>1</sup> See for instance the Wellesley Institute National Housing Report Card, 1 February 2008, <http://www.wellesleyinstitute.com/files/winationalhousingreportcard.pdf>

<sup>2</sup> A measure of households who experience housing affordability, suitability or adequacy problems in their current housing.

mothers because they were in inadequate housing, an issue that particularly affects Aboriginal women.

13. Studies show that Aboriginal women endure a three time higher rate of spousal violence than non-Aboriginal ones. In this context, the lack of protective legislation for women living on a reserve constitutes an important barrier to the enjoyment of the right to housing and to a life free of violence. Major issues affecting Aboriginal women include family and matrimonial real property laws on reserves, overcrowding, violence and homelessness.

## **V. ABORIGINAL PEOPLES RIGHT TO ADEQUATE HOUSING**

14. The Special Rapporteur was disturbed by the impact of an approach that appears unduly paternalistic and seems to mark federal and provincial government, legislations, policies and budgetary allocation for Aboriginal people on and off reserve. These policies compromise the right to self determination and have deeply affected housing and living conditions.

15. Overcrowded and inadequate housing conditions, as well as difficulties to access basic services, including water and sanitation, are major problems for Aboriginal peoples. The Special Rapporteur witnessed how some Aboriginal families still live without access to potable water and sanitation and in clearly inadequate living conditions. He also noted the negative impact of oil extraction and other industrial activities, such as in the Lubicon area, which continues to lead to the loss of lands and the destruction of livelihoods and traditional practices.

## **VI. PREPARATION OF THE OLYMPICS IN VANCOUVER**

16. In Vancouver, the Special Rapporteur looked into the potential impact of the 2010 Olympic Games on the right to housing, especially of low income groups. Vancouver has been an innovative city, incorporating in its bid the Inner-City Inclusive Commitment Statement, developed by inner-city community organizations and Government agencies, which seeks to address issues related to housing, civil liberties and public safety, health and social services, environment and transportation, to ensure accessible and affordable Games. The Special Rapporteur met with the CEO of VANOC<sup>3</sup> who expressed his commitment to ensure that the Games would contribute to improve the housing conditions of the poor as a positive legacy.

## **VII. PRELIMINARY RECOMMENDATIONS**

17. At this stage, the Special Rapporteur would like to make these preliminary recommendations:

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<sup>3</sup> Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games.

18. In order to comply with human rights standards and to efficiently address adequate housing for its population, Canada needs to base its policies and programs on the human rights framework and fully recognize the right to adequate housing.
19. Canada needs to commit stable and long-term funding to a comprehensive national housing strategy, and to co-ordinate action among the provinces and territories. Canada needs to embark again on large scale building of social housing. It should also consider providing subsidies including housing allowances or access to other cost-effective ways in order for low-income households to meet their housing needs.
20. The Federal Government should immediately extend and enhance the national homelessness programme and the Residential Rehabilitation Assistance Programme.
21. To address effectively the more critical obstacles to enjoyment of the right to adequate housing, Canada needs a comprehensive and properly-funded poverty reduction strategy respectful of its human rights obligations.
22. The Federal Government needs to work with the provinces and territories to create a consistent framework of tenant protection and rent regulation laws that meet the standards set in international housing rights law.
23. Specific funding should be directed to groups particularly vulnerable to discrimination including women, Aboriginal people, the elderly, youth and migrants. The housing continuum concept and a plan to make available various forms of housing including transitional and supportive housing should be nationally adopted.
24. The Federal Government should commit the funding and resources to ensure access to potable water and proper sanitation.
25. In reserves, there is a need to commit funding and resources to a targeted Aboriginal housing strategy that ensures Aboriginal housing and services under Aboriginal control. Authorities should genuinely engage with Aboriginal communities to resolve land claims such as in the Lubicon region.
26. Vancouver Olympic officials, and other authorities, need to implement specific strategies on housing and homelessness, and to commit funding and resources to support its targets, including 3,200 affordable homes. The social development plan should be designed and implemented with public participation, so progress can be monitored.

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