

Steering Committee on Human Rights Implementation in Canada

Ms. Raquel Rolnik
United Nations Special Rapporteur on Adequate Housing
Hand delivered and via email

October 23, 2010

Dear Ms. Rolnik:

We are writing to bring to your attention an important piece of legislation currently before the Parliament of Canada, which if passed, would implement some of the key recommendation of the Report of your predecessor, Miloon Kothari, which you presented to the Human Rights Council in 2009. [Bill C-304](#) (*An Act to ensure secure, adequate, accessible and affordable housing for Canadians*) was introduced as a private member's bill and subsequently amended at Committee to conform more closely with Mr. Kothari's and others' recommendations for a human rights framework. Bill C-304 is currently before the House of Commons for third and final reading.

In light of the severity of the crisis of homelessness in so wealthy a country as Canada, both the United Nations Committee on Economic, Social and Cultural Rights (CESCR) and Mr. Kothari, following his 2007 mission to Canada, have urged that "the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency." Mr. Kothari specifically endorsed the recommendation of the CESCR that governments adopt "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."

In his Report Mr. Kothari expressed particular concern about the severe problems of overcrowded, inadequate housing and lack of basic services in Indigenous communities, recommending "a targeted Aboriginal housing strategy that ensures Aboriginal housing and services under Aboriginal control."

In 2008, in Canada's Universal Periodic Review, serious concerns were raised by a number of states about homelessness and the failure of governments in Canada to adopt a strategy to ensure the right to adequate housing. Canada accepted recommendations to take on board the recommendations of the Special Rapporteur on Adequate Housing and to better ensure the right to adequate housing.

Bill C-304 represents the critical first step in addressing the human rights crisis of homelessness in Canada. It ensures compliance with international human rights law and provides for effective follow-up to recommendations from UN human rights bodies. Numerous experts and studies, including the Royal Commission on Aboriginal Peoples, have found that Indigenous peoples occupy the worst housing in Canada, and that Indigenous persons, particularly those with disabilities, suffer disproportionately from homelessness. Thus a national strategy must also include an Indigenous specific housing programme at a national level that is based on the recognition of the Aboriginal right to govern their own affairs and to ensure that administration of programs intended to serve Indigenous people are directed and operated by Indigenous persons and personnel. It must also take into account the needs of Indigenous people with disabilities, Indigenous women and the Treaty right to shelter.

Bill C-304 introduces a new model for implementing international human rights in Canada, recognizing that human rights obligations require flexibility as to the roles different levels of government may assume. Quebec, for example, may choose to develop and implement its own housing strategy and assume its own accountability to international human rights norms, maintaining complete control over its own housing programs. As human rights NGOs we are supportive of Quebec maintaining control of its own housing programs and ensuring its own accountability to its international human rights obligations.

Bill C-304 ensures that representatives of all relevant governments, civil society stakeholders and Aboriginal representatives will be invited to a meeting in which, for the first time, strategies and programs will be developed together to implement the right to adequate housing and reduce homelessness.

While a majority of members of parliament have expressed support for Bill C-304, including one member from the governing Conservative Party, the Government itself has not yet expressed support for it. We believe it would be helpful to those who are promoting implementation of the recommendations made by Mr. Kothari, if you were able to formally take note of this important development.

Sincerely,

A handwritten signature in black ink that reads "W. Littlechild" followed by a small mark that appears to be "IP".

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On Behalf of the Following Members of the Steering Committee:

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