

United Nations Report Says Housing Should be a Protected Right

On March 9, 2009, Miloon Kothari, the United Nations special rapporteur on adequate housing, tabled a report on Canada's housing situation at the UN Human Rights Council in Geneva. Kothari's main concern is that Canada does not recognize housing as an enforceable right in the *Charter of Rights and Freedoms*[\[1\]](#) or in any other provincial or federal legislation. By extension, Kothari points out, the right to adequate housing described in the International Covenant on Economic, Social and Cultural Rights is of no effect. Despite the fact that 150,000 Canadians live on the street, he says, Canada does not have an official definition of homelessness. Kothari suggested that in light of this deficiency the existing open-ended provisions of the *Charter* should be used to give domestic effect to a right to housing.

Throughout his visit to Canada, which took place between October 9 and 22, 2007, the rapporteur focused on issues faced by women and Aboriginal populations as well as persons who will be affected by the 2010 Olympic Games in Vancouver. Kothari argues that a national housing strategy is needed to address the patchwork of funding allocated to the issue.

According to his assessment, a national housing strategy would alleviate some of the costs to taxpayers incurred by the homelessness situation. The report states that more than \$50,000 per year is spent on each homeless person in British Columbia and between \$4.5 and \$6 billion on the problem nationwide.

Concerns about the ticketing of homeless people and the appropriation of their possessions in the vicinity of the Olympic forum also surfaced in the report.

The following recommendations were made:[\[2\]](#)

- The right to adequate housing ought to be recognized in federal and provincial legislations as an inherent part of the Canadian legal system.
- Canada is called upon to adopt a comprehensive and coordinated national housing policy based on the indivisibility of human rights and the protection of the most vulnerable in society.
- Federal authorities are urged to adopt an official definition of homelessness and to gather reliable statistics in order to develop a coherent and concerted approach to this issue.

- In light of the issues faced by women in regard to discrimination and inadequate living conditions, as well as income disparity between men and women, the Special Rapporteur recommends that the mandate and funding of the Status of Women Canada (SWC) be fully reinstated including funding for advocacy for women's equality.
- Vancouver Olympic officials, and other authorities, need to implement specific strategies on housing and homelessness that do not rely on the criminalization of poverty, and commit funding and resources to support their targets, including the construction of 3,200 affordable homes as set out by the City of Vancouver as its minimum requirement for social sustainability and echoed in community Olympic-consultation processes.

Source:

Carlito Pablo, "[United Nations official says Canada should make housing a right](#)" *Straight.com* (6 March 2009).

Further Reading:

Terry Romaniuk, "[The Homeless Can Tent Overnight in City Parks](#)" *Centre for Constitutional Studies* (28 October 2008).

Daina Young, "[Homeless Dream of Right to Sleep](#)" *Centre for Constitutional Studies* (8 February 2008).

[1][Canadian Charter of Rights and Freedoms](#), Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982 .

[2] Miloon Kathari, "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" *United Nations General Assembly* (17 February 2009) at 24-27.