

Mayor Mike Savage
City of Halifax
1841 Argyle St.
Halifax, NS
B3J 3Y8

30 August, 2021

Dear Mayor Savage,

I am writing in my capacity as the Global Director of [The Shift](#), a human rights organization focused on the right to housing, and as the former United Nations Special Rapporteur on the right to housing (2014-2020).

I was alarmed to learn about the recent clearing of homeless encampments in Halifax, including the use of police officers to forcibly evict these encampments using force and violence in some cases.

According to the information I have received, the City developed a plan to evict residents living in tent encampments. In the early morning of the 18th August 2021, police and bylaw officers were called to the site of the Spring Garden Road library and Horseshoe Island Park and informed residents that they were required to leave their homes immediately or they would have their possessions confiscated and would be arrested.

As I understand it, police and city officials used extreme tactics to remove homes from the sites, including, at Spring Garden Road, using pepper spray* and riot gear to prevent human rights defenders from protesting the eviction, and destroying homes with chainsaws in front of residents.

I have been informed that residents removed from the parks were not engaged in meaningful discussions regarding their eviction and have not been provided with solutions to their homelessness such as access to adequate, affordable housing and any necessary supports. Instead, they have merely been offered temporary housing and hotel accommodation, which is unsuitable for many of the residents.

I draw to your attention that the City of Halifax and anyone exercising government authority on behalf of the City or the Province have international legal obligations to ensure the implementation of human rights, including the right to housing. This is in keeping with the federal government of Canada's housing policy which, as stated in the [National Housing Strategy Act](#), recognizes that housing is a funda-

*Chemical engineers have characterized pepper spray as a form of [tear gas](#), and the [Centre for Disease Control](#) lists pepper spray alongside tear gas as a 'riot control agent.'

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mental human right as found in international human rights law.

Under the international human right to housing, housing is recognised as not being merely a roof over one's head, but instead is somewhere that people can live in safety, security, and dignity. For housing to be regarded as adequate, it must, inter alia, be habitable, affordable, have access to necessary goods and services, and provide its inhabitants with security of tenure.

The requirement of the provision of security of tenure applies whether someone is living in a tent in a park or in formal rental accommodation. Inhabitants must not be removed from their homes without their consent, participation, and without adequate safeguards in place, including the provision of alternative housing that is accepted by residents. Where people are removed from their homes in a way which is not in accordance with this, this is known as a 'forced eviction' and is a gross violation of human rights and international law. It is only justifiable in the most extenuating of circumstances. Evictions utilising violence, and those resulting in homelessness, are also recognised as a violation of international human rights law and are not permissible under any circumstances.

The clearing of the encampment appears to constitute a forced eviction, as it was carried out without consultation and notice, using violence, destroying property, and failing to provide adequate alternative accommodation. In turn, the City of Halifax seems to have conducted itself in a manner which is inconsistent with international human rights law, and with the federal government's housing policy.

The City of Halifax must, therefore, take immediate steps to ensure it complies with its legal obligations both towards those who have already been evicted from homeless encampments in the city, and those who are currently living in encampments or who are otherwise homeless. It is vital that the City immediately repeal any by-laws that criminalise homelessness and homeless encampment residents and impose an immediate moratorium on any encampment evictions. All breaches of the right to housing that have been undertaken by the City must be remedied, in line with the needs and wishes of residents themselves.

In order to ensure that all future actions it takes with regards to homeless encampments are in keeping with its obligations under international human rights law, the City must now set to work devising, with the full participation of encampment residents, a comprehensive, human rights-based strategy for homeless encampments, taking into account the [National Protocol for Homeless Encampments in Canada – A Human Rights Approach](#) that was developed by myself and my colleague Dr. Kaitlin Schwan during my tenure as Special Rapporteur.

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In seeking address homeless encampments, it is imperative to look for common ground. All parties agree that no one should live on a long-term basis in a park, putting in peril their human dignity, safety, and security. Ensuring access to adequate, secure, affordable housing for this population must therefore be an end goal. There is a better way forward, and this path must involve the meaningful participation of encampment residents themselves.

I remain available to discuss any matters raised in this letter and to assist the City in any way possible to rectify its policies and remedy the harm it has caused.

I would be grateful to hear from you regarding my concerns in this matter. I intend to publish this letter publicly on **Tuesday 7th September 2021**. Should a response from you be received on or prior to this date, I will publish both letters together on the day of receipt.

Yours sincerely,



Leilani Farha

Global Director, The Shift

Former United Nations Special Rapporteur on the right to adequate housing (2014-2020)

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Cathy Deagle Gammon

David Hendsbee

Becky Kent

Trish Purdy

Sam Austin

Tony Mancini

Waye Mason

Lindell Smith

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