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FOR: Canada's 7th review under
the International Covenant on
Civil and Political Rights (ICCPR)

THE RIGHT TO LIFE & ENDING HOMELESSNESS IN CANADA

Assessing homelessness and effective remedies
in accordance with Article 2, 6, 17, and 26 of ICCPR

2026

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Overview: Why Address Homelessness under the ICCPR?

It is widely agreed that one of the most egregious systemic violations of human rights in Canada is widespread homelessness and housing precarity among the most disadvantaged groups. It was in the context of the review of Canada in 1999 that this Committee first recognized that homelessness has severe consequences, including death, and affirmed that the right to life in article 6 requires positive measures to address this systemic violation – a position that was subsequently reaffirmed in General Comment 36.

Canada has taken the position, however, that homelessness and housing fall within the realm of economic, social, and cultural rights under the ICESCR and on this basis denied access to effective remedies for violations of the right to life and non-discrimination linked to homelessness or forced eviction - notwithstanding this Committee's jurisprudence affirming the interdependence and indivisibility of human rights.¹

As a result, violations of the rights to life, protection of the home and discrimination in housing persist in Canada without meaningful accountability or access to effective remedies —particularly Indigenous Peoples, persons with disabilities, Black and racialized communities, women, migrants, and gender-diverse people. It is therefore critical that in the current review of Canada, the Committee clarify for Canada the nature of its obligations to address violations of Covenant rights in the context of housing and homelessness. We focus on the following three critical recommendations:

- **Homelessness and the Right to Life (Articles 2 and 6):** Canada's must implement positive measures and strategies with clear goals and timelines to reduce and eliminate homelessness, including rights-based responses to encampments that ensure access to basic necessities essential to life and dignity and access to adequate housing.
- **Evictions and Effective Remedies (Article 2 in conjunction with Article 6 and 17):** Canada must ensure effective legal safeguards to prevent evictions into homelessness and displacement of vulnerable groups from affordable housing, including providing legal representation and amending legislation to apply proportionality and ensure access to effective remedies where eviction foreseeably places life and security at risk.
- **Discrimination in Housing (Articles 2 and 26):** Discrimination on the ground of homelessness and housing status must be recognized as a prohibited ground of discrimination and systemic discrimination in housing policy and practice must be addressed. This must include the displacement of disadvantaged groups from their communities and neighbourhoods through the financialization of housing.

¹ See for example, Canada's position in *Tanudjaja v. Canada (Attorney General)*, 2014 ONCA 852 (CanLII) online [2014 ONCA 852 \(CanLII\)](#) | [Tanudjaja v. Canada \(Attorney General\)](#) | [CanLII](#)

Who We Are

The National Right to Housing Network (NRHN) is a broad-based, grassroots civil society network, led by a Steering Committee of economic and social rights experts, established to fully realize the human right to housing for all in Canada. Launched in February 2020, NRHN has become a key resource in guiding Canada's new human rights-based oversight mechanisms—introduced under the National Housing Strategy Act (NHSA)—to address systemic housing inequities. Our network of over 2,300 organizations and individuals work to hold the federal government accountable and ensure that their human rights commitments made under the NHSA are meaningfully realized.

The Canadian Centre for Housing Rights (CCHR) is Canada's leading registered charitable organization working to advance the right to adequate housing. For over 35 years, we have worked tirelessly at the intersection of human rights and housing, providing free services to renters facing evictions and human rights violations to remain housed, providing education and training about housing rights across Canada, and advancing rights-based housing policy through research, policy development, advocacy, and law reform.

Women's National Housing and Homelessness Network (WNHHN) is a leading national organization working to address homelessness and housing insecurity among women, Two-Spirit, trans, and gender-diverse people in Canada. WNHHN conducts research on the root causes of housing precarity and advances evidence-based solutions, with a particular focus on equity-seeking communities. This research is deeply integrated with the organization's advocacy and policy mobilization efforts. By centring and amplifying the voices of women, girls, and gender-diverse people with lived experience, WNHHN works to advance housing as a fundamental human rights. WNHHN is led by a collective of lived experts, advocates, organizers, researchers, frontline service and housing providers, united by a shared commitment to gender housing justice.

The NRHN, CCHR and WNHHN submit this report to Human Rights Committee in advance of Canada's 7th review under the International Covenant on Civil and Political Rights (ICCPR)

Part 1: Positive Measures

The Adoption of the National Housing Strategy Act (2019)

An important positive measure for the Committee to recognize in this periodic review is an important, though long overdue follow-up to the Committee's 1999 recommendation to adopt positive measures to address homelessness. In 2019 the federal government legislated the *National Housing Strategy Act* (NHSA). The Act recognizes the right to adequate housing as “a fundamental human right and that “housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities” and establishes a statutory obligation to develop and maintain a rights-based housing strategy to realize the right to housing. The NHSA establishes a parallel accountability framework including the Federal Housing Advocate, review panels, and the National Housing Council intended to progressively realize the right to housing and to provide affected communities and individuals with opportunities to raise systemic housing concerns. If implemented in a manner consistent with Canada's obligations under Articles 2, 6, 17, and 26 of the *International Covenant on Civil and Political Rights* (ICCPR), the NHSA has the potential to ensure access to effective remedies, particularly for individuals and communities experiencing systemic housing violations.

To date, review panels have examined systemic violations related to the financialization of purpose-built rental housing and Canada's failure to adequately address homelessness experienced by women and gender-diverse people. These panels provided meaningful opportunities for people with lived experience, tenants, civil society organizations, and housing experts to present testimony regarding violations of their human rights. The panels subsequently published reports and submitted detailed human rights findings and recommendations to the Minister of Housing and Infrastructure, in accordance with the requirements of the NHSA.

Unfortunately, as noted below, the Canadian government has, to date, failed to comply with the requirement of the NHSA to ensure that the National Housing Strategy includes clear goals and timelines and necessary measures to address and eliminate homelessness and has not adopted a transparent and effective process for the response to, and implementation of, remedies recommended in reviews for compliance with the NHSA by the Federal Housing Advocate and Review Panels.

Part 2: Key Concerns & Recommendations

Right to Life and Homelessness (Article 6)

In its 1999 Concluding Observations, the Committee stated that: “The Committee is concerned that homelessness has led to serious health problems and even to death. The Committee recommends that the State party take positive measures required by article 6 to address this serious problem.”²

General Comment No. 36 affirms that States have an obligation to adopt measures to address general societal conditions that pose direct threats to the right to life, including homelessness, requiring positive measures including the provision of social housing.³

Despite these clear recommendations, Canada has failed to take adequate action, and in recent years, the impacts of homelessness have intensified. Hundreds of homeless people in Canada die each year and the health consequences, including frost bite, hypothermia and chronic disease are severe.⁴

A growing body of research demonstrates the life-shortening impacts of homelessness. In 2024, Toronto Public Health reported that people experiencing homelessness died at significantly younger ages, with a median age of death of 50 for men and 36 for women—representing a further decline compared to previous years.⁵ These findings underscore the direct and ongoing threat to the right to life posed by Canada’s failure to address homelessness in a comprehensive and rights-based manner.

Despite this evidence, Canadian governments have refused to recognize their shared obligations to protect the right to life of those experiencing homelessness. The question of whether the right to life in section 7 of the Canadian Charter imposes positive obligations to address homeless remains unsettled by appellate courts in Canada, but lower courts have largely agreed with governments that the right to life does not apply to those whose life is at risk because of homelessness.⁶

In a recent court case pending before the Ontario Court of Appeal, the City of Hamilton outlined evidence of the effects of homelessness. Surprisingly, in spite of this evidence, the City of Hamilton and other

² United Nations Human Rights Committee. (1999, April 7). *Concluding observations of the Human Rights Committee* (CCPR/C/79/Add.105). <https://www.refworld.org/policy/polrec/hrc/1999/en/12308>

³ OHCHR. General comment No. 36 on article 6: right to life. <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>

⁴ BC Coroners Service. (2025, February 25). Deaths of individuals experiencing homelessness in British Columbia, 2016–2023 (Report). Government of British Columbia. <https://www.toronto.ca/community-people/health-wellness-care/health-inspections-monitoring/monitoring-deaths-of-homeless-people/>

⁵ City of Toronto. (2025, February 3). Toronto Public Health releases updated data for deaths of people experiencing homelessness in Toronto. <https://www.toronto.ca/news/toronto-public-health-releases-updated-data-for-deaths-of-people-experiencing-homelessness-in-toronto/>

⁶ *Tanudjaja et al. v. Canada* (Attorney General), 2014 ONCA 852 (Ont. C.A.). <https://www.canlii.org/en/on/onca/doc/2014/2014onca852/2014onca852.html?autocompleteStr=tanud&autocompletePos=1>

municipalities argue that the right to life does not require any positive measures to address these clear violations.⁷ Homeless encampments represent one of the most visible and urgent manifestations of the housing crisis. Rather than adopting rights-based responses consistent with its human rights obligations, government authorities have largely responded to encampment residents through forced evictions, the denial of adequate services, and degrading and inhumane treatment, in contravention of Article 6, 17 and 26. In 2024, more than 67,000 people experienced homelessness on a single night across 87 communities in Canada, representing a 107 per cent increase in the number of people remaining unsheltered, compared to 2022.⁸

It is notable that, following a human rights report by the Federal Housing Advocate on government responses to encampments, the federal government introduced the *Unsheltered Homelessness and Encampments Initiative*, which was originally presented in 2024 as a fund that would support community action plans at the local level that were human rights and housing first based.⁹ However, the federal government has made no report on how community action plans are being assessed, and whether human rights principles remain at the centre of selected projects.

The State Party's continued failure to implement the Committee's earlier recommendations has had a disproportionate impact on protected and marginalized groups, including Indigenous Peoples, persons with disabilities, Black and racialized communities, young people, migrants, children, and women and gender diverse people. Available data indicates that while making up only 5% of the Canadian population according to the 2021 census¹⁰, 35% of homeless individuals identified as Indigenous during the 2020-2022 national Point-in-Time count.¹¹

In *Nell Toussaint v. Canada* (2018)¹², this Committee affirmed that the right to life requires States to take positive measures to ensure access to essential services where life is at risk, requiring in that case that Canada adopt necessary measures to ensure access to essential health care for irregular migrants. Canada refused to implement the Committee's recommended remedy in that case because it did not agree with the Committee's interpretation of the right to life.

⁷ Social Rights Advocacy Centre. (2021). Compendium, tab 4: Heegesma et al. and City of Hamilton. <https://socialrights.ca/Heegsma/CCPINRHN%20Compendium%20Dec%2011.pdf>

⁸ Housing, Infrastructure and Communities Canada. (2025). Everyone Counts 2024: Highlights report, part 1 – Enumeration of homelessness (Cat. No. T94-54/2025-1E-PDF). Government of Canada. [T94-54-2025-1-eng.pdf](https://www150.statcan.gc.ca/n1/pub/94-54-x/2025001-eng.pdf)

⁹ Housing, Infrastructure and Communities Canada. (2025, October 31). *Unsheltered Homelessness and Encampments Initiative*. Government of Canada. <https://housing-infrastructure.canada.ca/pd-dp/seea-eees/uhei-ilihrc-eng.html>

¹⁰ Government of Canada, Statistics Canada. (2023, February 1). *Indigenous peoples – 2021 Census promotional material*. <https://www.statcan.gc.ca/en/census/census-engagement/community-supporter/indigenous-peoples>

¹¹ Housing, I. a. C. C. (2023, April 28). *Housing, Infrastructure and Communities Canada - Everyone Counts 2020-2022: Preliminary Highlights report*. <https://housing-infrastructure.canada.ca/homelessness-sans-abri/reports-rapports/pit-counts-dp-2020-2022-highlights-eng.html>

¹² Human Rights Committee. (2018). *Nell Toussaint v. Canada* (CCPR/C/123/D/2348/2014). United Nations. <https://juris.ohchr.org/casedetails/2541/en-US>

Despite this clear guidance, governments in Canada have continued to resist interpreting the right to life as encompassing access to basic necessities such as health care, an approach that undermines the fundamental principles of interdependence and indivisibility of human rights under international law.

Canada's National Housing Strategy, which launched in 2017, two years before the *National Housing Strategy Act*, is **set to expire in March 2028**. Under s. 5(1) of the NHSA, "[t]he Minister must develop and maintain a national housing strategy to further the housing policy, taking into account key principles of a human rights-based approach to housing." There is a key opportunity for the government of Canada to integrate policies which genuinely address violations of Article 6 for persons experiencing homelessness in the renewed National Housing Strategy.

RECOMMENDED QUESTIONS:

1. Does Canada accept that the right to life under article 6 imposes positive obligations to reduce and eliminate homelessness, and is the protection accorded by the right to life in section 7 of the Charter presumed to conform with these obligations under the ICCPR?
2. Please provide details of the goals and timelines established pursuant to the National Housing Strategy Act for the reduction and elimination of homelessness and report on progress made since the Act was adopted.
3. What efforts are being made to ensure coordination between the various jurisdictions in Canada for the reduction and elimination of homelessness as required under article 6?

RECOMMENDATIONS:

- Canada should accept that the right to life under article 6 requires positive legislative, policy, and administrative measures to prevent and remedy such violations linked to homelessness and interpret and apply domestic law so as to ensure effective remedies where governments have failed to adopt necessary measures.
- Canada must integrate the protection of the right to life into homelessness and housing policy by adopting measures that prioritize access to permanent, adequate housing for people facing life-threatening housing deprivation, in accordance with Article 6 of the ICCPR and commitments under the National Housing Strategy Act.
- Canada must ensure that all levels of government act in a coordinated and coherent manner to prevent, reduce, and ultimately eliminate homelessness in accordance to the NHSA.

Right to Effective Remedies & Tenants Evicted into Homelessness (Article 2, 6, 17)

It was highlighted in **General Comment No. 7 (1997)**¹³ that: “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State Party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”

Tenants across Canada are frequently evicted without a complete or equitable legal process, and eviction decision-makers often fail to adequately consider human rights and other legal obligations. Changes to eviction hearing processes made in response to the COVID-19 pandemic have further exacerbated these challenges, resulting in poor access to justice.¹⁴

Even though there is a huge power imbalance between landlords and tenants that often leads to a looming threat of eviction, in Canada, groups experiencing higher rates of poverty like Indigenous women, girls, and Two-Spirit people; Black women, trans and gender diverse peoples; persons with disabilities; poor women; 2SLGBTQ+ persons; newcomer women; and older and younger women and gender diverse people, are facing unprecedented levels of eviction.¹⁵ Studies have suggested that most tenants facing eviction were individuals living in deep poverty, people with disabilities, and those with past experiences of homelessness.¹⁶

In most provinces and territories in Canada, tenants have limited or no access to legal representation in cases related to eviction, in violation of article 2. It is imperative for Canada to provide legal representation to tenants facing eviction, upholding the right to security of tenure. However, often tenants are facing eviction into homelessness in gross violation of the international human rights commitment that Canada has under the International Covenant on Social, Economic and Cultural Rights.

This Committee stated in General comment 32 to article 14 in 2007 that, “States are encouraged to provide free legal aid in [non-criminal cases], for individuals who do not have sufficient means to pay for it. In some cases, they may even be obliged to do so.”¹⁷

¹³ Committee on Economic, Social and Cultural Rights. (1997, May 20). General Comment No. 7: The right to adequate housing (Article 11.1): Forced evictions (E/1998/22). United Nations.

<https://www.refworld.org/legal/general/cescr/1997/en/53063>

¹⁴ Advocacy Centre for Tenants Ontario. (2021). Digital evictions: The Landlord and Tenant Board’s experiment in online hearings. <https://www.acto.ca/production/wp-content/uploads/2021/06/Digital-Evictions-ACTO.pdf>

¹⁵ Schwan, K., Vaccaro, M.-E., Reid, L., & Ali, N. (2021, May). Implementation of the right to housing for women, girls, and gender diverse people in Canada. Women’s National Housing & Homelessness Network. <https://housingrights.ca/wp-content/uploads/CHRC-WNHHN-Schwan-4-May-2021.pdf>

¹⁶ Paradis, E. (2016, October). Access to justice: The case for Ontario tenants: Final report of the Tenant Duty Counsel Review. A. https://www.acto.ca/production/wp-content/uploads/2017/07/TDCP_Report_2016.pdf

¹⁷ Human Rights Committee. (2007, August 23). General Comment No. 32: Article 14 - Right to equality before courts and tribunals and to a fair trial (UN Doc. CCPR/C/GC/32). United Nations.

The Committee on Elimination of Discrimination Against Women noted in a human rights complaint brought by Cecilia Kell, an Indigenous woman who lived in the Northwest Territories in Canada, that legal aid in relation to housing matters was inadequate and was discriminatory in its application.¹⁸ However, the status of civil legal aid remains dismal in Canada and the Canadian Bar Association (CBA) called it a “crisis” in 2015, noting that civil legal aid services are almost non-existent in some provinces¹⁹ and this lack of access to civil legal aid disproportionately affects women, people with disabilities, recent immigrants, members of racialized communities and Indigenous Peoples.²⁰

This is significantly worse for encampment residents. People experiencing homelessness and staying in encampments continue to exercise their right to effective remedies through Canadian courts claiming their right to life, liberty and security as guaranteed under section 7 and right to equality and non-discrimination under section 15 of the Canadian Charter of Rights and Freedom.

Courts, however, have taken the position that government obligations with respect to the right to life and security of the person extend only to protection from evictions from encampments where insufficient shelter options are available. They have not, to date, recognized that governments have positive obligations to address systemic homelessness in Canada, despite the overwhelming evidence of its impact on life and health. By characterizing the right to housing solely as an economic and social right under the ICESCR and therefore as non-justiciable, Canadian courts have excluded it from the scope of sections 7 and 15 of the Charter. Clear guidance on Canada’s obligations under the ICCPR to ensure access to effective remedies under the Canadian Charter and other domestic law is needed by courts and governments.

¹⁸ Committee on the Elimination of Discrimination Against Women, “Views of the Committee on the Elimination of Discrimination against Women under Article 7, Paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

¹⁹ Buckley, M., Schellenberg, G., & Lorraine Prezeau. (2010). Moving forward on legal aid. In Vicki Schmolka (Ed.), *Canadian Bar Association*.

https://www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/Moving-Forward-on-Legal-Aid.pdf

²⁰ Buckley, M. (2000). The legal aid crisis: Time for action. Canadian Bar Association.

RECOMMENDED QUESTIONS:

1. Does Canada agree to establish a national public legal assistance system that can ensure comprehensive legal services, for people who disproportionately face eviction including Black and racialized newcomers, persons with disabilities, Indigenous Peoples, and people with low income?
2. What efforts have been taken to ensure adjudicators understand and apply the legal principle of proportionality in eviction decisions to ensure that they order evictions only as a last resort?
3. Does Canada plan to revise the “Principles guiding the Attorney General of Canada in Charter Litigation”, in order to ensure that positions in charter litigation taken fully reflect Canada’s obligations to fulfill the rights set out in Article 2, 6, 17 and 26 of the ICCPR?

RECOMMENDATIONS:

- Canada must ensure timely, accessible, and adequately funded legal representation and legal assistance for individuals and groups who disproportionately face eviction and homelessness, including Black and racialized newcomers, Indigenous Peoples, persons with disabilities, and people living in poverty, in order to guarantee effective access to justice and protection against forced eviction.
- Canada must ensure that adjudicators and decision-makers within housing and eviction systems are fully aligned with Canada’s international human rights obligations, including under the Covenant, and are required to apply the principle of proportionality in eviction proceedings, ensuring that eviction is ordered only as a measure of last resort after all feasible alternatives have been duly considered.

Right to Equality, Non-Discrimination in Housing (Article 2, 26)

Financialization of Housing and Discrimination of Marginalized Communities

The NHTS requires the federal government to progressively realize the right to adequate housing and also provides an opportunity to address the systemic housing issues that impact vulnerable communities. Protection from forced eviction and non-discrimination are crucial principles under the right to housing framework.

However, the financialization of housing exacerbates inequality experienced by renters with low income, Indigenous Peoples, Black and racialized people, people with disabilities, and other marginalized groups, and worsens rental affordability in Canada. **The financialization of housing refers to the treatment of housing as a financial asset and tool for maximizing profit at the expense of human rights among tenants and tenancy-seeking individuals like people experiencing homelessness.**

For decades, governments across Canada have divested from and deregulated the housing sector, while over-relying on private actors to build and maintain housing stock. This has led to the private sector owning and operating the vast majority of rental housing in the country, with the non-profit, community housing sector making up only 3.5% of Canada's housing stock, half of the Organisation for Economic Co-operation and Development (OECD) average.²¹ This has been coupled with weak and ad hoc tenant protections across the country, including poor rent regulation and inadequate eviction prevention measures.

In addition, governments across Canada continue to create programs and policies that support financialized actors, such as real estate investment trusts and private equity firms, who are accountable to shareholders, rather than to the tenants that they house. As a result, financialization is fueling the loss of Canada's limited affordable housing stock, the only option that most people with low income and other disadvantaged groups can afford and access. For context, between 2016 to 2021, Canada lost 230,000 affordable rental units as a result of demolitions, conversions, or excessive rent increases.²²

Financialization in rental housing accelerates tenant displacement through steep rent increases, reduced building services and maintenance, and increased eviction activity. A recent report found that between 2016 and 2021, Toronto neighbourhoods with Black-majority populations and a strong presence of corporate landlords experienced the highest eviction filing rates, reaching approximately 36 filings per 100 rental units in some communities.²³

²¹ National Housing Council. (2025). Scaling-up the non-market housing sector in Canada. <https://nhc-cn.ca/publications/post/scaling-up-the-non-market-housing-sector->

²² Pomeroy, S. (2022). Updating analysis on erosion of lower rent stock from 2021 Census [Report]. Canadian Housing Evidence Collaborative. <https://chec-ccrl.ca/wp-content/uploads/2022/10/Updated-Analysis-on-Housing-Erosion-from-2021-Census-Steve-Pomeroy.pdf>

²³ Lewis, N., Panou, D., & Maaranen, R. (2026). Financialized Violence in Toronto's Rental Market: Eviction Rates in Majority Black Renter Communities. International Journal of Urban and Regional Research. <https://doi.org/10.1111/1468-2427.70033>

Although provincial and territorial human rights codes prohibit gender- and disability-based discrimination and most prohibit discrimination based on homelessness, “social condition” or receipt of public assistance, these provisions are rarely enforced. Human rights tribunals are grossly underfunded, with delays of years before a hearing is possible and legal representation is often impossible to obtain. Tribunals have often failed to recognize and remedy systemic discrimination in housing and have not ordered positive measures required to address discrimination and exclusion from affordable housing. As a result, disability advocates have also noted a rise in the institutionalization of people with disabilities, particularly those living in congregate settings and long-term care homes for individuals with intellectual disabilities.

A case before the Ontario Human Rights Tribunal challenging mass evictions of racialized households by a financialized landlord in Ottawa in order to create housing for more affluent households was challenged in 2019 and has still not been heard. The tribunal recently granted a motion by the landlords for a summary hearing to dismiss the claim without a full hearing on the evidence.²⁴

The limited supply of affordable and accessible housing allows landlords—particularly financialized landlords—to select tenants based on ability to pay, thereby disproportionately excluding low-income renters.

In 2023, the first-ever review panel under the mandate of the NHSA was established to address the financialization of purpose-built rental housing.²⁵ The panel was tasked with assessing the impacts of financialization on the progressive realization of the right to adequate housing in Canada, including its impact on marginalized communities, as well as the federal government’s role in spurring financialization and solutions to address it.

The panel received nearly 200 written submissions and heard testimony from policy experts, human rights advocates, and rights holders during eight oral hearings. In May 2024, the panel published several recommendations to address the financialization of rental housing and advance the progressive realization of the right to adequate housing. However, the panel did not make any recommendations related to upholding various standards of the right to adequate housing (e.g., accessibility, cultural adequacy, location), regulating investment and taxation policies that spur financialization, or funding local services. Despite receiving significant feedback on these issues, the panel identified these as areas requiring further research.

Since the release of the panel’s recommendations, the federal government has taken some initial steps to address the financialization of rental housing, including by releasing a Blueprint for a Renters’ Bill of Rights in September 2024.²⁶ The blueprint recognizes the current patchwork of renter protections across the

²⁴ A Ali et al. v. Hazelview et al. (n.d.). Social Rights Advocacy Centre. <https://www.socialrights.ca/Herongate.html>

²⁵ *The National Right to Housing Network*. (n.d.). The National Right to Housing Network. <https://housingrights.ca/review-panel-financialization/>

²⁶ Housing, Infrastructure and Communities Canada. (2024). National housing strategy: Renters’ bill of rights. Government of Canada. <https://housing-infrastructure.canada.ca/housing-logement/bill-rights-charte-droits/index-eng.html>

country (which are regulated at the provincial/territorial level) and outlines minimum national standards for such protections, including against excessive rent increases, forced evictions, poor maintenance, discrimination, and many other issues. Nevertheless, it omits some key provisions, including clear guidelines around rent regulation and eviction prevention, and lacks adequate enforcement and accountability mechanisms. To encourage uptake of the blueprint, provinces and territories would have to adopt elements of the Renters' Bill of Rights to access federal infrastructure funding. While the majority of provinces and territories have now signed those funding agreements, very few details have been released about their commitments related to renter protections.

In September 2025, the federal government launched Build Canada Homes, a new agency responsible for affordable housing development across the country, with a focus on supporting the non-market housing sector. While Build Canada Homes has set some priorities around affordability, sustainability, and accessibility, it lacks clear targets, timelines, monitoring, and reporting mechanisms to ensure its investments meet the needs of communities most impacted by the financialization of rental housing, and the housing and homelessness crisis more broadly.

Despite these initial steps, Canada has failed to protect disadvantaged and vulnerable groups from experiencing discrimination in housing, displacement, and forced evictions and thereby continues to violate article 26 of ICCPR.

Discrimination of Women & Gender-Diverse People in Accessing Housing

Canada ratified the Convention on the Elimination of All Forms of Discrimination Against Women, which guarantees women the right to “enjoy adequate living conditions, particularly in relation to housing” (UN General Assembly, 1979). However, women continue to experience disproportionate levels of housing need and housing instability, with untold numbers of women experiencing homelessness across Canada. Despite Canada's international obligations, gender-based inequity and discrimination remains one of the three top causes and trajectories into homelessness for women, girls, and gender-diverse people (the others being gender-based and intimate partner violence, and hidden homelessness).²⁷ Indigenous women, newcomer women, racialized women, women with disabilities, and 2SLGBTQIA+ people disproportionately and starkly experience inequity and discrimination. For instance, Indigenous women face discrimination and violence when seeking housing and shelter,²⁸ which is acutely felt by Indigenous

²⁷ Schwan, K., Versteegh, A., Perri, M., Caplan, R., Baig, K., Dej, E., Jenkinson, J., Brais, H., Eiboff, F., & Pahlevan Chaleshtari, T. (2020). The State of Women's Housing Need & Homelessness in Canada: A Literature Review. Hache, A., Nelson, A., Kratochvil, E., & Malenfant, J. (Eds), <https://womenshomelessness.ca/wpcontent/uploads/State-of-Womens-Homelessness-Literature-Review.pdf>

²⁸ Curry, K. (2018). Housing for First Nations, Inuit, and Métis Women. Native Women's Association of Canada. Retrieved from <https://www.nwac.ca/wp-content/uploads/2018/07/NWACFactSheet-Housing-20180220-FINAL.pdf>

Two-Spirit and trans people who face “obvious discrimination” when seeking access to housing services and shelters that are separated by gender.²⁹

Research consistently shows that gender-diverse, Two-Spirit, and 2SLGBTQIA people “encounter discrimination, stigmatization, and traumatic experiences of violence at disproportionately higher rates than their heterosexual and cisgender counterparts”, all of which undermines housing stability and increases the likelihood of homelessness.³⁰ These experiences contribute to both socio-economic marginalization and housing precarity for trans women and gender-diverse peoples, as well. Trans women in particular experience marginalization in social services and employment, as well as harassment and violence when they are on the streets. Across Canada, this population will avoid using emergency shelters due to a heightened risk of violence and discrimination or may be barred from shelter use altogether based on their gender identities. For transgender people of colour, studies have shown that they are among the most discriminated against in the shelter system, often dealing with transphobia, homophobia, and racism simultaneously.³¹

To address these realities, Canada’s definition of homelessness must include how inequities and discrimination in public systems contribute to housing need for women, girls, and gender-diverse people³². Yet most definitions fall short on covering the genocidal violence, intergenerational trauma, institutional betrayal, racism and discrimination, staggering levels of sexual violence and homicide, and criminalization that shape the experiences of homelessness of Indigenous women, girls, and gender-diverse peoples.³³

In 2022, the Women’s National Housing & Homelessness Network³⁴ with its sister organization, the National Indigenous Women’s Housing Network³⁵ utilized the right to housing mechanisms mandated in

²⁹ Ristock, J., Zoccole, A., Passante, L., & Potskin, J. (2019). Impacts of Colonization on Indigenous TwoSpirit/LGBTQ Canadians’ Experiences of Migration, Mobility and Relationship Violence. *Sexualities* 22, no. 5-6 (September 2019): 767–784.

³⁰ Bucik, A. (2016). Canada: Discrimination and violence against lesbian, bisexual, and transgender women and gender diverse and two spirit people on the basis of sexual orientation, gender identity and gender expression. Egale Canada. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CAN/INT_CEDAW_NGO_CAN_25380_E.pdf

³¹ Abramovich A. (2017). Understanding How Policy and Culture Create Oppressive Conditions for LGBTQ2S Youth in the Shelter System. *Journal of homosexuality*, 64(11), 1484–1501. <https://doi.org/10.1080/00918369.2016.1244449>

³² Schwan, K., Versteegh, A., Perri, M., Caplan, R., Baig, K., Dej, E., Jenkinson, J., Brais, H., Eiboff, F., & Pahlevan Chaleshtari, T. (2020). The State of Women’s Housing Need & Homelessness in Canada: A Literature Review. Hache, A., Nelson, A., Kratochvil, E., & Malenfant, J. (Eds), <https://womenshomelessness.ca/wp-content/uploads/State-of-Womens-Homelessness-Literature-Review.pdf>

³³ Ibid.

³⁴ Women’s National Housing & Homelessness Network. (2022). The crisis ends with us: Request for review into the systemic denial of the equal right to housing of women and gender-diverse people in *Canada*. <https://womenshomelessness.ca/wp-content/uploads/WNHHN-Claim-15-June-2022.pdf>

³⁵ National Indigenous Women’s Housing Network. (2022). Homeless on homelands: Upholding housing as a human right for Indigenous women, girls, Two-Spirit and gender-diverse *people*. <https://womenshomelessness.ca/wp-content/uploads/Indigenous-Housing-Claim-June-15-2022.pdf>

the NHSA by filing two Human Rights Claims with the Federal Housing Advocate, spotlighting violations of the right to housing experienced by marginalized women and gender-diverse people.

Over late 2024 and 2025, Neha received written and oral testimony from over 500 lived experts, advocates, researchers, grassroots groups, government bodies, and organizations from across Canada.

On November 25, 2025, the Neha Review Panel published their findings and recommendations. Neha found that federal housing strategies are not meeting the “specific and diverse” needs of women, Two-Spirit, Trans, and gender-diverse people. With no clear targets, timelines, or evaluation frameworks embedded in federal strategies, the housing system is perpetuating systemic discrimination, deepening income inequality, and is contributing to unsafe living conditions, barriers to escaping violence, family separation, and institutionalization.³⁶ In order to address it, the recommendations call for transformation within housing policies—from design, funding, and implementation—including eliminating discrimination in law, policy, and practice. Neha underscored in their findings that the right to housing must be grounded in the foundational principles of human rights, including, “Inalienability,” which reinforces that the right is protected against discrimination, poverty, or systemic exclusion.

Despite clear international obligations and domestic human rights mechanisms, women, Two Spirit, trans, and gender-diverse people continue to be denied equal access to safe, adequate, and affordable housing, both within public systems and the private market. The Neha Review Panel’s findings make clear that incremental or piecemeal reforms are insufficient: what is required is a fundamental transformation of Canada’s housing system, grounded in human rights and Indigenous teachings, with clear targets, accountability, and enforceable protections against discrimination. Without decisive action to implement these recommendations, Canada will continue to perpetuate housing insecurity, violence, and exclusion for those whose right to housing has long been denied.

³⁶ Neha Review Panel. (2025). We are human. We deserve a place to live. It’s that simple: Final report and recommendations of the Neha review panel. National Housing Council. [https://nhc-cn.ca/media/Neha/Reports/final-report-and-recommendations-ENGLISH%20\(web\).pdf](https://nhc-cn.ca/media/Neha/Reports/final-report-and-recommendations-ENGLISH%20(web).pdf).

RECOMMENDED QUESTIONS:

1. Does Canada accept that Articles 2 and 26 require it to take positive measures to regulate housing markets and prevent discriminatory outcomes, including those arising from the financialization of rental housing?
2. Please provide details of the formal implementation framework adopted to carry out the recommendations of the financialization review panel and the Neha review panel, including concrete goals, timelines, reporting obligations, and accountability mechanisms.
3. Does Canada accept discrimination on the basis of homelessness or housing status as a prohibited ground of discrimination, and as a form of systemic discrimination in housing policy?

RECOMMENDATIONS:

- Canada adopts binding measures to regulate financialized housing actors and prevent discriminatory housing outcomes, including through rent and vacancy control, strengthened tenant protections, and safeguards against displacement, as required under Article 26.
- Canada must establish measurable goals, targets, and timelines to implement the recommendations from the review panel on financialization and the Neha review panel, in order to monitor and remedy discriminatory housing outcomes, in accordance with Articles 2 and 26.
- Canada must recognize discrimination on the ground of homelessness and housing status as a prohibited ground of discrimination and systemic discrimination in housing policy and practice, including the displacement of disadvantaged groups from their communities and neighbourhoods through the financialization of housing.

Endorsements

Organizations

Abortion Rights Coalition of Canada
Advocacy Centre for Tenants Ontario (ACTO)
BC Poverty Reduction Coalition
Canadian Alliance to End Homelessness (CAEH)
Canadian Center for Women Empowerment (CCFWE)
Canadian Lived Experience Leadership Network
Canadian Union of Public Employees (CUPE)
Disability Without Poverty
EFry Hope and Help for Women
HIV Legal Network
Huron Transition Homes
Intentional Success Corp
International Human Rights Clinic, University of Manitoba
John Humphrey Centre for Peace and Human Rights
Maytree
Peel Poverty Action Group
Quebec Homelessness Prevention Collaborative (Le Collectif québécois pour la prévention de l'itinérance)
Social Housing & Human Rights
South Asian Legal Clinic of Ontario (SALCO)
The NB Coalition of Persons with Disabilities (NBCPD)
The Yellowknife Women's Society
YWCA Niagara Region
YWCA Toronto

Individuals

Abe Oudshoorn
Arthur Perry
Carolyn Whitzman
Chantal Perry
Dawn Wheadon
Debbie McGraw
Dr. Mary Vaccaro
Floriane Ethier
Francisco Urrutia
Haily MacDonald
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