

ENGAGEMENT TOOLKIT

UPHOLDING YOUR HUMAN RIGHT TO HOUSING IN CANADA

Via the 2019 ***National Housing Strategy Act***
and its access-to-justice mechanisms



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Engagement Toolkit

Purpose

This toolkit was created to help rights-holders engage with the access-to-justice mechanisms introduced under Canada's historic right to housing legislation – the 2019 ***National Housing Strategy Act***.

Vision

Rights holders are equipped with the tools and knowledge needed to hold the Canadian government accountable for their commitments to uphold the human right to housing for all, but especially for those in greatest housing need.

Resources

Canada has recognized housing as a fundamental human right for all under both international and domestic law.

To learn more about what this means in practice, visit: housingrights.ca

Acknowledgement



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Department of Justice
Canada

Ministère de la Justice
Canada



FACTS SHEET

Canada's Right to Housing & the National Housing Strategy Act (NHSA)

› **What is the Right to Housing?**

- The right to housing doesn't mean the government has to buy everyone a house. Just like freedom of expression, the right to vote, or the right to equality, there are rules in international human rights law that outline how the human right to housing applies.
- It means having a safe, affordable, and secure home is a human right.

› **Having the Right to Housing Means:**

- You shouldn't have to give up food, healthcare, education, or other essentials just to pay rent.
- You should have a home that is affordable, safe, and well-maintained.
- Housing must meet your accessibility and cultural needs.
- Your home should be close to work, school, and other essential services.
- Your right to stay in your home is secure unless you break the terms of your rental agreement.
- You should not be evicted into homelessness unless all viable alternatives are explored, in consultation with you.

It means everyone should have a safe, affordable, and secure home closer to essential service and that meets their accessible needs and where they can live in dignity, peace, and security.

› **Canada's International Commitment**

Canada made explicit commitment to the right to adequate housing in 1976, when it signed the International Covenant on Economic, Social and Cultural Rights. This treaty recognizes housing as a human right.

Unlike civil and political rights—like the right to vote or right to life—economic, social, and cultural rights must be realized over time. That means governments must use the maximum resources they have, as quickly as possible, to make housing accessible and reduce homelessness. Governments also have to use all appropriate means to meet their human rights obligations – that could mean budgeting measures or creating legislation for example. Under international law, Canada must take real steps to ensure people have safe, secure housing.

Ending homelessness is not optional—it's an international obligation.

› **National Housing Strategy Act- Canada's first Right to Housing Law**

In 2019, Canada took a historic step and passed its first legislation recognizing housing as a human right in line with its international commitment. This is called the National Housing Strategy Act.

So "Housing is a human right" is not just a rallying cry on posters, it has been recognized in Canadian LAW, and rights holders can claim it using the mechanisms established under this law.

This law affirms Canada's international obligations which requires right to adequate housing to be ensured not only through policies and programs but also through independent monitoring and access to justice mechanisms and effective remedies. It recognizes that housing is a human right and everyone in Canada has a place to live with security, peace, and dignity.

➤ **NHSA and its Access-to-Justice Mechanisms**

Federal Housing Advocate

- Independent, non-partisan watchdog.
- Investigates housing issues and holds governments accountable.
- Receives submissions from individuals and organizations.
- Can refer systemic issues to a Review Panel.

Learn more about federal housing advocate [here](#).

Review Panels

- A unique made-in-Canada way to ensure access to justice.
- Holds oral and written hearings on systemic issues;
- Hear directly from communities and organizations about systemic housing problems.
- Make human-rights-based recommendations to the Minister.

To learn more about the past and current review panels see [here](#).

Minister of Housing & Infrastructure

- Must respond to findings and recommendations within 120 days.
- Cannot ignore submissions—they must report back to Parliament.

The NHSA adopted a unique model and does not rely on courts for enforcing the right but on alternative, accessible and participatory mechanisms that give a meaningful voice and role to rights-holders and provide for investigation, hearings and recommendations to ensure compliance with the commitment to the progressive realization of the right to housing.

Across Canada, an estimated 235,000 people experience homelessness each year, 35,000 experience homelessness on any given night. NHSA is mandated to look into the needs of most impacted or those living in desperate circumstances are immediately addressed like the encampment residents or people experiencing homelessness or precarious housing.

➤ **How Can You Claim Your Right to Housing?**

Affordable housing crisis and lack of stronger renter protections affects some communities more than others. People with low incomes, Indigenous peoples, racialized communities, people with disabilities, women, and gender-diverse people are more likely to face unsafe or unstable housing, or even homelessness. So, there is an urgent need for adequate and inclusive housing policies that addresses needs of these communities so that they can enjoy their right to housing.

Here is what you can do:

- Organizations and communities can make submissions about systemic housing issues to the Federal Housing Advocate.
- These submissions can lead to reviews, hearings, and real change in housing policy.

Continue reading to learn more about how to make a submission.

WRITTEN SUBMISSION GUIDE

How to Make a Submission to a Review Panel Assembled by the National Housing Council

› **Key Purposes of a Submission:**

- 1. Raise awareness:** Submissions help bring attention to human rights violations, systemic issues, or specific cases that require scrutiny. By highlighting these concerns, you can raise awareness among the panel members, duty bearers, and the public.
- 2. Provide evidence and information:** Submissions provide an opportunity to present evidence, data, research findings, and most importantly, personal lived experiences that support your claims or shed light on the issues at hand. This evidence strengthens the panel's understanding and enables them to create concrete recommendations.
- 3. Advocate for change:** Submissions allow you to advocate for necessary changes in laws, policies, practices, or systems that may infringe upon human rights. By presenting recommendations and potential solutions, you contribute to the panel's deliberations on how to address the issues effectively.
- 4. Amplify marginalized voices:** Submissions provide a platform for marginalized individuals (also known as rights-holders) or communities to share their experiences, challenges, and perspectives. By amplifying these voices, you contribute to a more inclusive and diverse discussion within the review panel process.

5. Contribute to accountability: Human rights review panels are crucial to access to justice. Panel members, through the hearings and recommendations, can hold governments, institutions, or individuals accountable for human rights violations. By submitting your insights and evidence, you support the panel's efforts to assess and address potential violations or systemic shortcomings.

Overall, the purpose of writing a submission to a human rights review panel hearing is to actively engage in the process, share relevant information and perspectives, and advocate for meaningful change that upholds and protects human rights. Your submission adds to the collective knowledge and influences the review panel's recommendations, thereby contributing to the advancement of human rights standards and protections.

➤ **Describe the Systemic Issue on Which You are Making in the Submission**

- What is the issue?
- What is its impact on the communities with regard to their right to housing?

➤ **How to Frame Submissions on Provincial Matters as Federal Matters:**

The NHSA focuses primarily on federal jurisdiction – but many of the systemic issues intersect with provincial, territorial or even municipal jurisdiction. To provide a comprehensive understanding of how the systemic issues impacts communities, it is important for submissions to address issues that fall under provincial/territorial legislation – it would be extremely difficult to avoid jurisdiction beyond the federal government altogether.

However, in order to gain traction with the Review Panel, systemic issues and proposed solutions can be framed as recommendations for federal government action to persuade, incentivize, and encourage provincial, territorial, or local governments to take necessary steps. For example, by creating conditions for provincial, territorial, or local governments to adhere to human rights if they receive funding from the federal government.

All levels of government are responsible for making the right to housing real in Canada – but the federal government has a central role. This comes from Canada’s commitment under international law – and requirement for the federal government to coordinate reporting to the United Nations. The federal government must show leadership and work with provinces and territories to make progress—using tools like funding, incentives, and other supports. By holding the government to this responsibility, we can make sure the Review Panel’s report is strong and helps move Canada closer to truly ensuring the right to housing for everyone.

In summary, framing provincial matters as federal matters allows for a more holistic approach within the Review Panel’s proceedings. By emphasizing the federal government’s role and its responsibility to champion housing rights, we can encourage meaningful actions and collaboration among federal, provincial, and territorial entities.

WRITTEN SUBMISSION OUTLINE

National Housing Council Canada

Review Panel on the [name of the systemic issues]

[Your Name]

[Your Organization (if applicable)]

[Your Address]

[Your Phone Number]

[Your Email] [Date]

WRITTEN SUBMISSION OF [YOUR NAME/ORGANIZATION]

PART I – INTRODUCTION

This written submission is provided before the National Housing Council, concerning their review on the [name of the systemic issue].

PART II – SUMMARY OF THE ISSUE

PART III – BACKGROUND

[Name/Organization] presents the following background:

1. A description of the specific instances and impacts of the systemic issue that is being addressed
2. Testimonials or evidence illustrating the adverse effects experienced by affected individuals and communities

PART IV – ARGUMENTS

1. Violation of the Right to Adequate Housing

- a. Explanation of how the systemic challenge infringes upon the right to adequate housing as recognized under international human rights law

- b. Illustration of how the issue disproportionately affects vulnerable and marginalized communities

2. State Responsibility of the Duty bearers

- a. Discussion of the government's obligations to protect, respect, and fulfill the right to adequate housing
- b. Analysis of how the laws, policies, programs, regulations, or inactions have contributed to the systemic violation affecting specific communities

3. Remedies and Solutions

- a. Proposal of legal and policy measures to address the systemic issue
- b. Suggestions for government action to ensure the progressive realization of the right to adequate housing

PART V – RECOMMENDATIONS

[Name/Organization] seeks implementation of the following recommendations from the National Housing Council:

1. Recognition of the violations resulting from the [systemic issue under review]
2. Recommendations for appropriate remedies and measures to address the human rights violations identified.

PART VI – CONCLUSION

[Name/Organization] respectfully requests the National Housing Council to consider the arguments and evidence presented in this submission and to take appropriate action to protect and promote the right to adequate housing in relation to the [systemic issue under review]

[Your Name/Your Organization]

[Signature (if submitting a physical copy)]

HUMAN RIGHTS LANGUAGE GUIDE

Incorporating Human Rights Language into Your Written Submissions

Human rights frameworks and language are uniquely powerful. They can shape policies, influence decisions, and direct conversations toward justice, dignity, and inclusivity. This guide will equip you with the tools to effectively incorporate this powerful language into your written submissions for the National Housing Council's thematic review panels.

► **What Are Review Panels?**

Review panels are important oversight and accountability mechanisms established in Canada's 2019 right to housing legislation, called the [National Housing Strategy Act](#). Their purpose is not just to suggest better housing policies but to conduct human rights-based hearings on systemic issues related to the right to housing. They provide the Government of Canada opinions and recommend actions needed to uphold the right to housing as guaranteed by international human rights law. These panels offer a fresh way for affected individuals to seek justice, placing their dignity and rights at the forefront of Canada's housing policies and investments. You can find more information about review panels [here](#).

► **Importance of Incorporating Human Rights Language**

Language in the context of human rights is more than just a tool for communication; it significantly impacts our understanding and approach to societal issues. Employing human rights language to advocate for housing shifts the perspective from charity to obligation, from aid to dignity, and from privilege to human right. It transforms the conversation from 'can we provide housing?' to 'how can we ensure everyone's right to adequate housing is fulfilled?'.

When presenting written submissions to review panels, the power of language becomes crucial, influencing the outcomes of advocacy efforts. Therefore, embedding human rights language in our submissions is of utmost importance when dealing with the complex issue of fully realizing the right to adequate housing for everyone in Canada.

This guide will familiarize you with important human rights terms and their definitions and provide practical advice for effectively using this language in your submissions to review panels. Using this language consistently and accurately will highlight the urgency of the housing crisis and our call to respect, protect, and fulfill the right to adequate housing for all.

› Key Definitions

These definitions and principles come from [Advancing Human Rights](#) and the UN Special Rapporteur's reports on the Right to Adequate Housing. They're based on human rights treaties and obligations, including for housing advocacy. Using these terms in your submissions strengthens your arguments and highlights duty-bearers' obligations for housing rights.

- **Right to Adequate Housing:** In its broadest sense, the right to adequate housing is understood as the right to live in peace, security, and dignity.

¹ The Committee on Economic, Social and Cultural Rights (CESCR) offers seven minimum standards for what constitutes "adequate" housing: (Note that these elements do not entail the entirety of housing adequacy.)

- **Security of tenure:** Housing should offer steadfast security, ensuring legal protections are in place against threats such as forced evictions or harassment.
- **Availability of services, materials, facilities, and infrastructure:** Housing should have readily available services and infrastructure, from safe drinking water and adequate sanitation to affordable heating facilities.

¹ Universal Declaration of Human Rights and [Article 11](#) of the [International Covenant of Economic, Social, and Cultural Rights \(ICESCR\)](#), 14

- **Affordability:** Housing should not be a financial burden that compromises the enjoyment of other fundamental human rights. It should be priced such that it sustains a balanced livelihood.
- **Habitability:** The environment within the housing should be safe, healthy, and secure. It should guarantee physical safety, provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards. It should be a space that contributes positively to the physical and mental well-being of its occupants.
- **Accessibility:** Housing must meet the needs of disadvantaged and marginalized groups including persons with any form of disability.
- **Location:** Housing must provide access to employment opportunities, health-care services, schools, childcare centres and other social facilities. Housing is not adequate if located in polluted or dangerous areas.
- **Cultural Adequacy:** Housing must respect and take into account the expression of cultural identity.

The “right to adequate housing” is understood in reference to the characteristics of adequate housing, but it is much broader. It imposes on governments a range of obligations, referenced below, to ensure that everyone has access to adequate housing. Access to justice is a fundamental principle of human rights. It involves the ability for individuals to seek and obtain a remedy, through formal or informal justice systems, for any actions or failures to take appropriate or necessary action, which result in violations of the right to adequate housing.

- **Right-Holders:** In the context of international human rights and the right to adequate housing, all individuals and households, groups and communities, are rights-holders. This concept recognizes individuals and groups as active subjects of law, capable of claiming their rights rather than merely passive recipients of services or charity.

² The review panel hearings in Canada are specifically focused on rights-holders (both individuals and communities) and the systemic housing issues that most impact their enjoyment of the right to adequate housing. Recognizing Indigenous peoples as rights-holders, for example, means understanding both their individual and collective agency and self-determination in claiming their rights and ensuring meaningful participation in decision-making processes that affect their housing and land rights.

- **Writing Example:** “When decisions are being made about residents of informal settlements or encampments (especially in cases where there is a proposal to remove or evict encampment residents), it is crucial to recognize the existing residents as rights-holders whose right to security of tenure and whose viewpoints and concerns must be prioritized and integrated into any decisions about their homes and communities.”
- **Duty-Bearers:** Primary duty-bearers under international law include government departments and other public institutions who have an obligation to progressively realize the international and legislated right to adequate housing. This includes every level and jurisdiction of government within Canada and relevant Crown corporations like the Canada Housing and Mortgage Corporation (CMHC). As primary duty-bearers, they are responsible for preventing and addressing human rights violations. When working with Indigenous communities, for example, it is vital to recognize the unique duties and obligations owed to Indigenous peoples based on historical injustices and specific legal frameworks that shape their rights and responsibilities. At the same time, while States (governments) are the direct duty bearers, private individuals and corporations also have obligations under international law and, more importantly, must have duties imposed on them by governments to prevent violations of the right to housing and to ensure that their actions are consistent with the progressive realization of the right to housing.

² [General Comment No. 3](#) of the UN Committee on Economic, Social, and Cultural Rights (CESCR)

- **Writing Example:** “The Government of Canada, as a primary duty-bearer, has a legal obligation to respect and protect the rights of Indigenous peoples. This includes ensuring they are not disenfranchised from their land and addressing the historic injustices they have faced.”
- **Equality and Non-Discrimination:** The right to adequate housing applies to everyone equally. This means that those who are disproportionately facing inadequate housing and homelessness are to be prioritized to ensure equality of opportunity and outcome. Specifically, non-discrimination demands that all individuals be treated equally, irrespective of their status, identity or characteristics³. Any discrimination on the basis of nationality, place of residence, sex, national or ethnic origin, colour, religion, language, “social or economic situation (including homelessness and poverty) or any other status is prohibited, and any policies that have unintentional discriminatory impacts must also be addressed. In addition, respecting the rights of Indigenous peoples to self-determination, culture, language, and land is paramount to promoting non-discrimination and inclusive decision-making processes concerning housing and land rights.
- **Writing Example:** “There is overwhelming data showcasing the disproportionate levels of inadequate housing and homelessness among intersectionally marginalized women, girls, two-spirit, and gender-diverse peoples as well as Indigenous peoples, racialized people, persons with disabilities, and other historically marginalized groups. All governments have an obligation to take positive measures to address these patterns of systemic discrimination and inequality.”

³ [Article 2 of the Universal Declaration of Human Rights \(UDHR\)](#)

- **Affected Communities:** Affected communities include groups or individuals who are particularly under-resourced or marginalized, and therefore require special measures to protect and uphold their rights. This includes but is not limited to, women, children, ethnic minorities, racialized groups, persons with disabilities, migrants, displaced persons, and individuals identifying as 2SLGBTQ+ or non-gender conforming.

⁴ When addressing systemic harm faced by Indigenous communities, for example, it is crucial to recognize the unique historical and contemporary context for these struggles, protect their rights to land, resources, and self-governance, and involve them in decision-making processes that affect their housing and land right.

- **Writing Example:** “As policy is being developed, it is necessary for affected communities (i.e. those who will be impacted by the policy) to be thoroughly involved in shaping and developing it, in monitoring outcomes and addressing shortcomings.”
- **Meaningful Engagement:** Meaningful engagement means that in public participation processes, rights-holders must be able to engage actively, freely and meaningfully in the design and implementation of any policies or programs so as to ensure that their right to housing and other human rights are ensured. Meaningful engagement and participation must result in practical, sustainable, and functional solutions that are fully compliant with human rights and meet community-specific needs.
- **Writing Example:** “Ensuring meaningful engagement, particularly with rights-holders who are members of marginalized groups like those experiencing homelessness, requires the adoption of a human rights framework that shifts relative position of power to enable rights-holders to negotiate and ensure outcomes that are compliant with human rights and drive justice and equality.”

- **Progressive Realization:** The progressive realization of the right to adequate housing means that governments have an obligation to take deliberate, concrete, and targeted steps towards fully realizing this right. It acknowledges that the full realization of social, economic, and cultural rights, such as access to healthcare, education, and adequate housing, may take time to achieve and be limited by resources and other practical economic, social, or political considerations, but should still be achieved in the shortest possible time.⁵ Progressive realization requires governments to adopt plans or strategies with clear goals and timelines with effective monitoring and accountability to rights-holders. It imposes a higher standard for the realization of the right to housing in States such as Canada, which have ample resources, than in States facing more serious obstacles
 - **Writing Example:** “The state must commit to the progressive realization of the right to adequate housing for all, including adopting a plan with clear goals and timelines and independent accountability for the elimination of all forms of homelessness. Understanding that the provision of adequate housing for everyone may not be immediately feasible in all states due to resource constraints, it is nonetheless expected that the state will continually improve its policies, allocate resources effectively, and take concrete steps towards ensuring that, within the shortest possible time, everyone has access to safe, affordable, and decent housing.”
- **Maximum Available Resources:** When progressively realizing the right to adequate housing, applying “a maximum of available resources” means that a state is expected to use all the resources at its disposal to realize the right to adequate housing in the shortest possible time. This includes financial resources, potential resources like increased taxation of wealthy individuals or tax measures to incentivize rights-compliant or Crown land. Legislative measures, regulations, and policy changes, among other things, may be required.

⁵ [ICESCR Article 2](#)

When working with Indigenous communities, it is important to acknowledge historical inequities and ensure that resources are directed toward addressing housing disparities and meeting their unique needs.⁶

- **Writing Example:** "In order to fully realize the right to adequate housing, it is imperative that the government deploys its maximum available resources. This would include actions like allocating a significant proportion of the budget towards public housing projects, mobilizing domestic and international funding, and leveraging private sector investments in affordable housing."
- **All Appropriate Means:** The obligation to apply "all appropriate means" to realize economic, social, and cultural rights (including the right to adequate housing) means that States must:
 - Take all steps to ensure the equal enjoyment of these rights by individuals and groups within their jurisdiction, without discrimination of any kind, including not only financial resources but also legislative measures.
 - Adopt proactive and positive measures to realize economic, social, and cultural rights, and not just refrain from violating these rights. This means going beyond financial investments to adopt deliberate, concrete, and targeted measures, including policies, taxation measures, legislation, and more.
 - Prioritize the realization of economic, social, and cultural rights for those who are in greatest need. For housing, this includes Indigenous peoples and disadvantaged communities such as racialized, 2SLGBTQAI+, low-income, and new migrant households, people with disabilities, rural and remote communities, and particularly women and gender-diverse people within all these groups.⁷

⁶ [ICESCR Article 2](#) ⁷ [ICESCR Article 2](#)

➤ Practical Applications of Human Rights Language in Your Written Submissions

- **Reference Human Rights Treaties and Declarations, along with authoritative commentary from UN human rights bodies:** Cite and refer to relevant human rights treaties and declarations, with particular emphasis on the right to adequate housing in [the International Covenant on Economic, Social and Cultural Rights](#) (ICESCR), to underscore your points.
- **Identify Rights-Holders & Duty-Bearers:** Clearly distinguish between those whose rights are at stake (rights-holders) and those who have obligations to respect, protect, and fulfill these rights (duty-bearers). This distinction helps highlight the accountability of duty-bearers.
- **Use Non-Discriminatory Language:** Use language that is inclusive and respectful, and that avoids bias or making assumptions about groups of people. Doing so will ensure that your writing accurately and fairly represents people and their experiences and doesn't reinforce stereotypes.
- **Highlight the Obligations of Duty-Bearers:** Draw on ideas like 'maximum available resources', 'all appropriate means', and 'progressive realization' to emphasize that duty-bearers are obligated to use their resources to fulfill the rights in question.
- **Speak to Intersectional Experiences:** Where relevant, highlight the intersecting experiences or needs of certain groups. You should also include any unique resources, funding, or support these communities may be entitled to under international law, or that they require for the realization of their right to housing.

This further emphasizes the need for specific measures to uphold the rights of certain groups, especially where there are unique obligations, treaties, or agreements. (I.e. The United Nations Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the Convention on All Forms of Discrimination Against Women or the Convention on the Elimination of All Forms of Racial Discrimination.

- **Assert the Right to Adequate Housing:** In all your submissions, uphold the right to adequate housing as a fundamental human right. You can use specific terminology to emphasize security, peace, dignity, and access to basic services.

We hope this guide is helpful as you create your written submission! Your commitment to understanding and employing human rights language is not just about the content of your written submissions, it's about contributing to a broader movement – one that places human dignity and rights at the forefront of advancing the right to adequate housing.

› Additional Resources

- [The Universal Declaration of Human Rights \(UDHR\)](#)
- [International Covenant on Economic, Social, and Cultural Rights \(ICESCR\)](#)
- [General Comment No. 3: The Nature of States Parties' Obligations](#)
- [General Comment No. 4: The Right to Adequate Housing](#)
- [General Comment No. 20: Non-Discrimination in Economic, Social, and Cultural Rights](#)
- [Advancing Human Rights: A Guide for Canadian International Cooperation](#)
- [United Nations Declaration on the Rights of Indigenous Peoples](#)
- [United Nations Convention on the Rights of Persons with Disabilities](#)
- [Truth and Reconciliation Commission Calls to Action](#)
- [Missing and Murdered Indigenous Women and Girls \(MMIWG\) 2SLGBTQQIA+ Calls to Justice](#)