

# **Assessing Canada’s National Housing Strategy: An analysis under the United Nations’ 10 guidelines for a rights-based housing strategy<sup>1</sup>**

**BY MICHÈLE BISS AND SAHAR RAZA**

Canada’s National Housing Strategy Act (NHSA), passed in 2019, is the federal governments first major attempt to bring the right to housing home to Canada. The NHSA has incredible potential to transform Canada’s existing legal systems, both by creating mechanisms to exercise the right to housing, and by requiring that Canada’s housing policies (for example, those found in the 2017 National Housing Strategy—the central federal policy guiding housing and homelessness) must be consistent with the right to housing as dictated in the *International Convention on Economic, Social, and Cultural Rights*.

The creation of a national housing strategy has been a key recommendation from international human rights authorities since the early 1990s. At its review of Canada in 2006, the UN Committee on Economic and Social Rights urged Canada to “implement a national strategy for 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.”<sup>2</sup> In 2007, the former UN Special Rapporteur on the Right to Adequate Housing expressed concern about widespread homelessness in an affluent country like Canada. He further recommended that Canada implement “a comprehensive and coordinated national housing policy based on indivisibility of human rights and the protection of the most vulnerable.”<sup>3</sup>

**Just as international human rights authorities have been pushing Canada to implement a national housing strategy, they have similarly provided guidance**

---

<sup>1</sup> This analysis is an excerpt from “*Implementing the Right to Housing in Canada: Expanding the National Housing Strategy*” by Michèle Biss and Sahar Raza. It should be read alongside the accompanying papers by Kaitlin Schwan et al. entitled “*Implementation of the Right to Housing for Women, Girls, and Gender Diverse People in Canada*” and Bruce Porter entitled “*Implementing the right to adequate housing under the National Housing Strategy Act: The international human rights framework*”. (2021, October 14). <https://housingrights.ca/the-right-to-housing-in-action/>

<sup>2</sup> UN Committee on Economic, Social, and Cultural Rights (CESCR). (2006, May 22). *Concluding observations of the Committee on Economic, Social and Cultural Rights*, E/C.12/CAN/CO/4; E/C.12/CAN/CO/5, p. 9. <https://www.refworld.org/docid/45377fa30.html>

<sup>3</sup> UN Human Rights Council. (2009, February 17). *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, Miloon Kothari: addendum: mission to Canada (9 to 22 October 2007)*. <https://www.refworld.org/docid/49b7af2c2.html>

**through normative legal frameworks on the right to housing that dictate an intersectional approach where decision-makers are accountable to those who are directly affected.**

All elements of the right to housing cannot be realized, however, through a national housing strategy alone. In fact, mechanisms such as **access to justice** under the Canadian Charter of Rights and Freedoms and **security of tenure** mechanisms under provincial or territorial laws have critical roles to play in the tapestry of a fully realized right to housing, as well as the important provisions for access to justice within the NHA itself.

International treaty body jurisprudence emerging from the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights (OP-ICESCR), as well as general comments and concluding observations from the UN Committee on Economic and Social Rights, provide a concrete outline of the requirements to fulfil the human right to housing. Additional independent United Nations authorities, such as the United Nations Special Rapporteur on the Right to Adequate Housing, have further provided guidance on the requirements of States to uphold the right to housing.

In 2018, then-UN Special Rapporteur Leilani Farha released her thematic report outlining the ten components of the right to housing when implemented in domestic housing strategies. These Guidelines can be used as a framework to analyze the extent to which Canada’s National Housing Strategy reflects a rights-based approach to housing—and how the recommendations of civil society actors in the housing sector constitute rights-based amendments to the Strategy.<sup>4</sup>

**Farha’s 10 guidelines can be utilized to analyze the extent to which the NHS and other housing policies embed the right to housing as follows:**

RIGHT TO HOUSING GUIDELINE	ELEMENTS OF THE GUIDELINE AND ANALYSIS BASED ON THE NHS AND OTHER HOUSING POLICIES
1. Basing a strategy in law and legal standards	<ul style="list-style-type: none"> <li>• <b>The right to housing is recognized as a right with legal remedies:</b> this criterion will not be satisfied until the courts recognize the right to housing as justiciable. However, considerable progress can be made in this area if rights-claimants are able to access remedies through the parallel processes of the Federal Housing Advocate and National Housing Council. Subnational governments hold additional</li> </ul>

<sup>4</sup> UN Human Rights Council. (2018, January 15). *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*, A/HRC/37/53. <http://www.undocs.org/A/HRC/37/53>

	<p>responsibility to ensure legal remedies are available for violations of the right to housing related to provincial, territorial jurisdiction. While some progress has been made in regions like Toronto to establish subnational claiming mechanisms, the right to housing will only be realized when all levels of government and courts recognize the right to housing as a right with legal remedies.</p> <ul style="list-style-type: none"> <li>• <b>Strategies must eliminate homelessness:</b> this criterion is not satisfied. The 2017 NHS aims to reduce only chronic homelessness by 50%. The 2020 Speech from the Throne made a further commitment to end chronic homelessness, however people who fall into this category represent approximately less than 20% the total population experiencing homelessness.</li> <li>• <b>Forced evictions must be prevented and halted:</b> Forced evictions, and any measures to address forced evictions that violate international human rights standards, are not addressed in the 2017 NHS. Under international human rights law, a forced eviction is “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.”<sup>5</sup> Provinces and territories are the primary actors involved in halting forced evictions, however there are significant overlaps in jurisdiction which present opportunities for all levels of government to address evictions.</li> <li>• <b>The right to housing must be used as a transformative vision and call to action. Strategies must be “living documents”:</b> These</li> </ul>
--	--

---

<sup>5</sup> Committee on Economic, Social, and Cultural Rights. (1997). *General comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions.* [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CESCR/GEC/6430&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CESCR/GEC/6430&Lang=en)

	<p>criteria will depend on the full implementation of the NHTA as it was amended and adopted parliament, to ensure that housing policy will be continually improved in response to with affected communities and implementation of measures required to address systemic issues. The 2017 NHS will soon undergo amendments, but it is unknown whether these amendments are necessarily “transformative”. However, the federal NHTA legislation to realize the right to housing has been used as a model by other subnational governments.<sup>6</sup></p>
<p>2. Prioritizing those most in need and ensuring equality</p>	<ul style="list-style-type: none"> <li>• <b>Strategies must assess which populations and communities are most in need:</b> The definition of “most in need” must be understood in the context of intersectionality and those experiencing immediate violations of the right to housing. This criterion is somewhat satisfied as the 2017 NHS does list priority populations, though some critical populations are excluded. Experts have additionally noted that NHS investments, particularly capital investments, are inadequate at reaching those priority populations of the NHS.</li> <li>• <b>Socioeconomic inequality and exclusion within housing systems must be addressed – for example in the context of financialization of housing:</b> This criterion is not yet satisfied. With the implementation of the NHTA and the government’s new measures for acquisition, and commitments by political parties in platforms for the 2021 election, there is some progress in this area, however there is little evidence that these measures will meet the needs of marginalized groups that are disproportionately facing socioeconomic disadvantages.</li> <li>• <b>In the implementation of housing programs, structural inequalities must be addressed to understand the underlying needs of marginalized groups:</b> This criterion is not yet satisfied. The impact of NHS programs, particularly</li> </ul>

<sup>6</sup> Right to Housing TO. (2020). *Right to housing in Toronto*. [https://right2housingto.ca/wp-content/uploads/2019/06/Right\\_to\\_Housing\\_1\\_TO.pdf](https://right2housingto.ca/wp-content/uploads/2019/06/Right_to_Housing_1_TO.pdf)

	<p>related to capital funding is rarely assessed in relation to structural inequalities.</p> <ul style="list-style-type: none"> <li>• <b>Strategies must address the distinct housing needs of women and gender diverse persons:</b> This criterion is somewhat satisfied. The 2017 NHS does commit to a goal of 25% of investments to women and girls, a goal reiterated in the 2021 Federal Budget for the Rapid Housing Initiative, but the impact of these investments has not been measured, and there is little evidence that the NHS programs – especially capital programs – are designed to meet the needs of women and gender diverse persons.</li> <li>• <b>The legacy of colonialism and systemic housing inequality for Indigenous persons must be recognized along with the right to develop their own priorities and strategies:</b> Canada’s obligations under the UN Declaration on the Rights of Indigenous Peoples must be read alongside other right to housing authorities.<sup>7</sup> As noted by Indigenous experts, this criterion is not satisfied, especially in the context of Canada’s failure to create an adequately resourced Urban and Rural Indigenous Housing and Homelessness Strategy that is developed and implemented by urban, rural, and Northern Indigenous housing and service providers, with recognition of these organizations as expressions of Indigenous self-determination, consistent with Canada’s obligations under UNDRIP.</li> </ul>
<p>3. Comprehensive and whole-of-government</p>	<ul style="list-style-type: none"> <li>• <b>Strategies must address intersecting areas including: “land-grabbing, speculation, privatization, predatory lending, environmental degradation and vulnerability to floods, fires or earthquakes”:</b> These criteria are not satisfied. The NHS does not sufficiently address these areas. Importantly, though investment in community housing options, and in particular social housing is part of the solution to Canada’s housing crisis – the private sector, if adequately regulated to abide by</li> </ul>

<sup>7</sup> In December 2020, the Government of Canada introduced legislation to implement UNDRIP. See Government of Canada. (2020) *Implementing the United Nations Declaration on the Rights of Indigenous Peoples in Canada*. <https://www.justice.gc.ca/eng/declaration/index.html>

	<p>human rights obligations can be engaged in solutions.</p> <ul style="list-style-type: none"> <li>• <b>Multiple stakeholders, programs, departments, and spheres of government must be engaged to ensure cooperation:</b> This criterion is somewhat satisfied. Many agencies have been engaged on housing and homelessness, including the Ministry of Veterans' Affairs, Employment and Social Development Canada, and the Canadian Mortgage and Housing Corporation. Some critical actors, including the Ministry of Justice, have been absent from actions to implement the right to housing. Critically, though this analysis focuses on the role of the federal government, other levels of government must be engaged and similarly are accountable for international human rights obligations.</li> <li>• <b>The needs of Urban, rural, and peri-urban must be addressed in housing strategies:</b> This criterion is not satisfied. Investments in housing have been disproportionately allocated to Ontario, and rural communities have often been excluded from housing policies.</li> </ul>
<p>4. Rights-based participation</p>	<ul style="list-style-type: none"> <li>• <b>Participatory mechanisms to oversee implementation of housing strategies must be engaged for rights-holders. Technical support and expertise should be made available for participants:</b> This criterion is somewhat satisfied. The consultation process leading to the NHSA are promising. The National Housing Council has been appointed, though it initially lacked lived experience of homelessness representation. This was partially addressed after public advocacy efforts<sup>8</sup> when a member from the National Poverty Reduction Strategy Advisory Council with lived experience of homelessness was appointed to the National Housing Council. It is unclear whether funded support programs through the NHS will implement a clear mandate to support rights-based participation and accountability by affected</li> </ul>

<sup>8</sup> National Right to Housing Network. (2020 November 23). *National Housing Council appointments missing lived experience and right to housing expertise*. <http://housingrights.ca/national-housing-council-reaction/>

	<p>communities in the monitoring of progressive realization and the NHS.</p> <ul style="list-style-type: none"> <li> <p><b>Those who are experiencing homelessness must be integrated into specific participatory mechanisms:</b> This criterion is somewhat satisfied. While the membership of the Housing Council includes many extremely qualified experts,<sup>9</sup> when first announced, lacked first voice advocate experts on homelessness. However, there is significant representation of other marginalized groups on the National Housing Council, and one person with lived experience of homelessness was later appointed to the council (as explained above). The future fulfillment of this criteria is dependent on the steps of government to deeply integrate persons with lived experience of homelessness.</p> </li> <li> <p><b>Engagement with Indigenous persons on housing strategies and planning must be consistent with the UN Declaration on the Rights of Indigenous Persons, as well as other human rights obligations:</b> This criterion is not yet satisfied, though it is a complex area of analysis. The Government of Canada has been working with some national Indigenous organizations to develop distinctions-based housing strategies to address the unique needs of First Nations, Inuit, and Métis Nation communities. As discussed above, however, many Indigenous experts and housing and service providers are calling for a separate and adequately resourced Urban and Rural Indigenous Housing Strategy (which was also a recent commitment in party platforms in the 2021 election). Authors of this work defer to Indigenous experts, with recognition of these organizations as expressions of Indigenous self-determination, consistent with Canada's obligations under UNDRIP.</p> </li> <li> <p><b>Activities must be undertaken to ensure participation of marginalized groups, including special measures for persons with disabilities:</b> This criterion is not yet satisfied, though some</p> </li> </ul>
--	--

<sup>9</sup> CMHC. (2021) *National Housing Council* <https://www.placetocalhome.ca/national-housing-council>

	<p>disability rights advocates have been engaged by CMHC and pre-engagements are underway by the Office of the Federal Housing Advocate.</p> <ul style="list-style-type: none"> <li>• <b>Locally, the participation rights should involve decision making on housing developments or upgrading of informal settlements:</b> This criterion is not yet satisfied but would be a rich area for the federal government to expand upon. Funding and other agreements with municipalities could be used to require a human rights-based approach to issues like local planning and financialization; engaging residents directly affected; and responding to encampments.</li> </ul>
<p>5. Accountable budgeting and tax justice</p>	<ul style="list-style-type: none"> <li>• <b>Budgeting should be measured against the standards established by s. 2(1) of the CESCRR of “maximum of available resources” and “all appropriate means.” This is measured against a standard of reasonableness<sup>10</sup>:</b> These criteria are not satisfied. Critiques of the 2017 NHS by civil society organizations, academics, and other experts have repeatedly argued that investments in tackling the housing crisis are not adequate and are not adequately weighed towards goals of the NHS to end homelessness and reduce core housing need. While investments have evolved significantly since 2017, experts voiced significant critique in early versions that investments were backloaded to the later years of the strategy.</li> <li>• <b>The impact of budgetary allocations for women and gender-diverse persons should be measured in a manner that promotes women’s housing equality:</b> This criterion is not satisfied. While the 2017 NHS commits to 25% of investments in housing equality for women and girls, there are few indicators for the impact of investments on that population. Moreover, this commitment is not clearly expressed in the criteria for programs; for example, the Rapid Housing Initiative (RHI) only awards 10/120 points for projects that will serve Black</li> </ul>

<sup>10</sup> For an in-depth analysis of the standard of reasonableness, see Bruce Porter’s accompanying paper entitled *Implementing the right to adequate housing under the National Housing Strategy Act: The international human rights framework*



	<p>Canadians, Indigenous Peoples, or women and children.<sup>11</sup> It should be noted that Canada’s federal budgets do undertake a GBA+ analysis, but without adequate measurements of the impact of investments, this criterion cannot be satisfied.</p> <ul style="list-style-type: none"> <li> <p><b>Taxation provisions and other funds must be provided to subnational governments to implement housing programs adequately:</b> This criterion is somewhat satisfied through the Reaching Home program that has designated 66 communities,<sup>12</sup> and supplies funding for homelessness services. Other programs such as the Rapid Housing Initiative flows directly to subnational governments, including those at the community level. Municipalities also require more direct power in planning, zoning, regulation, and related fields to implement effective measures as provinces have authority to limit municipalities’ planning and zoning activities – for example to implement Inclusionary Zoning for affordable units in new developments.</p> </li> <li> <p><b>Tax avoidance and loopholes in the real estate sector must be addressed in strategies. Revenues from closing these loopholes should be allocated to resources to support housing strategies:</b> This criterion is not satisfied. Governments have a critical role to protect human right to housing, including from predatory business practices that violate these rights. A recent paper by ACORN Canada identified the role of Real Estate Investment Trusts (REITs) in the financialization of housing. The report noted that in an analysis that REITs benefit from tax exemptions that saved them over 1.2 billion more in taxes since 2010, had they been treated as a non-REIT corporation.<sup>13</sup> British Columbia presents a promising example for how tax regulations can be adopted at a federal level as their</p> </li> </ul>
--	--

<sup>11</sup> CMHC. (2020). *Rapid Housing Initiative: Applicant Guide 2020*. <https://assets.cmhc-schl.gc.ca/sites/cmhc/nhs/rapid-housing-initiative/nhs-rhi-application-guide-en.pdf?rev=4d5526a8-cfc2-47d2-af8c-505a01dbcf59>

<sup>12</sup> Government of Canada. (2020, December 14). *Designated communities funding stream*. <https://www.canada.ca/en/employment-social-development/services/funding/homeless/homeless-designated-communities.html>

<sup>13</sup> ACORN Canada. (2021). *Rein in the REITs*. <https://acorncanada.org/resource/rein-reits>

	speculation and vacancy taxes have been effective strategies.
6. Human rights-based goals and timelines	<ul style="list-style-type: none"> <li>• <b>Goals and timelines must be reasonable and reflect the urgency in addressing human rights violations. They should reflect commitments to the 2030 Sustainable Development Goals (SDGs):</b> This criterion is not satisfied. The 2017 NHS aims to reduce chronic homelessness by 50% in 10 years rather than meeting the standard of the SDGs to “leave no one behind”.<sup>14</sup> The 2020 Speech from the Throne made a further commitment to end chronic homelessness, though this only represents a small portion of the population experiencing homelessness.</li> <li>• <b>It is recommended that goals be developed and measured with respect to all three types of human rights indicators:</b> <ul style="list-style-type: none"> <li>○ <b>“Process indicators” – this includes the reporting of program deliverables within a time frame:</b> This criterion is somewhat satisfied. Programs and budgets are allocated to address the housing crisis within an articulated timeframe.</li> <li>○ <b>“Outcome indicators” – this includes qualitative and quantitative data measuring the experiences of rights holders:</b> This criterion is not satisfied. Though some measurements provide us a glance at the success of NHS and other housing programs, we do not have reliable indicators, and significantly more work must be undertaken to measure the impact of programs for priority populations. While some data is collected at a population level, it is not collected in relation to all programs and initiatives funded through the NHS, and thus we are unable to assess the outcomes of these program for priority groups.</li> </ul> </li> </ul>

<sup>14</sup> United Nations. (n.d.). *Take Action for the Sustainable Development Goals*. <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

	<ul style="list-style-type: none"> <li>○ <b>“Structural indicators” – this includes an assessment of the extent to which legal protections and effective remedies are accessible to marginalized groups:</b> This criterion is not satisfied. Rights-holders have been discouraged by the courts from exercising the right to housing to access remedies. The NHTA mechanisms ensure access to effective remedies and meaningful accountability for the right to housing meaning systemic issues should be brought to light and effectively addressed through findings and the implementation of recommended measures from the Federal Housing Advocate and the Review Panel.</li> <li>• <b>Data collected must be disaggregated by race, ethnicity, disability, age, gender, and other characteristics:</b> This criterion is somewhat satisfied. Some data, including PIT counts, census data, and by-name lists is disaggregated by some characteristics. Additional concerns may be raised when, for example GBA+ identities are not captured by the member of the household member filling out the census. Advocates have voiced concerns that much more work needs to be done to further disaggregate data, particularly for Black persons and other persons of colour.<sup>15</sup></li> <li>• <b>Goals and timelines should be established for marginalized groups:</b> This criterion is somewhat satisfied. Some broad goals, or intentions to set goals, have been stated in the NHS for particularly marginalized groups, but tangible goals/timelines remain absent for most of the priority populations listed in the 2017 NHS.</li> </ul>
<p>7. Accountability and monitoring</p>	<ul style="list-style-type: none"> <li>• <b>A monitoring body must be established to assess the effectiveness of a strategy, make recommendations, and hold governments accountable:</b> These criteria are likely satisfied. In</li> </ul>

<sup>15</sup> For further recommendations on the use of aggregated demographic data to address systemic discrimination. See: British Columbia’s Office of the Human Rights Commissioner. (2020). *Disaggregated demographic data collection in British Columbia: The grandmother perspective*. [https://bchumanrights.ca/wp-content/uploads/BCOHRC\\_Sept2020\\_Disaggregated-Data-Report\\_FINAL.pdf](https://bchumanrights.ca/wp-content/uploads/BCOHRC_Sept2020_Disaggregated-Data-Report_FINAL.pdf)

	<p>Farha's report, Canada is cited as the example of a country who has created a monitoring body through the <i>NHSA</i> to accompany the NHS. While these criteria are in place at a federal level, however, housing is inter-jurisdictional and thus accountability and monitoring mechanisms are also required at provincial and municipal levels.</p> <ul style="list-style-type: none"> <li>• <b>Monitoring bodies must function independently with adequate financial resources:</b> This criterion may be satisfied. This is dependent on the resources provided to civil society to engage in systemic claims and for the Advocate and Council to adequately investigate claims. Given that housing is interjurisdictional, however, provincial and municipal measures are also required. In addition to resources, to satisfy these criterion, human rights monitoring bodies must engage rights-claimants and civil society organizations and engage a credible and transparent appointment process.</li> <li>• <b>Monitoring bodies may be responsible for monitoring the implementation of recommendations or remedial orders:</b> This criterion may be satisfied. This is dependent on the effectiveness of responses by the Minister responsible for housing in addition to the written report to be tabled within 120 days of receiving recommendations. Given that housing is interjurisdictional, however, provincial and municipal measures are also required.</li> <li>• <b>Monitoring bodies should be able to conduct hearings into systemic cases and visit affected communities:</b> This criterion may be satisfied. The Review Panel of the National Housing Council will support this function. Given that housing is interjurisdictional, however, provincial and municipal measures are also required.</li> <li>• <b>Progress should be monitored with the use of human rights indicators. Data should be disaggregated when provided to the monitoring body:</b> This criterion is not yet satisfied. Very few indicators are readily available, and there are significant data gaps to measure progress alongside</li> </ul>
--	---

	<p>human rights indicators, particularly for marginalized groups. It may be that disaggregated data is available to the National Housing Council.</p>
<p>8. Ensuring access to justice</p>	<ul style="list-style-type: none"> <li>• <b>Claiming mechanisms must have the ability to hold governments and private actors accountable. This can be through courts, ombudsperson offices, commissioners, or other housing advocates:</b> This criterion may be satisfied by the Federal Housing Advocate and National Housing Council if the mechanisms are well-led, well-resourced, and effective. Given that housing is interjurisdictional, however, provincial and municipal measures are also required.</li> <li>• <b>Ultimate recourse through court systems is important to implement the right to housing:</b> This criterion is not satisfied. While courts have been open to interpretation of the <i>Canadian Charter of Rights and Freedoms</i>, the government of Canada and various provincial governments have repeatedly taken litigation positions that prevent the right to housing from being practiced in the courts. This criterion could be satisfied in the future if the Minister of Justice were to instruct government lawyers to argue for interpretations of the Charter consistent with the NHSA, and if provincial and territorial Attorney Generals align their arguments with their international human rights obligations implement the right to housing.</li> </ul>
<p>9. Clarifying the obligations of private actors and regulating financial, housing, and real estate markets</p>	<ul style="list-style-type: none"> <li>• <b>Housing Strategies should meet the standards of the Guiding Principles on Business and Human Rights:</b> This criterion is not satisfied. The NHS does not engage with the monitoring of business practices under human rights, and this is particularly concerning given that the federal government has a clear role to protect the human right to housing. It is important to note that though the actions of private actors are addressed in this portion of the analysis, non-profit housing and government housing actors also hold human rights obligations.</li> <li>• <b>Housing strategies must also require that the actions of private actors and investors fulfill the</b></li> </ul>

	<p><b>right to housing. This includes the requirement that investors provide affordable housing or ensure units are allocated for persons with disabilities:</b> This criterion is not satisfied. Capital funding programs in the NHS do not fulfill affordability criteria, and programs require only a small portion of units be allocated for inclusive design (typically this is a threshold of 5% of units, whereas 15-20% of Canadians live with disabilities). There is opportunity for improvement if the government mandates that at least 20% of units, if not all units, be built with universal and inclusive design.</p> <ul style="list-style-type: none"> <li>• <b>Strategies must promote investment in community land trusts, collective ownership and social housing over private sector investment:</b> This criterion is somewhat satisfied. The NHS does include the National Housing Co-Investment Fund, which funds partnerships between governments, non-profits, private sector, and others<sup>16</sup>, as well as the Federal Community Housing Initiative, though it is dependent on negotiations with subnational governments. This close collaboration in delivery of programs by different levels of government is a critical area of delivery of the NHS. For example, municipalities are often involved in delivery of NHS programs as funders or as the authority for planning permissions. Civil society actors have identified that there is a lack of focus on community housing initiatives and that capital programs disproportionately favour the private sector. It is important to note that while the NHS disproportionately favours the private sector, other experts have noted that there remains a critical role to leverage adequate support programs to access the private market to secure long term affordable housing for those experiencing homelessness.</li> <li>• <b>Mechanisms for oversight of public private partnerships should be a feature of strategies. This includes zoning and land use decisions to</b></li> </ul>
--	--

<sup>16</sup> Canada Mortgage and Housing Corporation (CMHC). (2018, May 2). *National Housing Co-Investment Fund: New Construction*. <https://www.cmhc-schl.gc.ca/en/nhs/co-investment-fund---new-construction-stream>

	<p><b>ensure transparency and accountability:</b> This criterion is not satisfied. There are no accountability mechanisms to allow for transparency in zoning and land use decisions in the NHS.</p> <ul style="list-style-type: none"> <li>• <b>Strategies should support the informal economy including caregivers, domestic workers and street vendors:</b> This criterion is not satisfied and is not a feature of the NHS. Policy intervention should focus on prioritizing those in the informal economy who are most vulnerable by investing in skill-development and other opportunities for these workers to maintain or improve their living standard.<sup>17</sup></li> </ul>
<p>10. Implement international cooperation and assistance</p>	<ul style="list-style-type: none"> <li>• <b>Housing strategies must be compliant with the New Urban and 2030 SDG agenda:</b> This criterion is somewhat satisfied. However, the goals of the NHS are inconsistent with the 2030 SDG agenda to leave no one behind and eliminate homelessness. The 2030 Agenda similarly calls on governments to implement a human rights-based approach, which is attempted to some extent, but significant efforts must be taken in the next iteration of the NHS to be consistent with the NHSA and right to housing.</li> <li>• <b>States should engage in international initiatives to promote investment in activities compliant with the right to housing:</b> This criterion is not satisfied.</li> <li>• <b>States should ensure that multinational corporations engaged in real estate are registered in their country and compliant with the right to housing:</b> This criterion is not satisfied.</li> <li>• <b>Trade and investment agreements should protect and promote the right to housing:</b> This criterion is not satisfied.</li> </ul>

Though the above table is a useful tool in demonstrating the rights-based gaps of the 2017 NHS, it is important to note that human rights analysis extends beyond the above criteria. In her final report to the United Nations General Assembly, then-UN Special

<sup>17</sup> Thomas F. Alexander. (2019, October 30). *The global informal economy: Large but on the decline*. IMF Blog. <https://blogs.imf.org/2019/10/30/the-global-informal-economy-large-but-on-the-decline/>

Rapporteur Leilani Farha further evolved the characteristics of a human rights-based approach through the publication of 16 Guidelines for States for the implementation of the right to adequate housing in 2019.<sup>18</sup> Additionally, further authorities, such as the UN Special Rapporteur's guidance on the right to housing and encampments, reports on the rights of persons with disabilities, and the rights of Indigenous peoples, are part of a more fulsome analysis of the requirements of the right to housing.

Canada has a long a way to go before our National Housing Strategy and housing policies meet the standards set by international human rights law. However, it is important to remember that the progressive realization of human rights does not happen overnight: it is a process which involves continual improvement. In fact, there are opportunities for the NHS to be revised to make it more human rights-compliant; for instance, the upcoming first review of the NHS.

---

<sup>18</sup> UN Human Rights Council. (2019, December 26). *Guidelines for the implementation of the right to adequate housing. 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*, A/HRC/43/43. [http://www.unhousingrapp.org/user/pages/04.resources/A\\_HRC\\_43\\_43\\_E-2.pdf](http://www.unhousingrapp.org/user/pages/04.resources/A_HRC_43_43_E-2.pdf)