

JULY 2024



Human Rights-Based, Gender-Sensitive

NATIONAL STANDARDS FOR EMERGENCY SHELTERS ACROSS CANADA

To advance the **right to housing** for
women and gender-diverse persons

Created by:



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Acknowledgement

The development of the “National Human Rights-Based, Gender-Sensitive Shelter Standards” has been a deeply collaborative effort. At each step of the development process, a diverse range of key actors, including people with lived experiences, service providers, human rights experts, and advocacy groups, were extensively engaged to ensure that the standards reflected a comprehensive understanding of the genuine needs and dynamic realities faced by those accessing emergency shelters across Canada.

This collaboration would not have been possible without the generous contributions of the following people (and others not listed), who come from a variety of sectors, populations, and areas of expertise:¹

Members of the National Advisory Committee:

Simone Akyianu (Pivot Legal Society), Lisa Allikamik (The Tahiuqtiit Women’s Society), Amanda Arella (YWCA Canada), Hasnain Baloach, Britt Hudson (The Enchanté Network), Robyn Hoogendam (Women’s Shelter Canada), Charlotte Hunter (Keepers of the Circle), Vicky Levack, Melanie Lusted, Debbie McGraw, Marie McGregor-Pitawanakwat (National Indigenous Women’s Housing Network), Harmy Mendoza (WomenACT), Kate Mechan (Safe at Home, Yukon), Margarita Pintin Perez (Ontario Council of Agencies Serving Immigrants, Formerly at OCASI), Rabbit Richards (PACE Society), Jewelles Smith (Procne Navigation), Laura Winters (Stella’s Circle), and Yasmine Youssef (Nisa Homes).

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1 The views and policies expressed in the National Human Rights-Based, Gender-Sensitive Shelter Standards do not necessarily reflect those of the authors or their organizations.

2 This list is non-exhaustive.

Advocacy Centre), Pamela Spurvey, Rosalea Thompson (Advocacy Centre for Tenants Ontario), Kevin Webb (Calgary Drop-in Centre), Amy FitzGerald (BC Society of Transition Houses)

The following staff of BGM Strategy Group, the Canadian Centre for Housing Rights, National Right to Housing Network, and the Women’s National Housing and Homelessness Network were essential to pulling the National Human Rights-Based, Gender-Sensitive Shelter Standards together: Khulud Baig, Michèle Biss, Dana Granofsky, Misha Khan, Sarah Laisney, Ambalika Roy, Seema Kawar, Liz McGuire, Alex Nelson, Sahar Raza, Kaitlin Schwan, Stefania Seccia, and Jessica Tan.

“Advancing the Right to Housing for Women & Gender-Diverse Persons: Developing National Rights-Based Shelter Standards using a GBA+ Framework” is a project that received funding from Canada Mortgage and Housing Corporation (CMHC) under the NHS Solutions Labs, however, the views expressed are the personal views of the author and CMHC accepts no responsibility for them.



Key Terms and Acronyms

- **“Gender-Based Violence/Violence Against Women” (GBV/VAW):** The terms “Violence Against Women” and “Gender-Based Violence” in these standards are used to describe the range of services, spaces, programs, and policies women and gender-diverse people can access when they are leaving situations of interpersonal violence. The “Violence Against Women” sector and related services are specifically tailored to meet the needs of women-identifying individuals, though in practice support people with a range of gender identities and expressions. Importantly, services in the GBV sector provide support that responds to violence that is the outcome of gendered power imbalances – meaning that the abuse, exploitation, or harm is perpetrated against those who are marginalized based on their gender. These services intersect with and overlap with the emergency shelter system for those who are experiencing homelessness, but are siloed, holding different mandates and funding structures, and little formal communication between them.
- **“Service restriction/banning/barring/discharging”:** Refers to changes or limitations in access to services or physical spaces for a period of time (or, in some cases, permanently). Restriction could be applied, for example, to access to shelter beds, support or outreach services, showering and laundry facilities, food programs, or day-use spaces. These practices have a high likelihood of resulting in unsheltered homelessness or deeper and more intensive stays in other institutions, such as hospitals or prisons. Restrictions often result in long-term consequences for the women and gender-diverse people to whom they are applied.³
- **“Gender-Diversity”:** In these standards, we use the term “gender-diverse” to refer to a range of gender identities, roles, and expressions of people whose gender identity does not align with the gender they were assigned at birth. Though we employ the term “women and gender-diverse people”, the experiences represented by this category are not the same. The umbrella of gender-diversity includes people who are Two-Spirit, non-binary, gender-queer, gender-fluid, or relate to their non-cisgender identity using other language. People who are transgender may or may not find the umbrella of gender-diversity affirming – we describe experiences of people who are transgender in connection with the term gender-diverse, though recognize that binary

3 Kerman et. al 2024, [Service restrictions from emergency shelters among people experiencing homelessness: Uncovering pathways into unsheltered homelessness and institutional circuitry - ScienceDirect](#)

trans identities (i.e. those who identify as trans men or trans women), may not see their own experiences in this way. Our intention by using this term is to make visible the ways that people with different gender experiences access or are denied access to shelter spaces, rather than to impose limited categories or concepts onto this group.

- **“Two-Spirit”**: In these standards, we use the term “Two-Spirit” to honour the unique and sacred identities, roles, and expressions of Indigenous Peoples who embody a blend of diverse gender and spiritual identities. This term, originating from Indigenous cultures, acknowledges the deep cultural, spiritual, and historical significance that transcends Western understandings of gender and sexuality. Two-Spirit is not a direct translation of LGBTQ+ identities, but rather a distinct and holistic understanding that encompasses a variety of experiences and roles within Indigenous communities. Our intention in using this term is to respect and affirm the distinct cultural heritage of Two-Spirit individuals, recognizing that their unique needs and experiences in accessing or being denied access to shelter spaces.
- **“Shelters” (what counts as a shelter in this project- may also appear below)**: For the purpose of these standards, a “shelter” is defined as a temporary accommodation that offers support or services to people in crisis, experiencing homelessness, or leaving violence or abuse. These standards apply to emergency and GBV/VAW shelters, hotels and motels that are used to provide shelter, warming and day-use outreach spaces, and longer-term transitional housing. The distinction between shelters and other modes of providing accommodation is the length of stay, and the individual’s security of tenure (legal protections around their residency in the space, such as the protection provided through a lease or rental agreement).
- **“Homelessness”**: In these standards, we use the term “homelessness” to describe the experiences of individuals and families who lack safe, stable, accessible, and adequate housing. This encompasses a range of living situations, including those who are without shelter or precariously housed (living in unstable or temporary accommodations such as couch surfing or facing imminent eviction). Though we use a singular term, the experiences that are represented by homelessness are diverse and multifaceted and influenced by factors including systemic inequality, economic instability, discrimination, and others. Our intention in using this term is to highlight the varied and complex realities of homelessness to emphasize the importance of addressing the root causes and barriers that prevent people from accessing safe and adequate housing.

EXECUTIVE SUMMARY

In Canada, women and gender-diverse people experience disproportionate levels of housing need and poverty. This issue is exacerbated by a severe shortage of affordable housing, forcing many to rely on emergency shelters that are often underfunded and overwhelmed.

Gender-diverse individuals, including transgender and non-binary people, face significant barriers to stable housing due to transphobia and a lack of gender-affirming services. Discrimination in housing markets and shelters often results in unsafe and hostile environments, making it difficult for gender-diverse people to find and maintain adequate housing. Indigenous women, girls, Two-Spirit, and gender-diverse people face some of the most egregious housing rights violations. These violations stem from historical and ongoing colonial practices that have dispossessed Indigenous Peoples of their lands, cultures, languages, and ways of living. Further, systemic barriers such as discrimination, violence, and lack of culturally appropriate services further compound these challenges, leaving marginalized populations particularly vulnerable within the shelter system.

The creation of these standards acknowledges that many shelters across Canada continue to function within colonial frameworks and intersect with other systems, such as the child welfare system, splitting families, and erecting obstacles in creating pathways to healing and reconnection of families and communities disrupted by colonial process and institutions. These standards were created under the context that, in 2019, Canada passed the historic National Housing Strategy Act (“NHSA”), which obligates the federal government to realize the right to housing. Canada’s National Housing Strategy (“the Strategy”) sets forward the plan and process, including outlining funds to construct, acquire, and update housing – including emergency shelters. The NHSA recognizes that “housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities,”⁴ echoing the Universal Declaration on Human Rights, and cites “the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights

4 National Housing Strategy Act (S.C. 2019, c. 29, s. 313), online: <https://laws-lois.justice.gc.ca/eng/acts/n-11.2/FullText.html>.

[ICESCR], to which Canada is a party.”⁵

The “National Human Rights-Based, Gender-Sensitive Standards for Emergency Shelters across Canada” were developed in alignment with international human rights law standards to address the significant gaps in the provision of emergency shelter services for women and gender-diverse individuals. These standards aim to address these deep-rooted inequities by providing a rights-based, gender-sensitive framework for shelter operations that prioritize the dignity and rights of all residents.

The development of these Shelter Standards has been a deeply collaborative effort. At each step of the development process, a diverse range of key actors, including people with lived experiences, service providers, human rights experts, and advocacy groups, were extensively engaged to ensure that the standards reflected a comprehensive understanding of the genuine needs and dynamic realities faced by those accessing emergency shelters across Canada. This included 18 members of the National Advisory Committee, who played a crucial role in shaping the standards. Extensive outreach was conducted, resulting in over 50 individuals, organizations and community groups revising the standards collaboratively, to ensure they are reflective of the needs of those they aim to serve.

Outreach and engagements were conducted with over 50 organizations, individuals across Canada, including advocacy groups, people with lived experience accessing shelter, service providers, and human rights organizations. Focus groups and engagements were held to gather input and collaboratively revise the Standards, ensuring they are reflective of the diverse experiences and needs of shelter residents.

Implementing these standards represents a critical step towards transforming emergency shelters into spaces that uphold the dignity and rights of all residents. By adopting these standards, shelters can better foster more equitable and just environments for women and gender-diverse individuals, ensuring that all residents receive the support they need during times of crisis and transition.

5 *ibid.*

The Responsibility of Government

The successful implementation of these standards requires adequate resourcing and support from all levels of government. Governments have an obligation to ensure shelters are well-equipped to deliver services in alignment with human rights-based and gender-sensitive goals and outcomes. This includes setting aside operational funding for municipalities to offer training free of charge to all emergency shelters in their jurisdiction, establishing joint funding streams for shelters to upgrade infrastructure and services, and investing in staff well-being through mental health supports and equitable compensation. By providing the necessary resources and support, governments can help shelters fulfill their critical role in upholding the right to adequate housing.

National Shelter Standards

Standard 1: Shelter leadership and staff must engage meaningfully with residents to promote agency and co-ownership. Shelter leadership and staff must engage meaningfully with residents, promoting agency and co-ownership. This involves creating mechanisms for residents to have a voice in decision-making processes, ensuring their participation is substantive and impactful. By recognizing residents as experts in their own lives, shelters can develop policies and practices that better meet their needs and support their well-being.

Standard 2: Shelter leadership must ensure that all services offered at the shelter are accessible. Shelters must ensure that all services are accessible to individuals with disabilities and other marginalized groups. This includes not only implementing barrier-free designs and necessary infrastructure updates to accommodate physical and sensory disabilities, but also ensuring that services are available in multiple languages, including Indigenous languages, and providing interpretation services. Additionally, shelters must provide accessible formats for all written materials, such as braille, large print, and plain language, and ensure that digital resources are accessible to individuals with various types of disabilities.

Standard 3: Shelter leadership and staff must respect, protect, and fulfill the rights of Indigenous women and Two-Spirit people. Shelters must respect, protect, and fulfill the rights of Indigenous women and Two-Spirit people. This involves supporting and facilitating Indigenous cultural practices within shelters, such as smudging and other traditional ceremonies. Shelters must also engage Indigenous residents in decision-making and governance, ensuring their voices are respected and centred in all aspects of shelter operations.

Standard 4: Shelter leadership and staff must ensure that residents of shelters have access to culturally adequate services and supports. Shelters must provide culturally adequate services and supports that respect and affirm the cultural identities of all residents. This includes offering services that are sensitive to the diverse cultural backgrounds of residents and ensuring that staff receive comprehensive training on gender-sensitivity, intersectionality, and anti-oppression. By fostering a culturally safe environment, shelters can better support the well-being and dignity of all residents.

Standard 5: Shelter leadership and staff must prohibit forced evictions into unsheltered homelessness. Shelters must prohibit forced evictions into unsheltered homelessness. This means exploring all viable alternatives to service restrictions and implementing policies that prevent forced evictions. Shelters must provide additional support to residents at risk of losing shelter, ensuring that they have access to safe and stable housing options.

Standard 6: Shelter leadership and staff must ensure shelter residents have access to basic needs. Shelters must guarantee residents access to basic needs such as food, hygiene products, menstrual care products, and healthcare. By addressing these essential needs, shelters can help residents achieve greater stability, health, and well-being.

Standard 7: Shelter leadership and staff must ensure processes for access to justice to claim the right to housing and other human rights. Shelters must ensure that processes are in place for residents to access justice to claim their right to housing and other human rights. This includes providing residents with information and assistance on legal rights, and supporting them in navigating the legal system to secure their rights.

INTRODUCTION

- 1 In Canada, women and gender-diverse people experience disproportionate levels of core housing need and poverty. Because of this, coupled with the general shortage of affordable housing, many women and gender-diverse people are pressed to turn to overwhelmed emergency shelters that cannot accommodate them. Research consistently indicates that shelters for women and gender-diverse people across Canada are underfunded and operate at overcapacity, making it difficult to meet the basic needs of the people they serve.
- 2 **The term ‘emergency shelter’** is used to refer to a temporary but immediate accommodation that offers support or services for anyone who is homeless, at risk of homelessness, or fleeing violence or abuse. Shelter systems in Canada include housing and support services that can range from but are not limited to short-term or overnight shelters; long-term temporary transitional housing; seasonal respite spaces and single-resident occupancy hotels and motels. Canada has both emergency homelessness (“EH”) shelters and Gender-Based Violence/Violence Against Women (GBV/VAW) shelters, which to a large extent, operate in distinctly different sectors with different funding arrangements. VAW shelters can vary in their function either in a short-term, crisis capacity or as transitional or second-stage housing.⁶ The Standards presented in this document apply to emergency and GBV/VAW shelter systems ranging from crisis short-term spaces to transitional long-term spaces. The distinction between shelters and other modes of providing accommodation is the length of stay, and the individual’s security of tenure (legal protections around their residency in the space, such as the protection provided through a lease or rental agreement).
- 3 Indigenous women, girls, Two-Spirit, and gender-diverse people are experiencing some of the most egregious right to housing violations across Canada. They are over-represented in almost all aspects of housing insecurity, homelessness, and poverty, and are disproportionately impacted by violence and trauma

6 Statistics Canada (2019). Classification of shelter type. <https://www23.statcan.gc.ca/imdb/p3VD.pl?Function=getVD&TVD=440885&CVD=440885&CLV=0&MLV=1&D=1>

linked to precarious living situations. These violations are a result of historic and ongoing colonial violence Indigenous Peoples that dispossesses them from their land, cultures, languages, and ways of doing and being. The creation of these standards acknowledges that many shelters across Canada continue to function within colonial frameworks and intersect with other systems, like the child welfare system, splitting families and erecting obstacles in creating pathways to healing and reconnection of families and communities disrupted by colonial process and institutions. Further, the cultural safety of Indigenous residents must be explicitly protected, ensuring that Indigenous residents can engage in cultural practices – such as smudging – in ways that are supported by, rather than prohibited by shelter rules. The human rights-based gender standards presented within this document provide a roadmap and pathway for emergency shelters to address harm and colonial violence perpetuated through their systems, and built towards more equitable and just spaces for those most marginalized.

Definition of Indigenous Homelessness:

“Indigenous homelessness is a human condition that describes First Nations, Métis and Inuit individuals, families or communities lacking stable, permanent, appropriate housing, or the immediate prospect, means or ability to acquire such housing. Unlike the common colonialist definition of homelessness, Indigenous homelessness is not defined as lacking a structure of habitation; rather, it is more fully described and understood through a composite lens of Indigenous worldviews. These include: individuals, families and communities isolated from their relationships to land, water, place, family, kin, each other, animals, cultures, languages and identities.” [Jesse Thistle, 2017](#)



Read More on Housing Rights in the North:

To read more about cultural safety and housing rights for Inuit and Indigenous communities living in Northern communities, see [Stark Truths: Indigenous Housing Realities & Solutions in Northern, Remote Communities \(2023\)](#).

- 4 Existing research on emergency shelters extensively documents ways in which emergency shelters perpetuate harm and violence towards women and gender-diverse people navigating homelessness. For many women and gender-diverse people, homelessness shelters, often funded by municipalities, are last resorts as they are often co-ed environments that put them at risk of physical and sexual violence.⁷ Other research has also noted how challenges experienced by women and gender-diverse people are a direct consequence of shelter models and policies that follow colonial models and paternalistic practices and limit agency, and ultimately self-determination, for those navigating homelessness. For example, restrictive abstinence-based policies in shelters can be challenging for women and gender-diverse people dealing with substance use issues and might become a reason for their eviction.
- 5 The shelter system in Canada is often aligned along a gender binary. A binary system not only identifies gender as a defining factor in determining who is able to access particular spaces, but also actively upholds and reinforces normative or prevailing notions of what it means to be a “man” or a “woman.” By institutionalizing these binary definitions of gender, the system has inadvertently marginalized individuals whose gender identity or presentation falls outside of these conventional categories - the result being that gender-diverse individuals, couples, and families (including those with children) may have nowhere to find

7 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). Toronto, ON: Canadian Observatory on Homelessness Press.

shelter at the most precarious and vulnerable moment in their life. The gender binary in the emergency shelter system presents both logistical challenges for being able to access shelter, but also in the perpetuation of harmful stereotypes and the denial of basic human rights.

- 6 Emergency shelter systems that function within the limitations of gender-binaries hold direct and indirect implications for gender-diverse people who must access it for survival. Inability to meet the needs of gender-diverse people is compounded when those needs intersect with other identities and experiences of marginalization, and cross-cuts interactions across all public systems.⁸ For example, the Toronto Shelter Network Report demonstrates that “gender diverse residents, especially those who are black and/or transmasculine, and/or are ‘non-passing’ transfeminine individuals experience heightened surveillance, bullying, discrimination, harassment, punishment, service restrictions/refusal and police intervention.”⁹ The report goes on to say, poignantly: “Against this backdrop, it is understandable that many gender diverse people are hesitant to access services, and why some prefer to stay on the street, in emotionally abusive situations or in encampments.”¹⁰ We use the term “gender-diverse” to refer to non-cisgender people who may access beds within emergency homelessness or VAW shelter system, including Two-Spirit, transgender, non-binary, gender-queer and others with diverse and nuanced gender expressions, identities, and experiences.

- 7 Ultimately, human rights informed practices must prohibit and address discrimination across both individual and systemic experiences. The right to housing is intended to address systemic violations (meaning that the ideal outcome is to change the way systems are organized and operated to advance human rights). In the context of creating gender-responsive shelter spaces, particular attention should be paid to intersecting experiences for women and gender-diverse people who are marginalized due to their race, income level, disability, citizenship status, Indigeneity, or sexual orientation in addition to their gender. Identities and experiences of marginalization can compound or deepen someone’s experience of

8 Standing Committee on Health, (2019) The Health of LGBTQIA2 Communities in Canada.

9 Toronto Shelter Network (2020). Transforming the Emergency Homelessness System: Two Spirited, Trans, Non-binary and gender-diverse Safety in Shelters Project. Toronto Shelter Network. p. 5

10 Toronto Shelter Network, 2020, p. 5.

homelessness, and create obstacles to seeking housing or shelter. These standards are rooted in the understanding that not all shelter residents will experience the space in the same way due to their identity, community ties, personal circumstances, history, and experiences. We also recognize that the shelter system can be grounds where exclusionary, violent, exploitative or discriminatory behaviour can profoundly shape someone's experiences.

Definition of 'Women' and 'Gender-Diverse' in This Paper:

In framing these standards, we use the phrase 'women and gender-diverse people' intentionally. This terminology acknowledges both the shared and distinct challenges faced by these groups within shelter systems, where gender-sensitive approaches are often insufficiently applied. This lack of specificity has led to the marginalization of 2SLGBTQQIA+ people, including transgender women, as well as individuals who are gender-diverse but do not identify as women, each experiencing distinct forms of exclusion. We recognize that while this language groups these communities together, it does not imply that their experiences are identical or universally shared. The reality is that our current resources, space availability, and the existing frameworks of gender as recognized in international human rights discourse are limited and have predominantly been shaped around the experiences of cisgender women. By intentionally discussing gender diversity alongside the needs of women in shelters, we aim to navigate these limitations to do justice and help meet needs along an incredibly diverse gender spectrum. As authors of these standards, we advocate for a more nuanced understanding and support of all communities who face discrimination, marginalization, or violence on the basis of their gender. With these legal and policy tools at our disposal, we aim for these standards to move us closer to meeting the diverse needs of the women and gender-diverse people accessing shelters in Canada.

The shelter system, like other public systems, was established in a context that reflects broader power imbalances, and prevailing norms and assumptions about historically marginalized groups of people. This structure and alignment can unintentionally and surreptitiously entrench or reproduce patriarchal, colonial, ableist, and white-supremacist logics and values. Seeking to uphold human rights in this context means unsettling these inequitable foundations, and supporting efforts where this power redistribution is already underway.

Overexposure to Violence:

Chronic overexposure to violence – as well as exposure to environmental stressors such as extreme heat and cold, and contaminants like mould and pollution – leads to increased and worsening debility and disability for many women, girls, and gender-diverse people. This occurs in situations of homelessness, but also living underhoused in inadequate or poorly maintained units. In one striking example, the June 2022 Report to the Chief Coroner of British Columbia revealed that 98% of heat related deaths in BC during the record-breaking summer of 2021 occurred indoors.”

- 8 The absence of funding is not justification for operating in ways that infringe on the rights of people who are unhoused, including in manners that are discriminatory. While shelters’ ability to operate in a rights-compliant manner is impacted by the funding they receive, some rights based policies do not necessarily require more funding.
- 9 Under international human rights law, governments have an obligation to establish gender-responsive budgeting processes (including process of engagement with civil society organizations representing women and gender-diverse people from intersecting marginalized communities) to address differing impacts on the housing experiences of women and ensure fiscal decisions that promote women’s equality in housing. Grounding these standards in an application of human rights law and frameworks helps us move from the belief that shelters should be doing this because it is a good thing to do, to the reality that upholding human rights as

outlined here, is an obligation. Human rights norms help us advance rights and make progress towards changing the system, and help us to align practice with clear and direct frameworks established under international human rights law.

- 10 Across Canada there are very few women-specific emergency shelter beds in the homelessness sector, and approximately 1,000 women and children are turned away from VAW shelters each day.¹¹ There are even more urgent gaps in shelter bed access for Two-Spirit, non-binary, gender-queer and gender-diverse people, whose housing needs and nuances are often subsumed within services dedicated to a primary resident base of cisgender women. There is also disparity in shelter access in regions across Canada, along urban and rural divides, and with some cities having greater access to gender-specific resources than others. Importantly, access to shelter beds is not the only issue. While the homelessness and VAW sectors are differently structured and operate under different policies, the experiences of navigating these shelters overlap in many areas. Research indicates that particular policies and practices within the homelessness and VAW sector are underpinned by structural inequities and underfunding, exacerbating the marginalization and exclusion of women, girls and gender-diverse individuals experiencing homelessness.

- 11 Structural and systemic gaps, inequities, and failures within shelter systems do not fall on all women and gender-diverse individuals evenly – those who are racialized, disabled, newcomers or refugees, or who are gender-diverse, face specific and profound challenges in seeking shelter. Numerous factors, such as limited resources, personal choice, or safety may influence the type of shelter someone who is gender-diverse may seek out. Two-Spirit or Indigenous women and gender-diverse people may struggle to find services that are able to attend to or affirm their intersecting identities and needs. Transgender residents who are also Black and Indigenous are more likely to have conflict result in police intervention, which holds serious consequences for their life and wellbeing.¹² Disabled women

11 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: Key Findings*. In Hache, A., Nelson, A., Kratochvil, E., & Malenfant, J. (Eds), Toronto, ON: Canadian Observatory on Homelessness Press, p. 17.

12 Nelson, A.; Malenfant, J.; Schwan, S. (2023) *Research Brief: Housing Need and Homelessness Amongst Gender-Diverse People in Canada*. Women's National Housing and Homelessness Network; Office of the Federal Housing Advocate. <https://womenshomelessness.ca/wp-content/uploads/Research-Brief-on-Housing-Need-Homelessness->

and gender-diverse persons may not be able to acquire shelter that meets their accessibility needs (related to physical infrastructure, rigid policies, limited food options, or other factors), or may find their health conditions worsen due to poor-quality shelter options.¹³

- 12** High barrier access to shelters, created through policies related to eligibility criteria, shelter rules, and duty to report, can result in denial of services, service restriction (sometimes in the form of banning or barring residents from physical spaces or access to services), child-parent separation, deepening of housing precarity, and increased exposure to violence or exploitation. Many shelters continue to function under policies that restrict access to those using substances, exposing them to harm and risk to their life and safety. Even as shelters purport to mitigate these outcomes, the results remain largely unchanged with devastating consequences that can end in fatalities – especially due to unsheltered homelessness.¹⁴ The high mortality related to homelessness is compounded by the rise of fatal opioid-related overdoses in emergency shelters, and recent coroner’s inquests regarding Single Room Occupancy and supportive-housing-related deaths. This context of unacceptable and constant loss is inherently linked to the broader structural issues facing women and gender-diverse people, and a systemic understanding of the drug poisoning crisis is an essential part of the social matrix that situates the provision of emergency shelters. Further, the GBV/VAW and homelessness sectors operate in siloed ways (meaning there is little to no formal administrative communication or cooperation between them) despite research demonstrating patterns of women and gender-diverse people seeking services in both sectors.¹⁵

[amongst-Gender-Diverse-Persons.pdf](#); Toronto Shelter Network (2020).

13 As quoted by Kaitlin Schwan, Alex

Nelson, Hilary Marks, Anne Landry, Jewelles Smith, Hilary Chapple, Arlene Hache, Khulud Baig, Sahar Raza, Elizabeth Zimmerman, Valerie Sadler, Faith Eiboff, Janice Campbell, Nicole Chaland, Hannah Brais, Tanyss Knowles, Mary Elizabeth Vaccaro, Jesse Jenkinson, Jayne Malenfant, Lise Laforge, Fiona Traynor, Kaayla Ashlie, Hajar Masoud, and Haydan Fox (2022) *The Crisis Ends with Us: Request for a Review into the Systemic Denial of the Equal Right to Housing of Women and Gender-Diverse People in Canada*. Women’s National Housing and Homelessness Network; Office of the Federal Housing Advocate. <https://womenshomelessness.ca/wp-content/uploads/WNHHN-Claim-15-June-2022.pdf>:

14 Richards, J. & Kuhn, R., (2023) *Unsheltered Homelessness and Health: A Literature Review*. *American Journal of Preventative Medicine*. Volume 2, Issue 1. [https://www.ajpmfocus.org/article/S2773-0654\(22\)00041-4/fulltext](https://www.ajpmfocus.org/article/S2773-0654(22)00041-4/fulltext)

15 See Maki, K. (2017), *Housing, Homelessness, and Violence Against Women: A Discussion Paper*. Women’s Shel-

- 13** Systemic concerns, such as discrimination towards Black and racialized service users, disproportionate and unfair service restriction for marginalized persons, lack of culturally appropriate services, denial of services to non-cisgender service users, and inaccessibility for persons with disabilities, raise many important human rights issues, including those related to the right to adequate housing. Given the federal government’s enactment of the National Housing Strategy Act (“NHSA”) in 2019¹⁶, which recognized the right to adequate housing domestically, there is an urgent need for all levels of governments to address the underlying systemic issues that impact basic human rights for women and gender diverse peoples, including the fundamental right to adequate housing.

ters Canada. <https://www.homelesshub.ca/sites/default/files/attachments/Housing%2C%20Homelessness%2C%20and%20VAW%20Discussion%20Paper%20Aug%202017.pdf>: “Several studies have noted that housing remains one of the leading barriers for women escaping violence and that DV is one of the main causes of homelessness among Canadian families” (pg 10).

Citing the extensive body of literature linking homelessness and “domestic violence”, Maki’s report from Women’s Shelters Canada also references:

- Baker, C., Billhardt, K., Warren, J., Rollins, C., and Glass, N. (2010). “Domestic Violence, Housing Instability, and Homelessness: A Review of Housing Policies and Program Practices for Meeting The Needs of Survivors. *Aggression and Violent Behaviour*, 15: 430-439;
- Burnett, C., Ford-Gilboe, M., Berman, H., Wathen, N., and Ward-Griffin, C. (2016). “The Day-to-Day Reality of Delivering Shelter Services to Women Exposed to Intimate Partner Violence in the Context of System and Policy Demands.” *Journal of Social Service Research*, 0(0): 1-17;
- Jategaonkar, N., and Ponic, P. (2011). “Unsafe and Unacceptable Housing: Health and Policy Implications for Women Leaving Violent Relationships. *Women’s Health and Urban Life* 10(1): 32-58;
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¹⁶ National Housing Strategy Act (S.C. 2019, c. 29, s. 313), online: <https://laws-lois.justice.gc.ca/eng/acts/n-11.2/FullText.html>.

A) Purpose of the Rights-Based, Gender-Sensitive Standards for Emergency Shelters in Canada

- 14 This document is structured to serve a dual purpose: it provides a practical framework for emergency shelters, guiding them in application of these Standards; and it acts as a directive for governments to allocate and designate funding and resources in a manner that aligns with human rights obligations. By doing so, the Standards aim to create a cohesive, rights-based, gender-sensitive environment for emergency shelter operations, supported by informed governmental actions that prioritize the rights, dignity, and well-being of shelter residents.
- 15 These Standards do not attempt to foresee every possible context or challenge that may arise within emergency shelters. Recognizing the diverse and dynamic nature of emergency shelter operations, these Standards are crafted to be flexible and adaptable to a wide range of contexts and challenges.
- 16 **Emergency shelters** have an important role to play, and **hold responsibility in applying the human rights principles outlined in these Standards** to each case as it arises, always prioritizing the shelter residents' inherent rights, dignity, and need for social inclusion. This approach underscores the commitment to implementing decisions that reflect the core values of the Standards, addressing the unique circumstances of each situation with a rights-based, gender-sensitive perspective.
- 17 While shelters do not constitute adequate housing under international human rights law, shelters as entities play an important role in upholding the right to adequate housing principals. This role is reflected in Article 10 and 18, under the International Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms that recognizes that “No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms”¹⁷ and that “Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as

17 <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and>

appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.” In light of national and international human rights frameworks, these Standards contend that shelters are responsible for: (1) respecting and upholding the human rights of people who reside in them, and (2) working towards the progressive realization of the right to housing for all. Critically, the government of Canada has an obligation, as a signatory to the ICESCR to “endeavour to ensure that the temporary accommodation protects the human dignity of the persons evicted, meets all safety and security requirements and does not become a permanent solution, but is a step towards obtaining adequate housing.”¹⁸ In other words, it is a legal obligation of the government to provide the kind of support and assistance in securing adequate and secure housing to which these Standards refer to in best practices below.

- 18 The vision of the Standards is ultimately to have permanent housing for rights holders, and to ensure that while shelters support those experiencing homelessness, they protect, respect, and fulfill the human rights of all people living in shelters, seeking to access them, or being turned away from them.

B) Methods: Development of the Rights-Based, Gender-Sensitive Standards for Emergency Shelters Across Canada

- 19 These Standards were developed through a Canadian Mortgage and Housing Corporation (CMHC) Solutions Lab that brought together some of the major VAW and homelessness stakeholders, grassroots advocates and community leaders from across the country to imagine a rights-based, gender-sensitive approach to service delivery in emergency shelters across Canada. The project is guided by both a project leadership team and an advisory committee of lived experts, advocates for gender inclusion and human rights, researchers, and leading organizations working in this area. The goal of the Lab was to develop a set of National Rights-

18 Hakima El Goumari and Ahmed Tidli and their children v Spain. Available online: <https://juris.ohchr.org/casetails/2923/en-US>

Based, Gender-Sensitive Shelter Standards that can be enacted in emergency shelters in both the GBV/VAW sector and the homelessness sector. These Standards aim to provide a roadmap for shelters to adopt policies and practices that align with the right to housing and the NHSA, contributing to better outcomes for women and gender-diverse persons who are unhoused.

20 The development of these Shelter Standards has been a collaborative effort. The Standards were the result of a rigorous solution-building process that involved:

- a. consistent guidance from a national advisory committee;**
- b. multiple rounds of focus groups and interviews with lived experts and service providers;**
- c. a national survey; and**
- d. a “future-casting” exercise to collectively envision potential future scenarios to inform the creation and implementation of housing and shelter policy.**

At each step of the development process, a diverse range of key actors were extensively engaged through numerous virtual and in-person focus groups, expert community calls, one-on-one interviews, debriefs, check-ins, project team meetings, and ongoing email communication. Input was sought from people with lived and/or living experiences in accessing emergency shelters, service providers, human rights experts, and advocacy groups throughout the project, offering multiple pathways and platforms for participation to meet individual needs. Particular attention was paid to ensuring a diversity of perspectives and experiences across geographic regions, and reflective of diverse racial, cultural and ethnic identities, disabilities, Indigenous women and gender-diverse people, newcomer and refugee groups, sex work advocates with lived experience, 2SLGBTQQIA+ peoples, and those who hold a range of gender identities. This process of intentional, ongoing, and individually tailored engagement was instrumental in ensuring that the Standards are reflective of the genuine needs, and dynamic realities and challenges faced by those they are designed to serve.¹⁹

21 These Shelter Standards are grounded in a comprehensive framework that merges international human rights principles with a Gender-Based Analysis Plus (GBA+) approach. This foundation ensures that the Standards are not only compliant with

¹⁹ Authors note a limitation that further engagements in Quebec may be relevant to further develop these Standards.

existing human rights Standards and frameworks but are also sensitive to the unique needs of diverse gender identities and expressions. Drawing from a wide array of sources, including international treaties and human rights frameworks, these Standards aim to showcase best practices in emergency shelter operations.

- 22 These Standards rely heavily on the work of Leilani Farha (former United Nations Special Rapporteur on the Right to Adequate Housing) and Dr. Kaitlin Schwan, expert researcher on gender and homelessness, who developed the **National Protocol for Homeless Encampments in Canada**,²⁰ which provides all levels of government an understanding of their human rights obligations through nine human rights principles to guide state actions.

C) Shelter Standards in Canada in the Context of the Human Right to Adequate Housing

- 23 In 2019, Canada passed the historic National Housing Strategy Act (“NHSA”), which obligates the federal government to realize the right to housing. Canada’s National Housing Strategy (“the Strategy”) sets forward the plan and process, including outlining funds to construct, acquire, and update housing – including emergency shelters. The NHSA establishes accountability tools and commitments to close systemic gaps in housing and homelessness law, policies, and programs.
- 24 The NHSA recognizes that “housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities,”²¹ echoing the Universal Declaration on Human Rights, and cites “the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights [ICESCR], to which Canada is a party.”²²
- 25 The right to housing requires the meaningful engagement and centering of the

20 Leilani Farha and Kaitlin Schwan, A National Protocol for Homeless Encampments in Canada, April 30, 2020, online: <https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf>

21 National Housing Strategy Act (S.C. 2019, c. 29, s. 313), online: <https://laws-lois.justice.gc.ca/eng/acts/n-11.2/FullText.html>.

22 *ibid.*

groups most impacted by a particular issue. In the context of the right to housing, this means that communities most impacted by systemic inequities, have to be at the table or at the forefront in decisions that impact their lives and communities. As articulated later in the Standards, special attention should be given to address the systemic barriers individuals may face to be able to meaningfully engage.

- 26** Homelessness is inherently a human rights violation.²³ The effects of homelessness not only undermine the fundamental right to adequate housing, but often encroaches on several other human rights including the right to equality and non-discrimination, the right to health, access to water and sanitation, and freedom from cruel, degrading, and inhuman treatment. It is a profound assault on dignity, social inclusion, the right to life and for Indigenous women, unique rights they are entitled to through their relationship with the Canadian government. The consequences of experiencing homelessness are particularly severe for women, especially those with children, those fleeing violence, and women with disabilities, a concern that has been highlighted by UN authorities. The statistics are similarly appalling for Two-Spirit, transgender, non-binary, gender-queer, and other gender-diverse people.²⁴ For many women and gender-diverse people, navigating homelessness entails experiencing and being at risk of life-threatening violence, losing children to child welfare systems, and facing discrimination when seeking care and respite. These experiences are also further exacerbated for women and gender-diverse people of color and women and gender-diverse people living with disabilities.
- 27** The denial of these rights is colonial and systemic, meaning that it is manufactured by the way settler colonial society is aligned and operates. Systemic issues are tied to structural patterns of exclusion and power, like colonization, white supremacy, cis-heteropatriarchy, or ableism. The term “system” can also refer to the institutions that are sites of service delivery to the public, such as shelters, schools, hospitals, or prisons. Together, these interlocking “systems” can shape access to or denial of human rights. Systemic issues like homelessness are not isolated to a single event, location, or individual. They can only be addressed by fundamental and comprehensive shifts in programs, practices, and policies

23 UN Special Rapporteur on the Right to Adequate Housing, A/HRC/31/54, para. 4. Online: <http://www.unhcr.org/user/pages/04.resources/Thematic-Report-5-Homelessness-as-a-Global-Human-Rights-Crisis.pdf>

24 Trans PULSE Canada report “Housing Barriers Among Trans and Non-Binary Adults in Canada,” Online: <https://transpulsecanada.ca/results/responsive-report-housing-barriers-among-trans-and-non-binary-adults-in-canada/>.

- 28** Under international human rights systems, the United Nations appoints Special Rapporteurs, who act as independent experts to oversee and monitor particular human rights. The former UN Special Rapporteur on violence against women, its causes and consequences, “many States tend to perceive the establishment of shelters or support for non-governmental organizations running shelters as voluntary commitments and not as part of their human rights obligations based on international human rights treaties.” She continues that, “this situation is related to the lack of full incorporation and implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the failure to adopt comprehensive and holistic approaches to integrated services to combat and prevent violence against women.”²⁵
- 29** Homelessness can also be a cause and consequence of violence for women and gender-diverse people. Violence can take many forms, including interpersonal and direct violence, as well as structural and systemic violence. Safe, stable, and permanent housing is important, as it serves as a buffer from violence – housing that meets one’s needs can provide an environment that supports physical and cultural safety,²⁶ access to resources, and a space of care and healing. When

25 <https://documents.un.org/doc/undoc/gen/g17/162/08/pdf/g1716208.pdf?token=yYq8DG0uIHbg59Ftd-V&fe=true>

26 Cultural safety is particularly important for people whose cultural identities are often overlooked, or whose cultural practices are explicitly barred due to shelter rules. This could include having access to spaces to pray, or being able to have food options that adhere to one’s dietary restrictions. In the context of Indigenous cultural practices in Northern Canada, the authors of *Stark Truths: Indigenous Housing Realities & Solutions in Northern, Remote Communities* (2023), say: “It is a heavy weight to bear, seeing our people struggling and hurting. We see our people being mistreated by corporations. We strongly believe everyone deserves to have a home. With effort and collaboration between networks with the same goal, and by creating programs that are culturally appropriate in the North, we can help our people to be sheltered and have a place to call home” (pg 5). Examples provided in *Stark Truths* include sharing meals with community, having culturally-specific arts spaces – such as sewing for Inuit peoples. Other examples provided by First Nations and Metis advisors include access to smudging, or support for connecting to one’s culture, and Elders or Knowledge-Holders.

The human rights claim submitted by the National Indigenous Women’s Housing Network (2022) also comments on the critical connection between the right to housing and right to culture for Indigenous women, girls and gender-diverse people. The claim states that, “Violations of the right to adequate housing are intertwined with the violations of the right to culture for Indigenous women, girls, Two-Spirit, and gender-diverse persons. Our experiences of homelessness and housing insecurity are a direct result of historic and ongoing genocidal colonial practices that have focused on eliminating Indigenous culture and ways of doing, being, and knowing, including in the area of housing and land.” (p. 17). <https://womenshomelessness.ca/wp-content/uploads/Indigenous-Housing-Claim-June-15-2022.pdf>

access to housing is disrupted, this rupture can move women and gender-diverse people into deeper forms of precarity and constrain their choices in an already challenging housing landscape.

D) Relevant Authorities

The Role of Shelter Providers and Staff in Protecting, Respecting, and Fulfilling Human rights Obligations

- 30 Municipalities operate emergency shelters through delegated authority from the provinces, while Canada’s federal government administers certain housing programs in designated urban communities, for recent immigrants, refugees, as well as on reserves, and in rural and remote Indigenous communities.²⁷ Research shows that women and gender diverse people frequently move within varying sectors of the shelter system to meet basic housing and survival needs. As unhoused people move between shelters and related public services, they necessarily engage different legal jurisdictions (i.e., municipal, provincial/territorial and/or federal), which has implications for determining the avenues available to access, claim, or assert rights that have been violated by respective housing authorities.
- 31 This legal and policy context is especially important given the recent recommendations from the Federal Housing Advocate’s report on encampments, which emphasizes: (i) the interrelated connection between emergency shelters and growing encampments, and, (ii) the rise in shelter deaths that necessarily result from harmful, arbitrary, and otherwise discriminatory service provision. This is compounded by the rise of fatal opioid-related overdoses in emergency shelters, and recent coroner’s inquests regarding Single Room Occupancy and supportive-housing-related deaths.²⁸ This context is an essential part of the social context that situates the provision of emergency shelters.

27 See for example, Infrastructure Canada, Reaching Home Homelessness Strategy, available online: <https://www.infrastructure.gc.ca/homelessness-sans-abri/directives-eng.html#fn17>.

28 Office of the Federal Housing Advocate, Upholding Dignity and Human Rights: The FHA’s Review of Encampments – Final Report, (2024), available online: <https://www.housingchrc.ca/sites/housing/files/2024-02/Final%20report%20-%20Federal%20Housing%20Advocate%27s%20review%20of%20encampments%20-%20EN_1.pdf>.

i. Canadian Charter of Rights and Freedoms and Provincial/ Territorial Human Rights Legislation

- 32** When shelters are exercising a governmental function, such action or relevant laws and its application, can be challenged under the Canadian Charter of Rights and Freedoms. Governmental laws and action can attract Charter scrutiny for infringing on people’s rights to life, liberty, security of the person,²⁹ as well as, rights to equality and non-discrimination. Courts have largely considered the necessity of tent cities and the right to shelter outdoors, by assessing the accessibility of shelter spaces in the context of rights to security of the person under s. 7 of the Charter.³⁰ It is worth noting that s. 15 of the Charter, although rarely considered in the housing context,³¹ provides a ripe avenue for asserting rights, given the increasing social context evidence regarding: (i) disparities in eviction rates shouldered by Indigenous and racialized communities, and (ii) overrepresentation of Indigenous and racialized peoples within homelessness counts.³²
- 33** In this vein, courts have consistently recognized that shelter spaces must be available and truly accessible in terms of meeting the diverse housing needs of marginalized groups (see for example, *Bamberger, Regional Municipality of Waterloo v. Persons Unknown*,³³ *Prince George (City) v. Stewart*,³⁴ and *B.C. v. Adamson*³⁵). Shelter providers must therefore be attuned to the ways in which unhoused people are forced to utilize shelters that cannot accommodate their disability-related, or religious needs, or, that adversely affect them.
- 34** This is similarly relevant when provincial and/or municipal governments are developing or applying laws and policies regarding who is eligible for shelter service, enforcing local rules or bylaws that result in the eviction of residents, or

29 *Victoria (City of) v. Adams*, 2009 BCCA 563. See also the *Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained*, 2023 ONSC 670; *Bamberger v. Vancouver (Board of Parks and Recreation)*, [2022 BCSC 49](#); *Prince George (City) v. Johnny*, [2022 BCSC 282](#); *Prince George (City) v. Stewart*, 2021 BCSC 2089; *Black et al. v. City of Toronto*, [2020 ONSC 6398](#); *Abbotsford (City) v. Shantz*, [2015 BCSC 1909](#); *Abbotsford (City) v. Shantz*, [2015 BCSC 1909](#).

30 *ibid.*

31 See for example, *Tanudjaja v. Canada (AG)*, 2014 ONCA 852.

32 *Prince George (City) v. Stewart*, 2021 BCSC 2089 at para 71.

33 *The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained*, 2023 ONSC 670.

34 *Prince George (City) v. Stewart*, 2021 BCSC 2089.

35 *British Columbia v. Adamson*, 2016 BCSC 1245.

otherwise exercising a delegated governmental power. Shelters hold responsibility for rights holders along with overlapping layers of authorities such as municipal, provincial/territorial, and federal governments. In a recent case, *Sanctuary et al v. Toronto (City) et al.*, 2020 ONSC 6207, applicants representing directly impacted unhoused communities, challenged shelter system standards of the City of Toronto as unconstitutional, as the standards failed to require minimum distancing between bunk beds in context of pandemic. The city had asserted compliance with such standards despite it not meeting physical distancing obligations, not making available sufficient shelter beds, and failing to provide relevant updates in respect of goals responding to covid-19 crisis in the shelter system.

- 35** Regardless of whether a particular housing program is operated municipally, or funded through federal/provincial shared cost programmes, governments and delegated authorities have an obligation to ensure that shelter provision is human rights-compliant, and meets legally recognized standards set out in various federal/provincial statutes and regulations. In this vein, shelter action is always subject to provincial and/or territorial human rights legislation. Governments critically have the obligation to regulate shelters in a manner consistent with provincial/territorial human rights legislation. Similarly, there is an onus on governments to ensure funding for emergency shelters are commensurate with the needs of groups, and with their obligations to realize the right to adequate housing.
- 36** Provincial/territorial legislation protects against discrimination based on protected human rights grounds, such as race, gender, gender identify and expression, or sexual orientation. This may apply to particular relationships of rights holders and actors such as landlords, employers, and providers of goods to the public.³⁶ These requirements under provincial and territorial legislation should be interpreted alongside Canada’s international obligations under treaties such as the ICESCR, which apply to all levels of government.

ii. International Human Rights Treaties

- 37** Although the text of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) recognizes adequate housing as a component of the right to an adequate standard of living, the right to adequate housing is now universally

36 Canadian Centre for Diversity and Inclusion, “Overview of Human Rights Codes by Province and Territory in Canada,” Available: <https://ccdi.ca/media/1414/20171102-publications-overview-of-hr-codes-by-province-final-en.pdf>

recognized as an independent human right that is interdependent with the right to an adequate standard of living and other human rights. The Committee on Economic, Social and Cultural Rights (Committee on ESC Rights)—a body of 18 independent experts³⁷ established in 1985 to oversee the implementation of the ICESCR—is considered the most authoritative source for the interpretation and application of the rights in the ICESCR. It conducts periodic reviews of states that have ratified the Covenant and issues “concluding observations” which identify concerns and recommendations.

38 Treaty bodies like the Committee on ESC Rights clarify countries’ obligations under human rights treaties by adopting General Comments. General Comment No. 4, is the primary interpretation of the right to adequate housing under the ICESCR.³⁸ Despite evolving interpretations, it remains foundational in defining and outlining key obligations related to this right. **It outlines the following 7 essential for the right to adequate housing:**

- legal security of tenure;
- availability of services and materials;
- affordability;
- habitability;
- accessibility;
- location; and
- cultural adequacy.

39 The UN Special Rapporteur on the Right to Adequate Housing has explained that the recognition of the intricate link between access to adequate housing and the enjoyment of all other rights. The inclusion of the right to life has been central to developments in many jurisdictions that have ensured access to justice for the right to adequate housing as a component of the right to a dignified life. The UN Human Rights Committee has recognized that homelessness in Canada has serious

37 UN General Assembly, International Covenant on Economic, Social and Cultural Rights (16 December 1966) (entered into force 3 January 1976), Online at: <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>>

38 In the context of international law stemming from the ICESCR, in *Ben Djazia et al v. Spain* it was found that Spain (as a signatory to the ICESCR), had violated their duty “to grant the greatest and widest possible protection to the family, as the foundation of society, in keeping with article 10 (1) of the Covenant. In this regard, the State party has not explained to the Committee why no other options were available to the authors.” Available here: <https://juris.ohchr.org/casedetails/2407/en-US>

health consequences and may even lead to death; thus Canada must “take positive measures required by Article 6 [the right to life] to address this serious problem.”³⁹

- 40** In its General Comment 36 on the right to life, the Human Rights Committee established that States must “take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity,” including measures to address homelessness and maintain social housing programs.⁴⁰ The right to a dignified life has been widely applied within the Inter-American human rights system in the context of housing and homelessness.
- 41** In addition to the ICESCR, Canada has ratified human rights conventions that recognize the right to adequate housing for marginalized groups. The right to adequate housing for women, girls, and gender-diverse persons is protected in both the ICESCR and Articles 1, 3, and 14, the Convention for the Elimination of Discrimination Against Women (CEDAW), to which Canada is a party. Similarly, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) offers specific protections related to Indigenous Peoples. Under UNDRIP, there is an obligation for Indigenous women and girls to have effective resources from government to administer supports and programs on their own. Researchers have found that context on sexual orientation and gender identity is limited within the context of CEDAW, but note that CEDAW remains the leading convention in references to 2SLGBTQQI+ rights, and is uniquely positioned to consider the ways in which queer communities’ rights are both upheld and violated. Further consideration as to how treaties and protocols can advance the rights of gender-diverse people would be a fruitful subject for future exploration.
- 42** The right to adequate housing for children is a feature of both the ICESCR and the UN Convention on the Rights of the Child (CRC),⁴¹ to which Canada is a party. This Convention guarantees the right of every child to “a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.” States, in accordance with national conditions and within their means, “shall take

39 UN Human Rights Committee, Concluding Observations: Canada (7 April 1999) CCPR/C/79/Add.105, Online at: <<https://undocs.org/CCPR/C/79/Add.105>> at para 12.

40 UN Human Rights Committee, General Comment No. 36, Article 6 (Right to Life) (3 September 2019) CCPR/C/GC/35, Online at: <<https://undocs.org/CCPR/C/GC/36>>, at para 26.

41 UN General Assembly, Convention on the Rights of the Child (20 November 1989), Online at: <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>> [CRC].

appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.”⁴²

- 43** The Convention of the Rights of the Child (“CRC”) places particular emphasis on the best interests of the child principle as paramount in decisions made by public or social agencies, courts, administrative and legal bodies that invariably affect the living conditions of children. Presumably, this would extend to decisions related to parenting orders, child welfare policing of unhoused individuals and their children, and decisions relating to evictions of households with children, particularly when we consider the egregious impacts of such systems on Black and Indigenous families,⁴³ who are overrepresented in child welfare systems in Canada.
- 44** The right to adequate housing for racialized persons is similarly recognized in the Convention on the Elimination of All forms of Racism (CERD),⁴⁴ which Canada has ratified. CERD guarantees the right to non-discrimination in access to housing and also affirms a substantive right to the equal enjoyment of the right to adequate housing and other ESC rights. The CERD Committee has specifically recommended that greater attention be given to ensuring access to housing and the social condition of people of African descent and Indigenous Peoples, and that Canadian governments “address the root causes of displacement, such as poverty, and poor housing, that disproportionately drive children into foster care.”⁴⁵ These recommendations situate housing as an important systemic condition that both creates and sustains discrimination against Indigenous Peoples and children.
- 45** The right to adequate housing for persons with disabilities is further identified in the ICESCR, as well as the Articles 9, 19 and 28 of the Convention on the Rights of Persons with Disabilities (CRPD),⁴⁶ and is also ratified by Canada. Critically,

42 UN General Assembly, Convention on the Rights of the Child (20 November 1989), Online at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>, Article 27.

43 First Nations Child and Family Caring Society of Canada et al., v. AG of Canada, [2016 CHRT 2](#).

44 UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965), Online at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

45 UN Committee on the Elimination of Racial Discrimination, Concluding observations: Canada, (4 April 2012) CERD/C/CAN/CO/19-20 at paras 16 & 19; and Concluding Observations: Canada (13 September 2017) CERD/C/CAN/CO/21-23 at para 28.

46 United Nations, Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into

Article 19 of the CRPD requires that persons with disabilities have the opportunity to choose where and with whom they live and have access to a range of community support services to facilitate inclusion in the community and prevent isolation or segregation. States must adopt “effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right.”⁴⁷

iii. 2030 Sustainable Development Goals Agenda

- 46** The 17 Sustainable Development Goals of the 2030 Agenda for Sustainable Development was adopted unanimously in 2015 by all UN member states, including Canada. Target 1.11 of the Sustainable Development Goals (SDGs) requires that Canada ensure, “access for all to adequate, safe and affordable housing and basic services” by 2030. Target 5. c. of Goal 5 on Gender Equality outlines a commitment to, “Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.”
- 47** As the the Office of the High Commissioner for Human Rights notes, “the 2030 Agenda is unequivocally anchored in human rights and is explicitly grounded in the Universal Declaration on Human Rights (UDHR), the international human rights treaties as well as other instruments such as the Declaration on the Right to Development.”⁴⁸ A human rights based approach is at the centre of advancement of Canada’s commitment to the SDGs.

iv. Provincial/Territorial Human Rights Legislation

- 48** Provincial/territorial legislation protects against discrimination based on identity characteristics which may be articulated as “protected grounds”, “prohibited grounds”, or “applicable characteristics.” This may apply to particular relationships of rights holders and actors such as landlords, employers, and providers of goods to the public.⁴⁹ These requirements under provincial and territorial legislation

force 3 May 2008), Online at: <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

47 United Nations, Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008), Online at: <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd> (Article 19)

48 UN Office of the High Commissioner for Human Rights, “About the 2030 Agenda on Sustainable Development,” Available: <https://www.ohchr.org/en/sdgs/about-2030-agenda-sustainable-development>

49 Canadian Centre for Diversity and Inclusion, “Overview of Human Rights Codes by Province and Territory in

should be interpreted in parallel to Canada’s international obligations under treaties such as the ICESCR and CEDAW, which apply to all levels of government.

- 49 Critically, some provinces have now passed their own legislation to implement the UN Declaration on the Rights of Indigenous Peoples.

E) A Gender-Sensitive Approach:

- 50 To apply a gender-sensitive approach, a rights-based framework for shelter work must encompass principles of non-discrimination and equality, violence and safety, and regional disparities.

What is a Gender-Sensitive Approach?

In these standards, we use the term “gender-sensitive approach” to refer to a way of thinking, planning, and acting that takes into consideration the diverse needs, experiences, and perspectives of individuals, regardless of their gender identity. It’s about being aware that gender plays a role in how individuals experience the world and recognizing that people may have different challenges, or opportunities based on their gender identity. The goal of a gender-sensitive approach is to promote fairness, equality, and inclusivity by addressing and accommodating these diverse needs in various aspects of life, such as policies, programs, services, and decision-making processes.

I. Intersectionality, Non-Discrimination and Equality

- 51 The National Inquiry on the Missing and Murdered Indigenous Women and Girls Report (MMIWG) notes how practices like barring women and gender-diverse people using substances from accessing shelters have particularly been discriminatory for Indigenous women and Two-Spirit people. These discriminatory practices

disproportionately affect those who use substances to cope with extreme violence and intergenerational trauma, caused by ongoing colonial displacement. Barring those who use substances from shelters increases vulnerability to harm and violence for these groups.

- 52** Racialized, immigrant, and refugee women and gender-diverse people, especially those with precarious status, are impacted by discrimination and a lack of cultural adequacy in shelters. They often lack knowledge of, and support with, navigating the systems and services they need to stabilize their lives and advocate for themselves. Failing to find adequate and coordinated supports through shelter systems—including to find affordable housing, resolve immigration issues, and access to justice through legal aid—can prevent racialized women and gender-diverse people from breaking the cycle of homelessness.
- 53** Women and gender-diverse people with disabilities experience unique barriers in shelter spaces, particularly those with intellectual disabilities and invisible disabilities. Shelters across Canada are extremely limited in their capacity to provide targeted services to support those with visible and invisible disabilities. Lack of funding and outdated infrastructure contribute to physical inaccessibility, along with posing other challenges to accessibility, proving to be a significant barrier to access for individuals with physical disabilities.
- 54** Ensuring non-discrimination and substantive equality aligns with international human rights frameworks, particularly the ICESCR. Article 3 of the ICESCR explicitly emphasizes the equal right of all individuals to enjoy Covenant rights, with a specific mention of the right to housing, asserting that governments must guarantee these rights without any form of discrimination (Article 2.2). Importantly, the principle of equality and non-discrimination is an immediate and non-negotiable obligation, not contingent on the progressive realization of the right to housing.
- 55** The right to housing and the principle of non-discrimination are inextricably linked. This linkage is emphasized in The Convention on the Elimination of All Forms of Discrimination against Women, which articulates that governments: “shall undertake all appropriate measures to eliminate discrimination against women in rural areas [...] and, in particular, shall ensure to such women the right [...] (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications”(art. 14.2).
- 56** The Guiding Principles on Security of Tenure for the Urban Poor recognize that the right to housing is a central element of women’s right to substantive

equality, “which requires that laws, policies and practices be altered so that they do not maintain, but rather alleviate, the systemic disadvantages that women experience.” Further, the Guidelines for the implementation of the right to adequate housing, presented by the UN Special Rapporteur on the Right to Adequate Housing,⁵⁰ note that:

- States must prohibit all forms of discrimination in housing by public or private actors and guarantee not only formal but also substantive equality, which requires taking positive measures to address housing disadvantages and ensure equal enjoyment of the right to housing.
- The right to equality requires that housing and related social programmes be non-discriminatory in their effect. It also requires that such programmes be adequate to alleviate the effects of discrimination against marginalized groups and address their unique circumstances.

57 The United Nations Right to Adequate Housing Fact Sheet No. 21⁵¹ importantly notes that the lack of gender-specific policies can be the cause of discrimination towards women and gender-diverse people. This necessitates that all levels of the governments must uphold their duty to ensure eradication of discriminatory practices and commit to gender-specific policies that protect women and gender-diverse people from encountering distressing cycles of recurring harm navigating shelter systems. States must ensure that existing policies and regulations are not furthering harm and that emergency shelters are particularly safe for women and gender-diverse people to access and navigate. States must further fulfil their duty to ensure that women and gender-diverse people are able to rely on them as temporary measures that reduce imminent harm in their lives and lead them towards housing stability.

50 Special Rapporteur on the right to adequate housing, Raquel Rolnik Presented, “Guiding principles on security of tenure for the urban poor,” Online: <<https://www.ohchr.org/en/special-procedures/sr-housing/guiding-principles-security-tenure-urban-poor>>.

51 UN Office of the High Commission on Human Rights, “The Right to Adequate Housing: Fact Sheet No. 21,” Online: <https://www.google.com/url?q=https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf&sa=D&source=docs&ust=1715869239950364&usq=AOvVaw37x-eXXloT2Vw3rsUQ37-R>.

II. Violence and Safety

- 58** The right to housing encompasses protection against all forms of GBV/VAW, aligning with the UN Declaration on the Elimination of Violence against Women. The Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) emphasizes the importance of state actions in situations of violence against women. General Recommendation No. 33 (2015) asserts that states should guarantee access to financial aid, crisis centers, shelters, hotlines, and various support services. Additionally, Article 23 of the Istanbul Convention by the Council of Europe underscores the obligation of states to establish easily accessible shelters to provide safe accommodation, particularly for women and their children.
- 59** The separation between types of shelter services forces women to fit into either a 'homeless' or 'abused' status, creating barriers to accessing appropriate support. The lack of a consistent framework that coherently defines violence across provincial/territorial jurisdictions leads to gaps in service delivery and a violation of women's housing rights. This becomes particularly challenging considering GBV/VAW shelters often provide tailored supports not available to those accessing homelessness shelters.
- 60** Furthermore, inconsistencies in the definitions and forms of violence against women addressed in provincial and territorial legislation exacerbates the issue - especially as these definitions are adapted into shelter policies and practices. Definitions and forms of violence recognized in legislation can determine what services one is eligible for within their region.
- 61** States must adopt standard definitions to ensure clarity and consistency in identifying and addressing violent incidents within the shelter system. This definition should be comprehensive, encompassing all forms of gender-based violence.
- 62** In some cases, capacity issues prevent women and gender-diverse persons from accessing shelter, exposing them to new threats of violence.
- 63** Fear of gender-based violence is a key barrier for women and gender-diverse people accessing homelessness shelters, which often tend to serve men and women within the same space. The lack of safe and immediate emergency shelter options lead women and gender-diverse people into hidden forms of homelessness or compel them to continue living in abusive households, particularly if they are caring for children.

- 64** The lack of women-, queer- and trans- specific shelter spaces can exacerbate risks, including risks of sexual or physical assaults, having their belongings stolen and experiencing retraumatization from shelter environments and staff.
- 65** Research shows that lack of security of tenure is a leading cause for women and gender-diverse people losing their most recent housing.⁵² Breaking up of a relationship can leave women and gender-diverse people without security of tenure and at risk of experiencing housing insecurity. It is also more likely for women to bear the burden of leaving their housing in order to get away from the perpetrator of violence. Violations to the right to adequate housing leave women more vulnerable to gender-based violence, and subsequently impair their enjoyment of their right to security, dignity and life.
- 66** States must bear the duty to protect security of tenure for women and gender-diverse people as a preventative measure for gender-based violence and housing insecurity. The Guiding Principles on Security of Tenure for the Urban Poor particularly call on states to:

[T]ake measures to address the vulnerability of women and children to tenure insecurity due to a breakdown of spousal relations, including as a result of domestic violence. Women and children's security of tenure should be prioritized in these circumstances. Many legal systems authorize the victim of domestic violence to stay in the family home, and order the removal of the perpetrator. [...] When remaining in the family home is not feasible, States should ensure victims have access to alternative adequate housing with secure tenure.⁴⁸⁵³

III. Regional Divide

- 67** The disparity in services and infrastructure between urban, rural and northern regions manifests itself in emergency shelter services. Most shelters are concentrated in urban centres, forcing women and gender-diverse people in rural and Northern regions to leave their communities in order to access appropriate

52 Pan-Canadian Survey.

53 Special Rapporteur on the right to adequate housing, Raquel Rolnik Presented, "Guiding principles on security of tenure for the urban poor," Online: <<https://www.ohchr.org/en/special-procedures/sr-housing/guiding-principles-security-tenure-urban-poor>>

supports, particularly when fleeing violences.

- 68** The regional divide and concentration of emergency shelter services in urban centres leaves women and gender-diverse people vulnerable to risks of violence as they traverse geographies to seek better supports for themselves and their families. Indigenous women, girls, Two-Spirit and gender-diverse people, particularly those on reserves and in the North, are especially impacted when they are forced to migrate in hopes of seeking stable and appropriate housing in urban centres.
- 69** The MMIWG Inquiry report particularly notes that limited transportation infrastructure and high fares to access available transportation in rural, remote and Northern communities “means that people may be forced to rely on other methods, such as walking or hitchhiking, not only to escape dangerous situations but simply to travel for education or employment.”⁵⁴ This poses significant risk to Indigenous women and gender-diverse people, reflected in the Inquiry’s articulation that the lack of safe and adequate transportation infrastructure means “that women already in extremely vulnerable and dangerous situations as they leave violent relationships are sometimes forced to put themselves at significant additional risk in order to access a safe house or emergency shelter – for example, by hitchhiking in order to reach a safe space.”⁵⁵
- 70** The lack of accessibility to emergency shelters in rural and remote communities in Canada is a violation of housing rights of women and gender-diverse people.
- 71** For shelters that do operate in remote, rural and Northern regions, capacities are limited while demands are high. Gender-specific spaces in homelessness serving shelters, and limited capacity in GBV/VAW serving shelters, force women and gender-diverse people into hidden homelessness, as they navigate the scarcity of services available to serve them. Most critically, many economies in rural, remote and Northern regions of Canada are resource economies, and the MMIWG Inquiry particularly notes how the presence of temporary labour engaged in resource economies (man camps) stresses the already limited social infrastructure in these communities such as health, and mental health services.

54 <https://www.mmiwg-ffada.ca/final-report/>

55 Ibid.

- 72** The compounding challenges of establishing and operating shelters in rural, remote and Northern regions impact women and gender-diverse people’s ability to achieve long term housing stability on their own terms. Recognizing this impact on gender and housing, the UN-Habitat report, *Women and Housing: Towards Inclusive Cities*, recommends that “It is critical for States to specifically address women’s rights to adequate housing and land in their poverty-reduction strategies, anti-poverty policies and rural development and land reform programmes.”
- 73** Both GBV/VAW and homelessness shelters are impacted by a lack of coordination that would aid them in aligning services for individuals interacting with multiple systems, such as healthcare, criminal justice, transportation, youth and senior care. The crisis impacting emergency shelters across Canada today, calls for a whole of government strategy that focuses on coordination at all levels of government and across multiple departments.

NATIONAL SHELTER STANDARDS

Human Rights Standards for Emergency Shelters Across Canada

- 74 The following Shelters Standards are grounded in the recognition of shelter residents as rights holders. Shelter policies and practices must be guided by a commitment to upholding the human rights and human dignity of residents. This means that shelters must not engage in practices that criminalize or penalize people for their housing status, but adopt an approach rooted in rights-based participation and accountability.
- 75 In developing these Standards, authors have closely replicated the rationale developed by the leading human rights resource, the ***National Protocol for Homeless Encampments in Canada*** developed by Leilani Farha (former UN Special Rapporteur on the Right to Adequate Housing) and Dr. Kaitlin Schwan.⁵⁶
- 76 While many of the Standards below address the role of Shelter leadership and staff, government actors have a key role to play - particularly in resourcing shelters to be champions of human rights. Throughout the process of developing these Standards, the recommendations include:
- a. Governments must ensure shelters are well-equipped to deliver services in alignment with Rights-Based and Gender-sensitive Goals and Outcomes. For example:
 - i. Governments should set aside operational funding for municipalities to offer the training free of charge to all emergency shelters in their jurisdiction.

56 [Tent Encampment Protocol \(make-the-shift.org\)](https://www.make-the-shift.org/)

- ii. Provincial and municipal governments establish joint funding streams that emergency shelters can apply for through culturally based accreditation processes. These funding streams would cover capital and operational expenses to upgrade infrastructure and shelter services to align with gender-sensitive, human rights-based trauma-informed service delivery.
- b. Government investments in shelters must meet a maximum of available resources to invest in Staff Wellbeing through Training, Mental Health and Wellness Supports, Employee Assistance Programs, Cultural Competency and Equitable compensation.
- c. Federal, provincial and territorial governments should create joint funding streams to establish a continuum of housing options including emergency shelters and more permanent housing solutions.
- d. Government funders should require all emergency shelters to complete gender-sensitive, human rights-based trauma-informed training.
- e. Provincial and municipal governments should provide direct grants to support administration and staff in emergency shelters in undertaking cultural competency, trauma-informed training and implementing new protocols for gender-sensitive, human rights-based, trauma-informed service delivery (TISD).
- f. Access to specialized funding streams would be conditional to the attainment of a gender-sensitive, cultural competency, human rights-based trauma-informed service delivery training.
- g. Government can create a database for all shelters to easily access others' policies, practices, and plans. This would help the sharing of knowledge, inspire, generate ideas, and ultimately improve service and reduce time and energy for many shelters as they can "copy paste" and edit work that's already been done.⁵⁷

57 Noted by a reviewer that this can be difficult to implement in practice especially to ensure effective engagement - the tool needs to be marketed and promoted effectively so as to not get lost.

Standard 1: It is essential for shelter leadership and staff to engage meaningfully with residents and other lived experts to create pathways for agency.

- 77 Shelter leadership and staff must create pathways for and invest in meaningful participation of lived experts throughout the design and implementation of policies, programs, and practices that affect them. Residents are experts in their own realities, and they best understand what barriers exist to realization of human rights, and what is needed to resolve those barriers.



What Does Meaningful Participation Emcompass?

Meaningful participation encompasses all the practices, processes and methods of supporting the leadership of impacted communities in making decisions about their lives, their futures, their families, and their communities. For engagement to be meaningful, it must be determined by the individuals or communities involved, and substantively impact the outcomes of the process, maintaining the dignity and autonomy of rights holders.

- 78 Ensuring meaningful participation is central to the inherent dignity of shelter resident, as well as respect for their autonomy, dignity, agency, and self-determination. Practically, engagement and participatory practices with residents must be ongoing and proceed under the principle that residents are experts in their own lives. Program participants may also be exhausted and overwhelmed, and participation should never be obligatory. Participation must reflect the needs and wishes of individuals, including culturally-based engagement methods such as sharing circles, or arts or creative modes of expression that are meaningful to the person. Resources should also be put in place to support and facilitate the conditions of this engagement. The absence of these resources undermines what is needed to support the individual agency of participants.
- 79 The views expressed by shelter residents must be afforded adequate and due

consideration in all decision-making processes, with mechanisms in place for ongoing meaningful participation. This is particularly important in relation to barring and banning practices that can have serious, material consequences on one's safety and wellbeing. Participation requires that all residents be provided with information, resources, and opportunities to directly influence decisions that affect them. The UN Special Rapporteur on the Right to Adequate Housing explains, "Rights-based participation supported by all levels of government transforms residents into active citizens and engaged community members, making housing programmes more affordable and effective and creating vibrant, more sustainable communities." Shelters will use a culturally safe and trauma-informed approach when engaging residents.

- 80** As a standard of human rights law, specific efforts must be taken to ensure equitable participation by women, persons with disabilities, persons of colour, Indigenous Peoples, migrants, and other groups who experience discrimination or marginalization. This is particularly vital in connection to the rights of Indigenous Peoples, where engagement and free, prior, and informed consent is part of the pathway towards decolonizing the shelter system.
- 81** Meaningful engagement must comply with all human rights principles, including non-discrimination. This requires:
- a. Development and funding of a peer or resident support program that has real decision-making authority. Engaging those most impacted is a fundamental principle of human rights practices, and we take decision-making guidance from those with lived experience. The peer support group should be implemented with a principle of adequate compensation or supports.
 - b. Provision of necessary institutional, financial, and other resources to support residents' right to participate. Such supports should include: legal advice, social service supports, literacy supports, translation, mobility supports. Cultural supports should extend to newcomer women, especially Black and racialized women. Special attention should be put into cultural supports for Indigenous women and Two-Spirit women.
 - c. In the context of gender responsive practice, this should include asking about gender pronouns, chosen name, and language or terminology around identity. Shelter staff should ask residents, preferably upon intake, "what do you want me to call you?" In the example of domestic violence, residents may not want to be labeled as a "survivor" or "victim" if the harm has ended.

- d. Prevention of silencing, dismissal, or punitive actions against women and gender-diverse people expressing distress as a result of navigating emergency shelter systems.
 - e. Provision of relevant information concerning decisions that affect residents, ensuring sufficient time to consult. Transparency is a vital aspect of human rights practice. This includes shelter staff providing shelter residents information on their rights and a list of legal resources in the context of accessing shelter spaces. Shelters should also provide information on their roles and responsibilities in the context of human rights to shelter residents.
- 82** Develop collective and trauma-informed house agreements, which are ongoing and responsive to the needs of residents. It should allow residents to play an active role in aspects of relevant policies. As a rights holder noted in an engagement session to develop these standards, “Understand and collaborate/work with us, don’t preach/teach.” Residents should be able to be protected from recourse in challenging decisions made by government or other actors, to propose alternatives, and to articulate their own demands and priorities.
- 83** Third party mediators should be available to protect against power imbalances that may lead to breakdown in negotiations or create unfair results. Shelter staff should be trained in community engagement and human rights.
- 84** People with lived experience often enter staff roles within the shelter system. Staff who have lived experience offer unique expertise and capacity to their work. Particularly in the role of ensuring funding is adequate, governments should support shelters to create environments where this experience is acknowledged and upheld as a professional strength. This is also true for staff who hold marginalized identities, such as being gender-diverse, Indigenous, or racialized.
- 85** Efforts should be made to prevent burnout and attrition of staff from equity-seeking communities, who are impacted in a different way/scale by the same kinds of systemic issues faced by marginalized shelter residents.

Examples of Best Practices:



Gender-Sensitive Application: Substantive Equality and Non-Discrimination

In a co-ed shelter (outside of the context of a VAW shelter) this could include a women's advisory group to particularly focus on the role of women and gender-diverse residents in shelter governance and practices.

- Emergency shelters identify the specific needs of a diversity of residents living with trauma and train staff on addressing these individual needs through collective knowledge sharing and ideation.
- Emergency shelters provide space and administrative support for residents to join an advisory of lived experts, tasked with representing the many perspectives of shelter users and providing constructive and critical feedback to staff and management. Lived experts of the shelter advisory are given adequate compensation for their time and expertise.
- Staff with lived experience are invited to join the lived expert advisory to provide feedback on gender-sensitive and culturally appropriate policies in the shelter.
- Shelter staff and the lived expert advisory meet once a month to discuss challenges and successes of the past month. Using the techniques they learned through trauma informed service delivery training, they workshop ideas together to address situations that require sensitivity to the residents' experience of trauma.
- Adequately compensate staff with lived experience. Having a psychologist or mental health specialists, or representatives from local community organizations to moderate these workshops would ensure that discussions happen in a safe and respectful environment to avoid re-traumatizing staff with lived experience. In the most recent guidelines from the Canadian Human

Rights Commission, it is suggested that experts with lived experience be paid at least \$60 per hour if in dialogue. The Canadian Human Rights Commission's Policy on Stakeholder Compensation.⁵⁸

- Emergency shelters regularly organize house meetings with residents, the lived experts advisory, employees, and local community organizations to debrief about the facility's trauma-informed protocols and brainstorm solutions together when needed.
- Shelters should foster inclusive hiring and recruitment practices to help build a robust and diverse workplace to meet a variety of needs/representative of shelter residents. Lived experience should be listed as a strong asset on every job description at both front-line and management levels.
- Shelters should provide structured and transparent pathways for career mobility and professional development. Shelters can offer women and gender diverse staff opportunities for greater responsibility, specialization, and leadership, securing greater economic security for staff. High staff turnover has an impact on both shelter residents and other staff. This requires government funding to support shelters to provide fair wages and robust benefits packages to their employees – including resources for mental health, stress, and seeking culturally appropriate care.
- Shelters should make accommodations for interviews, such as transportation and childcare, multiple options to take the interview (phone, video, in person) and arranging for on-site childcare for interviews to support lived expert hiring at shelters.
- Implement comprehensive Employee Assistance Programs that offer confidential counseling, stress management resources, and support for personal issues. These programs should be accessible to all staff members, promoting mental health and emotional well-being.
- Shelters should ensure pay equity among staff, ensuring all staff are being paid a living wage that includes paid sick, vacation and personal days, and incorporates flexible work hours and shorter work weeks wherever possible. Pay

58 <https://www.chrc-ccdp.gc.ca/en/resources/publications/the-canadian-human-rights-commissions-policy-stakeholder-compensation>

disparity between frontline staff and leadership should be reduced.

- In line with human rights frameworks, staff of shelters should be engaged in making decisions about their workplace. Participation, and reciprocal dialogue is important in creating a structure that is responsive of the needs of staff – in particular, the needs of lived experience staff, who may be engaged in peer/ lived experience advisory roles.
- Budget allocations for staff wellness, regular therapy opportunities, and comprehensive training on trauma-informed care, burnout prevention, and vicarious trauma recognition form essential components of our protocols.
- Emergency shelters create new gender-sensitive, human rights-based Trauma Informed Service Delivery (TISD) protocols to support staff and help them avoid burnout, vicarious trauma, and compassion fatigue by:
 - ▶ Subscribing to an Employee Assistance Program.
 - ▶ Referring staff to free or low-cost mental health and wellness supports.
 - ▶ Establishing flexible on-call/rotation schedules for resident-facing employees.
 - ▶ Regularly collecting feedback from employees to adjust these measures as needed.
 - ▶ Emergency shelters identify the specific needs of a diversity of residents living with trauma and train staff on addressing these individual needs through collective knowledge sharing and ideation.
 - ▶ Shelter staff meet once a month to discuss challenges and successes of the past month. Using the techniques they learned through TISD training, they workshop ideas together to address situations that require sensitivity to the residents' experience of trauma.
 - ▶ Establishing standards for employee wellness, including self-care allowances and commitments, is crucial to recognizing the importance of mental and emotional well-being for both staff and residents.

Standard 2: Shelter leadership must ensure that all services offered at the shelter are accessible.

- 86 In Canada, 79% of women and gender diverse people experiencing housing need or homelessness report having a disability.⁵⁹
- 87 Canada is a signatory to the Convention on the Rights of Persons with Disabilities alongside the ICESCR. As noted by the Committee on the Rights of Persons with Disabilities in General Comment No. 2, “accessibility is an enabling condition to ensure that persons with disabilities live independently and participate fully in all aspects of life.”⁶⁰
- 88 For existing physical infrastructure, it is assumed that updates to infrastructure may not be immediate, instead governments have a requirement to ensure, “any new housing is developed in accordance with barrier-free design requirements is an immediate obligation of States. States must also adopt, as quickly as possible, legislation and plans to ensure that barriers in existing housing are removed over time.”⁶¹
- 89 In the Canadian context, in a survey of Violence Against Women shelters conducted by DisAbled Women’s Network of Canada, “when asked if shelters had done renovations recently to accommodate women with disabilities, 12 out of 22 who had completed major renovations stated it was to accommodate disabled women.” Furthermore, in “their comments 6 shelters acknowledged that funding was a huge barrier to making their spaces more accessible.”⁶²
- 90 Ultimately, governments must ensure shelter leadership have sufficient resources to make necessary changes for accessibility.

59 Pan-Canadian Women’s Housing and Homelessness Survey <https://womenshomelessness.ca/a-new-horizon-survey/>

60 Committee on the Rights of Persons with Disabilities, general comment No. 2, paras. 13-14.

61 A/72/128 <https://www.ohchr.org/en/documents/thematic-reports/a72128-adequate-housing-component-right-adequate-standard-living-and> and Committee on the Rights of Persons with Disabilities, general comment No. 2, para. 14

62 Jewelles Smith, “DisAbled Mothering—Building a Safe and Accessible Community,” online: <<https://www.dawn-canada.net/main/wp-content/uploads/2013/03/DisAbled-mothering-Jewelles-Smith.pdf>>.

- 91 In some cases, **services may be more accessible without significant resource investment. If so, measures must be taken by shelter leadership to prioritize those efforts.**

Examples of Best Practices:

As disability rights expert Jewelles Smith states, “although having ramps, open spaces, adaptive equipment and TTY phones will greatly improve the accessibility of a shelter, first there has to be an understanding around what accessible means and how services and behaviour are the first step to making a space accessible.”

Beyond ensuring shelter spaces are compliant with accessibility laws with features such as ramps and elevators, best practices to ensure accessibility include:

- Ensuring that private rooms are available with soundproofing.
- Rooms should have windows, that have locks installed.
- Safes should be available for residents.
- Avoid building ‘mega’ shelters (i.e. 100 units) and develop plans instead for multiple lower capacity spaces (i.e. 25 units).
- Integrate trauma-informed care into spaces with design and colour choices. Be intentional about plants and healing spaces.
- Consult residents about what is needed to make services and infrastructure accessible but be conscious of when to engage (people should not be consulted while in crisis).
- Emergency shelters work with community/pro bono architects, designers, and occupational therapists to adapt the facility’s space to the needs of residents with experience of trauma, and bolster accessibility using inclusive design partner architects, designers and occupational therapists organize participatory design workshops with employees and the lived experts advisory to plan upgrades to the facility.

- Emergency shelters offer more than one common area for residents to gather and socialize. Ideally, emergency shelters should have a reception area with staff offices (including a private office for resident consultation), a common room with adequate sitting, at least one activity room (reading room, crafts room or game room), and private rest areas connected to the common room.
- Emergency shelters offer private, accessible washrooms wherever possible to support a range of needs, and provide spaces that promote the safety and dignity of shelter residents. Shelters should have 1 bathroom stall for every 2 people, 1 shower cabin for every 4 people, and at least 1 wheelchair accessible washroom on the ground floor. All bathrooms and showers should be fitted with basic accessibility features, such as motion-activated lights, grab bars and low counters.
- Emergency shelters use LED, full spectrum lighting, with dimmer switches where possible, to reduce sensory overload and adapt to the physical needs of residents dealing with issues such as light sensitivity, post-traumatic stress disorder, epilepsy or chronic migraines.
- Maintenance staff strictly use non-chemical and environmentally friendly cleaning products to create a fragrance-free environment.
- Emergency shelters implement low-barrier access to shelter services.
- Emergency shelters hire and train staff in responding to accessibility needs (e.g. recruitment of staff speaking additional languages, including sign language).
- Frontline workers receive training on de-escalation and compassionate, nonviolent communication. They are also made aware of the kind of situations that can lead a resident to be in crisis, and receive guidance on how to respond.
- Emergency shelters implement procedures for residents to request disability accommodations, through the lived experts advisory and staff focal points, and ensure that their protocols are flexible enough to uphold residents' choice and agency.
- Emergency shelters systematically provide information and services in braille and sign language.

- Emergency shelters provide information, resources and services in plain language and accessible format where possible. Information for residents is available in official languages, braille, and sign language

Standard 3: Shelter leadership and staff must respect, protect, and fulfill the rights of Indigenous women and Two-Spirit people.

- 92 Indigenous Peoples, particularly Indigenous women and Two-Spirit people are drastically over-represented in homeless populations in Canada. The landscape of housing injustice in Canada is rooted in colonization, and the housing system is founded on the dislocation and dispossession of Indigenous Peoples from their lands, languages, economies, and cultures. Canada has formally recognized the UN Declaration on the Rights of Indigenous People (UNDRIP), and in 2021 passed the Act that brought UNDRIP into domestic implementation.⁶³
- 93 In the context of homelessness, Indigenous Peoples continue to experience disproportionate rates of homelessness - importantly - on their own homelands. As the UN Special Rapporteur on the Right to Adequate Housing notes, “Where homeless services are available, they are often ill suited to Indigenous Peoples and may further entrench the trauma of homelessness by replicating patterns of colonial oppression because the services are often offered by the same religious institutions that were part of the colonial structures of subjugation, among other reasons.”⁶⁴ This disruption and theft undergird the contemporary housing system, and shape the structures of housing as a vehicle for the exploitative extraction of profit. These trends also serve to escalate inequity and gaps in power – particularly for Indigenous women, and Two-Spirit people.
- 94 Shelters’ and governments’ engagement with Indigenous people who are residing in shelters must be guided by the obligation to respect, protect, and fulfill their distinct rights. This begins with recognition of the distinct relationship that Indigenous Peoples have to their lands and territories, and their right to construct

63 <https://www.justice.gc.ca/eng/declaration/about-apropos.html>

64 <https://documents.un.org/doc/undoc/gen/n19/220/89/pdf/n1922089.pdf?token=xcjVBhWZoDt3pT0OW-P&fe=true>

shelter in ways that are culturally, historically, and spiritually significant.

- 95 Shelters and governments must meaningfully consult with Indigenous shelter residents concerning any decisions that affect them.** In the context of shelters with governance models led by Indigenous Peoples, principles of self-determination should be applied. International human rights law strictly forbids the forced eviction, displacement, and relocation of Indigenous Peoples in the absence of free, prior, and informed consent.
- 96** Given the disproportionate violence faced by Indigenous women, girls, Two-Spirit and gender-diverse people, shelters and governments have an urgent obligation to protect these groups against all forms of violence and discrimination within shelters. **In particular, shelters and staff should be educated on best practices for protecting persons with overlapping marginalized identities, including Two-Spirit or LGBTQQIA+ Indigenous persons, or Indigenous women and gender-diverse persons with disabilities from avoidable harm.**

Examples of Best Practices:

- Engage Indigenous residents and support the establishment of a council of Indigenous residents.
- Integrate regular training sessions for staff in Indigenous protocol, practices, and decolonization.
- Invite an Elder to hold space for residents, and for staff to better understand. If possible, invite a Two-Spirited Elder. Ensure that Elder is appropriately compensated and follow protocol to ensure they are respected.
- Celebrate Indigenous ceremonies and incorporate Indigenous food into weekly menu.
- Build Indigenous art into the physical space. Offer spaces for sewing. For more on culturally appropriate practices in the context of housing and homelessness when engaging rights-holders, see, Janine Harvey and Lisa Alikamik, Stark Truths: Indigenous Housing Realities and Solutions in Northern, Remote Communities (2023): <https://housingrights.ca/wp-content/uploads/Stark-Truths-2023-National-Right-to-Housing-Network.pdf>.

- Emergency shelters proactively include Indigenous practices in their operations and service delivery:
- Emergency shelters adopt a definition of homelessness that is aligned with Indigenous perspectives. See Definition of Indigenous Homelessness authored by Jesse Thistle: <https://www.homelesshub.ca/sites/default/files/attachments/COHIndigenousHomelessnessDefinition.pdf>
- Information for residents is available in official languages, braille, sign language and languages of the main cultural and Indigenous communities within their jurisdiction.
- Local Indigenous-led organizations and Elders in the community are regularly invited and adequately compensated to familiarize staff and residents with Indigenous practices.
- Emergency shelters provide space and guidance to allow Indigenous residents to perform cultural practices. Shelter safety protocols are reviewed and updated to support, rather than prohibit or limit cultural practices, such as fire safety while smudging.
- Emergency shelters organize wellness retreats for staff and team-building activities in partnership with Indigenous-led organizations and Indigenous communities.
- Federal, provincial and territorial governments establish joint funding streams to establish and support emergency shelters in addition to creating more permanent housing solutions in northern, rural Indigenous communities led by and for Indigenous Peoples, particularly women, to meet the needs of those who are in precarious housing or at risk of homelessness.
- Emergency shelters collaborate with local public services (hospitals, healthcare clinics, etc.), Indigenous-led organizations and housing providers, and anti-racism organizations to embed homelessness prevention practices and reduce prejudice and stigma across support services.
- Emergency shelters create new low barrier, gender-sensitive, human rights-based and culturally appropriate protocols, after meaningful engagement with Indigenous Peoples, for onboarding and service delivery.

- Low barrier emergency warming-up centres in northern and rural communities are ramped up during winter months to support Indigenous Peoples, particularly women, who are experiencing homelessness
- Emergency shelters have wrap-around support services led by Indigenous communities, grounded in Indigenous cultural practices for people dealing with substance use.
- Indigenous-led housing programs, developed by Indigenous Peoples and communities, are established in northern and rural Canada to provide supportive housing for women experiencing homelessness.
- Emergency shelters proactively include Indigenous practices in their operations and service delivery (see theme on gender).
- Local Indigenous-led organizations and Elders in the community are regularly invited and adequately compensated to familiarize staff and residents to Indigenous practices.
- Information for residents is available in languages of the main cultural and Indigenous communities within a shelter's jurisdiction.
- Emergency shelters organize wellness retreats for staff and team-building activities in partnership with Indigenous-led cultural organizations and Indigenous communities.
- Emergency shelters in northern and rural Canada adopt human rights-based, gender-sensitive hiring practices, to ensure representation of Indigenous Peoples in their staff.

Standard 4: Shelter leadership and staff must ensure that residents of shelters have access to culturally safe services and supports.

97 Under General Comment no. 4, cultural adequacy is one of the seven elements of the human right to adequate housing, this includes the principle that “the way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.”⁶⁵ However, many shelters have a lack of services or appropriate spaces to ensure spaces and services are offered to ensure residents can engage in cultural practices.



Gender-Sensitive Application: Substantive Equality and Non-Discrimination

In some cases, discrimination underpins a reluctance by staff to create culturally appropriate services or spaces. In this case, leadership, in addition to broader education efforts, must investigate concerns raised by residents through meaningful engagement with an understanding that the resident is the ultimate rights holder in accessing services.

As the WNHHN Research Brief on housing rights violations amongst gender-diverse persons explains that discrimination can be both overt and covert. This means that sometimes, even though marginalized people are very aware of the discrimination they face, it can be challenging to gather evidence to document these experiences. Discrimination against rights holders in any form cannot be tolerated, and shelter residents should be believed when they bring concerns forward and should be able to access remedies for discriminatory practice, no matter how it manifests.

- 98 Lack of culturally appropriate accommodations in shelters is more than an inconvenience – it’s a matter of respecting an individual’s dignity and identity. The absence of this can exacerbate the trauma experienced by those using shelter services.
- 99 Shelter services catering to Black and racialized individuals, diverse faith-based groups and non-status refugees and immigrants are particularly limited, leaving a pressing gap in appropriate supports and services for these groups.
- 100 Governments must invest in creating capacity for culturally-appropriate services. These investments must cater to groups experiencing multiple forms of marginalization and discrimination, particularly due to their racialized identities and their migration trajectories in Canada.
- 101 **Shelters must ensure all staff receive an intersectional anti-oppression training that leads to better services and supports for Black and racialized women and gender-diverse people navigating the shelter systems.** Training should be comprehensive and ongoing - and should be engrained meaningfully into policy and programming.

Examples of Best Practices:

- Emergency shelters provide space, staff support and in-kind resources to allow residents to organize peer support groups and cultural events.
- Emergency shelters establish and maintain relationships with local immigration centres, Indigenous-led organizations, deeply marginalized and underrepresented communities, and LGBTQIA+ rights organizations.
- Local partner organizations are invited every 6 months to give gender-sensitive, intersectionality and anti-oppression, and cultural sensitivity trainings to emergency shelter staff, and present their services to shelter users.
- Emergency shelters require all staff to undertake gender-sensitive, intersectionality and anti-oppression, and cultural sensitivity training in service delivery.
- Emergency shelters adopt gender-sensitive and culturally-sensitive hiring

practices and procedures to resource staff who come from a diversity of backgrounds.

- Emergency shelters offer support to 1 staff from human resources and 1 frontline worker to undertake a training in cultural sensitivity in emergency facilities.
- Certified staff are given the tools and time to become focal points on culturally sensitive issues, and receive adequate compensation for the increased level of responsibility. They work with the lived expert advisory to understand and respond to issues of cultural insensitivity in the shelter.
- They regularly report their findings to the executive direction and provide recommendations on changes that should be implemented within the shelter.
- Emergency shelters adopt gender-sensitive and culturally-sensitive hiring practices and procedures to foster a diverse team of staff that not only reflect a wide array of backgrounds and experiences, but are also well-supported and resourced.
- Emergency shelters provide regular refreshers on cultural sensitivity to their colleagues.
- Emergency shelters receive and respond to complaints from residents, and provide them with the appropriate resources to address their concerns, including referrals to LGBTQIA+ rights organizations, legal aid, refugee centres etc.
- Staff with lived experience are invited to join the lived expert advisory to provide feedback on gender-sensitive and culturally appropriate practices and policies in the shelter. They are given adequate compensation for their time and expertise.
- Emergency shelters work with local organizations to integrate diverse cultural practices within the shelter space.
- Emergency shelters dedicate one room in the shelter to accommodate religious practices of residents (prayer/meditation room).
- Emergency shelters consult with food banks and food security groups to provide more diet choices to residents (e.g. more vegan/vegetarian options, use of kosher/halal meat in non-veg dishes, world food Fridays etc.)

- Emergency shelter staff and lived expert advisory organize special events during culturally significant holidays.
- Emergency shelters work with volunteer, on-call doctors and mental health practitioners specialized in trans healthcare, gender-affirming and culturally sensitive practices, to better respond to the healthcare needs of their residents.
- During onboarding, residents are informed that if they experience a health issue and they don't feel comfortable being treated in a clinic or hospital, staff can connect them to an in-house, confidential medical service for consultations.
- The shelter has a privacy booth close to the reception, for residents to place confidential calls.
- In-house health practitioners refer residents to the most appropriate community or public service, should residents need more specialized care.

Standard 5: Shelter leadership and staff must prohibit forced evictions into unsheltered homelessness.

102 Shelters provide a vital service for people who face barriers to access housing in the public or private market. In many cases, when a person faces service restrictions – when they are banned, barred, evicted, or discharged from a shelter, they return to situations of risk, and unsheltered homelessness where they may experience “life-threatening situations that compromise their health and security, or result in the loss of access to food, social supports, social and medical services, and other resources.”⁶⁶ In the GBV/VAW sector, women and gender-diverse individuals who are banned often have to return to abusive dynamics. Together, this means that restricting someone’s access to shelter may place them into life-or-death circumstances.

66 Farha & Schwan (2020); See also Kerman, A. et al, 2024, <https://www.sciencedirect.com/science/article/pii/S0277953624002752#:~:text=Service%20restrictions%20refer%20to%20temporary%20or%20permanent%20bans,and%20are%20widely%20used%20in%20emergency%20shelter%20systems.>

- 103** Shelters must explore all viable alternatives to service restriction (restrictions which may extend to banning, barring, or evicting individuals from services) and ensure the meaningful and effective participation of residents in developing banning and barring practices.⁶⁷ All shelter practices must uphold the human rights of residents. Practices surrounding service restriction must align with the principle that “the right to remain in one’s home and community is central to the right to housing.”⁶⁸ Under international human rights law, eviction must be used only as a last resort, and non-punitive responses must be prioritized and implemented.
- 104** Banning or barring practices must not perpetuate discrimination. In current practice, racialized and disabled women and gender-diverse people are at greater risk of being evicted from shelters. Research indicates that evictions disproportionately impact women and gender-diverse people who identify as Indigenous, those who report multiple disabilities and those who identify as 2SLGBTQ+.



Gender-Sensitive Application: Safety and Violence

Banning and barring practices are often put in place when it is assumed that other residents accessing a shelter are at risk. However, it is critical to recognize that women may be unfairly labeled as “violent” when expressing anger or frustration, shelters must implement measures to counteract such stereotypes.

- 105 Shelters must not evict residents into unsheltered homelessness, and evictions must only be carried out in exceptional circumstances. Prior to carrying out any eviction, all feasible alternatives must be explored with affected**

67 Under international human Rights law, States have a responsibility to ensure forced evictions do not result in homelessness. See General Comment No. 7 on Forced Evictions: <https://emergency.unhcr.org/sites/default/files/2023-12/General%20Comment%20No.%207%20-%20The%20right%20to%20adequate%20housing%20%28Art.11.1%29%20-%20forced%20evictions.pdf>

68 A/73/310/Rev.1, para 26. as cited in Farha & Schwan (2020)

persons. Banning or barring must not result in the continuation or exacerbation of homelessness or require the fracturing of families or partnerships.⁶⁹

Examples of Best Practices:

- Create education opportunities for staff and residents for anti-oppression and equity, diversity, and inclusion.
- Staff receive training on trauma-informed care, compassionate/nonviolent methods of crisis intervention/conflict resolution and impacts of barring practices, to ensure sensitivity in communication and de-escalation practices.
- Respectful Space Agreements are signed by shelter residents and frontline staff to ensure a trauma-informed approach is applied while holding space with shelter users.
- Shelters have introduced progressive reconciliation strategies as alternative responses to address conflict in non-punitive ways, with eviction as a worst-case scenario after exhausting all other tools and methods.
- Shelter staff, residents and local partner organizations collaboratively explore alternate shelter options in instances where remaining at the current shelter is not feasible.
- Metrics for “successful transition” of shelter users into permanent or second-stage housing include acknowledging extenuating circumstances, and are results-based rather than time-bound.
- Barring and eviction practices are reviewed on a regular basis, incorporating feedback and recommendations proposed by the lived expert advisory group and residents, to maintain fairness and transparency and reflect a progressive approach to compassionate conflict resolution.
- Barring or eviction processes includes a space where evicted residents may appeal decisions that remove them from the shelter space and services.

69 As noted by a reviewer, in the violence against women sector, women and gender diverse individuals who are banned often return to the abuser.

- Emergency shelters regularly organize house meetings with residents, the lived experts advisory, employees, and local community organizations to debrief about the facility's trauma-informed protocols and brainstorm solutions together when needed.

Standard 6: Shelter leadership and staff must ensure shelter residents have access to basic needs.

106 Shelters must ensure, at a minimum, that basic adequacy Standards are met while adequate housing options are negotiated and secured. Compliance with international human rights law requires that shelter residents have:

1. access to safe and clean drinking water;
2. access to hygiene, menstrual care, and sanitation facilities;
3. effective and hygienic waste management systems;
4. social supports and services, and guarantee of personal safety of residents;
5. facilities and resources that support food and safety;
6. resources to support harm reduction;
7. rodent and pest prevention; and
8. ways to engage in cultural practices, especially for Indigenous residents. Shelter staff must make all reasonable efforts to ensure this for residents (for example this could apply to the form of smudge burning if they so request).

107 Shelters must utilize all appropriate and available means to ensure families can stay together, even in shelters, particularly in the case of sons being able to stay with their mothers. Child-minding support and/or access to childcare should be provided in shelters with parents and children.

108 Shelters should consider accommodation for pets for residents. Those engaged in the review of these Standards identified that people experiencing violence often remain in a violent home if they can't find alternative housing, and pets often experience violence themselves.



Gender-Sensitive Application: Substantive Equality and Non-Discrimination

Provision of services should be considered alongside intersectional identities of rights holders. For example, queer services users should have access to queer health care supports. Services must be considered in the context of lack of access to Canada's health care system for non-status, immigrant and refugee women and gender-diverse persons.

Examples of Best Practices: Beyond basic needs, in an effort to recognize the dignity of rights holders, leadership should implement the following.

- Focus on a start-to-finish recovery model within shelters. Ensure that caretakers, healthcare workers, and social workers are available throughout the entire shelter experience to address the holistic health needs of individuals, emphasizing the importance of comprehensive care. Address the gap in post-shelter care by implementing measures that ensure shelters are concerned about individuals' well-being even after leaving the shelter. Continuity of support should extend beyond shelter services to provide adequate care and stabilization in housing.
- Introduce a comprehensive system for collaboration for shelters, hospitals, municipalities, and other service providers to enhance communication, coordination, and the exchange of critical information. This aligns with guidance articulated in the International Covenant on Economic, Social and Cultural Rights (ICESCR). Systems coordination is vital to ensure individuals' housing rights are upheld throughout their shelter experience.

- Implement policies preventing the discharge of individuals from hospitals if they have nowhere to go. Approaches must acknowledge the interconnectedness of healthcare and shelter services.
- Develop software that facilitates communication between shelters and other organizations. This system should enable the seamless exchange of information, ensuring a holistic understanding of individuals' needs and experiences within the shelter system.
- Emergency shelters adopt gender-sensitive and culturally-sensitive onboarding procedures that are respectful of residents' self-identification and cultural background.
- Cross-sector partnerships are established between emergency shelters and healthcare services for effective funding and resources collaboration.
- Governments ensure that adequate funding is made available for shelter operations so that shelters are not dependent on social assistance and job search mandates as part of their core requirements.
- Challenge exclusionary policies by advocating for shelters that accommodate couples, considering diverse family structures, and allowing individuals with pets.
- To enhance the sense of safety for women and gender-diverse individuals, shelters should refrain from using male security guards (this is not the case at Violence Against Women shelters). Instead, security teams should be carefully selected to ensure they do not contribute to any discomfort, employing non-uniformed or corrections personnel when necessary.

Standard 7: Shelter leadership and staff must ensure processes for access to justice to claim the right to housing and other human rights.

109 The United Nations defines 'access to justice' as, "a basic principle of the rule of law," stating that, "In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-

makers accountable”. In the context of advancing the right to housing in shelters, access to justice principles are a valuable tool to inform the pathways through which shelter residents can make changes to systems and structures that infringe on their rights.⁷⁰

- 110** Access to justice can refer to access to legal representation and services in the criminal legal system⁷¹, but it can also refer more broadly to a range of different mechanisms through which human rights violations can be addressed, reformed, or ameliorated. Access to justice mechanisms must be implemented by all levels of government, but is also an essential responsibility of other entities that hold obligations to uphold rights, such as shelter providers.



Gender-Sensitive Application: Substantive Equality and Non-Discrimination

A [recent research brief from researchers connected with the Women’s National Housing and Homelessness Network](#) on housing rights violations faced by Two-Spirit, transgender, non-binary and other gender-diverse persons portrayed the lack of trust from gender-diverse people in systems and structures meant to address harm. This literature review found that when gender-diverse people bring forward issues within a shelter setting, often they do not receive support to address the issue. Even more concerning, gender-diverse people report facing blame, judgement and deeper discrimination after raising concerns, leading many to withdraw from services or refuse to report issues in the first place. Shelters that invest resources and time into creating safe reporting and evaluation frameworks are vital players in advancing access to justice.

- 111** The human rights of shelter residents, including their right to housing, should never be treated as a mere policy aspiration to neglect or ignore. Additionally shelters

70 United Nations and the Rule of Law (N.D.) [Access to Justice](#). United Nations.

71 United Nations Office on Drugs and Crime (2013) [United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#). United Nations General Assembly.

hold responsibility in ensuring and advocating for the rights of shelter residents. As noted by the Special Rapporteur on Adequate Housing in her report on the right to life, “The right to adequate housing is too frequently disconnected from the human rights values which form its core, and is treated more as a socioeconomic policy aspiration than as a fundamental right which demands effective, rights-based responses and timely access to justice.”⁷²

- 112 Interestingly, the United Nations Committee on the Elimination of Discrimination Against Women, recommended to Canada that Indigenous women be hired and trained to provide legal advice to other Indigenous women.⁷³ This recommendation was made after a case was filed under a UN mechanism called the Optional Protocol.⁷⁴



From the WNHHN Research Brief on Housing Need and Homelessness Amongst Gender-Diverse People in Canada: A Preliminary Portrait:

“More data is needed to understand the violence and exclusion gender-diverse people face within public systems, but as the TRANSforming Justice Study reports, many gender-diverse people withdraw from public systems as a result of pervasive discrimination:

‘ Participants spoke about not approaching any institution for support, and those who did seek formal assistance discussed additional experiences of discrimination, refusals for support from service providers, and being blamed for the discrimination they experienced. Individuals often responded to discrimination through self-protection methods, the most common of which was extreme social isolations.’”

72 Leilani Farha, UN Special Rapporteur on the Right to Adequate Housing, thematic report on the right to life.

73 UN Office of the High Commissioner on Human Rights, “Women’s Rights Body Rules on Kell v. Canada Complaint,” Online: <<https://www.ohchr.org/en/stories/2012/07/womens-rights-body-rules-kell-v-canada-complaint>>.

74 Some shelters report having programs where Indigenous women provide legal information to other Indigenous women.

- 113** One core element of access to justice processes is the establishment of a complaint and appeal process. Shelter residents should be able to report their concerns to an impartial body that is equipped with resources, tools, and the power to act on their concern. Processes where feedback is gathered should be accessible and ongoing to foster positive change over time. Having a process through which appeals can be made around decisions – for example, a decision to bar or ban a shelter resident – are also key aspects of instilling fairness and transparency.
- 114** Implementing a residents’ advisory can inform broader efforts towards creating effective monitoring and evaluation frameworks. In addition to resourcing a staffed and central complaint/appeal/feedback process, peer support can be a key aspect of strengthening residents’ capacity to bring forward issues: a coalition of voices can be a powerful tool to prevent backlash or retribution an individual may face in bringing forward an issue to shelter staff.
- 115** Government must adequately resource legal aid services and provide expanded access to legal representation. There are significant gaps in the current legal aid system, as a result of longstanding, systemic underfunding. According to the Canadian Bar Association, “The federal government does not invest enough in justice services generally. Legal aid funding is inadequate and varies significantly depending on where a person lives.”⁷⁵ Legal aid services support the most marginalized communities – those living on extremely limited incomes. These services are often overdrawn and underfunded, resulting in subsequent barriers for shelter residents who need to seek legal assistance.
- 116** To support access to housing, shelters should ensure they are providing not only support and advocacy for housing search but also providing education on tenant rights so that as shelter residents transition from shelter to community and housing they are informed and aware of their rights and resources when facing housing discrimination.⁷⁶

75 Equal Justice: Balancing the Scales (N.D.) [Key Messages: Legal Aid](#). Canadian Bar Association.

76 In some cases, service providers may not understand the legislation they are working in, for example in transitional housing they may not have knowledge of the Residential Tenancies Act (though coverage varies from province-to-province). It is recommended that capacity building be invested in by governments to also ensure that shelter workers have knowledge of the legal framework they are working within.