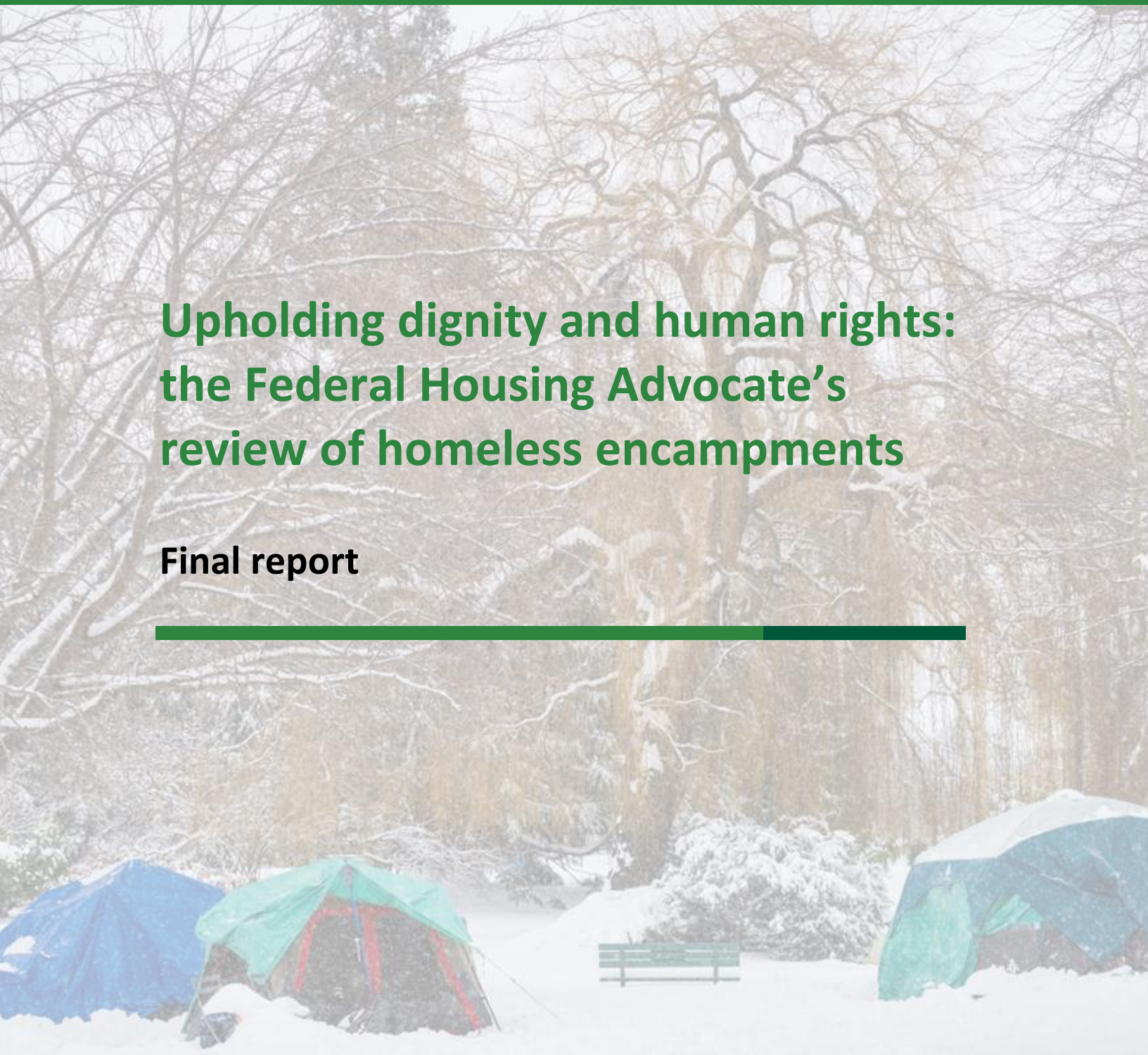
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Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments

Final report

Office of the Federal Housing Advocate, Canadian Human Rights Commission

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NOTE OF GRATITUDE

As Canada's first Federal Housing Advocate, my role is to drive change on key systemic housing issues and to hold government decision makers to account for their human rights obligations related to housing and homelessness. The right to adequate housing means that all people are equally entitled to live in dignity in a safe and secure home without discrimination or harassment. Recognizing housing as a human right means that government "duty bearers" at all levels have legal obligations to protect this right for everyone, and especially for people whose right to housing is being violated.

During the past year, I have had the privilege of meeting with and hearing from people who have experienced encampments across the country. First and foremost, this report is designed to place them at the centre of efforts to address homelessness. I want to thank them for sharing their stories and insights. I also want to recognize and commend their courage and resilience in the face of systemic failures to uphold their human rights.

As you read my Final Report and reflect on my recommendations, I urge you to consider how your actions can better respect, protect and fulfill the human rights of people experiencing homelessness and living in encampments.

I live and work much of the time in unceded Anishinabe Algonquin territory and have appreciated the opportunity to visit the territories of First Nations, Inuit and Métis peoples to learn more about the challenges of Indigenous Peoples related to encampments. My discussions across the country have highlighted the direct links between homelessness, encampments and the colonial dispossession of land.

My report would not have been possible without the work of national and local advocates who are working tirelessly to support people in encampments. This report has also been enriched through discussions with duty bearers from all levels of government. I thank all those who met with me or provided information for my review and I was encouraged to learn more about how human rights principles are informing responses in a number of places.

I recognize my work does not end with the launch of my report. I will continue to work with all governments to push for the implementation of my recommendations and hope this report can be used as a tool to support local advocacy to protect the human rights of people experiencing homelessness.

Change depends on all of us working at all levels, starting in our own communities.

Sincerely,

Marie-Josée Houle, Federal Housing Advocate

Please see Annex A for the list of key partners who contributed to the review and to this report.

EXECUTIVE SUMMARY

Canada's homeless encampments are a national human rights crisis.

A growing number of people in Canada are having to live in tents or informal shelters to survive due to a lack of affordable housing, limited support services, and nowhere safe to go.

There has been a significant rise in encampments in the last five years, and particularly since the COVID-19 pandemic. Encampments are now being reported across the country – in both large and small municipalities, as well as in more rural areas.

Encampments are not a safe or sustainable solution for housing. For people living in these encampments, every day is a matter of life and death.

At the same time, encampments represent an effort by people who are unhoused to claim their human right to housing and meet their most basic needs for shelter. For reasons discussed in this report, encampments are often people's only housing option, or the only option that meets their needs for safety, security and dignity. Many encampment residents have highlighted the sense of community they experienced when living in an encampment with others facing similar struggles.

Recognizing the severity of this crisis, the Federal Housing Advocate launched a systemic review of encampments in February 2023. This systemic review has been carried out pursuant to subsection 13.1(1) of the National Housing Strategy Act.

In October 2023, the Advocate published an interim report setting out the context of the crisis and documenting in detail what had been heard through the engagement process. The engagement process consulted directly with people living in encampments, local community advocates, Indigenous governments and representative organizations, and duty-bearers across all governments.

This final report includes the Advocate's conclusions about the factors leading to the rise in encampments and, most importantly, the concrete measures that must be taken by all governments to fulfill their human rights responsibilities in order to reduce or eliminate the need for encampments.

What has emerged is a clear picture of a two-fold human rights crisis.

First, encampment residents are at dire risk of harm due to the failure to uphold their basic rights.

Second, the encampments exist only because of a larger, systemic failure to uphold the right of all people to adequate housing without discrimination.

The engagement process made it clear that Canada has the capacity to solve this crisis. Encampment residents are acutely aware of the measures required to meet their most pressing needs. What is lacking is sufficient political will, resources and coordination.

The absence of effective coordination between the many agencies, departments and jurisdictions involved limits the effectiveness of responses to the homelessness crisis. While municipalities are on the frontlines in responding to encampments, they don't have all the powers and resources they need to provide human rights-based services. Provinces and territories must work closely with municipalities and the federal government must play a leadership role.

This national crisis calls for a national response.

National Encampments Response Plan

The Federal Housing Advocate is recommending that the federal government establish a National Encampments Response plan. The plan must drive urgent change that responds to the Calls to Action developed in this report and addressed to all governments in Canada. The Calls to Action have been developed as the result of extensive consultation with encampment residents, community organizations, and municipalities across the country.

The Federal Housing Advocate calls on the federal government to establish a National Encampments Response plan by August 31, 2024, that will:

- **Act immediately to save lives.**
    - Ensure that everyone living in encampments has access to the basic necessities they need to survive and live in dignity, and to services to protect their physical and mental health.
    - This includes access to clean water, sanitation, food, heating and cooling, accessibility supports, healthcare, and harm reduction.
    - Ensure drop in-shelters are accessible 24/7 throughout the year to provide people with a dignified place to rest, take refuge from the elements and access services.

- **End forced evictions of encampments.**
    - Forced encampment evictions make people more unsafe and expose them to a greater risk of harm and violence. Evictions destabilize people, remove them from their support systems, and cause them to lose the tools and equipment they need to survive.
    - Immediately end forced evictions of encampments, particularly on public lands. Forced evictions are a violation of human rights, as contained in section 7 of the Canadian Charter of Rights and Freedoms, the United Nations Declaration on the Rights of Indigenous Peoples, and the right to adequate housing under international law.
    - Put in place alternatives to removal of encampments that are designed following meaningful engagement with encampment residents to find solutions that meet their needs.
    - All governments must ensure that laws, regulations and bylaws do not further destabilize encampments nor expose residents to greater risk of harm and violence.
    - The role of police and by-law officers should be de-emphasized in responses to encampments. Police, by-law enforcement, and emergency service need clear direction to halt the confiscation of belongings, surveillance and harassment, which violate the human rights of encampment residents. All enforcement measures undertaken must be compliant with human rights standards.

- **Work with all governments and provide support to municipalities.**
    - Immediately convene meetings with provinces, territories, and municipalities to coordinate an all-of-government response.
    - Develop all encampment response measures in consultation and cooperation with First Nations, Inuit, and Métis governments and their representative organizations.
    - Commit the maximum available resources and funding to address this crisis.

- Ensure municipalities have the resources and powers they need to respond to the urgent needs of encampment residents and uphold their human rights.
- Include clear targets and timelines for the National Encampments Response Plan.

- **Respect the inherent rights of Indigenous Peoples.**

  - All governments must commit to upholding the United Nations Declaration on the Rights of Indigenous Peoples and work in consultation and cooperation with First Nations, Inuit and Métis governments to fully implement its provisions. In particular, all governments must work with Indigenous governments to more effectively respond to the distinct needs of urban First Nations, Inuit, and Métis individuals, particularly those who are unhoused and living in encampments.
  - Recognize the jurisdiction of Indigenous governments to determine, develop, and administer programs and services related to housing and homelessness and support First Nations, Inuit and Métis governments and representative organizations to develop and provide self-determined, culturally appropriate housing and related services and supports, including in urban centers in partnership with existing Indigenous service providers.
  - First Nations, Inuit and Métis governments and representative organizations must be fully supported to develop and provide self-determined, culturally appropriate housing and related services and supports, including supports in urban centers.

- **Respect and uphold human rights.**

  - In the absence of adequate, affordable and accessible housing alternatives, all governments must recognize that people have a right to live in encampments.
  - People living in encampments must play a leading role in decision-making processes that affect them. All governments must implement ongoing and meaningful engagement with people living in encampments and those who support them.
  - People living in encampments must have access to timely, effective recourse when their rights are threatened or violated.
  - All governments and political leaders at all levels have obligations to promote and protect the human rights and dignity of people experiencing homelessness. Leaders must refrain from actions and language that further stigmatizes the residents of encampments, or people experiencing homelessness, and exposes them to greater risk of rights violations.
  - All governments must publicly commit to applying a human rights-based approach to encampments that recognizes and addresses the distinct needs of First Nations, Inuit and Métis individuals, Black and other racialized individuals, women, 2SLGBTQI+ individuals, people fleeing gender-based violence, youth, seniors and people with disabilities. These approaches must align with Canada's human rights obligations as affirmed in international human rights instruments, the Charter and domestic law.

- **Offer people permanent housing options as rapidly as possible.**

  - Immediately develop and fund adequate housing solutions and supports so that people living in encampments can be re-housed as rapidly as possible.
  - These housing solutions must meet the definition of adequate housing which includes security of tenure, affordability, accessibility, suitable location, availability of services, habitability and cultural adequacy.

- In the absence of available adequate housing, all governments and service providers must work to address the structural barriers that result in existing emergency shelters not being accessible or appropriate for all people who might choose to use them.

- **Address the root causes of encampments.**

    - Encampments are the symptom of systemic failures – all governments must urgently prioritize investments in adequate housing and support services to prevent and address homelessness. All governments must work together to address the systems that drive homelessness, including systemic racism and discrimination and failings in the Canadian child welfare, corrections, and healthcare systems.
    - The National Housing Strategy must be greatly enhanced and its programs must prioritize the elimination of chronic homelessness and reduction of core housing need, with a focus on Indigenous peoples and disadvantaged groups, to fulfill commitments under the National Housing Strategy Act.
    - All governments must ensure that they are monitoring the progressive realization of the right to adequate housing and put in place measurement systems that include accurate, comprehensive, and replicable data on homelessness.

Next steps

Specific Recommendations are outlined in the report to enable governments at all levels to implement the Calls to Action.

This report's findings and recommendations will be submitted to the federal Minister of Housing, Infrastructure and Communities. The National Housing Strategy Act specifies that the when the federal government receives the report of such a systemic review, the Minister responsible for housing must respond within 120 days.

This report is an urgent call to action to governments at all levels to uphold the human rights and the right to housing of encampment residents.

INTRODUCTION

The term "encampments" refers to emergency accommodations established by people who are unhoused, usually on public property or privately-owned land, and often without permission.[1] Encampments are a consequence of Canada's failure to meet its human rights obligation to ensure that all individuals have access to adequate housing – housing that is secure, affordable, habitable, accessible, culturally appropriate, and in a suitable location with access to services.

While encampments have always been a feature of homelessness in Canada, in the last five years, and particularly since the COVID-19 pandemic, "encampments have become more numerous, more densely populated, and more visible across the country."[2] The growth of encampments has been driven by a range of inter-related human rights failures, including the impacts of colonial laws and policies on Indigenous Peoples, systemic discrimination in the housing market, a severe lack of available and affordable housing that has become a deepening national crisis, and barriers to accessing emergency shelters.

There is no systematic data collection on who lives in encampments in Canada. The Observatory on Homelessness at York University has suggested that at least 35,000 individuals are unhoused at any given time across the country.[3] One survey of Canadian municipalities estimated that between 20 to 25% of unhoused individuals in Canada now live in encampments.[4] This is consistent with reports from frontline service providers who talk about thousands of people currently living in encampments across Canada.

It is important to emphasize that while encampments vary from region to region, as do patterns of homelessness, the rise of encampments is a truly national crisis. Encampments are reported in both large and small municipalities, as well as in more rural areas.

Encampments represent an effort by people who are unhoused to claim their human rights and meet their most basic needs. For reasons discussed later in this report, encampments are often the only housing option currently available to many, or the only available option that meets their needs. Living in an encampment may also offer the advantage of living in community with others facing similar struggles.

While recognizing the resourcefulness and collective organizing involved in establishing and maintaining an encampment, it is important to be clear that the conditions in encampments do not represent adequate housing. The Federal Housing Advocate is acutely conscious of the tragic deaths that have

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[1] The Advocate has chosen to use the term "encampment" as the language most commonly used, and mostly widely understood in Canadian contexts. The Office recognizes, however, that the term may not reflect everyone's reality or experience and that it differs from terms commonly used internationally, such as informal settlements.

[2] Alexandra Flynn et al., *Overview of Encampments Across Canada: A Right to Housing Approach*, The Office of the Federal Housing Advocate (2022). https://www.homelesshub.ca/resource/overview-encampments-across-canada-right-housing-approach

[3] Homeless Hub, "How many people are homeless in Canada?" https://www.homelesshub.ca/about-homelessness/homelessness-101/how-many-people-are-homeless-canada

[4] Infrastructure Canada, *Homelessness Data Snapshot: Findings from the 2022 National Survey on Homeless Encampments* (November 2023). https://www.infrastructure.gc.ca/homelessness-sans-abri/reports-rapports/encampments-survey-2022-enquete-campements-eng.html

occurred in encampments due to cold, fire and drug poisoning – and the likelihood that more deaths will occur even as this report is being written. Furthermore, it is clear the precarious situation of encampments is made much worse when municipalities deny residents access to the essentials of life, including clean water and sanitation, or add to the insecurity of encampment residents through forced relocation and other punitive responses.

Recognizing the severity of this crisis, the Advocate launched a systemic review of encampments in February 2023. As part of this review, the Advocate has engaged with encampment residents and local advocates in communities across Canada. In addition to meetings in Montreal, Saskatoon, Winnipeg, Vancouver, Toronto, and Calgary, the Advocate also launched an online portal to invite individual and organizational submissions to inform this review. Because many people living in encampments would face challenges accessing this tool, the Office partnered with The Shift and local organizations in Victoria, Vancouver, Hamilton, Peel, Ottawa, Gatineau, Montreal, Moncton, and Halifax to support encampment residents using this portal to share their experiences and their proposals for solutions. With the help of these local partners and others, 313 people with lived experience in encampments made submissions. There were also 53 submissions from municipalities, frontline workers, advocates, and other community members.

The Office of the Federal Housing Advocate (OFHA) also worked with the Federation of Canadian Municipalities (FCM), the FCM's Big City Mayors' Caucus, and the Association of Municipalities of Ontario to obtain input from municipalities across the country. Recognizing the significant over-representation of Indigenous individuals living in encampments, the Advocate has also taken part in a number of targeted engagements with First Nations, Inuit and Métis governments and organizations.

What has emerged is a clear picture of a two-fold human rights crisis.

First, encampment residents are at dire risk of harm and the failure to uphold the human rights of encampment residents, including the right to adequate housing and numerous interrelated rights such as the right to life and the right to health, has left them at dire risk of harm.

Second, the encampments exist only because of a larger, systemic failure to uphold the right of all people to adequate housing without discrimination. These rights are protected in international human rights laws, including the International Covenant on Economic, Social, and Cultural Rights and the UN Declaration on the Rights of Indigenous Peoples, which Canada has explicitly committed to uphold to the fullest of its ability.

The engagement process also made it clear that Canada has the capacity to solve this crisis. What is lacking is sufficient political will, resources and coordination.

To be clear, some important advancements have been made. The National Housing Strategy and the 2019 National Housing Strategy Act (NHSA) provide an important, rights-based foundation. The federal government's ten-year National Housing Strategy marks an important return to funding affordable housing programs after decades of absence. Promising practices related to encampments have been put into place by some municipal governments.

Overall, however, the scale of response falls far short of what is required to address this crisis. Furthermore, the evident lack of coordination across jurisdictions remains a barrier to effectively addressing the larger issue of housing and homelessness. The Auditor General's 2022 Report on Chronic Homelessness found that the government was not able to determine whether the National Housing

Strategy's efforts to prevent and reduce chronic homelessness were, in fact, leading to improved outcomes.[5]

People who are unhoused in general, and encampment residents in particular, continue to be stigmatized. Negative perceptions of encampment residents as authors of their own misfortune, or as threats to community safety, impact the political will of governments to recognize and act on their human rights responsibilities. As more than one person commented in our engagement process, Canada has a long history of mobilizing resources to rapidly rehouse people on a mass scale in wake of natural disasters. The failure to respond to the encampments crisis is a telling illustration of attitudes toward people who are unhoused.

In this context, it is crucial to acknowledge that Indigenous persons are much more likely to experience homelessness. For example, in Edmonton, it has been reported that approximately 60 percent of people experiencing homelessness identify as First Nations, Inuit, or Métis.[6]

Overall, the risk of experiencing homelessness, and the needs of unhoused persons, are impacted by intersecting, and compounding experiences of systemic discrimination. This includes racism directed against Indigenous persons, Black Canadians, and members of other racialized communities, as well as gender-based discrimination that particularly impacts women, member of 2SLGBTQQIA+ communities, and discrimination against persons with disabilities.

In October 2023, the Advocate published an interim report setting out in detail what had been heard through the engagement process. This final report focuses on the Advocate's conclusions about the factors leading to the rise in encampments and, most importantly, the concrete measures that must be taken by all governments to fulfill their human rights responsibilities to reduce or eliminate the need for encampments.

The Advocate has identified the need for an urgent national response that leverages the resources and powers of all governments. The role of the federal and provincial and territorial governments is particularly important given that municipalities are on the frontlines in responding to the crisis, but they do not have the resources or powers to address the scale or complexity of the issues.

This systemic review has been carried out pursuant to subsection 13.1(1) of the National Housing Strategy Act. The Act specifies that the when the federal government receives the report of such a systemic review, the Minister of Housing, Infrastructure and Communities must respond in writing within 120 days.

[5] Office of the Auditor General of Canada, *Report 5 – Chronic Homelessness* (2022). https://www.oag-bvg.gc.ca/internet/english/parl_oag_202211_05_e_44151.html (accessed August 31, 2023).

[6] Letter from Edmonton Mayor Amarjeet Sohi.

THE HUMAN RIGHTS FRAMEWORK

The right to adequate housing

The human right to adequate housing, and interconnected rights such as the right to life, are clearly established in international human rights law, including in treaties that Canada has signed and ratified as well as in human rights declarations and other international norms and standards.[7] With the NHSA enacted in 2019, the human right to adequate housing is now also explicitly enshrined in domestic law.[8]

Recognizing the human right to adequate housing means that governments have legal obligations to recognize and respect this right, protect against its violation, take positive measures and mobilize maximum available resources to ensure that everyone can enjoy this right without discrimination, and promote broad public awareness and understanding of the right. These obligations are heightened in respect to those who have experienced prior human rights violations and who are at heightened risk of further violations.

As it has been interpreted in the international human rights system, adequate housing is housing that is:

- secure,
- affordable,
- habitable,
- accessible,
- culturally adequate,
- in a suitable location, and
- able to ensure access to basic services.[9]

All people should have equitable access to adequate housing, without discrimination based on gender, race, disability, faith, place of birth, age, sexual orientation, or other grounds.

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[7] Universal Declaration of Human Rights, 10 December 1948, UN Doc. A/810, art. 25; International Covenant on Economic, Social and Cultural Rights, 16 December 1966, UN Doc. A/6316, 993 UNTS 3 (entered into force 3 January 1976; accession by Canada 19 May 1976), art. 11(1) [ICESCR]; International Covenant on Civil and Political Rights, 16 December 1966, UN Doc. A/6316 (entered into force 23 March 1976; accession by Canada 19 May 1976), [ICCPR]; International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, 660 UNTS 195 (entered into force 4 Jan. 1969, accession by Canada 14 Oct. 1970), art. 5(e)(iii) [ICERD]; Convention on the Elimination of All Forms of Discrimination against Women, 21 December 1965, 1249 UNTS 14 (entered into force 3 Sept. 1981; accession by Canada 10 Dec. 1981), art. 14(2) [CEDAW]; Convention on the Rights of the Child, 20 November 1989, 1577 UNTS 3 (entered into force 2 September, 1990, accession by Canada 13 Dec. 1991), art. 27(1) [CRC]; Convention on the Rights of Persons with Disabilities, 13 Dec. 2006, (entered into force 3 May 2008, accession by Canada 11 March 2010), arts. 9 and 28 [CRPD]. See also article 10 of the Declaration on Social Progress and Development, section III (8) of the Vancouver Declaration on Human Settlements, article 8 (1) of the Declaration on the Right to Development, and the ILO Recommendation Concerning Workers' Housing, 1961 (No. 115)). Further, UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4, The Right to Adequate Housing, U.N. Doc. E/1992/23 (1991).

[8] See, National Housing Strategy Act, S.C. 2019, c. 29, s. 313 [NHSA].

[9] Office of the UN High Commissioner for Human Rights and UN Habitat, *The Right to Adequate Housing, Fact Sheet 21* (2014). https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf (accessed August 1, 2023).

Failure to uphold the right to adequate housing has harmful consequences for the enjoyment of other human rights. Former United Nations Special Rapporteur on the right to adequate housing, Leilani Farha, explained:

Homelessness is a profound assault on dignity, social inclusion and the right to life. It… violates a number of other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment.[10]

International human rights standards require states to make every effort, and to use all available resources to eliminate homelessness in the shortest possible period of time.[11] Specific human rights obligations include requirements to:

- In consultation with people who are unhoused, adopt and implement action plans to eliminate homelessness that must include clear, time-bound goals, and clear delineation of responsibilities across all levels of government.
- Measure and monitor the extent of homelessness using data disaggregated by gender, race, disability and other relevant characteristics;
- Combat discrimination, stigma, and negative stereotyping of people who are unhoused;
- Ensure access to justice for rights violations, including government failures to take adequate measures to address homelessness; and
- Regulate non-state actors such as private corporations so that they respect the rights of people who are unhoused and undertake actions consistent with the imperative to eliminate homelessness.[12]

The prohibition of forced evictions

International human rights standards prohibit measures that would arbitrarily and unnecessarily deprive individuals of housing, including temporary or informal shelter such as encampments. The prohibition of forced evictions requires that individuals and communities be relocated only after adequate consultation. Relocation without consent is limited to exceptional circumstances. When individuals or communities do not wish to be relocated, there is an obligation for the state to demonstrate that the relocation is strictly necessary and that all other alternatives have been explored. In all instances, any relocation must be consistent with the right to adequate housing: alternative shelter must be provided

[10] Leilani Farha, Guidelines for the Implementation of the Right to Adequate Housing: Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non- discrimination in this context, UN Doc. A/HRC/43/43, UN Human Rights Council (2019), para. 30 [Guidelines for the Implementation of the Right to Adequate Housing].

[11] Committee on Economic, Social, and Cultural Rights, General Comment No. 3 on the nature of States parties' obligations, UN Doc. E/1991/23 (1990), paras. 10 and 12.

[12] Leilani Farha, Guidelines for the Implementation of the Right to Adequate Housing, para. 32; Leilani Farha, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, UN Doc. A/HRC/31/54, UN Human Rights Council (2015), paras. 49, 73, and 90; Committee on Economic, Social, and Cultural Rights, General Comment No. 20 on non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20 (2009), para. 35, and Human Rights Committee, General Comment No. 36 on the right to life, UN Doc. CCPR/C/GC/35 (2018), para. 61.

that is secure, habitable, culturally appropriate, in a suitable location and where access to essential supports and services can be maintained.[13]

The right to adequate housing and the human rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples is also particularly important given the disproportionate number of Indigenous individuals living in encampments. The Declaration affirms a wide range of interconnected rights of Indigenous individuals and Peoples relevant to the right to adequate housing. These include the right of Indigenous Peoples to determine and control provision of social services such as housing, the right of Indigenous Peoples to maintain their relationship to, and use of, their traditional territories for livelihoods, subsistence and ceremony; the obligation of states to work in cooperation and consultation with Indigenous Peoples' chosen representatives, the right not to be forcibly removed from their lands or territories, and the duty of states to support Indigenous Peoples in the exercise of their right to self-determination. In July 2021, Canada passed national legislation to implement the UN Declaration which requires the federal government to "take all measures necessary to ensure that the laws of Canada are consistent with the Declaration."[14] These obligations are particularly significant given the greatly disproportionate number of Indigenous persons living in encampments.

The right to life

Finally, the United Nations Human Rights Committee underscores that States should take particular measures to uphold the right to life, including actions related to housing:

> The duty to protect life also implies that States parties should 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. These general conditions may include [...] extensive substance abuse, widespread hunger and malnutrition and extreme poverty and homelessness. The measures called for to address adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health care, electricity and sanitation, and other measures designed to promote and facilitate adequate general conditions, such as the bolstering of effective emergency health services [...] and social housing programmes.[15]

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[13] Committee on Economic, Social and Cultural Rights, General Comment No. 7: The Right to Adequate Housing: Forced Evictions, UN Doc. E/1998/22, annex IV (1997) and Leilani Farha, Guidelines for the Implementation of the Right to Adequate Housing: Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, UN Doc. A/HRC/43/43, UN Human Rights Council (2019), "Guideline No. 6. Prohibit forced evictions and prevent evictions whenever possible" [Guidelines for the Implementation of the Right to Adequate Housing].

[14] SC 2021, c 14. Royal Assent, 21 June 2021.

[15] Human Rights Committee, General Comment No. 36 on the right to life, UN Doc. CCPR/C/GC/35 (2018), para. 26

A LIFE AND DEATH CRISIS

Encampments arise as a direct consequence of Canada's persistent failure to protect and fulfill the right to adequate housing. Until encampment residents can access adequate housing options that meet their needs, urgent measures must be taken to protect their human rights and reduce the precariousness of their current living conditions.

It is important to acknowledge that the encampments crisis is taking place in the context of a national opioid crisis and the greatly heightened risks created by an unsafe drug supply. A review panel convened by the British Columbia Coroner's Office recently reported that between April 2016, when the province first recognized the opioid crisis as a public health emergency, and September 30, 2023, "at least 13,000 lives have been lost to toxic, unregulated drugs in British Columbia."[16] For reasons set out below, the risks created by an unsafe drug supply and the unaddressed mental health and addictions needs, compound the dangers faced by many encampment residents.

Forced evictions

Forced encampment evictions make people more unsafe and expose them to a greater risk of harm and violence. Evictions destabilize people, remove them from their support systems, and cause them to lose the tools and equipment they need to survive.

As was detailed in the interim report, the Advocate has repeatedly heard about municipal enforcement actions that have made the lives of encampment residents much more precarious. There have been numerous incidents of encampments forcibly closed down by municipal officials without provision of adequate housing to address the safety and well-being of the residents. In addition to full-scale evictions, there have widespread incidents of municipal officials tearing down tents and seizing individual property, including personal identification, photo albums, money, and clothing.

Actions to restrict or relocate encampments are often taken in the name of safety and public security. However, the failure to consult encampment residents, protect their belongings, and provide adequate and acceptable alternative housing has the direct consequence of increasing risks to their health and safety.

In an investigation of forced evictions of encampment in Toronto, the city ombudsperson found that the municipality "[c]hose to clear encampments quickly, instead of focusing on the needs of the people living in them."[17] In doing so, the report concluded, "the city caused undue confusion and harm."[18]

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[16] British Columbia Coroners Service, *BC Coroners Service Death Review Panel: An Urgent Response to a Continuing Crisis* (1 November 2023.) https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/death-review-panel/an_urgent_response_to_a_continuing_crisis_report.pdf

[17] Ombudsman Toronto, "Toronto's Ombudsman says City Chose Speed over People in Clearing Encampments," (24 March 2023). https://www.ombudsmantoronto.ca/news/torontos-ombudsman-says-city-chose-speed-over-people-in-clearing-encampments/ (accessed August 31, 2023).

[18] Ombudsman Toronto, *Ombudsman Toronto Investigation Report: Investigation into the City's clearing of Encampments in 2021* (24 March 2023), p. 2. https://www.ombudsmantoronto.ca/investigative-report/investigation-into-the-citys-clearing-of-encampments-in-summer-2021/ (accessed August 31, 2023).

Encampment residents, and advocates who work closely with them, point out that established encampments have informal systems through which residents look out for each other. In other words, they are a community with a kind of safety net of their own. Forced evictions disrupt these communities and the benefits they provide.

Forced evictions are also inherently violent. Residents experience their rights being disregarded and trampled on. Outreach workers told the OFHA that police involvement in forced evictions can invoke a trauma response in many people who are or have been experiencing homelessness. The Toronto Alliance to End Homelessness told the OFHA:

> Security approaches do not work in addressing homelessness, or in stopping people from setting up encampments. It traumatizes already vulnerable and marginalized people and increases their vulnerability to becoming chronically homeless, forcing people into often even more precarious places.

For unhoused Indigenous persons, the trauma of encampment clearings is often added to previous traumas, including the forced removal of children from their families and communities. Indigenous organizations and frontline workers said that police involvement in the housing crisis is a continuation of colonial state violence and is deeply inappropriate.

Unmet basic needs and a lack of essential supports

Most encampments lack necessities such as clean water, bathrooms, a place to shower, or secure storage for belongings. Tents and tarpaulins that are not meant for winter use, inadequate clothing and blankets, no electricity or access to heating and cooling, lack of first aid supplies and fire extinguishers, no provision for garbage removal, and no place for safe needle disposal create significant risks to the safety and well-being of residents.

The OFHA has received reports of how conditions in encampments add to mental health challenges and may worsen chronic physical conditions such as back injuries. There are also demonstrated risks of injury and even death from exposure in winter and heat exhaustion in summer.

The failure of many municipalities to provide for the basic needs of encampment residents led to individuals and community groups stepping in with donations of tents, sleeping bags, clothing or food. However, there have also been accounts of some municipalities interfering with the delivery of such basic amenities in a misguided attempt to force encampments to disband.

In many communities that allow overnight camping in public spaces, people experiencing homelessness must pack up their belongings early every morning until they can set up their shelter again in the evening. People who are already exhausted, and who may be in ill-health, are forced to carry all their possessions with them, or risk their loss. Encampment residents describe how carrying large packs or bags means that they are more likely to be refused entry to spaces where they might rest or access washrooms. By-laws establishing these rules ignore the needs of people for rest and privacy during the day and also represent an attack on their basic dignity.

Housing is a social determinant of health and it comes as no surprise that encampment residents have a wide range of health and wellness needs, some of which are linked to their challenges in finding and maintaining long-term secure housing. These needs include treatment for chronic illness and counselling for mental health and addictions issues.

Encampment residents who cannot securely store their belongings are severely limited in how far they are able to travel to access services. The situation is compounded by an overall shortage of community-based supports, the challenge of navigating a complex service system, and the fact that many encampments have been pushed into isolated locations.

There is an additional concern about the scarcity of culturally appropriate resources for unhoused Indigenous persons. An Elder told the Advocate about the lack of Indigenous crisis workers able to provide culturally appropriate assistance to encampment residents.

Responding to safety and security concerns

During this review, the Advocate heard about violent incidents in encampments such as robberies, sexual violence, beatings, harassment, and sexual exploitation. Violence, exploitation and coercion within encampments is a particular concern for women, youth, gender-diverse people, persons with disabilities, and persons experiencing multiple forms of systemic discrimination. The Advocate also heard that incidents of violence in encampments are treated differently. For example, all the tenants of an apartment building are not evicted when an incident of violence is reported.[19]

It should be noted however, that violence, including gender-based violence, disproportionately impacts all people experiencing homelessness, including people using shelters, and is not necessarily a greater risk for those living in encampments. In fact, many encampment residents expressed greater fear about being alone on the streets or in certain temporary housing situations, such as shelters and single room occupancy units. Many expressed that they see encampments as a place that provides community, support, and safety for most of the people living there.

The stigmatization of encampments, and the reasonable fear that police and other authorities may tear down the encampment, may discourage residents seeking the protection of law enforcement. One community organizer stated that the constant threat of displacement, and lack of reliable access to food and water, increases stress, exacerbates mental health issues, and can lead to a rise in violent incidents.

People living in encampments face life and death risks throughout the year, but in the winter months, these risks are heightened dramatically. Efforts to stay warm without access to appropriate shelter, clothing, and heat sources greatly increases the risk of fire. This risk is often cited as a reason to forcibly remove encampments. However, as noted earlier, removal from one site, without provision of adequate alternatives, only causes further disruption and harm to the lives of encampment residents while doing little or nothing to reduce the risks they face. In fact, if encampments are pushed to more isolated locations, the risks may be further increased.

A human rights-based response to the risk of fire would include mitigation measures, including provision of more weather resistant forms of temporary shelter, safe sources of heat, and access to fire extinguishers, along with fire safety training. Above all else, public officials should be meeting regularly with encampment residents so that residents can identify their own safety needs and the best ways to address them.

[19] If governments don't provide adequate housing, they must allow people to shelter in public spaces" by Kasari Govender, Vancouver Sun, September 14, 2023 (accessed January 24, 2024)

HOW WE GOT HERE

A national housing crisis

A recent study commissioned by the Office of the Federal Housing Advocate calculates that Canada has a total shortage of 4.3 million homes affordable to very low- and low-income households.[20] In some locations, there is now a ten-year waitlist for rent-geared-to-income housing. During this review, one community worker said simply: "There is no housing to offer people."

The severe housing shortfall, and the soaring cost of rental accommodations, have also meant that there are only very limited options available to very low-income households. The Advocate heard that many of these apartments have no running water or extreme infestations of rodents, and bedbugs. Some encampments residents said they would rather live outside than try to live in the uninhabitable housing options that are available to them.

The Advocate also heard that the housing crisis is compounded by the discrimination facing members of Indigenous Peoples, racialized communities, people with disabilities, youth, 2SLGBTQQIA+ individuals and others. There is also a severe lack of supportive housing that meets the specific needs of people with mental health challenges including active and severe addictions. Alongside a limited supply of detox and rehab programs, there are not enough housing options for people leaving those programs.

The limited housing available to low and very low-income individuals is often highly insecure. There are widespread reports of people being evicted by landlords wanting to upgrade units to a higher rent.

Challenges with emergency shelters

There is a clear link between the growing encampments and inaccessibility of the emergency shelter system. Shelters are intended as an emergency measure before being rehoused. They fall far short of meeting government obligations to fulfill the right to adequate housing.

The surge in the number and size of encampments was initially linked to the decreased capacity of shelters during the early phase of the COVID-19 pandemic. However, the challenges have proven to be more persistent and systemic.

Firstly, there is an overall shortage of available shelter space. Frontline workers describe a crisis in which individuals are being routinely turned away because there is no available space.

Secondly, there are also significant concerns about living conditions in the overcrowded and overstrained shelter system. "Shelters are dead spaces," according to one participant in the review, noting that conditions like theft, crowding, violence, and the threat of catching illnesses encourage people to opt to live in encampments.[21]

Thirdly, emergency shelters are not available, or safe and suitable, for all. During the review, encampment residents and advocates indicated that some women and gender-diverse people reside in

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[20] Carolyn Whitzman, *A Human Rights-Based Calculation of Canada's Housing Supply Shortages*, The Office of the Federal Housing Advocate (2023). https://www.homelesshub.ca/sites/default/files/attachments/Whitzman-Human_Rights_Based_Supply_Report-EN_1.pdf

[21] Encampments Roundtable – Toronto – June 1, 2023.

encampments because there are no gender-specific shelters in their community. Data shows that the vast majority of shelter beds in Canada are either designated for men or are co-ed (68 percent), with only 13 percent dedicated specifically for women.[22]

Furthermore, most shelters in the violence against women or homelessness systems have physical barriers for people with disabilities. They also lack appropriate and accessible spaces for persons with mental health, sensory and environmental disabilities.

As noted earlier, people living unhoused face a disproportionately high risk of violence. Many women have experienced harassment or violence in co-ed and congregate shelters. These concerns are particularly acute for many trans women. Roundtable participants lamented the lack of emergency resources specifically for women and 2SLGBTQQIA+ people.

Emergency shelters often have rules that restrict personal autonomy, freedom of movement, privacy, and access to friends and family. They may also set expectations that are difficult to meet for people who have been living on the street. For example, shelters may require sobriety, impose disruptive bed checks, restrict the quantity of belongings residents can bring, or not provide space for pets. The Advocate repeatedly heard concern over policies that prevent couples from staying or sleeping together. Numerous participants compared shelters to prison-like conditions. Faith-based shelters can also raise legitimate concerns for some who have had negative experiences with religious institutions. The restrictive environment can have a triggering effect, depending on the individual's mental health and prior experiences of trauma.

Shelters designed for women fleeing violence may also impose restrictive admission criteria. One assessment estimates that approximately 699 women and 236 accompanying children are turned away from domestic violence shelters every day across Canada.[23]

People who use drugs are also particularly affected by shelter restrictions. The Pan Canadian Women's and Housing and Homelessness Survey demonstrates that people who use drugs were banned from shelters at a rate three times greater than those who did not use drugs.[24]

Indigenous Peoples and the homelessness crisis

Indigenous persons are greatly overrepresented among people experiencing homelessness. A recent national study found that 35 percent of unhoused respondents identify as Indigenous compared to the 5 percent of the overall population that identified as Indigenous in the 2021 census.[25]

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[22] Kaitlin Schwan et al., *A Rights-Based, GBA+ Analysis of the National Housing Strategy*, Office of the Federal Housing Advocate (2021), p. 11. https://womenshomelessness.ca/wp-content/uploads/EN-Rights-Based-GBA-Analysis-of-NHS-28-Sept-2021.pdf (accessed August 30, 2023).

[23] Kaitlin Schwan et al., *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 & Homelessness Network (2022). https://womenshomelessness.ca/wp-content/uploads/WNHHN-Claim-15-June-2022.pdf (accessed August 31, 2023).

[24] Kaitlin Schwan et al., *Pan Canadian Women's and Housing and Homelessness Survey*, Canadian Observatory on Homelessness (2021). https://womenshomelessness.ca/wp-content/uploads/EN-Pan-Canadian-Womens-Housing-Homelessness-Survey-FINAL-28-Sept-2021.pdf (accessed August 30, 2023).

[25] Infrastructure Canada, *Everyone Counts 2020-2022: Preliminary Highlights Report* (April 2023). https://www.infrastructure.gc.ca/homelessness-sans-abri/reports-rapports/pit-counts-dp-2020-2022-highlights-eng.html#h2.5.4 (accessed August 31, 2023).

High rates of Indigenous homelessness are linked, in large part, to inter-generational harms caused by Canada's colonial laws and policies and the longstanding lack of equitable federal investment in housing and related infrastructure in First Nations, Inuit, Métis communities. While Indigenous communities face a severe housing crisis, there is also a critical lack of resources and supports for Indigenous individuals living in urban centres away from their home territories, which increases the risks of homelessness. Gaps in services and supports include a lack of transition services for those moving from reserves and remote to communities to urban centres, a lack of culturally appropriate housing, and the limited number of urban Indigenous housing providers.

The full scale of housing needs for Indigenous persons is uncertain, however, because of the prevalence of hidden Indigenous homelessness. Rather than living unsheltered, it is common for unhoused Indigenous individuals to live in overcrowded family homes, couch surf, or live out of cars and hunting shacks, particularly in Northern, rural, and remote locations.

There are also significant gaps in available data. Failure to separately track the experience of First Nations, Inuit, Métis individuals means that their distinct needs are often overlooked.

It has been reported that in Western Canada the majority of encampment residents in many communities are Indigenous.

Indigenous governments and service providers face significant jurisdictional barriers in meeting the needs of their communities. At the same time, First Nations, Inuit and Métis governments are not resourced to support Indigenous people living away from their home territories and their jurisdiction to provide such support may not be recognized. A representative of an Indigenous organization observed that third party, non-Indigenous entities are receiving funding to provide services to urban Indigenous people but are not delivering culturally appropriate care and services.

Inadequate program funding for community services

Frontline services are underfunded, operating over capacity, and facing high rates of staff turnover and burnout. Reliance on project-based and short-term funding – the model used by the federal Reaching Home program – is a barrier to long-term planning and ties up staffing in managing administration and reporting requirements. By the time someone is hired and trained, one person noted, the funding for the position is gone, which leads to instability for staff, and precludes being able to build trust with clients, many of whom have complex needs. The result, some noted, is that vulnerable and neglected people are being underserved, and not receiving the qualified, trauma-informed care to which they are entitled.

Furthermore, limited funding results in "unproductive competition" between organizations as they fight for the same funding opportunities. This competition can lead groups to under report their real financial needs when submitting applications, which makes it difficult to maintain projects, even if they are successful in meeting needs.

Mental health and addictions support

Without proper housing supports in place, mental health and addictions can create significant barriers to finding and maintaining housing. At the same time, the circumstances of living unhoused or in precarious housing can greatly add to mental health or addictions challenges.

During the review, encampment residents and advocates consistently drew attention to the inadequacy of resources for people living with mental health and addictions challenges, and the difficulty accessing

the supports that do exist. Municipalities and frontline service providers emphasized the need for greater integration and coordination between housing and homelessness services and mental health and addictions support. In particular, many called for the creation of integrated response teams available to support individuals living in encampments.

A critical issue is access to a safe, regulated drug supply. Reliance on unregulated, criminalized supplies exposes people using drugs to increased incidents of violence and coercion, as well as a much greater risk of overdose or other harm from adulterated or "poisoned" drugs.

Many communities lack harm reduction services, or the services are limited or otherwise inaccessible to encampment residents. Encampment residents described a lack of access to specialized care or treatment, clean needle distribution programs, safe consumption sites, and naloxone.

Lack of coordination and accountability

Efforts to address homelessness have been stymied by lack of clear coordination and accountability across government ministries and between various levels of government. "Everyone keeps acting like it's not their responsibility and trying to pass the issue on to another government entity. They need to just come together and resolve this issue," one person told the Office.[26]

The absence of effective coordination between the many agencies, departments and jurisdictions involved limits the effectiveness of responses to the homelessness crisis. For example, the two issues of affordable, accessible housing and mental health and addictions support are directly linked in practice, but fall under the purview of different, unconnected federal, provincial and territorial programs and agencies, without any established structure of coordination.

Critical areas of integration and coordination include income supports, housing allowances, access to health care, and policies and practices related to public safety. All such services should be developed and assessed on the basis of compliance with Canada's human rights obligations and a gender-based analysis plus (GBA+) of the differential impacts on Indigenous Peoples, racialized communities, people of diverse genders, youth, and people living with disabilities. While municipalities are on the frontlines in responding to encampments, they don't have all the powers and resources they need to provide human rights-based services. Provinces and territories must work closely with municipalities and the federal government must play a leadership role.

EMPHASIZING DIGNITY AND RESPECT

All responses to the encampments crisis must respect the inherent dignity and rights of encampment residents. The stigmatization of encampments, and homelessness more generally, fuels enforcement-based responses that do nothing to alleviate the crisis, and only add to the marginalization and precariousness of life for unhoused people. This stigmatization also masks the systemic causes of the crises and obscures the accomplishments made by encampment residents in asserting their rights and meeting their own basic needs.

[26] Encampments Roundtable – Calgary – August 8, 2023.

Meaningful engagement

Any human rights-based response must begin by engaging with encampment residents, respecting their ability – and their right – to make decisions for themselves. It is also important to recognize that they have valuable knowledge and insights as a result of their lived experiences of homelessness or in encampments. Many encampment residents are distrustful of authorities, often based on a history of negative interactions. It is vital that anyone engaging with encampment residents build a relationship of trust. This requires experience in cultural safety and trauma informed approaches. Police and emergency services should not be the primary point of contact between governments and encampments.

In many encampments, informal structures have emerged that help organize the space and make it safer for residents. These informal structures should be the starting point for any engagement. To the extent that it is welcomed, such structures should be supported and strengthened.

There is a wealth of guidance available to assist in respectful, trauma-informed and culturally appropriate engagement with encampments. In particular, the OFHA encourages application of the National Protocol on Homeless Encampments in Canada, authored by former United Nations Special Rapporteur on the Right to Adequate Housing Leilani Farha and Dr. Kaitlin Schwan and published by The Shift. The Canadian Lived Experience Leadership Network also presented key principles at the Canadian Alliance to End Homelessness' National Conference on Ending Homelessness in November 2023. Drawing on these and other sources, the Advocate recommends the following key measures for meaningful, transparent, and accountable engagement:

- Engagement should be managed through people trusted by encampments residents.
- Wherever possible, people with lived experience of homelessness and housing insecurity should be employed as leaders and contact points in the process.
- Value the time of people taking part in the engagement process, including by providing stipends to compensate for their time; provide food and beverages at meeting; provide transportation as needed; and ensure meeting spaces are culturally safe.
- Ensure that there is enough time for meaningful engagement, including the time needed to build trust and good communication.
- Respect Indigenous protocols and decision-making processes.
- Any community consultation processes must take into account the tremendous power imbalances between encampments and their housed neighbours.
- Avoid unnecessary turnover of staff involved or too many people being involved.
- Make clear commitments to effective monitoring and follow up.
- Ensure that all aspects of an engagement process are documented and that these documents are publicly available.

THE URGENT NECESSITY OF FEDERAL LEADERSHIP

Effective responses to encampments require both mobilization of significant financial resources and effective coordination of a complex web of departments, agencies and programs among federal, provincial, territorial and municipal governments as well as Indigenous Peoples and their representative institutions. Federal leadership is critical.

The federal government has unique responsibilities to ensure Canada lives up to its international human rights obligations. This includes specific obligations toward Indigenous Peoples and their rights affirmed in Treaties, international law more generally and in the Canadian Constitution.

Federal leadership is necessary to recognize the urgency of this national human rights crisis affecting large, medium and smaller communities across the country. Federal leadership is also necessary to confront the stigmatization and discrimination faced by people living in encampments. The federal government is in a position to model appropriate and effective responses.

The federal government is also uniquely positioned and has the spending powers to bring about comprehensive and coordinated responses required to address housing, income supports, physical and mental health, and public safety in every region of the country. The National Housing Strategy, the 2019 National Housing Strategy Act, and the 2021 UN Declaration on the Rights of Indigenous Peoples Act provide a foundation for responding to this crisis on the basis of internationally recognized human rights principles and obligations. The federal government has the capacity to convene the national coordination and planning processes needed to resolve jurisdictional barriers and confusion. Through its transfer agreements with the provinces and territories, it has also the means to ensure provinces, territories and municipalities have human rights-compliant standards to address the needs of people living in encampments.

CALLS TO ACTION

In response to the urgency of the current crisis – including the life and death risks faced by the growing number of people now living in encampments – the Federal Housing Advocate is issuing the following Calls to Action addressed to all governments in Canada.

It is the Advocate's hope that the Calls to Action will also be useful to service providers, other civil society organizations, and the public as a whole. Public awareness of the need for urgent action should drive governments to uphold their responsibilities to protect and fulfil the human right to housing.

The Calls to Action provide a high-level road map to guide the actions need to respond to homeless encampments in compliance with Canada's human rights obligations, including those affirmed in the Canadian Charter of Rights and Freedoms, the Canadian Constitution, the National Housing Strategy Act, the International Covenant on Economic, Social, and Cultural Rights, and the UN Declaration on the Rights of Indigenous Peoples.

The Calls to Action are followed by a set of specific, actionable recommended measures that federal, provincial, territorial and municipal governments must each take to implement the Calls to Action.

1. The Federal Government must lead the development of a human rights-based National Encampments Response Plan in cooperation and consultation with all other governments.

a. Immediately convene meetings with provinces, territories, and municipalities to coordinate an all-of-government response.

b. Commit maximum available resources to promote, protect and fulfill the human rights of encampment residents.

c. Provide a coordinated all-of-government response and ensure resources are available to address the range of housing, healthcare, income and other supports needed by people experiencing homelessness using human rights-based approaches.

d. Include clear targets and timelines.

2. Commit to a human rights-based approach to address the needs of encampment residents.

a. All governments must publicly commit to applying a human rights-based approach to encampments that recognizes and addresses the distinct needs of First Nations, Inuit and Métis individuals, Black and other racialized individuals, women, 2SLGBTQQIA+ individuals, people fleeing gender-based violence, youth, seniors and people with disabilities. These approaches must align with Canada's human rights obligations as affirmed in international human rights instruments, the Charter, and domestic legislation.

b. In the absence of adequate, affordable and accessible alternatives, all governments must recognize the rights of people to live in encampments. Supporting the dignity and autonomy of the person means governments must respect the rights of encampment residents to decide for

themselves if shelter solutions best meet their needs, including for safety and security.

c. People living in encampments must play a leading role in decision-making processes that affect them. All governments must implement ongoing and meaningful engagement with people living in encampments and those who support them.

d. All governments and political leaders at all levels have obligations to promote and protect the human rights and dignity of people experiencing homelessness. Leaders must refrain from actions and language that further stigmatizes the residents of encampments, or people experiencing homelessness, which exposes them to greater risk of rights violations.

3. Respect the inherent rights of Indigenous Peoples.

a. All governments must commit to upholding the United Nations Declaration on the Rights of Indigenous Peoples and work in consultation and cooperation with First Nations, Inuit, and Métis governments to fully implement its provisions.

b. Federal, provincial, territorial, and municipal governments must recognize the jurisdiction of Indigenous governments to determine, develop, and administer programs and services related to housing and homelessness. Such recognition must not result in any reduction in levels of funding or other supports provided by federal, provincial, territorial and municipal governments.

c. Develop all encampment response measures in consultation and cooperation with First Nations, Inuit, and Métis governments and their representative organizations.

d. First Nations, Inuit and Métis governments and representative organizations must be fully supported to develop and provide self-determined, culturally appropriate housing and related services and supports, including supports in urban centers.

e. All government departments and agencies engaged in the design and delivery of housing-related services should make a concerted effort to ensure their staff, management and boards are representative of First Nations, Inuit and Métis people, and introduce mandatory cultural safety training.

4. Take immediate action to protect the right to life and dignity of all people living in encampments, reduce the risks that they face, and help them to stabilize their situation.

a. Immediately end forced evictions of encampments, particularly on public lands, as a violation of human rights protected by section 7 of the Charter as well as the right to life and the right to adequate housing under international law. Put in place alternatives to evictions that are designed following meaningful engagement with encampment residents to find solutions that meet their needs.

b. All governments must ensure that laws, regulations and bylaws do not further destabilize encampments and expose residents to greater risk of harm and violence. All enforcement measures undertaken must be compliant with human rights standards.

c. All governments must fulfill their human rights responsibilities to ensure that everyone living in encampments has access without discrimination to the necessities of life and the services needed to protect their physical and mental health, including access to water, food, sanitation, and heating and cooling, accessibility supports, healthcare and harm reduction services.

d. Ensure drop-in shelters are accessible 24/7 throughout the year to provide people with a dignified place to rest, take refuge from the elements and access services.

5. Implement immediate measures to address the root causes of encampments and provide access to adequate housing.

a. All governments must immediately fund and/or develop adequate housing solutions and supports so that people living in encampments are re-housed as rapidly as possible. These housing solutions must meet the definition of adequate housing which includes security of tenure, affordability, accessibility, suitable location, availability of services, habitability and cultural adequacy.

b. In the absence of available adequate housing, all governments and service providers must work to address the structural barriers that result in existing emergency shelters not being accessible or appropriate for all people who might choose to use them.

c. The National Housing Strategy must be greatly enhanced and its programs must prioritize the elimination of chronic homelessness and reduction of core housing need, with a focus on Indigenous peoples and disadvantaged groups, to fulfill commitments under the NHSA.

d. All governments must strengthen collaboration to address the systems that drive homelessness, including systemic racism and discrimination and failings in the Canadian child welfare, corrections, healthcare, income security and other systems.

6. Ensure government accountability and that people experiencing homelessness have access to justice.

a. All governments must ensure that they are monitoring the progressive realization of the right to adequate housing and put in place measurement systems that include accurate, comprehensive, and replicable data on homelessness.

b. People living in encampments must have access to timely, effective recourse when their rights are threatened or violated.

DETAILED RECOMMENDATIONS TO IMPLEMENT THE CALLS TO ACTION

The following recommendations set out essential measures for all governments to put the Calls to Action into practice, with emphasis on the measures that must be taken immediately to address the urgent risks facing encampment residents. It is essential that all measures be adapted to the specific needs of each community, taking into account that needs in rural, remote and northern communities will differ from larger urban centres in the south. In every instance, people living in encampments are the ones best able to identify their own needs and must be fully engaged in determining and implementing solutions.

These Recommendations include legislative and regulatory measures, policies, and programs that advance the progressive realization of the right to adequate housing in accordance with Canada's human rights obligations, including those affirmed in the Charter and Constitution and international instruments such as the UN Declaration on the Rights of Indigenous Peoples. These obligations place responsibilities on all levels of government.

The Recommendations identify a series of distinct actions to be undertaken by federal, provincial, territorial and municipal governments to respect, protect and fulfill the right to adequate housing and other human rights implicated in the context of encampments.

First Nations, Inuit and Métis are over-represented among people living in encampments. This is a result of historic and ongoing failures to uphold the distinct rights of Indigenous Peoples affirmed in domestic and international law. Therefore, the Recommendations include specific measures that need to be undertaken in partnership with Indigenous governments and representative organizations.

1. The Federal Government must lead the development of a National Encampments Response Plan in cooperation and consultation with all other governments.

- In consultation and cooperation with First Nations, Inuit and Métis governments and representative organizations, **the Minister of Housing, Infrastructure and Communities and Infrastructure Canada must** lead development of a **National Encampments Response Plan** that recognizes Canada's human rights obligation to commit maximum available resources, all available means and demonstrate progress in a timely manner.

    - The plan must include **new resources** commensurate with the scale of the problem and a clear human rights-based strategy to ensure sustained and meaningful engagement with people with experience living in encampments.

    - The plan should aim to provide coordinated responses among all governments and across all government departments and agencies and ensure local authorities have the resources they need to address the range of housing, healthcare, income and other supports needed by people experiencing homelessness using human rights-based approaches.

    - The Plan should include clear targets and timelines for offering adequate housing to people living in encampments in response to the findings of the Auditor General's **Ending Chronic**

Homelessness as well as a strategy for monitoring progress towards the established targets.

- The plan should recognize the urgency to act and be in place by August 31, 2024.
- Development of the plan must include provincial and territorial governments, First Nations, Inuit and Métis governments, municipalities (coordinated and convened by Federation of Canadian Municipalities (FCM) between municipalities and the federal government) and right to housing organizations who can convene people with lived experience in encampments and people with human rights expertise.
- In consultation with the Federal Housing Advocate, **The Minister of Housing, Infrastructure and Communities** must establish an advisory process which includes lived experts and Indigenous leadership to guide development of the plan.
- The plan must leverage existing Federal, Provincial and Territorial bodies such as the Federal, Provincial and Territorial Forum on Housing and similar bodies addressing mental health and addictions to ensure better coordination of human rights-based responses.
- Explore how to mobilize resources and coordinate efforts with other federal action plans (e.g. Addictions and Mental Health, Gender-based violence, Anti-racism, 2SLTBTQQIA+, Poverty reduction strategy, UNDRIP Action Plan, Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People National Action Plan)
- Establish mechanisms to monitor the results of the Response Plan In fulfilling the right to adequate housing for people in encampments.

- As a first step, **The Minister Housing Infrastructure and Communities must** immediately convene meetings on homelessness and encampments with provinces, territories, and municipalities to coordinate an all-of-government response.

2. Commit to a human rights-based approach to address the needs of encampment residents.

- **The Minister of Housing, Infrastructure and Communities'** response to this report must publicly commit to a human rights-based response to encampments and to developing a National Encampment Response Plan.

Federal, Provincial, Territorial and municipal governments must:

- Integrate the human rights principles and guidance set out in the National Protocol for Homeless Encampments in Canada and the Homeless Encampments: Municipal Engagement Guidance, both produced by The Shift.
- Consistently use the human rights language of the National Housing Strategy Act across all government legislation, policy, and communications.

- Cease using language that stigmatizes or discriminates against people living in encampments or undermines the work of grassroots organizations providing support to them.
- Adopt policies and procedures on how to conduct meaningful, culturally safe, and trauma-informed engagement with people living in encampments or experiencing homelessness.

- Recognize the right of people in encampments to be part of the decision-making process which means:
    - Recognizing and engaging with the informal peer leadership in encampments;
    - Supporting the emergence of camp-led consensus-based decision making.

- Ensure people who have lived/living experience with addictions and substance use have a central role in designing the health solutions they need.

The Federal Government:

- **Infrastructure Canada and the Canadian Mortgage and Housing Corporation must** include conditions in funding agreements with provinces, territories, and municipalities that ensure that all use of federal housing-related funds respect and fulfill Canada's international and domestic human rights obligations.

Provincial and Territorial governments must:

- Adopt provincial or territorial legislation recognizing the human right to adequate housing as defined in international law.

- Review provincial and territorial human rights codes to ensure explicit prohibition of discrimination based on social condition such as income levels, being unemployed or experiencing homelessness.

- Develop programs to ensure that people residing in encampments, shelter and precarious housing are aware of their human rights, including the right to housing.

Municipal governments must:

- Develop a human rights-based policy related to encampments and ensure that any response to encampments prioritizes upholding the human rights of encampment residents. The role of police and by-law officers should be de-emphasized in these responses.

- Ensure the development of all relevant by-laws, policies, programs and plans includes meaningful engagement with people with lived experience in encampments.

3. All measures must respect the inherent rights of Indigenous Peoples.

Federal, provincial, territorial and municipal governments must:

- Support Indigenous governments to provide self-determined, culturally appropriate housing and supports to their citizens regardless of place of residency, including through recognition of First Nations, Inuit and Métis jurisdiction, accelerated transfer of care and control of housing and homelessness programs and programs in other areas such as mental health and addictions (as requested); and respecting existing funding arrangements with Indigenous governments and their

representative organizations.

- Support and allocate funds to ensure the full and effective implementation of housing and homelessness action plans developed by First Nations, Inuit and Métis governments and organizations, including the First Nations Housing and Related Infrastructure Strategy, the Inuit Nunangat Housing Strategy, and the Canada-Métis Nation Housing Sub-Accord.

- Substantially increase investment in adequate, sustainable, and culturally appropriate housing in First Nations, Inuit, and Métis communities based on accurate assessment of needs and the actual costs of building and maintaining housing in small, remote and northern communities.

- Work with Indigenous Peoples to more effectively respond to the distinct needs of urban First Nations, Inuit, and Métis individuals, particularly those who are unhoused and living in encampments.

- Support Indigenous governments and engage with relevant Indigenous service providers to develop and implement holistic strategies to provide wrap-around supports to Indigenous individuals who are unhoused or living in encampments with a goal of providing access directly into adequate housing.

- Ensure that all departments and agencies engaged in the design and delivery of housing-related services make a concerted effort to have their staff, management and boards be representative of First Nations, Inuit and Métis people. All departments and agencies must also provide cultural safety training for all staff and management.

- Implement Indigenous-led training on the UN Declaration on the Rights of Indigenous Peoples as called for by the Truth and Reconciliation of Canada and prioritize implementation of all Calls to Action relevant to resolving the crisis of housing and homelessness.

- Support the role of cultural workers, Elders and Knowledge Keepers in the process of finding solutions and supporting individuals experiencing homelessness.

- Work with First Nations, Inuit and Métis governments and organizations in building capacity to collect and analyze relevant homelessness data and ensure data collection initiatives respect Indigenous data sovereignty as reflected, for example, in the principles of First Nations Ownership, Control, Access, and Possession (OCAP®).

- Take action to “support the establishment and long-term sustainable funding of Indigenous-led low-barrier shelters, safe spaces, transition homes, second stage housing, and services for Indigenous women, girls, and 2SLGBTQQIA people who are homeless, near homeless, dealing with food insecurity, or in poverty, and who are fleeing violence or have been subjected to sexualized violence and exploitation” as called for by the National Inquiry on Missing and Murdered Indigenous Women and Girls and prioritize implementation of the Inquiry’s other Calls to Justice relevant to addressing the housing needs of Indigenous women, girls and 2SLGBTQIA+ persons.

4. Take immediate action to respect and protect the human rights and dignity of all people living in encampments and reduce the risks that they face.

The federal government:

- **All federal ministries must** prohibit forced evictions of encampments on federal lands, including lands that are operated by agencies and other federal entities.

- **Infrastructure Canada must** increase funding designed to prevent and reduce homelessness. New money must be added to address encampments, reflect the increased scope of the problem and to reach the increasing number of communities facing a homelessness crisis.

- **The Minister of Health and the Minister of Mental Health and Addictions must** ensure healthcare funding, including allocations for mental health and addictions, specifically references the urgent needs of encampment residents.

- **Health Canada and the Public Health Agency of Canada must** invest in upstream interventions to prevent mental illnesses and substance use disorders and promote good physical and mental health.

- **Health Canada and Public Safety Canada must** take measures to protect people living in encampments from the poison drug epidemic by supporting access to safe supply and other harm reductions services in order to save the lives of encampment residents who rely on the unregulated drug supply and are at risk of overdose.

Provincial and territorial governments must:

- Prohibit forced evictions of encampments on public lands[27].

- Support municipalities in putting in place alternatives to removal of encampments.
    - Support meaningful engagement as the priority for finding solutions that fulfill the human rights obligations to provide safety and security for encampment residents.
    - Support Indigenous-led interventions to provide culturally appropriate services and supports for First Nations, Inuit and Métis individuals living in encampments.
    - Ensure funding for services and supports is available for municipalities (regardless of their size), including healthcare funding to address the complex needs of encampment residents.
    - Ensure adequate housing alternatives are available when people are ready to leave an encampment.

- Adopt provincial or territorial action plans for the safety and well-being of encampment residents based on meaningful engagement with those residents and their advocates and in consultation and cooperation with Indigenous Peoples, as well as federal and municipal governments.

- Adequately fund individualized social and mental health supports and other measures that help individuals to maintain a stable living situation.

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[27] The prohibition of forced evictions in international law does not distinguish between public and private lands. However, as encampments are generally established on public lands, the Advocate's recommendation focuses on public land.

- Provide direction to law enforcement agencies to halt the confiscation of belongings, surveillance and harassment which can be violations of the human rights of encampment residents. This includes providing direction to law enforcement and relevant authorities to end practices which make drug use grounds for displacement, seizure of property, mandatory referrals to health and social services and treatment, and other measures that impose coercive limitations on the rights of encampment residents who use drugs.

- Ensure greater coordination amongst provincial service providers and systems to meet the needs of people living in encampments (i.e. healthcare, income-support, housing).

- Take measures to protect people living in encampments from the poison drug epidemic by supporting access to safe supply and harm reduction services for encampment residents.

- Leverage and adequately fund community-based organizations to provide urgent care for mental health, addictions, and substance use, including grief counselling and trauma support for those who use drugs, their families, and those who work with them.

- Increase support to facilitate access to low-barrier shelter options.
    - Ensure adequate funding for shelters to remover barriers and address individualized needs of women, Indigenous individuals, racialized groups, 2SLGBTQQIA+ individuals, families, people with pets, people with disabilities and people who use drugs.
    - Ensure provision of on-site supports and harm reduction for people who use drugs as well as people with mental health issues and brain injuries.
    - Ensure shelters implement trauma-informed approaches.
    - Ensure funding for shelters for people fleeing gender-based violence.

Municipal governments must:

- End the practice of forced evictions of encampments on public lands.[28]

- Put in place alternatives to removal of encampments.
    - Ensure meaningful engagement as the priority for finding solutions that meet the needs of encampment residents.

- Implement measures to protect and support people living in encampments:
    - In consultation with encampment residents, identify needs and provide dignified access on site or in reasonable proximity to essential facilities and services such as clean drinking water, sanitation, cooking facilities and waste collection (see the list of essential services developed by the National Working Group on Homeless Encampments).
    - Respect people's right to refuse services.
    - Eliminate any policies or practices that restrict access to encampment sites during daylight hours or require daytime tear down of tents and removal of personal effects.
    - Facilitate delivery of existing services and supports such as health care and income supports to encampment residents which are the responsibility of other governments.

[28] The prohibition of forced evictions in international law does not distinguish between public and private lands. However, as encampments are generally established on public lands, the Advocate's recommendation focuses on public land.

- In discussion with women and gender-diverse encampment residents, provide services for persons who have or are experiencing gender-based violence and identify and support measures to enhance the protection of women and 2SLGBTQQIA+ individuals, particularly those who are Indigenous.
- Ensure protection from the poison drug supply through access to harm reduction services and regulated safe supply for encampment residents who are at risk of overdose because of reliance on an unregulated supply.
- Provide access to storage facilities for people to protect their belongings.
- Ensure availability of transportation so that encampment residents have ready access to clinics and other supports.
- Ensure that police, bylaw enforcement officers and private security firms do not play any direct role in managing encampments.
- Respect Indigenous protocols and ensure municipal services are culturally appropriate.
- The availability of services to people experiencing homelessness should not be a justification for an eviction.

- Ensure drop in-shelters are accessible 24/7 throughout the year to provide people with a dignified place to rest, take refuge from the elements and access services.

- Repeal any regulations that restrict people experiencing homelessness from accessing public space.
  - Repeal by-laws and other regulations which prohibit encampment residents from using public spaces.
  - Ban “hostile architecture” (e.g. spikes on sidewalks, armrests on benches) that is designed to stop homeless people from sitting, sleeping and sheltering.

- Repeal and/or refrain from passing by-laws that restrict community members from offering support services to encampment residents.

- Empower and support residents to manage their encampments themselves to the extent possible. Government resourcing and supports should not be used to undermine resident autonomy or decision-making. Government should support encampment residents in creating collective camp-wide processes for decision-making, but they should not run these processes.

- Provide direction to by-law enforcement officers and emergency service to halt the confiscation of belongings, along with surveillance and harassment which may constitute violations of the human rights of encampment residents. This includes providing direction to all relevant municipal agencies to end practices which make drug use grounds for displacement, seizure of property, mandatory referrals to health and social services and treatment, and other measures that impose coercive limitations on the rights of encampment residents who use drugs.
  - Ensure that drug use – or perception of drug use – is not a pretext for restricting access to essential supports and services.

- Promote collaboration among municipal agencies and community-based service providers to provide an integrated approach to meeting the needs of encampment residents and referring people to the available services.

- Provide financial and other support to organizations serving encampment residents to ensure adequate staffing levels and address risk of overwork and burnout.

- While permanent housing remains the ultimate goal, immediate improvements to existing emergency shelter services are also needed. Shelter providers must:
    - Ensure that their facilities and services are designed to accommodate and be accessible for people with specific needs (e.g., for Indigenous individuals, women, Black and racialized individuals, 2SLGBTQI+ people, couples, families, youth, seniors and people with disabilities).
    - Put in place policies and practices that are trauma-informed and that meet the needs of and respect the dignity and human rights of people experiencing homelessness.

5. Implement immediate measures to address the root causes of encampments and provide access to adequate housing.

The Federal Government:

- In consultation with First Nations, Inuit and Métis governments and representative organizations, **Infrastructure Canada and the Canadian Mortgage and Housing Corporation** must re-orient the current and future National Housing Strategies to ensure there is a priority on initiatives that will rapidly increase the supply of adequate and affordable non-market housing for people transitioning out of encampments and others experiencing homelessness.
    - Provide **new** long-term and predictable funding and ensure resources are also available to small, medium, rural, remote and northern communities who are experiencing growing problems of homelessness.
    - Expand and sustain funding to rapidly create new housing units building on lessons learned from the Rapid Housing Initiative.
    - Establish a properly funded Acquisition Fund to allow municipalities, local land trust organizations and non-profit housing providers to acquire, repair, and operate existing affordable market rental housing.
    - Review the Canada Housing Benefit to ensure it is being leveraged to prevent homelessness, address core housing need, and assist people to return to housing.
    - Create efficient and cost-effective long-term programs (such as direct transfer of adequate public lands, direct lending and preferential lending rates) that allow for the creation of new non-market adequate housing that meets the needs of encampment residents and people at risk of homelessness.
    - Prioritize making resources available to address groups that are in greatest need, including First Nations, Inuit and Métis individuals, Black Canadians, other racialized communities, women, 2SLGBTQQIA+ individuals, people fleeing gender-based violence, youth, seniors and people with disabilities.

- Recognizing that housing is an important social determinant of health and that unaddressed mental and physical health needs contribute to homelessness and that homelessness can have severe mental and physical health impacts, **Infrastructure Canada, Health Canada and the Public Health Agency of Canada must work with Women and Gender Equality Canada** to ensure better integration of housing and public health policies, particularly for women, 2SLGBTQQIA+ individuals and youth.

- **Infrastructure Canada must** support the documentation and sharing of promising practices to facilitate the spread of effective human rights-based responses to homeless encampments.

- **The Minister of Health and the Minister of Mental Health and Addictions** must develop national legislation, parallel to or within the National Health Act, to bring parity, accountability and transparency to federal funding to provinces and territories for programming and services related to mental health and substance use.

- **Immigration, Refugees and Citizenship Canada** must increase funding for refugee housing supports.

- **Statistics Canada and Infrastructure Canada must** facilitate the collection of better data that captures the diverse needs and experiences of people living in encampments, including women and 2SLGBTQQIA+ people.

Provincial and Territorial governments must:

- Work with the federal government, municipalities as well as First Nations, Inuit and Métis governments and representative organizations to identify and implement permanent and affordable housing solutions.

- Increase funding for supportive housing, including units inclusive of trans and non-binary people.

- Increase funding for municipal services that provide access to housing and address the needs of those who are unhoused and living in encampments, including providing funding to ensure sufficient staffing.

- Increase income supports as well as the minimum wage to reflect the high cost of living and to reinforce efforts to prevent homelessness and allow for successful transitions to adequate housing solutions.

- Strengthen protection of tenant rights, including rent control and vacancy control, as well as protection against above-guideline rent increases, forced evictions for rent arrears and evictions into homelessness.

- Provide adequate funding to housing organizations who are housing people exiting out of chronic homelessness, including encampments, in order to ensure individualized social and mental health supports for high acuity tenants.

- Provide supports for community-based organizations that allow them to retain and meet the mental health needs of frontline workers.

- Reduce bureaucratic barriers to accessing permanent housing, such as requirements to provide tax returns and establishing accessible processes for other requirements, such as obtaining identification.

- Undertake reviews to better understand and address systemic failures that drive homelessness during transitions out of the child welfare system, the prison system, hospitals, gender-based violence shelters and other institutional environments.

- Reduce bureaucratic barriers for unsheltered individuals to access permanent housing, such as obtaining identification.

Municipal governments must:

- Ensure programs are available to rapidly rehouse anyone entering encampments using available housing allowances and providing individualized supports where necessary to support them in maintaining their housing.

- Put in place measures to facilitate the rapid construction of non-market affordable housing.
    - Immediately provide surplus municipal land at no cost in areas close to transit and other necessary amenities to non-profit affordable housing providers or land trusts.
    - Implement zoning and other changes to fast track the development of community housing.
    - Waive development and other municipal fees to fast-track non-profit affordable housing and support the operations of the housing providers over the long-term.

- Maintain strong standards and enforcement for state of repair in rental units and other landlord obligations to address conditions which can lead to homelessness.

- Strengthen housing loss prevention initiatives, including accessible emergency funds to reduce incidents of evictions due to late payment of rent.

6. Ensure government accountability and that people experiencing homelessness have access to justice.

All governments must:

- Require that all officials with responsibilities relevant to housing, homelessness, and encampments receive training on the right to adequate housing, Gender-based Analysis (GBA) Plus, and the UN Declaration on the Rights of Indigenous Peoples.

The Federal government:

- **Justice Canada must** change government litigation strategies to ensure access to justice for violations of the right to life, security and equality experienced by those who are experiencing homelessness or living in precarious housing and instruct government lawyers to cease from arguing that the right to adequate housing is non-justiciable or that courts in Canada should not require governments to ensure access to housing in order to comply with the rights to life or equality.

- **Global Affairs Canada, Canadian Heritage and Justice Canada** must lead a process aimed at ratifying the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights to afford all in Canada a right to make complaints to the Committee.

- **Canadian Heritage must** ensure that the Forum of Federal-Provincial-Territorial Ministers Responsible for Human Rights, the Senior Officials Committee Responsible for Human Rights, and the Continuing Committee of Officials on Human Rights follow up on Canada's obligations to respect, protect and fulfill the human rights of people living in encampments.

- Recognizing that access to justice is a fundamental principle of human rights, **Canadian Heritage must work with Justice Canada and Infrastructure Canada** to provide funding to enable both civil society organizations and rights holders to better organize and access the human rights

accountability mechanisms established under the NHSA as well as mechanisms established by other governments**.**

- **Canadian Heritage must** expand Federal Court Challenges program or develop a similar type of program so that encampment residents and advocates working with encampment residents have recourse to litigation as necessary to advance the right to adequate housing.

- **Public Safety Canada must** develop and publicize guidelines for the RCMP on their human rights obligations when engaging with encampment residents, such as in the investigation of a violent crime targeting residents. RCMP officers should also receive Cultural Sensitivity Training and be made aware of local Indigenous supports before working with First Nations, Inuit and Métis encampment residents.

Provincial and Territorial Governments must:

- Establish and/or strengthen systems such as legal aid so that encampment residents and people experiencing homelessness or precarious housing have timely access to mechanisms to protect their rights or pursue redress for rights violations.

- Develop alternative mediation and dispute resolution mechanisms accessible to people living in encampments, consistent with principles of restorative justice, and able to give due regard to Indigenous legal traditions.

- Ensure that an independent body such as human rights commission, ombuds office, or housing advocate has the mandate and resources necessary to review systemic housing issues.

- Review provincial and territorial human rights codes to ensure prohibition of discrimination based on social condition, housing status and other forms of discriminatory treatment experienced by people experiencing homelessness.

- Develop guidelines for provincial police services on their human rights obligations when engaging with encampment residents.

Municipal governments must:

- Establish independent municipal accountability mechanisms. Larger municipalities should consider creating Ombuds offices.

- Document and make public all decisions related to municipal services for encampments in a manner that makes this information accessible to encampment residents and the wider public.

- Prohibit any restrictions on freedoms of association and assembly.

- Ensure journalists have access to and can report on encampment clearances and evictions.

- Ensure advocates and trusted service providers are allowed to support encampment residents if an eviction is threatened. Peaceful demonstrations and protests must be allowed.

ANNEX A

List of Engagement Partners

Facilitating the collection of submissions from encampment residents
Alliance to End Homelessness Ottawa, Ottawa, Ontario
BRAS Outaouais, Gatineau, Quebec
Canadian Lived Experience Leadership Network (CLELN)
Caroline Leblanc, Université de Sherbrooke
Le Centre d'intervention et de prévention en toxicomanie de l'Outaouais (CIPTO), Gatineau, Quebec
Clinique interdisciplinaire en droit social de l'Outaouais (CIDSO), Gatineau, Quebec
Dopamine, Montreal, Quebec
Elizabeth Fry Society of Mainland Nova Scotia, Dartmouth, Nova Scotia
Hamilton Social Medicine Response Team, (HAMSMART), Hamilton, Ontario
Lived and Living Experience of Homelessness Network (LLEHN), Victoria, British Colombia
Neighbourhood Solidarity with Unhoused Neighbours (NSUN), Victoria, British Columbia
Peel Alliance to End Homelessness, Peel, Ontario
Pivot Legal Society, Vancouver, British Columbia
Spectre de Rue, Montreal, Quebec
Stop the Sweeps, Vancouver, British Columbia
The Housing Justice Project, Victoria, British Columbia
The John Howard Society of Southeastern New Brunswick, Moncton, New Brunswick
The Shift

Supporting Engagement Activities
Canadian Alliance to End Homelessness (CAEH) 2023 National Conference Halifax
Canadian Drug Policy Coalition (CDPC)
Canadian Lived Experience Leadership Network (CLELN)
Caroline Leblanc, Université de Sherbrooke
Federation of Canadian Municipalities
Main Street Project and West Central Women's Resource Centre, Winnipeg
National Indigenous Housing Network (NIHN)
National Right to Housing Network (NRHN)
Pivot Legal Society, Vancouver
Regent Park Community Health Centre
Réseau d'aide aux personnes seules et itinérantes de Montréal (RAPSIM)
Réseau SOLIDARITÉ itinérance du Québec (RSIQ)
Stop the Sweeps, Vancouver
Table des Organismes Montréalais de Lutte Contre le Sida (TOMS)
The Salvation Army, Saskatoon, Saskatchewan
Women's National Housing and Homeless Network (WNHHN)

Engagement with Indigenous government entities and National Indigenous Organizations
Assembly of First Nations (AFN)
British Columbia Assembly of First Nations
Congress of Aboriginal Peoples (CAP)
Inuit Housing and Homelessness Caucus
Manitoba Metis Federation
Métis Nation Government in British Columbia
Métis National Council – Métis Nation Housing Working Group
National Association of Friendship Centres (NAFC)
Native Women's Association of Canada (NWAC)
Nunatsiavut Government (NG) and Nunavut Tunngavik Incorporated (NTI)

Methodology

Lived and living experts who attended meetings with the Advocate were compensated according to Canadian Human Rights Commission (CHRC) guidelines. Sharing of information was purely on a voluntary basis.