



**OFIFC**

Ontario Federation of  
Indigenous Friendship Centres

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**Submission to the Canada Mortgage and  
Housing Corporation**

**Urban Indigenous Communities and the  
Right to Housing**

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## About the OFIFC

Founded in 1971, the Ontario Federation of Indigenous Friendship Centres (OFIFC) works to support, advocate for, and build the capacity of member Friendship Centres across Ontario.

Emerging from a nation-wide, grass-roots movement dating back to the 1950's, Friendship Centres are community hubs where Indigenous people living in towns, cities, and urban centres can access culturally based and culturally appropriate programs and services every day. Today, Friendship Centres are dynamic hubs of economic and social convergence that create space for Indigenous communities to thrive. Friendship Centres are idea incubators for young Indigenous people attaining their education and employment goals, they are sites of cultural resurgence for Indigenous families who want to raise their children to be proud of who they are, and they are safe havens for Indigenous community members requiring supports.

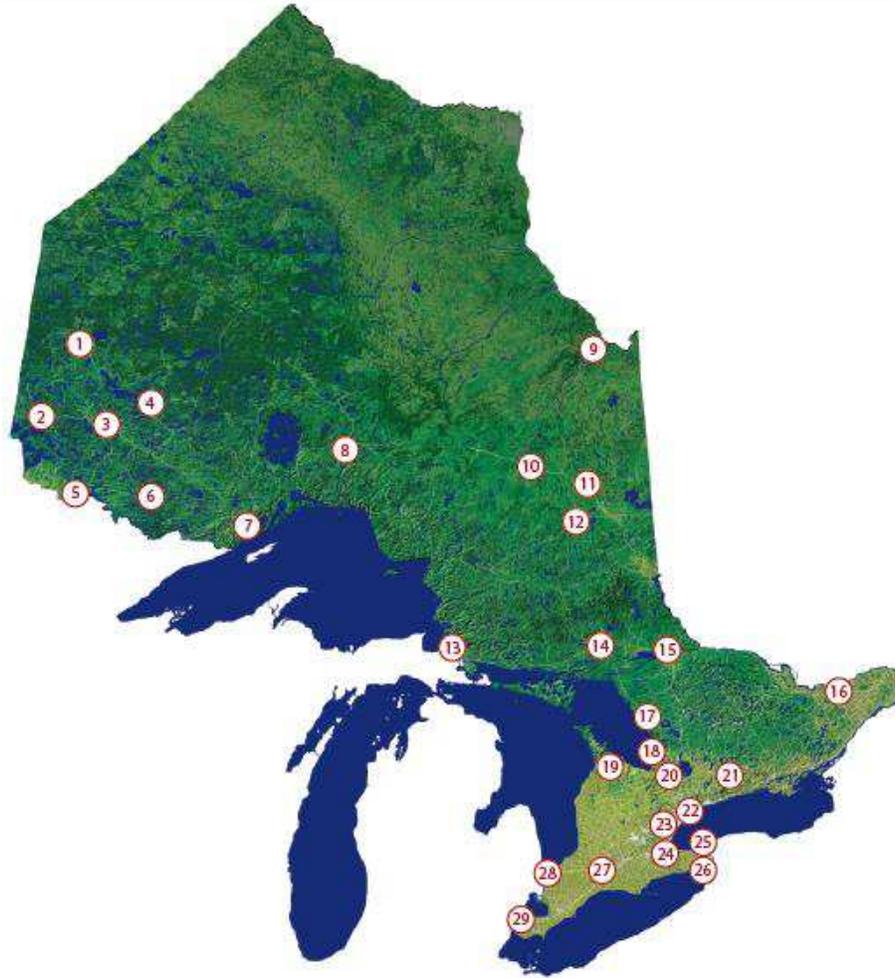
In Ontario more than 85 per cent of Indigenous people live in urban communities. The OFIFC is the largest urban Indigenous service network in the province supporting this vibrant, diverse, and quickly growing population through programs and initiatives that span justice, health, family support, long-term care, healing and wellness, employment and training, education, research, and more.

Friendship Centres receive their mandate from their communities, and they are inclusive of all Indigenous people – First Nation, Status/Non-Status, Métis, Inuit, and those who self-identify as Indigenous.

Learn more about the work the OFIFC does to support Friendship Centres at [www.ofifc.org](http://www.ofifc.org).



## Map of Friendship Centres



**1** Red Lake Indian Friendship Centre **2** Ne-Chee Friendship Centre (Kenora) **3** Dryden Native Friendship Centre **4** Nishnawbe-Gamik Friendship Centre (Sioux Lookout) **5** United Native Friendship Centre (Fort Frances) **6** Atikokan Native Friendship Centre **7** Thunder Bay Indigenous Friendship Centre **8** Thunderbird Friendship Centre (Geraldton) **9** Timmins Native Friendship Centre Satellite Office (Moosonee) **10** Kapuskasing Friendship Centre **11** Ininew Friendship Centre (Cochrane) **12** Timmins Native Friendship Centre **13** Indian Friendship Centre (Sault Ste. Marie) **14** N'Swakamok Native Friendship Centre (Sudbury) **15** North Bay Indigenous Friendship Centre **16** Odawa Native Friendship Centre (Ottawa) **17** Parry Sound Friendship Centre **18** Georgian Bay Native Friendship Centre (Midland) **19** M'Wikwedong Native Cultural Resource Centre (Owen Sound) **20** Barrie Native Friendship Centre **21** Nogojiwanong Friendship Centre (Peterborough) **22** Toronto Council Fire Native Cultural Centre **23** Peel Aboriginal Network (Mississauga) **24** Hamilton Regional Indian Centre **25** Niagara Regional Native Centre (Niagara-on-the-Lake) **26** Fort Erie Native Friendship Centre **27** N'Amerind Friendship Centre (London) **28** **29** Can-Am Indian Friendship Centre of Windsor

## Introduction

*I just want to remind myself and others in here, we are spiritual human beings, we have this great history of the creation story; this is where we get our human rights in our great minds and all our beautiful bodies. The spirit is the most important part of our being.<sup>1</sup>*

- Elder Pauline Shirt

Since the 1950s, Friendship Centres have supported urban Indigenous people to claim their most basic human rights in order to live in dignity and achieve a collective vision of prosperity and well-being. Through their leadership Friendship Centres address, intervene in, and mitigate the impacts of colonialism that find expression in the over-representation of Indigenous people in state institutions, in high rates of poverty, homelessness and housing insecurity, and in terms of colonial and gender-based violence. The work of Friendship Centres has called attention to systemic human rights abuses that occur in urban Indigenous contexts.

Friendship Centres have always been advocates for the homeless and housing insecure, supporting urban Indigenous people to navigate rental markets, both private and social, and related support services in order to make a home in the city. Today, many Indigenous families are multi-generational urban dwellers who are proud of their cultures and identities.<sup>2</sup>

That said, no group of people has been more impacted by the lack of federal leadership on housing than Indigenous people, including urban Indigenous people<sup>3</sup>. By enshrining the right to housing in legislation, the federal government has an historic opportunity to transform structural and systemic barriers that prevent or preclude urban Indigenous people from fully realizing this right on an individual and collective basis. Urban Indigenous people and communities have specific and diverse perspectives on housing adequacy, including cultural conditions of housing adequacy<sup>4</sup> that are deserving of further elucidation in public policy discourse.

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<sup>1</sup> Shirt, Pauline. (Feb. 22, 2018). *Indigenous Peoples and Human Rights: Indigenous Justice Initiatives Expert Panel*. Native Canadian Centre of Toronto: Toronto, ON.

<sup>2</sup> Newhouse, David. (2018). *Ontario Federation of Indigenous Friendship Centres Policy Training: Keynote Presentation*. Nogojiwanong Friendship Centre: Peterborough, ON.

<sup>3</sup> Indigenous people are eight times more likely to experience homelessness in major urban settings than non-Indigenous people. See: Belanger, Y. et al. (2013). Homelessness, Urban Aboriginal People, and the Need for a National Enumeration. *Aboriginal Policy Studies*, 2(2), 4-33.

<sup>4</sup> Cultural adequacy: housing is not adequate if it does not respect and take into account the expression of cultural identity. See: Office of the United Nations High Commissioner of Human Rights, United Nations HABITAT. *The Right to Adequate Housing: Fact Sheet 21.1*. Accessed: [http://www.ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf)

This submission is framed by the absence of a distinct urban and rural<sup>5</sup> Indigenous housing strategy and the ongoing erasure of urban and rural Indigenous communities in federal policy-making. In relation to the National Housing Strategy, it has been difficult to ascertain what department is accountable to urban Indigenous people and communities vs. who ought to be accountable, and what is being done with the information collected through engagements and consultations. For urban Indigenous communities this lack of transparency<sup>6</sup> is compounded by the dissolution of Indian and Northern Affairs Canada and creation of the Department of Indigenous Services Canada (DISC) and the Department of Crown Indigenous Relations and Northern Affairs, announced shortly before the release of the National Housing Strategy in August, 2017.

This submission is also founded upon Indigenous concepts of human rights, the legal recognition of urban Indigenous communities in Canada, urban Indigenous self-determination and governance, and the right of self-determination and self-governance of urban Indigenous communities. Based on these understandings and others, this submission will present concrete recommendations for legislating the right to housing in Canada in a way that supports the well-being and prosperity of urban Indigenous people.

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<sup>5</sup> The OFIFC supports the aims and objectives of Friendship Centres primarily located in urban communities, though some Friendship Centres also service rural communities. For the purposes of this submission, where case law and policy concerns Indigenous people living off-reserve more broadly, this submission will refer to, “urban and rural Indigenous...”. Where issues and concerns arise out of predominantly urban contexts, this submission will refer to those as “urban Indigenous”.

<sup>6</sup> Farha, Leilani. (April 25, 2018). *Legislating the Right to Housing in Canada, Expert Panel*. Canadian Housing and Renewal Association: Ottawa, ON.

## Urban Indigenous Right to Housing

There is a significant legal case which sheds light on the manner in which the right to housing for urban Indigenous communities should be understood. *Ardoch Algonquin First Nation v. Canada (Attorney General)*<sup>7</sup> (hereinafter *Misquadis*) stands as a clear articulation of the relationship between the rights of Indigenous people in urban areas and the role of urban Indigenous organisations vis-à-vis those rights.

As will be explored in more detail later in this paper, the existence of urban Indigenous communities has been elided over many decades, in spite of the continuously increasing significance of these communities, both demographically, economically, politically and in terms of cultural impact. This erasure is reflected in the case law, as urban Indigenous community members and organisations have chosen only infrequently to litigate to assert rights and, in the case of urban Indigenous organisations, have simply focused on designing, developing and delivering programs and services to the people they serve in cities and towns across Canada.

Undoubtedly the urban Indigenous landscape is complex, diverse, shifting, and growing. Governance structures in urban Indigenous communities can be described as a set of evolving conventions, established locally and embedded in distinct Indigenous cultures. These conventions disrupt both the stereotype that Indigenous people only experience political community on reserve and policy makers' preference for absolute uniformity.<sup>8</sup> Many organisations and institutions involved in urban Indigenous community governance may not recognize their own contributions to the evolution of political communities. This may result from, "a lack of guiding political principles" due to Indigenous peoples "displacement from traditional territories and their historic governing and social processes" – seen by government as the only legitimate social governing process in the Indigenous policy landscape, as evidenced by the lack of an urban Indigenous specific national housing strategy.

Today, urban Indigenous governance processes and structures may be formal or informal, ceremonial, service-based, or exist within a self-determined space carved-out of Canadian Federalism as part of reconciliation with Indigenous people. That said, since the emergence of Friendship Centres in the 1950s, the principles of urban Indigenous governance have gradually been defined by communities themselves. Urban Indigenous communities have increased their own capacity to govern based on the structures and processes available to them and with respect to local cultures and customs.

Further consideration needs to be given to how the right to housing will be enacted by the government through its institutions in a way that ensures accountability to people

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<sup>7</sup> *Ardoch Algonquin First Nation v. Canada (Attorney General)* [2004] 2 FC 108, 2003 FCA 473

<sup>8</sup> Belanger, Yale D. (2013). *Indigenous in the City: Contemporary Identities and Cultural Innovation*. "Breaching Reserve Boundaries: Canada v. Misquadis and the Legal Creation of the Urban Aboriginal Community". UBC Press" Vancouver, B.C. (69-87).

and communities. Experts in this area have proposed structures and processes (discussed later in this submission) that would enhance a human rights-based National Housing Strategy through a comprehensive accountability framework.

In the urban Indigenous setting, the exercise of Indigenous rights to services is made real through the existence of urban Indigenous organisations, which have for decades responded to the needs of urban Indigenous community members through the provision of a broad range of services, including housing. In fact, in many instances across Canada, and certainly in Ontario, grassroots organisations have been developed by the community specifically to provide highly specialised services, such as housing. Service provision by urban Indigenous community organisations, constitutes the concretisation of the right held by Indigenous people to obtain services.

As urban Indigenous communities are self-determining and analogous to reserves, *Misquadis* makes a statement about rights – Indigenous rights and human rights.<sup>9</sup> However, it is important to note the mere existence of services *available* to Indigenous people in an urban setting is not sufficient for the exercise of the right. Rather, the key link drawn out in *Misquadis* is the self-determining nature of urban Indigenous communities. According to Belanger, *Misquadis* “defined off-reserve Aboriginal people as a group of self-organized, self-determining, and distinct communities, analogous to a reserve community”.<sup>10</sup> It is important to note the distinctiveness of urban Indigenous identities as a critical factor in the assertion of the right to self-determination.<sup>11</sup>

In being self-determining, urban Indigenous communities create organisations which reflect local Indigenous communities and identities. More specifically these grassroots organisations are managed by urban Indigenous leadership and they design, develop, deliver and evaluate culture-based programmes and services. In so doing they reflect the needs, aspirations and identity of their communities. It is ultimately this reality which led the Federal Court of Appeal in *Misquadis* to agree with the lower court finding that urban Indigenous communities are “functioning Aboriginal communities as worthy of recognition as reserve-based communities.”<sup>12</sup> Further, in discussing remedies, the judge at the Federal Court of Appeal states his further support for the remedy identified by the lower court: “Ordering HRDC to negotiate AHRDAs with representative organisations mandated by the respondents’ communities meaningfully vindicates the respondents’ right to have the communities they have built accorded equal worth with more traditional [sic] Aboriginal communities.”<sup>13</sup>

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<sup>9</sup> Article 1 of the UNDRIP proclaims that Indigenous people, as a collective and as individuals, have human rights according to the UN Charter and the Universal Declaration of Human Rights and international human rights law.

<sup>10</sup> Belanger, Yale D. (2013). *Indigenous in the City: Contemporary Identities and Cultural Innovation*. “Breaching Reserve Boundaries: Canada v. Misquadis and the Legal Creation of the Urban Aboriginal Community”. UBC Press” Vancouver, B.C. (69-87).

<sup>11</sup> Andersen, Chris. (2013). *Indigenous in the City: Contemporary Identities and Cultural Innovation*. “Urban Aboriginality as a Distinctiveness Identity, in Twelve Parts”. UBC Press” Vancouver, B.C. (46-68).

<sup>12</sup> *Ardoch Algonquin* Para 36

<sup>13</sup> *Ardoch Algonquin* para 46

This has significant implications in the current federal housing landscape where the federal government has clarified that an Indigenous housing strategy will be developed. If that is the case, it will be critical to ensure that an approach specific to urban Indigenous communities is developed which recognises the landscape acknowledged in *Misquadis*.

More broadly, it can be argued that where housing is a service provided through government action, *Misquadis* implies that urban Indigenous people and communities have a right to deliver housing and related services in their communities according to their specific social, cultural, and spiritual priorities and aspirations. Per this determination, the recognition of urban Indigenous housing priorities requires that urban Indigenous communities be engaged early on in establishing strategies and policies that will impact urban Indigenous communities and people.

In addition to this expertise and of equal importance, the [Urban Indigenous Action Plan](#) (UIAP), a policy of the Ontario Government, provides a set of standards outlining how governments should engage urban Indigenous communities in all aspects of policy, programs, and evaluation. For the purposes of this submission, any reference to **meaningful** or **effective engagement** and/or **consultation** can be understood in accordance with the standards established in the UIAP, which the OFIFC considers to be a best-practice and minimum threshold for meaningful engagement with urban Indigenous Communities.

### **Cultural Adequacy and the Right to Housing**

According to the UN Office of the High Commission on Human Rights, “housing is not adequate if it does not respect and take into account the expression of cultural identity.” The cultural conditions of housing adequacy are not widely understood in relation to urban and rural Indigenous communities. There is little indication that the CMHC or the federal government are asking questions that would lead to greater understanding of the cultural conditions of adequacy in urban Indigenous communities. As outlined in our legal analysis, an Indigenous person should not have to live on a reserve in order to obtain housing that is connected to the Indigenous community in a meaningful way. The progressive implementation of the right to adequate housing cannot be achieved without the cultural conditions of adequacy being included in comprehensive human rights based legislation.

Work underway in several Friendship Centre communities in Ontario may help shed light on how cultural adequacy in housing can support the development of healthy Indigenous identities physically, mentally, emotionally and spiritually. The Urban Indigenous Homeward Bound initiative underway in seven Friendship Centre Communities provides culture-based wrap around housing supports to sole-parenting mothers pursuing their education and employment. If housing is about social and cultural wellbeing and prosperity, the OFIFC asserts that urban Indigenous communities should be meaningfully engaged to determine the manner in which the cultural

conditions for adequacy can be progressively realized through the legislation of the right to housing in Canada.

## Human Rights and Public Participation

The right to housing is provided for in the 1948 Universal Declaration on Human Rights and the 1966 International Covenant on Economic, Social and Culture Rights. These declarations bind nations to preserving, promoting and protecting mutual dignity<sup>14</sup> vis-à-vis the provision of housing and by addressing systemic discrimination and inequality<sup>15</sup>.

The progressive realization of the right to housing is linked to two key human rights concepts, which are:

- 1) Dignity; and,
- 2) Public participation.

Scale and proportion also matter in relation to these concepts and dictate the type of response required of the state to the maximum availability of its resources. The more effected a group or person, the bigger the duty to consult through public participation processes.<sup>16</sup> It is well documented that Indigenous people, including urban Indigenous people, are disproportionately impacted by housing inadequacy and homelessness in Canada, are overrepresented in state institutions, and are disproportionately impacted by colonial and gender based violence<sup>17</sup>. The Urban Aboriginal Task Force found that 17 per cent of Indigenous respondents had been impacted by racism in the rental housing market.<sup>18</sup> Conditions that prevent and preclude Indigenous people from accessing an array of housing options are compounded when Indigenous identity intersects with other identity factors such as being a woman, LGBTQ2S person, being a youth-aged person, having a disability amongst others.

The requirement for public participation aligned with a human rights-based approach, is proportionally greater for urban Indigenous people and communities, and greater still for

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<sup>14</sup> Farha, Leilani. (April 25, 2018). *Legislating the Right to Housing in Canada, Expert Panel*. Canadian Housing and Renewal Association: Ottawa, ON.

<sup>15</sup> UN General Assembly, 15 January 2018, A/HRC/37/53. *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*. Available: <http://www.undocs.org/A/HRC/37/53>

<sup>16</sup> Kinama, Emily. (April 25, 2018). *Legislating the Right to Housing in Canada, Expert Panel*. Canadian Housing and Renewal Association: Ottawa, ON.

<sup>17</sup> The Expert Advisory Panel on Homelessness in Ontario identified several identity factors that (where vulnerability already exists) can negatively impact housing outcomes. The Panel reported that: Indigenous youth are overrepresented among homeless youth, and also overrepresented in the child welfare system; Indigenous women have three times the likelihood of experiencing violent victimization, making them more vulnerable to homelessness; mental health, addictions, and issues with trauma are also prominent for Indigenous Peoples experiencing homelessness. (2015: 18)

<sup>18</sup> Ontario Federation of Indigenous Friendship Centres, Ontario Native Women's Association, Métis Nation of Ontario (2007). *Urban Aboriginal Task Force Final Report: Aboriginal Housing*. Toronto, Ontario. (135).

community members who may experience other, intersection disadvantages. Article 21 (2) of UNDRIP states that:

States shall take effective measures and, where appropriate special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.

Indigenous people's exclusion from private and social housing markets is systemic in nature and rooted in colonialism and racism. Human-rights based accountability mechanisms (discussed in the section titled, "legislating the right to housing") are critical to addressing these systemic issues. According to human rights norms and conventions, domestic and international law, a proportional, evidence based, participatory engagement strategy that meaningfully engages urban Indigenous communities is required to develop right-to-housing legislation and a National Urban Indigenous Housing Strategy.

## Our Response to the National Housing Strategy

As we have demonstrated, the right to housing is linked to urban Indigenous self-determination, self-governance, *Misquadis*, and other rights that urban Indigenous people carry with them<sup>19</sup>.

In keeping with domestic and international law, meaningful and strategic engagement to solicit proportionally representative feedback based on population demographics and housing need, require that urban Indigenous communities are:

- 1) Visible to government policy and law-makers;
- 2) Viewed as legally legitimate; and,
- 3) Understood as an essential partner in the progressive realisation of the right to housing.

In the OFIFC's [Response to the National Housing Strategy](#), we welcomed the federal government's long-awaited return to the national housing landscape and plan to enshrine the right to housing in legislation. We identified that:

The recognition of housing as a human right is of particular significance to Indigenous people living in urban settings in Ontario, where racism impacts Indigenous people's ability to access all types of housing on a daily basis. Disproportionately high rates of Indigenous homelessness in major urban settings across the country are a result of chronic underinvestment in social and affordable housing and the ongoing impacts of colonialism.<sup>20</sup>

We also identified that:

The absence of any reference to urban Indigenous communities in the National Housing Strategy constitutes a barrier to ensuring the needs of urban Indigenous people are rendered visible across government. In Ontario, this omission represents 85 percent of total population of Indigenous people living in off reserve.<sup>21</sup>

When taken together, these two premises demonstrate that the National Housing Strategy cannot, in its current iteration, adequately achieve the structural change required to address the needs of homeless and housing insecure urban Indigenous people. In fact, the National Housing Strategy contributes to the erasure of urban Indigenous communities and people as human rights holders by perpetuating the belief

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<sup>19</sup> Every Indigenous person is a rights-holder. No organisation holds Indigenous rights or human rights on behalf of Indigenous individuals.

<sup>20</sup> Ontario Federation of Indigenous Friendship Centers. (2018). *Response to the National Housing Strategy*. Toronto, ON: (6).

<sup>21</sup> Ibid. (6)

that urban Indigenous people are inauthentic by virtue of living off-reserve. Without recognition, the unique needs of urban Indigenous communities cannot be addressed through rights-based legislation and urban Indigenous people's overrepresentation amongst the homeless and housing insecure will persist.

The OFIFC's Response to the National Housing Strategy also outlines, in detail, our involvement in the urban and rural Indigenous housing landscape and homelessness sector and Friendship Centres' expert involvement on local Indigenous community advisory boards, coalitions, and situation tables. These are concrete examples of urban Indigenous governance practices that provide people with stewardship, influence, and/or control over important parts of the community. Two years after consultations began on the National Housing Strategy, we have yet to see substantive or sufficient engagement with self-determining urban Indigenous people, communities, and organisations, and contend that it has simply not taken place.

## Legislating the Right to Housing

The National Housing Strategy “checks many of the boxes” that indicate the federal government is serious about a human-rights based approach to housing, including a commitment to equality and accountability measures.<sup>22</sup> These measures include:

- Federal Housing Advocate to address the systemic barriers that Canadians face in accessing an affordable place to live;
- A National Housing Council to enable people from different backgrounds to have a voice in housing policies and programs;
- A Community-Based Tenant Initiative to promote inclusive communities and build awareness of the challenges facing vulnerable groups; and,
- A Public Engagement Campaign to fight discrimination in housing type and tenure, reduce stigma and build more inclusive communities for everyone.<sup>23</sup>

While the above measures are critically important to the realisation of the right to housing in Canada, the OFIFC would like to take this opportunity to state emphatically that the right to housing should be “based in law and legal standards” and “ensure access to justice”<sup>24</sup>. The Right to Housing in Canada should therefore be a legally enforceable right, accounted for in legislation, and include a mechanism for rights holders to hold government actors accountable, requiring access to a hearing with a panel of experts<sup>25</sup>. We refute the position, expressed at National engagements and unconvincingly attributed to stakeholders, that enforcing one’s personal rights in a legal context is oppositional to prevention-based measures and we assert with the correct supports in place, enforcing one’s legal and personal rights can be part of rehabilitation, not a hindrance to it.

The OFIFC also recommends that the Federal Housing Advocate should be an expert in Human Rights and not a political appointment. The advocate should answer to the Attorney General of Canada, as opposed to the Minister of Children, Families, and Social Development in order to ensure greater impartiality and distance from the departments and corporations responsible for enacting the National Housing Strategy. Locating the Federal Housing Advocate under the Attorney General of Canada would also help to ensure that the right to housing is understood as a legal right in Canada, and not solely a piece of social development work.

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<sup>22</sup> Farha, Leilani (2017). *Trudeau says housing is a human right — what does that mean exactly?* CBC News: Politics. November 23, 2017. Accessed: <http://www.cbc.ca/news/politics/trudeau-housing-rights-human-rights-1.4414854>

<sup>23</sup> Government of Canada. (2017). *Canada’s National housing Strategy: A Place to Call Home*. Ottawa, ON. (8-9) Available: [www.placetocallhome.ca](http://www.placetocallhome.ca)

<sup>24</sup> United Nations General Assembly. (15 January 2018). *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context A/HRC/37/53*. (abstract). Available: <http://www.undocs.org/A/HRC/37/53>

<sup>25</sup> Farha, Leilani. (May 28, 2018). *CMHC Engagement on the Right to Adequate Housing*. Ottawa, ON.

## Existing Body of Expert Knowledge

It is a curious exercise to ask an entire populace to “weigh in” on what the right to housing means, when presence or absence of the right impacts certain groups more than others. The meaning of the progressive realisation to the right to adequate housing using maximum available resources is already clearly defined in international law. There exists a substantial body of expert knowledge that can guide the federal government in establishing the initiatives listed above in a way that ensures adherence to international human rights laws and obligations. Relative to housing, this body of knowledge is informed by international human rights norms and “various levels of government, civil society, experts, and other actors”<sup>26</sup>. Soliciting the views of all Canadians may be a worthwhile endeavour, but this feedback should be weighted and considered according to proportion and need.

With that being said, the OFIFC’s recommends that right to housing legislation should be drafted in accordance with international human rights obligations under the *United Nations International Covenant on Economic, Social and Cultural Rights* (ICESCR), including the right to an adequate standard of living and the right to non-discrimination, the 2030 Agenda for Sustainable Development, and the New Urban Agenda.

We also fully endorse two reports and the recommendations contained therein that clearly outline the manner in which systemic change can be achieved through a human rights-based accountability framework/strategy.

These are:

1. Porter, Bruce. (2018). *Enhancing the Rights Based Framework for Canada’s National Housing Strategy: An Ideas Paper*. (Toronto, ON: Social Rights Advocacy Centre).
2. United Nations General Assembly: Human Rights Council. (2018). *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*. A/HRC/37/53.

According to Porter’s proposal, systemic claims investigated by the Federal Housing Advocate would require the federal Minister responsible for housing to respond to recommendations for remedial action(s). The rights-based accountability Framework proposed by Porter would increase the visibility of systemic barriers in housing as well as the communities disproportionately impacted by housing inadequacy and homelessness. Improved accountability mechanisms are crucial to ensuring urban Indigenous communities are supported in making claims of systemic discrimination in housing in order to improve individual and collective well-being and prosperity.

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<sup>26</sup> United Nations General Assembly. (15 January 2018). *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context* A/HRC/37/53. (abstract). Available: <http://www.undocs.org/A/HRC/37/53>

## Conclusion

Governance in urban Indigenous communities is expressed through people, institutions, and practices that reflect an evolving set of culturally-relevant, locally determined principles and priorities. Urban Indigenous communities are self-determining based on domestic law and international law and as such have a right to be meaningfully engaged in all areas of strategy development, policy development, and program design impacting or pertaining to urban Indigenous communities.

For urban Indigenous people, a vastly overrepresented group in terms of housing inadequacy and homelessness, to be invisible within a major federal housing strategy does not meet the requirements of a human rights-based approach. Per *Misquadis*, urban Indigenous people should no longer be automatically expected to embrace non-Indigenous political models as a condition of funding or be satisfied with inclusion in mainstream engagement processes not designed to solicit urban Indigenous input.

The belief that Indigenous people in Canada are a homogenous group of Individuals living in on-reserve, was and remains a more palatable proposition to federal policy and law-makers, than recognizing the unique social, cultural, and political needs of Indigenous people living off-reserve. Indigenous individuals and families living in urban communities have fought for recognition, the right to exercise self-determination and governance, and to live in dignity in urban settings. Any housing strategy or human rights based legislation will not achieve its intended goals without the meaningful and lawful inclusion of self-determining and self-governing urban Indigenous communities.

## Recommendations:

1. That the government adhere to and respect the findings of Misquadis in relation to legislating the right to housing and urban Indigenous communities.
2. That the government ensure its actions in relation to urban Indigenous communities and legislating the right to housing are in keeping with UNDRIP and other international legal instruments;
3. In implementing a right-to-housing accountability framework, the OFIFC endorses the recommendations presented by the Social Rights Advocacy Centre and the UN Special Rapporteur on the Right to Housing in their respective works listed above.
4. The OFIFC recommends that the Right to Housing in Canada should be based in law and legal standards and include access to justice.
5. In order for rights-based legislation to solicit proportionally representative feedback based on demographics and need, the OFIFC recommends that the federal government develop an engagement strategy involving urban Indigenous people, communities, organisations and governance institutions.
6. The OFIFC reasserts the importance of developing a National Urban Indigenous Housing Strategy through meaningful and strategic engagement with urban Indigenous people, communities, organisations and governance institutions.