



## Statement on National Urban Indigenous Housing Strategy December 11<sup>TH</sup>, 2019

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### The Facts

Almost 80 per cent of Indigenous people live in urban and rural communities in Canada. Indigenous people live in some of the most egregious housing conditions in the country and are disproportionately represented amongst urban homeless populations. These realities put the lives of Indigenous people at risk. It is well understood that many of the missing and murdered Indigenous women might have had very different lives if they could access adequate, affordable housing in urban centres in Canada.

### Background

In 2017, the federal government released the National Housing Strategy, which included key targets to reduce homelessness and poverty<sup>1</sup> and committed to addressing the unique housing needs of Indigenous people. Through *the National Housing Strategy Act*, the Government has enshrined the right to housing in legislation.<sup>2</sup> The NHS also commits the federal government to developing “distinction-based” Indigenous housing strategies in partnership with national Indigenous organizations, focused specifically on Indigenous people living on First Nation reserve lands. This distinction-based approach, however, fails the 79.7% of Indigenous people who are *not* living on reserve. As such, the National Housing Strategy lacks the specific means and measures needed to address the housing rights violations experienced by Indigenous people residing in rural, urban, and northern communities across Canada.

Urban, rural, and northern Indigenous people, communities, and housing service providers have clearly articulated that “distinctions-based” Indigenous housing strategies do not, and cannot, meet the needs of their communities. Indigenous housing and service providers, established and governed by Indigenous people themselves as

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<sup>1</sup> This will include a 50% reduction in chronic homelessness, and as many as 530,000 households being taken out of housing need (Canada, 2017).

<sup>2</sup> Canada. (2017). *National Housing Strategy: A Place to Call Home*. Employment and Social Development Canada. Retrieved: <https://www.placetocallhome.ca/-/media/sf/project/placetocallhome/pdfs/canada-national-housing-strategy.pdf>

an exercise of the collective right of self-determination, continue to do the work of responding to the needs of Indigenous people who are homelessness or inadequately housed. Indigenous housing and service providers are founded upon culture-based practice and action – to improve upon the wellbeing of their communities – and have a depth of knowledge and experience that has yet to be adequately heard, leveraged, or acted upon in relation to the National Housing Strategy.

Though elected officials have indicated that the government will address gaps in current policies with respect to urban, rural, and northern Indigenous housing, there is a risk that this commitment will fall short of a robust strategy capable of providing Indigenous housing and service providers with a mechanism for meaningful, ongoing engagement.

There is particular concern that forthcoming policy approaches will fail to employ a human rights based approach that implements the right to housing as articulated in the International Covenant on Economic, Social and Cultural Rights – to which Canada is a party – and the fundamental rights contained in the United Nations Declaration on the Rights of Indigenous Peoples – which the current government has committed to introducing into domestic law.

Amongst the pervasive and systemic human rights violations experienced by Indigenous communities across Canada, the violation of Indigenous people's right to housing is perhaps one of the most egregious.

Without a strategic approach to implementing the rights-based structures of the *National Housing Strategy Act* in conjunction with the principles of the United Nations Declaration on the Rights of Indigenous Peoples that is rooted in the experience of Indigenous housing and service providers, the right to housing in Canada will not be meaningfully implemented and realized for Indigenous people, including women, girls, 2SLGBTQ persons, Indigenous youth aging out of the child welfare system, those leaving government care, and those leaving institutions living in rural, urban, and northern communities. In particular, this has an impact on the safety and security of Indigenous women and girls across Canada.<sup>3</sup>

## Convening

This statement is the result of a strategic meeting between leaders from Indigenous communities across Canada, urban Indigenous housing and homelessness service providers, and the United Nations Special Rapporteur on the right to adequate housing, Leilani Farha (the Rapporteur). Following the release of her latest report – on the Right to Housing of Indigenous Peoples – to the United Nations General Assembly, the Rapporteur called this meeting to discuss:

- The housing conditions of urban Indigenous people in Canada;

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<sup>3</sup> The Final Report for the National Inquiry into Missing and Murdered Indigenous Women. (2019). Volume 1a. (439-445) Accessed: [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a.pdf)

- The right to adequate housing for urban Indigenous people; and,
- The need for a national urban Indigenous housing strategy.

In her latest report to the UN General Assembly, the Rapporteur asserts that:

*The right to adequate housing can be enjoyed by Indigenous peoples only if its articulation under article 11 (1) of the International Covenant on Economic, Social and Cultural Rights is understood as interdependent with and indivisible from the rights and legal principles set out in the United Nations Declaration on the Rights of Indigenous Peoples. The provisions of the Declaration are also better understood and applied when interpreted consistently with the right to housing in international human rights law.<sup>4</sup>*

Only through meaningful engagement with urban, rural, and northern Indigenous housing and service providers can the social, economic, and Indigenous rights of urban and rural Indigenous peoples be claimed and protected in relation to housing adequacy and Indigenous self-determination rights per the United Nations Declaration on the Rights of Indigenous Peoples.

## **Call to Action**

As the newly formed federal government opens parliament, on International Human Rights Day – we share this statement in the sincere hope that urban Indigenous housing conditions and homelessness are prioritized in the federal government’s implementation of the National Housing Strategy, as a matter of human rights and consistent with the UN Declaration of the Rights of Indigenous Peoples.

We demand that the federal government elevate Canadian federal policy to the level of international human rights standards – as per Canada’s reputation as a country that respects human rights – by recognizing Indigenous peoples’ right to housing as enshrined in, and indivisible from, the United Nations Declaration on the Rights of Indigenous peoples and the International Covenant on Economic, Social and Cultural Rights.

We further underline that the Truth and Reconciliation Commission failed to acknowledge the need for reconciliation in an urban, rural and northern context, and also with respect to housing.

We demand that Canada accept that it has failed to provide equitable funding and treatment to urban Indigenous people, communities and organisations in a discriminatory manner contrary to the ruling in *Ardoch Algonquin First Nation*

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<sup>4</sup> United Nations General Assembly. (July 17, 2019). The right to adequate housing for Indigenous peoples. (A/74/183). Retrieved: <https://www.ohchr.org/EN/Issues/Housing/Pages/AdequateHousingIndigenous-Peoples.aspx>

(Misquadis),<sup>5</sup> the principles of Section 15 of the Canadian Charter of Rights and Freedoms and the United Nations Declaration of Indigenous Peoples.

Therefore, we demand that Canada:

1. As the tenth largest economy in the world, recognise that urban, rural and northern Indigenous housing and homelessness conditions are egregious and unacceptable and that these must be addressed on an urgent and priority basis, consistent with international human rights law;
2. Recognise the right to an adequately resourced National Urban and Rural Indigenous Housing Strategy developed and implemented by urban, rural and northern housing and service providers;
3. Recognise urban, rural and northern housing and service providers as expressions of Indigenous self-determination, as recognised by the Federal Court of Appeal in *Ardoch Algonquin First Nation (Misquadis)* and as per articles 4, 21 and 23 of the United Nations Declaration on the Rights of Indigenous Peoples;
4. Create new legislation, mirroring the rights and accountability framework articulated in the NHSA, which recognises culturally relevant housing as a human right for Indigenous people in urban, rural and northern areas; and,
5. Domesticated and implement the United Nations Declaration on Indigenous Peoples in Canadian law.

Finally, we challenge the newly formed government to meet these five demands in the first 100 days of government. Together we expect to be immediately engaged by government authorities in this regard.

## **Signed**

*Sylvia Maracle, Executive Director of Ontario Federation of Indigenous Friendship Centres*

*Justin Marchand, Executive Director of Ontario Aboriginal Housing Services*

*Margaret Pfoh, Chief Executive Officer of Aboriginal Housing Management Association*

*Marc Maracle, Executive Director of Gignul Housing Ottawa*

*Tanya Sirois, Executive Director of Regroupement des centres d'amitié autochtones du Québec*

*Marcel Lawson Swain, Chief Executive Officer of Lu'ma Native Housing*

*Patrick Stewart, Chair of Vancouver Indigenous Community Advisory Board on Urban Indigenous Homelessness*

*Pamela Glode Desrochers, Executive Director of Mi'kmaw Friendship Centre*

*Damon Johnston, Executive Director of Aboriginal Council of Winnipeg*

*Leilani Farha, UN Special Rapporteur on the right to adequate housing*

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<sup>5</sup> *Ardoch Algonquin First Nation v. Canada (Attorney General)* [2004] 2 FC 108, 2003 FCA 473

## **MEDIA CONTACTS**

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