



**West Coast LEAF**

## **Schedule A**

### **Joint Submission of West Coast Legal Education and Action Fund Association (“West Coast LEAF”) and Society for Narcotic and Opioid Wellness (“SNOW”)**

#### **Introduction:**

This is a joint submission by West Coast LEAF and SNOW to the National Housing Council’s Neha Review Panel on the right to safe, adequate and affordable housing for women, Two Spirit, Trans, and gender-diverse people, and the Government of Canada’s duty to uphold this right.

West Coast LEAF is a non-profit legal organization located in Vancouver, British Columbia (“BC”) on the homelands of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səíl̓wətaʔ/Selilwitulh (Tsleil-Waututh) Nations. Through litigation, law reform, and public legal education, West Coast LEAF seeks to dismantle gender-based discrimination and move toward gender justice in collaboration with those most affected by overlapping systems of oppression (including colonialism, racism, patriarchy, ableism white supremacy, and capitalism).

SNOW is a peer support group that offers support, services and education to community members with lived or living experience with drug use in and around Dawson Creek, BC. Its goal is to build connection, reduce stigma, and improve the lives of all community members, regardless of their current relationship with drug use.

#### **1. Vision: What is your vision for safe, adequate, and affordable housing for women, Two Spirit, Trans, and gender-diverse people?**

West Coast LEAF and SNOW’s submission focuses on access to a safe, adequate, and gender-sensitive emergency shelter system as a critical component of the right to adequate housing in Canada. It draws on knowledge and recommendations from West Coast LEAF and SNOW’s community survey on emergency shelters in BC’s Peace Region, which is attached to this submission as Schedule B. The survey, administered in November 2023, reveals the disproportionate and severe impacts of inadequate access to emergency shelters on women, Two Spirit, Trans, and gender-diverse people, especially those who are also affected by colonialism, racism, ableism, and/or other axes of marginalization.

Emergency shelters offer temporary but immediate accommodation- as well as support and services- to community members who are in crisis, experiencing homelessness, or leaving gender-based violence.<sup>1</sup> Ensuring a safe, adequate, and gender-sensitive

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<sup>1</sup> Women’s National Housing & Homelessness Network, Canadian Centre for Housing Rights, and the National Right to Housing Network, [“Human Rights-Based, Gender-Sensitive National Standards for](#)



emergency shelter system does not in and of itself satisfy the right to adequate housing. However, it is critical to upholding the dignity and rights of community members during times of crisis and transition.<sup>2</sup> Under our vision of safe, adequate, and affordable housing, emergency shelters serve as both a safe haven and a steppingstone to stable, long-term housing.

In contrast to our vision, gaps in the existing emergency shelter system- including a lack of pathways to stable, long-term housing- endanger women, Two Spirit, Trans, and gender-diverse people. For survivors of gender-based violence, inadequate access to both short- and long-term housing is a common reason that they stay in or return to abusive situations.<sup>3</sup>

To establish a safe, adequate, and gender-sensitive emergency shelter system across Canada, the Government of Canada must work together with provincial, territorial, First Nations, and local governments to ensure that:

- Emergency shelter spaces (e.g., sleeping spaces, storage, and bathrooms) are safe, secure, and private.
- There are enough 24/7 emergency shelters and spaces to meet all communities' needs.
- There are enough 24/7 emergency shelters and spaces to meet the needs of people who are leaving or who are at risk of gender-based violence, including people with children and pets.
- Emergency shelters are not permitted to report people to “child protection” agencies for bringing a child to a shelter.
- Emergency shelters do not discriminate (based on factors such as gender, race, Indigenous identity, substance use, immigration, or mental health).
- Emergency shelter staff are trained in trauma-informed and violence-informed practice, de-escalation, and mental health first aid.
- Emergency shelters offer wrap-around services like counselling and grief counselling, sexual assault services, harm reduction, and overdose prevention.
- Emergency shelters are culturally safe for Indigenous people.
- Emergency shelters employ peer navigators and people with lived experience.
- There are funded pathways connecting the emergency shelter system to stable, long-term housing.

These actions must be implemented in collaboration with people with lived experience of emergency shelters, homelessness, and/or housing precarity. People with lived

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[Emergency Shelters Across Canada](#)” (July 2024) (“National Standards for Emergency Shelters Report”), pg. 11.

<sup>2</sup> National Standards for Emergency Shelters Report, *supra* note 1, pg. 8.

<sup>3</sup> West Coast LEAF and SNOW, “[Fact Sheet: Results from the Safe Shelter Community Survey](#)” (Vancouver: West Coast LEAF, 2024) (“Safe Shelter Survey”), at pg. 1.



experience should be a primary source of input into shelter designs, policies, and rules. They should also be part of shelter monitoring committees that provide oversight and accountability for the emergency shelter system.

## **2. Knowledge: What knowledge can be used to inform or support this vision?**

This submission relies on knowledge and recommendations from a community survey co-designed by West Coast LEAF, SNOW, and people with lived experience of emergency shelters in BC's Peace Region. A peer survey team administered the survey in Dawson Creek and Fort St. John in November 2023.<sup>4</sup>

91 people completed the survey, and all of the respondents had lived experience with emergency shelters, homelessness, and/or housing precarity. 88% of the respondents had experience with staying at a shelter, contacting a shelter, or visiting a shelter. These shelters included two co-ed shelters and four other emergency housing spaces in Fort St. John and Dawson Creek, and a total of 20 shelters across BC.<sup>5</sup>

41% percent of the survey respondents were women, Two Spirit, Trans, or gender-diverse people, while 75% of the respondents were Indigenous, Black, or racialized.<sup>6</sup> These perspectives- which inform this submission and its recommendations- elucidated the ways in which gender intersects with other axes of marginalization to diminish access to the emergency shelter system.

The survey identifies three issues that deserve human rights review:

1. Insufficient emergency shelter space in BC's Peace Region.
2. Barriers to accessing emergency shelters in BC's Peace Region.
3. Inadequate shelter conditions in BC's Peace Region.

### ***Insufficient emergency shelter space in BC's Peace Region***

The community survey starkly reveals that there are not enough emergency shelter spaces in BC's Peace Region, especially for people who face discrimination based on gender and other factors. Among women, Two Spirit, Trans and gender-diverse people who responded to the survey, 89% reported that there were not enough emergency shelter spaces to meet their needs. Just 9% percent reported that there were enough spaces for people leaving violent situations, 10% reported there were enough spaces for cisgender and transgender women, and 15% reported that there were enough spaces for people who are Two-Spirit, trans, or non-binary.<sup>7</sup>

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<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Safe Shelter Survey, *supra* note 3, at pg. 2.



Overall, less than 15% of all survey respondents said that there were usually enough emergency shelter spaces for youth, people with pets, couples, women, survivors of violence, people with children, seniors, and Two Spirit, trans and non-binary people. Respondents emphasized the lack of diverse emergency shelter options, including dedicated youth shelters and shelters for families, low barrier shelters that do not stigmatize substance use, and other options for those who need a substance-free environment.<sup>8</sup>

Most survey respondents reported experiences of being turned away from shelters. 80% of respondents reported being turned away from a shelter without a referral to another to another place that could help and 78% of respondents reported being turned away from an emergency shelter because there was no available bed. This is of particular concern during the winter, when weather conditions in the Peace Region are harsh. One respondent observed “In the North, we have very extreme winters...some people have had to wait for a bed to open up- possibly 3 to 4 days- meaning they were on their own to find help.”<sup>9</sup>

### ***Barriers to emergency shelters in BC Peace’s Region***

In addition to insufficient emergency shelter spaces, the survey revealed significant barriers to accessing emergency shelter spaces, especially for women and people who face gender-based discrimination. More than three quarters of survey respondents had experienced a barrier to accessing an emergency shelter, and 75% reported not accessing an available shelter bed because the shelter was unsafe or did not meet their needs.<sup>10</sup>

Many survey respondents reported the barriers of not being permitted to stay at a shelter with their partner (72%) or with children (68%, with Indigenous respondents reporting this barrier twice as often as non-Indigenous respondents). One respondent observed “[There is] lack of space for women and their children; lack of space for women recovering from substance abuse; lack of overall safety! Please look to successful community models in addressing complex challenges.”<sup>11</sup>

As discussed above, 80% of survey respondents reported the experience of being turned away from an emergency shelter without a referral to another place that could help.<sup>12</sup>

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<sup>8</sup> *Ibid.*

<sup>9</sup> Safe Shelter Survey, *supra* note 3, at pgs. 1-2.

<sup>10</sup> Safe Shelter Survey, *supra* note 3, at pg. 2.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*



### ***Inadequate shelter conditions in BC's Peace Region***

Even where a shelter bed is available, survey respondents complained of poor and unsafe shelter conditions that did not meet basic standards. Only 20% of respondents said that shelter practices ensured residents' safety. While the conditions at women's shelters were reported to be better than those at co-ed shelters, 43% of respondents still described the conditions at women's shelters as poor.<sup>13</sup>

Survey respondents cited numerous concerns around lack of privacy, surveillance, arbitrary and ambiguous rules, forced evictions, a lack of oversight, insufficient staff training, and an absence of essential services like nutritious meals, counselling and grief counselling, mental health crisis intervention, and overdose prevention. Just 25% of respondents described emergency shelters as supportive of people leaving violence.<sup>14</sup>

One respondent highlighted the life-threatening consequences of these shortcomings, saying, "Peers don't want to go to the shelter because they do not feel safe ... People are dying because there is no one trained to assist with overdoses, or mental health crises."<sup>15</sup>

Survey respondents also described shelter environments where stigma, judgment and discrimination were pervasive, including against Indigenous people, people with mental health disabilities, people who use substances, and Trans people. Only 25% of respondents said that shelters treated residents with respect and dignity, while just 9% described shelter rules as fair and non-discriminatory.<sup>16</sup>

Among women, Two Spirit, Trans and gender-diverse respondents, only 19% said that emergency shelters usually ensured their privacy. This lack of privacy has safety implications. As one respondent observed, "Women need to be safe when they sleep. Doors and safe spaces are integral to community safety, and saving lives."<sup>17</sup>

### **3. Reason: Why is this vision important?**

#### ***An inadequate emergency shelter system harms women, Two Spirit, Trans, and gender-diverse people.***

The harmful impacts of an inadequate emergency shelter system include visible and hidden homelessness, health breakdown, substance use, family separation, loss of

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<sup>13</sup> Safe Shelter Survey, *supra* note 3, at pg. 3.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*



loved ones due to suicide, and safety risks. Survey respondents reported impacts including:<sup>18</sup>

- Had to couch surf or stay in a crowded situation- 74%.
- Stayed somewhere unhealthy or unsafe- 71%.
- Stayed outside, in a tent, or in a vehicle- 68%.
- Stayed in a jail, hospital, or institution- 39%.
- Used substances to cope with stress of no safe shelter- 70%.
- Had mental or physical health issues because of no safe shelter- 65%.
- Had to leave own community to find safe shelter- 46% (this harm disproportionately affected Indigenous respondents).
- Had to sleep separate from partner to access shelter- 37%.

Among women, Two Spirit, Trans, and gender-diverse respondents:<sup>19</sup>

- 62% had stayed in an unwanted or bad relationship to keep housing (as compared to 44% of men).
- 27% had engaged in survival sex work, or traded sex for housing (as compared to 16% of men).
- 35% had worried about separation from their children due to a lack of safe shelter (as compared to 21% of men).
- 30% became separated from their children due to a lack of safe shelter (as compared to 23% of men).

Indigenous respondents were more likely to report that they had either worried about being separated from their children or had been separated from their children because of a lack of safe shelter.<sup>20</sup>

### ***A lack of access to safe emergency shelter spaces violates the right to adequate housing***

The right to adequate housing is a fundamental human right that is well-established in both international and domestic law. It was originally recognized in the 1948 *Universal Declaration of Human Rights* as part of the right to an adequate standard of living. In 1976, Canada committed itself to the progressive realization of the right to housing and an adequate standard of living by ratifying the *International Covenant on Economic, Social and Cultural Rights*. It incorporated the right to adequate housing into domestic law when Parliament enacted the *National Housing Strategy Act* in 2019.<sup>21</sup>

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<sup>18</sup> Safe Shelter Survey, *supra* note 3, at pg. 4.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> Canadian Human Rights Commission, "[Housing as a human right](#)" ("CHRC on Housing as a Human Right").





The right to adequate housing must not be interpreted narrowly, as it is about more than just providing people with four walls and a roof.<sup>22</sup> It is about every person's right to live somewhere in security, peace, and dignity.<sup>23</sup> It is foundational to other fundamental human rights, including the rights to life, work, health, and equal participation in society.<sup>24</sup>

The right to adequate housing requires a continuum of housing options, including safe, adequate and gender-sensitive emergency shelter spaces. While an emergency shelter system cannot in and of itself satisfy the right to adequate housing, it is a critical component of the housing system because it provides immediate accommodation and support to community members during times of crisis and transition.<sup>25</sup> It thus mitigates the harms of homelessness, which is inherently a human rights violation.<sup>26</sup> It must exist alongside- and serve as a steppingstone to- stable, long-term housing options.

Even though emergency shelters are intended to provide short-term accommodation, they must still meet certain conditions to satisfy the right to adequate housing. For example, they must be habitable, accessible, and provide basic services. They must also be culturally appropriate and protect residents against discrimination and harassment.<sup>27</sup>

According to the data from West Coast LEAF and SNOW's community survey, the emergency shelter system in BC's Peace Region does not include sufficient shelter spaces, does not meet specific community needs, is inaccessible, has poor and unsafe living conditions, and allows for discrimination and harassment. It therefore does not uphold the security, peace and dignity of residents, and it does not satisfy the right to adequate housing.

The right to adequate housing raises specific obligations in relation to women, Two Spirit, Trans, and gender-diverse people. Members of these groups disproportionately experience poverty and housing precarity, especially where they are also impacted by other axes of marginalization. They also disproportionately experience harm and violence when accessing or seeking to access the emergency shelter system.<sup>28</sup> Inadequate access to the emergency shelter system is a common reason that survivors stay in or return to abusive situations.<sup>29</sup>

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<sup>22</sup> The United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 4: The Right to Adequate Housing (Art. 11(1) of the Covenant)*, UN Doc E/1992/23, Sixth Session, 13 December 1991.

<sup>23</sup> *Ibid.*

<sup>24</sup> CHRC on Housing as a Human Right, *supra* note 47.

<sup>25</sup> National Standards for Emergency Shelters Report, *supra* note 1, at pg. 8.

<sup>26</sup> National Standards for Emergency Shelters Report, *supra* note 1, at pg. 24.

<sup>27</sup> CHRC on Housing as a Human Right, *supra* note 47.

<sup>28</sup> National Standards for Emergency Shelters Report, *supra* note 1, at pgs. 11-16.

<sup>29</sup> Safe Shelter Survey, *supra* note 3, at pg. 1.



Data from West Coast LEAF and SNOW's community survey reveals that the emergency shelter system in BC's Peace Region does not include enough shelter spaces that house and meet the needs of parents accompanied by children (many of whom are mothers), survivors of gender-based violence, and Two Spirit, Trans, and gender-diverse people. Further, it does not provide women, Two Spirit, Trans, and gender-diverse people with sufficient privacy or protection against gender-based violence and harassment by other residents or staff. It thus neither satisfies the right to adequate housing nor upholds substantive gender equality.

#### **4. Action: What actions are needed to make this vision a reality?**

West Coast LEAF and SNOW make three recommendations to help realize their vision of a safe, adequate and gender-sensitive emergency shelter system in BC and across Canada.

First, West Coast LEAF and SNOW endorse the creation of national emergency shelter standards, which is recommended by the Women's National Housing & Homelessness Network, the Canadian Centre for Housing Rights, and the National Right to Housing Network in their 2024 report entitled "[Human Rights-Based, Gender-Sensitive National Standards for Emergency Shelters Across Canada.](#)" West Coast LEAF and SNOW ask that these national standards address their calls for action around ensuring that:<sup>30</sup>

- Shelter spaces (e.g., sleeping spaces, storage, and bathrooms) are safe, secure, and private.
- Shelters are not permitted to report people to "child protection" agencies for bringing a child to a shelter.
- Shelters do not discriminate (based on factors such as gender, race, Indigenous identity, substance use, immigration, or mental health).
- Shelter staff are trained in trauma-informed and violence-informed practice, de-escalation, and mental health first aid.
- Shelters offer wrap-around services like counselling and grief counselling, sexual assault services, harm reduction, and overdose prevention.
- Shelters are culturally safe for Indigenous people.
- Shelters employ peer navigators and people with lived experience.
- People with lived experience have input into shelter design, rules and policies.
- There are shelter monitoring committees made up of people with lived experience.

Second, the Government of Canada must collaborate with provincial, territorial, First Nations, and local governments to build and resource emergency shelter spaces. Canada's National Housing Strategy already requires the Government of Canada to fund the construction, acquisition, and upgrading of a continuum of housing options,

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<sup>30</sup> Safe Shelter Survey, *supra* note 3, at pg. 4.





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including emergency shelter spaces.<sup>31</sup> In providing this funding, the Government of Canada should ensure that new emergency shelter spaces are meeting the diverse needs of community members, including the particular needs of women, Two Spirit, Trans, and gender-diverse people. For example, this requires the creation of additional emergency shelter spaces that allow families to stay together, including where family members have complex needs. It also requires shelter designs that meaningfully protect residents' privacy and safety, such as through the provision of secure sleeping spaces.

Finally, the Government of Canada must collaborate with provincial, territorial, First Nations, and local governments to ensure that emergency shelter spaces exist alongside safe, adequate, affordable, and long-term housing for all, including through the provision of federal funding. As discussed above, Canada's National Housing Strategy requires the Government of Canada to fund a continuum of housing options to meet diverse housing needs. In providing this funding, the Government of Canada must ensure that there are clear pathways out of the emergency shelter system and into long-term housing solutions. These pathways may include transitional or second-stage housing.

### **Conclusion**

West Coast LEAF and SNOW respectfully requests the National Housing Council's Neha Review Panel to consider the arguments and evidence presented in this submission and to take appropriate action to protect and promote the right to adequate housing for all women, Two-Spirit, Trans, and gender-diverse people.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of April, 2025

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Idaresit Thompson  
Articling student at West Coast LEAF

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April 11, 2025

Date

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<sup>31</sup> National Standards for Emergency Shelters Report, *supra* note 1, at pg. 4.