

Monitoring the Right to Adequate Housing for People with Disabilities in Canada

Concepts and methods guide: Developing the framework

Canadian Human Rights Commission and Office of the
Federal Housing Advocate

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Canadian Human Rights Commission

344 Slater Street, 8th Floor Ottawa, Ontario K1A 1E1

Toll Free: 1-888-214-1090 | **TTY:** 1-888-643-3304

Fax: 613-996-9661 | **Website:** www.chrc-ccdp.gc.ca

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Executive summary

The Canadian Human Rights Commission (CHRC) is responsible for monitoring Canada's implementation of the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD). The Federal Housing Advocate ("the Advocate") is responsible for monitoring the progressive realization of the right to adequate housing in Canada. The CHRC and the Advocate's Office have worked together to develop a monitoring framework on the right to adequate housing for people with disabilities in Canada. We developed this framework in collaboration with rights holders and experts.

Through our engagement with people with disabilities, we learned that housing is a top priority for disability communities. People told us they face numerous barriers in exercising their human right to adequate housing. Systemic discrimination and ableism prevent them from living with dignity. Many people with disabilities are forced to live in institutions because they can't access the supports they need to live independently in the community. Many people are struggling to find safe and accessible housing they can afford. People who experience multiple and intersecting forms of discrimination face additional barriers. These persistent barriers have dire consequences. Many people with disabilities experience homelessness, and we have heard reports that some people are turning to Medical Assistance in Dying (MAID) after being unable to access adequate housing and the supports needed to live with dignity. This needs to change.

We developed this monitoring framework to better understand the housing situations of people with disabilities in Canada, and to track Canada's progress in meeting its human rights obligations in this area. This framework provides a snapshot of the current housing outcomes and experiences of people with disabilities in Canada. We are using our findings to advance the right to adequate housing for people with disabilities in Canada.

The indicators in this framework track housing outcomes, policy efforts and resources (i.e. government spending) in the following eleven thematic areas: institutionalization; homelessness; discrimination and dignity; accessibility; the availability of supports and services; affordability; security of tenure; safety; habitability; location; and cultural adequacy. These areas reflect the UN's seven elements of the right to adequate housing, as well as more disability-specific elements drawn from the CRPD and our engagement with rights holders. We are disaggregating data to the greatest extent possible to identify whether certain groups of people with disabilities face additional barriers, while recognizing that the level of disaggregation is constrained by the current limitations of the available data.

This guide provides an in-depth overview of how we developed this framework with a focus on the outcome indicators. Appendix 1 provides an overview of our guiding principles. Appendix 2 presents the international law sources that informed this framework. For more information on our data sources, variables and research questions (i.e. equations), please request the supplementary document, including Appendices 3 and 4, by writing to NMM-MNS@chrc-ccdp.gc.ca.

The information in this guide will enable rights holders, researchers and fellow human rights advocates to use and build on this monitoring framework and findings. This framework can be used to monitor progress in this area over time. It can also be adapted to monitor other rights in the CRPD, and to monitor the right to adequate housing for other marginalized groups.

List of acronyms

- ACA: Accessible Canada Act
- CASHRA: Canadian Association of Statutory Human Rights Agencies
- CAT: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women
- CERD: Convention on the Elimination of All Forms of Racial Discrimination
- CHRA: Canadian Human Rights Act
- CHRC: Canadian Human Rights Commission
- CMHC: Canadian Mortgage and Housing Corporation
- CRC: Convention on the Rights of the Child
- CRPD: Convention on the Rights of Persons with Disabilities
- DSQ: Disability Screening Questions
- HICC: Housing, Infrastructure and Communities Canada
- ICCPR: International Covenant on Civil and Political Rights
- ICESCR: International Covenant on Economic, Social and Cultural Rights
- MAID: Medical Assistance in Dying
- NHS: National Housing Strategy
- NHTSA: National Housing Strategy Act
- NMM: National Monitoring Mechanism
- OFHA: Office of the Federal Housing Advocate
- OPCAT: Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- OPERA: Outcomes, Policy Efforts, Resources and Assessment
- PWD: People with disabilities
- PWoD: People without disabilities
- TRC: Truth and Reconciliation Commission
- UN: United Nations
- UDHR: Universal Declaration of Human Rights

Introduction

About us

The Canadian Human Rights Commission (CHRC) is Canada's national human rights institution. We promote and protect human rights in Canada. In 2019, the Canadian Parliament designated the CHRC as the National Monitoring Mechanism (NMM) for the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD).¹ This means the CHRC is responsible for monitoring how Canada is implementing the CRPD, which aligns with Canada's obligations under article 33(2) of the CRPD.²

Parliament also passed the National Housing Strategy Act in 2019.³ This legislation established accountability tools to help support and monitor the right to housing in Canada, such as the role of the Federal Housing Advocate ("the Advocate"). The Advocate is responsible for advancing, promoting and monitoring the right to adequate housing in Canada. This includes monitoring progress on Canada's National Housing Strategy.⁴ The Federal Housing Advocate is based at the CHRC.

The CHRC, in its role as the NMM, and the Federal Housing Advocate have been working together to monitor the progressive realization of the right to adequate housing for people with disabilities in Canada.⁵

¹ UN General Assembly, [Convention on the Rights of Persons with Disabilities](#), A/RES/61/106, 24 January 2007 [CRPD].

² Article 33(2) of the CRPD says: "States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights." Ibid.

³ [National Housing Strategy Act](#) (SC 2019, c 29, s 303)

⁴ Government of Canada, "[Canada's National Housing Strategy: A place to call home](#)".

⁵ This guide uses the term "people with disabilities". We recognize that language is constantly evolving, and that some people prefer other terms, such as "persons with disabilities" and "disabled people".

Why a monitoring framework?

Through our engagement with people with disabilities and their families, caregivers and advocates, we learned that housing is a top priority for disability communities.⁶ People told us they face numerous barriers in exercising their human right to adequate housing. Systemic discrimination and ableism prevent them from living with dignity. Many people with disabilities are forced to live in institutions because they can't access the supports they need to live independently in the community. Many people are struggling to find safe and accessible housing they can afford. People who experience multiple and intersecting forms of discrimination face additional barriers to housing. These persistent barriers have dire consequences. Many people with disabilities experience homelessness. Some people are turning to Medical Assistance in Dying (MAID) because they can't access adequate housing and supports to be able to live with dignity.⁷ This needs to change.

We developed this monitoring framework to better understand the housing situations of people with disabilities in Canada. We worked closely with people with disabilities, since rights holders should always be meaningfully involved in human rights monitoring. This framework provides a snapshot of the current housing outcomes and experiences of people with disabilities in Canada, through a human rights lens. It is an accountability tool that assesses whether Canada is meeting its human rights obligations in this area. [Appendix 2](#) of this guide provides a list of the international law sources for this framework.

We are using the results from this monitoring framework to help advance the right to adequate housing for people with disabilities in Canada. Human rights advocates and rights holders can also use this framework and findings to track progress and regression over time to bolster their own advocacy. This framework could be adapted to monitor other rights in the CRPD, or to monitor the right to adequate housing for other marginalized groups.

⁶ Read the report about our public engagement process in 2020: CHRC, [“What we did and what we learned: Monitoring Disability Rights”](#).

⁷ Read the CHRC's statement about MAID: [“Ending one's life must be a true and informed choice”](#) (February 23, 2024).

How we developed this framework

This section provides an overview of how we developed this monitoring framework with a particular focus on the outcome indicators and results. This process took place between 2021 and 2024.

Engaging with people with disabilities and experts

We engaged with diverse people with disabilities throughout this project. [“Nothing without us”](#) was one of the guiding principles for this project. The insights people shared about their lived experiences informed and enriched this framework. We conducted 32 interviews with key informants. We also held Learning Circle discussions with 60 people with disabilities and their relatives and caregivers to learn about their housing experiences.⁸ We developed calls to action to improve housing for people with disabilities, based on what we learned.⁹ Some of our engagement participants had experienced inadequate housing and homelessness.

We ensured our engagement events and materials were inclusive and accessible. For example, we provided sign language interpreters and live transcriptions for our Learning Circle discussions, and compensated participants for their contributions.¹⁰ We also translated our website content into plain language, and had it tested by people with intellectual disabilities to make sure it was easy to understand.

In addition to consulting rights holders, we consulted other government departments through the Right to Housing Data Working Group. The Office of the Federal Housing Advocate (OFHA) founded and has chaired this intergovernmental group, in collaboration with Statistics Canada. The group included representatives from the following federal departments: Indigenous Services Canada; Women and Gender Equality Canada’s Research Branch and 2SLGBTQIA+ Secretariat; Housing Infrastructure and Communities Canada (HICC); and the Canada Mortgage and Housing Corporation (CMHC).¹¹ It also includes scholars and civil society organizations. We also received feedback from Accessibility Standards Canada (ASC).

We engaged with provincial and territorial human rights commissions through the Canadian Association of Statutory Human Rights Agencies (CASHRA). We also sought input from academic and community researchers and technical experts.

⁸ Read the report about our engagement in 2022: [“What we learned: Housing for people with disabilities”](#) [Engagement Report - 2022].

⁹ CHRC, [The right to housing for people with disabilities: Calls to action](#) (2024).

¹⁰ The CHRC was the first federal government organization to develop a policy on compensating stakeholders for their participation in engagement activities.

¹¹ HICC was previously called Infrastructure Canada.

Conceptualizing our approach and principles

In 2021, we worked with an international human rights expert to conceptualize our monitoring approach. We reviewed human rights monitoring frameworks from around the world, interviewed key informants, and held Learning Circle discussions with people with disabilities and their families and caregivers. We developed guiding principles for this project based on domestic and international human rights laws, as well as input from rights holders. We adopted the following principles, which are discussed in detail in [Appendix 1](#): nothing without us; accessibility; intersectionality; dignity and autonomy; equality and non-discrimination; accountability and transparency; respectful relationships with Indigenous peoples; and a life-course approach.

Adapting to the Canadian context

Our monitoring approach is uniquely Canadian. It recognizes the following realities and challenges in monitoring the right to adequate housing for people with disabilities in Canada:

- **Federalism:** All levels of government must cooperate to fully realize this right. In Canada's complex federalist system, provincial and territorial governments have jurisdiction over most housing and disability issues. The federal government also plays an important leadership role, for example by developing the National Housing Strategy and providing funding to provinces and territories to help achieve its goals. At the same time, all levels of government have a shared responsibility to implement international human rights standards within their respective areas of jurisdiction.
- **Colonialism:** Canada must respect Nation-to-Nation relationships with First Nations, Inuit and Métis peoples, and follow the UN Declaration on the Rights of Indigenous Peoples Act (UNDRIP).¹² It must implement the calls to action from the Truth and Reconciliation Commission (TRC) and the calls for justice stemming from the National Inquiry into Missing and Murdered Indigenous Women and Girls.¹³
- **Diversity:** Canada must uphold its international commitments to refugees and provide adequate housing for newcomers. Immigrants and temporary workers support Canada's economy and labour needs.
- **Climate change:** People in Canada face unique impacts of climate change (e.g. natural disasters and extreme weather conditions), given the country's geography and the ways in which people have adapted to their environments.

¹² UN General Assembly, [Declaration on the Rights of Indigenous Peoples](#), A/RES/61/295, 2 October 2007, [UNDRIP].

¹³ [Truth and Reconciliation Commission of Canada, Calls to Action](#) (2015) [TRC Report]; National Inquiry into Missing and Murdered Indigenous Women and Girls [Reclaiming Power and Place: Final Report](#), Volume 1b (2019) [MMIWG Report].

Choosing a model

We reviewed several existing human rights monitoring frameworks, such as Disability Rights Promotion International (DRPI)'s Holistic Approach to Monitoring Disability Rights.¹⁴ We also reviewed international housing data programs, such as the Organization for Economic Co-operation and Development (OECD)'s Affordable Housing Database and the World Bank and UN-Habitat's Housing Indicators Program.¹⁵

We chose to base this framework on the OPERA framework developed by the Center for Economic and Social Rights.¹⁶ OPERA stands for Outcomes, Policy Efforts, Resources and Assessment. Unlike traditional performance evaluation tools that assess the success of specific projects, the OPERA framework provides a holistic assessment of people's enjoyment of economic and social rights. It considers factors that may impact governments' actions. For example, it accounts for governments' resources, structures and ability to enact policy, as well as the influence of external (i.e. non-governmental) actors.

The OPERA framework uses three types of indicators to assess whether countries are meeting their obligations to fulfill economic and social rights:

- **Outcome indicators** measure the extent to which people can realize their rights.
- **Policy effort indicators** measure governments' efforts to fulfill their human rights commitments through legislation, policies and programs. These efforts must be deliberate, concrete and targeted. They must uphold the principles of participation, accountability and transparency.
- **Resources indicators** measure the financial resources governments allocate so that people can realize their rights. Resource allocation should be equitable and effective. Fiscal policies should generate sufficient resources to enable governments to fulfill their human rights obligations and meet rights holders' needs.

We adapted the OPERA framework to monitor the right to adequate housing for people with disabilities in Canada. This framework monitors outcomes, policy efforts and resources. This guide focuses on our outcome indicators.

¹⁴ DRPI's approach monitors individual experiences, systems (i.e. laws, policies and programs) and media. DRPI, [Establishing a Monitoring System to Address Disability Discrimination Globally](#).

¹⁵ OECD, [Affordable Housing Database](#); UN-Habitat: [Housing Indicators Program](#) (1993).

¹⁶ Centre for Economic and Social Rights (2015): [The OPERA Framework](#).

Selecting thematic areas

We identified thematic areas for this monitoring framework. We drew on input from rights holders and experts, other monitoring frameworks and international law. This framework includes the UN's seven elements of the right to adequate housing: affordability; availability of services; security of tenure; accessibility; habitability; location; and cultural adequacy.¹⁷

We adapted and supplemented these elements to reflect the unique needs and experiences of people with disabilities, drawing on the CRPD and our engagement with disability communities. For example, we included institutionalization, safety, homelessness, and discrimination and dignity in this framework, since these were key areas of concern for our engagement participants. We tailored the area of "accessibility" to focus specifically on the accessibility needs of people with disabilities. We also added "supports" to the "availability of services" area, since many people with disabilities need supports to be able to live independently.

The thematic areas in this monitoring framework are presented in detail in the supplementary document.¹⁸ We are monitoring the following areas:

- **Institutionalization:** People with disabilities should not be forced to live in institutions. They should get to choose where, with whom and how they live.¹⁹
- **Homelessness:** People with disabilities should not be at greater risk of experiencing homelessness. Homeless shelters and services should meet the needs of people with disabilities.
- **Discrimination and dignity:** People with disabilities should be free from housing discrimination and be able to live with dignity.
- **Accessibility:** People with disabilities should have housing that meets their accessibility needs.
- **Availability of supports and services:** People with disabilities should have access to supports to live independently. They should have equal access to basic services, such as safe drinking water and adequate sanitation.
- **Affordability:** People with disabilities should not have to spend more than 30% of their income on housing that fits the size and composition of their household. The cost of housing should not threaten their enjoyment of other human rights.

¹⁷ UN Committee on Economic, Social and Cultural Rights, General Comment # 4: [The right to adequate housing](#).

¹⁸ The supplementary document, including Appendices 3 and 4, is available upon request by writing to NMM-MNS@chrc-ccdp.gc.ca.

¹⁹ The CHRC uses the term "institutions" to refer to living situations where people don't have control over their own lives, including who they live with, what activities they do, or what they eat. This can include places like group homes, hospitals, long-term care homes, shelters and prisons. Additional information can be found in Appendix 2.

- **Security of tenure:** People with disabilities should have tenure security (i.e. stable housing). They should be legally protected from forced evictions, harassment and other threats.
- **Safety:** People with disabilities should feel safe in their homes and communities. They should not experience domestic violence or abuse.
- **Habitability:** People with disabilities should have housing that is in good condition, provides adequate space and protects them from health risks.
- **Location:** People with disabilities should live near employment opportunities and the services they need, such as health care and schools. Their neighborhoods should not be polluted or dangerous.
- **Cultural adequacy:** People with disabilities should have housing that facilitates the expression of their cultural identities.

Developing and selecting indicators

In 2022, the OFHA and Statistics Canada published a series of fact sheets on the housing experiences of various populations in Canada, including people with disabilities.²⁰ Building on this work, we conducted research and collaborated with an expert to identify indicators for each area in this framework. We received valuable input from the Right to Housing Data Working Group at this stage of the project.

We initially identified over 125 outcome, policy effort and resource indicators, and potential data sources. We then identified several disability-specific indicators, drawing on input from rights holders, the CRPD and other CRPD monitoring frameworks.²¹

Identifying data sources and statistics

We identified various data sources for this framework, in partnership with Statistics Canada and the University of British Columbia (UBC)'s Housing Research Collective. These sources included:

²⁰ The fact sheets used data from the Canadian Housing Survey (CHS) and the Canadian Survey on Disability (CSD) to define outcome indicators for some elements of the right to housing. See:

Statistics Canada (2022), [Housing Experiences in Canada](#). The fact sheet on [housing experiences of people with disabilities](#) identifies gaps in the data. For example, it identifies groups of people with disabilities who aren't included in most nationally collected surveys.

²¹ For example: Office of the High Commissioner for Human Rights (OHCHR), [Human Rights Indicators on the Convention on the Rights of Persons with Disabilities](#) (CRPD); OHCHR, [List of illustrative indicators on living independently and being included in the community](#) (Article 19 of the CRPD); FRA, [Implementing the UN Convention on the Rights of Persons with Disabilities: Human rights indicators](#); EU-OHCHR [Bridging the Gap I: Human Rights indicators for the Convention on the Rights of Persons with Disabilities in support of a disability inclusive 2030 Agenda for Sustainable Development](#); and UN-Habitat, [Monitoring Housing Rights: Developing a Set of Indicators to Monitor the Full and Progressive Realization of the Human Right to Adequate Housing](#).

- Quantitative data from federally collected surveys conducted by Statistics Canada;²²
- Data from other federal government departments, such as HICC and the CMHC;
- Administrative data from provincial and territorial human rights commissions, landlord-tenant boards and other agencies; and
- Qualitative and quantitative data from engagement with rights holders and civil society organizations.

The main data sources for our outcome indicators are the 2017 and 2022 cycles of the Canadian Survey of Disability (CSD) and the 2021 cycle of the Canadian Housing Survey (CHS).²³ These surveys have different units of measurement. Most data from the CSD can be interpreted at the individual level (e.g. people with disabilities compared to people without disabilities). The CHS is filled out by one person (“respondent”) on behalf of their household. CHS data should therefore be interpreted with more caution, and household-level characteristics should be considered. For the CHS, the comparison is between households in which the respondent identifies as a person with a disability, and households in which the respondent is not a person with a disability. If people with disabilities are not the CHS respondents for their households, they may not be counted in CHS data.

Defining disability

Surveys identify and measure disability in different ways, which can make it difficult to compare data from various surveys. For example, the Census of Population (the Census) asks about people’s “limitations to activities of daily living”, whereas the 2023 Canadian Social Survey (CSS) asks about people’s “long-term conditions”.²⁴ Other surveys use a full disability module called the Disability Screening Questions (DSQ).²⁵ The DSQ focuses on ten types of disabilities based on people’s limitations with: hearing; vision; mobility; flexibility; dexterity; pain; learning; mental health; memory; and development.²⁶

The DSQ reflects the social model of disability. It views disability as “the result of the interaction between a person’s functional limitations and barriers in the environment, including social and

²² Statistics Canada is Canada’s national statistics agency.

²³ Statistics Canada, [Canadian Survey on Disability](#) [CSD]; Statistics Canada, [Canadian Housing Survey](#) [CHS].

²⁴ “[Limitations to activities of daily living](#)” means difficulties a person may have doing certain activities due to physical, cognitive, mental or other health-related conditions or problems. Statistics Canada, [Census of Population](#) [Census]; Statistics Canada, [Canadian Social Survey - Quality of Life, Renter Experiences and Trust \(2023\): LTC_R05](#) [CSS]. Legislation and survey data use the terms “condition” and “limitations”. We recognize that these terms are outdated since they reflect the medical model of disability.

²⁵ Grondin (2016). [A New Survey Measure of Disability: The Disability Screening Questions](#) (DSQ). Published by Statistics Canada, Social Survey Methods Division (Catalogue No. CS89-654/2016-3E-PDF). ISBN: 978-0-660-0315502.

²⁶ While the DSQ is based on self-reported limitations, there is an exception for people with developmental disabilities. People are only flagged as having a developmental disability if they have been diagnosed by a doctor or other health care professional. See DSQ_Q190.

physical barriers that make it harder to function day to day”.²⁷ According to this model, disability is a social disadvantage caused by unsupportive and inaccessible environments. This aligns with the definitions of disability in the ACA and the CRPD.²⁸ Whenever possible, we used data sources that use the social model of disability to identify and define sample populations.

For the most part, this framework uses the DSQ to measure disability. This means our data sources, notably the CSD and the 2021 CHS, use screening questions for disability types to differentiate between people who have a disability and people who don’t. For example, people who complete the screening questions and/or identify as having a disability are flagged as having a disability. In most cases, data is available for people with and without disabilities. However, only data for people with disabilities is available for a set of indicators from the CSD about accessibility.²⁹

We conducted an extensive validation process to identify all Statistics Canada surveys that identified people with disabilities using the full set of DSQs. The supplementary document, Appendix 4 provides an overview of all the Statistics Canada surveys we used. It also identifies data gaps and accessibility concerns in these surveys.

Data gaps

We identified several significant gaps in the data collected for national surveys. These gaps make it difficult to determine whether all people with disabilities in Canada are realizing their right to adequate housing. Some of the gaps we identified are listed below. They are also addressed in the supplementary document, Appendix 3.

The following groups of people with disabilities are excluded from many national surveys:

- people living in institutions, such as group homes, hospitals and prisons;³⁰

²⁷ Statistics Canada, [Canadian Survey on Disability, 2017: Concepts and Methods](#), Catalogue No. 89-654-X (2018) [CSD Guide - 2017].

²⁸ Section 2 of ACA defines a disability as: “Any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment – or a functional limitation – whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person’s full and equal participation in society.” See: [Accessible Canada Act](#) (SC 2019, c 10) [ACA]. Article 1 of the CRPD defines people with disabilities as: “those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. See: CRPD, supra note 1.

²⁹ Data for Indicator 1 in the accessibility area of our framework is based on a subset of question (AADM_R10) that was only posed to people who identified as having a physical disability related to mobility, dexterity and flexibility related limitations.

³⁰ For example, the following surveys only cover people living in private dwellings, and therefore exclude people living in institutions: the CSD, the CHS, the Survey of Safety in Public and Private Spaces (SSPPS); the General Social Survey (GSS); the Canadian Income Survey (CIS); and the Long-form Census. See: CSD, supra note 23; CHS, supra note 23; Statistics Canada, [Survey of Safety in Public and Private Spaces](#) [SSPPS]; Statistics Canada, [General Social Survey: Canadians at Work and Home](#) [GSS]; Statistics Canada, [Canadian Income Survey](#) [CIS]; and Census, supra note 24.

- people experiencing homelessness and hidden homelessness;³¹
- children with disabilities;³²
- people living in Northern and rural areas;³³
- and First Nations people living on reserves.³⁴

Some types of disabilities are not counted in national surveys.³⁵ Some surveys focus mostly on physical disabilities.³⁶ Other surveys don't ask whether people have disabilities.³⁷ Since survey data isn't always disaggregated, it can be difficult to identify whether certain groups of people with disabilities (e.g. people who are racialized) face additional barriers.³⁸

During our engagement activities, people with disabilities told us they wanted information about the amount of affordable and accessible housing available in Canada.³⁹ However, the CSD and CHS don't provide this information. Those surveys only provide data on the extent to which people's current housing meets their needs.

These data gaps make it difficult to fully assess whether Canada is meeting its obligations in this area. They also make it challenging to track Canada's progress over time. We will continue advocating for Canada to address these data gaps.

³¹ The Nationally Coordinated Point-in-Time Counts of Homelessness are one of the only data sources for this population, but they don't currently ask about disability. See: HICC, Everyone Counts – The Nationally Coordinated [Point-in-Time Counts of Homelessness in Canada](#).

³² For example, the 2017 and 2022 CSD only covered people aged 15 and older. See: CSD, supra note 23.

³³ For example, the 2021 CHS only included data from Whitehorse, Yellowknife and Iqaluit. The 2022 CHS didn't include any data from the territories. See: CHS, supra note 23.

³⁴ For example, the CSD, CHS and 2017 Indigenous Peoples Survey (IPS) exclude Indigenous people living on reserves. The IPS used to be called the Aboriginal People's Survey. See: CSD, supra note 23; CHS, supra note 23; and Statistics Canada, [Indigenous Peoples Survey](#) [IPS].

³⁵ For example, the 2017 and 2022 CSD did not ask about communication disabilities or environmental sensitivities. See: CSD, supra note 23.

³⁶ For example, the 2017 and 2022 CSD only asked people with physical disabilities about their accessible housing needs. People with other types of disabilities were not asked those questions. See: CSD, supra note 23.

³⁷ The 2021 CHS asked people about disabilities, but the 2018 and 2022 CHS did not. See: CHS, supra note 23.

³⁸ For example, the CSD and CHS do not currently ask about sexual orientation or gender expression. See: CSD, supra note 23; and CHS, supra note 23.

³⁹ Engagement report – 2020, supra note 8.

Conclusion

We have published results for the outcome indicators in this monitoring framework. They are available on our website.⁴⁰ We will publish additional results, as well as policy effort and resource indicators, when they are available. We will continue to use this framework and results to help advance the right to housing for people with disabilities in Canada. We encourage rights holders, researchers, policy makers and fellow human rights advocates to use, adapt and build on this framework. This framework can be used to measure Canada's progress in this area over time. People and organizations can use our findings to bolster their own research and advocacy, and governments should use our findings to inform evidence-based policymaking. This framework could also be adapted to monitor other rights in the CRPD, or to monitor the right to adequate housing for other marginalized groups.

⁴⁰ CHRC, [Monitoring the right to housing for people with disabilities](#) (2024).

Appendix 1: Guiding Principles

This appendix provides an overview of the principles that guided this monitoring framework on the right to adequate housing for people with disabilities in Canada. These principles were and continue to be inspired by international and domestic human rights laws, and by our engagement with rights holders. As an organization, we are constantly striving to apply these principles to the best of our abilities and are always looking to improve our practices.

Nothing without us

Rights holders should be meaningfully involved in all human rights monitoring. “Full and effective participation and inclusion” is a guiding principle of the CRPD.⁴¹ The CRPD recognizes the fundamental role of people with disabilities in monitoring its implementation.⁴² The National Housing Strategy Act (NHSa) also recognizes the importance of involving people with lived experience. It provides for “participatory processes to ensure the ongoing inclusion and engagement of civil society, stakeholders, disadvantaged groups” and people who have experienced housing need and homelessness.⁴³ The NHSa gives the Federal Housing Advocate the mandate to consult those groups and individuals.⁴⁴ Consulting people with disabilities is also a requirement and principle of the Accessible Canada Act (ACA).⁴⁵

During the Canadian Human Rights Commission (CHRC)’s initial public engagement about monitoring the CRPD, we shared that “participation” was one of the principles that would guide our work.⁴⁶ We asked rights holders to tell us what participation meant to them. They emphasized the importance of consulting and involving people with disabilities when making decisions that affect them. People told us they wanted the opportunity to share their own stories. They said they wanted to see diverse disabilities and experiences reflected in this monitoring work, not just input from disability organizations. People encouraged us to consult people who often get left behind and whose voices don’t get heard, including people facing intersectional discrimination. They noted that the lack of funding for supports and accommodations and the lack of compensation for their contributions can prevent them from participating in engagement activities.

We worked closely with rights holders throughout this project and compensated them for their contributions.⁴⁷ Over sixty people with disabilities, advocates and family members participated in our Learning Circle discussions about housing in 2022. Participants had diverse disabilities

⁴¹ CRPD, article 3(c).

⁴² CRPD, article 33(3).

⁴³ NHSa, section 5(2)(d).

⁴⁴ NHSa, section 13(e).

⁴⁵ ACA, section 6(f).

⁴⁶ CHRC, [What We Did and What We Learned: Monitoring Disability Rights](#).

⁴⁷ We followed the CHRC’s Stakeholder Compensation Policy.

and intersectional identities, and some had experienced inadequate housing and homelessness. We conducted 32 key informant interviews over the course of three years. We also worked with a disability rights advisor.⁴⁸ This framework was also informed by rights holders' submissions to the Advocate, and by the Advocate's engagement with people with lived experience of homelessness and inadequate housing, her collaboration with lived expert organizations, her review of homeless encampments, and her visits to communities across Canada. The insights people shared with us helped shape this monitoring framework. We're very grateful for their contributions to this project.

Accessibility

Human rights monitoring must be inclusive and accessible to ensure people with disabilities can fully participate. Accessibility is one of the principles and rights recognized in the CRPD.⁴⁹ The CRPD requires countries to identify and remove barriers to accessibility, including barriers in housing.⁵⁰ The ACA takes a proactive approach to improving accessibility by requiring federally regulated organizations to identify, remove and prevent barriers in their policies, programs and services. The goal of the ACA is to create a barrier-free Canada by 2040.⁵¹ The NHSA aligns with this goal by empowering the Advocate to research systemic housing issues, including barriers faced by people with disabilities.⁵²

The CHRC identified accessibility as a key principle in our initial engagement about monitoring the CRPD. People with disabilities told us about the countless barriers they face in their daily lives. For example, people said attitudinal barriers, such as negative stereotypes, assumptions and discrimination, often prevent them from fully participating in society. Many people with disabilities also face barriers in the built environment and with communication and access to technologies.

Accessibility has been a key consideration throughout this project. We made our engagement materials and processes as inclusive and accessible as possible for people with diverse types of disabilities. We provided accessibility services and supports at our engagement events, such as sign language interpreters in American Sign Language (ASL) and Quebec Sign Language (LSQ). We wrote our website content about this project in plain language, and had it tested by people with intellectual disabilities to ensure it was easy to understand. We also tested this content to ensure it was accessible for people who use assistive technologies, such as screen readers. Our materials for this project are available in multiple formats, such as HTML and PDFs.

⁴⁸ Steven Estey, who was instrumental in drafting the CRPD, helped lay the foundations for the NMM's work. Read the CHRC's [statement](#) about Steve's passing in September 2023.

⁴⁹ CRPD, art. 3(f) and 9.

⁵⁰ CRPD, article 9.

⁵¹ ACA, section 5.

⁵² NHSA, section 13(c).

Accessibility is a key element of the human right to adequate housing under international law, and it is one of the thematic areas of this monitoring framework. We are monitoring whether housing is meeting the accessibility needs of people with disabilities. We have also identified several [gaps](#) and accessibility barriers in national surveys, and have been advocating for them to be addressed by federal departments and agencies.⁵³

Intersectionality

Human rights monitoring must recognize the unique impacts of intersectional discrimination. Intersectional discrimination is when people experience multiple and overlapping forms of discrimination based on various parts of their identities. Since people with disabilities have multi-faceted identities, they may experience different types of discrimination simultaneously (e.g. ableism, racism, sexism and homophobia). Some people have multiple disabilities, and some disabilities are invisible. People's intersecting identities may increase their vulnerability and impact their enjoyment of human rights in different ways. Research has shown that people in Canada who face multiple forms of marginalization face the most deplorable housing conditions.⁵⁴ People with multiple disabilities are also at higher risk of experiencing hidden homelessness.⁵⁵

Participants in all our engagement activities emphasized the importance of intersectionality, starting with the NMM's initial public engagement process in 2020.⁵⁶ Intersectionality is fundamental to understanding how discrimination operates. It is embedded in the CRPD, as well as federal policies and legislation, such as the ACA and the Canadian Human Rights Act (CHRA).⁵⁷ The Government of Canada has also committed to using "Gender-based Analysis Plus" (GBA+) in the development of its policies, programs and legislation. GBA+ is an analytical tool used to assess the intersectional impacts of government initiatives.⁵⁸

Intersectionality has informed all our work on this project. For example, we applied an intersectional lens when selecting our engagement participants, including our key informants. We engaged with people with diverse lived experiences, including different types of disabilities,

⁵³ For example, see: Supplementary document, Appendix 3 available upon request; other sources include our Infographics on [Data Gaps](#) and [Accessibility](#).

⁵⁴ For example, see: CMHC, [This Is Not Home: Learning from drop-ins serving women and gender-diverse people](#).

⁵⁵ Statistics Canada found that Canadians with a disability were more likely to have experienced hidden homelessness. Those who reported having at least three disabilities were four times more likely to have experienced hidden homelessness than those who did not report having a disability (26% versus 6%). See: Statistics Canada, [Insights on Canadian Society: Hidden Homelessness in Canada](#).

⁵⁶ Read the report about our public engagement in 2020: CHRC (2023), [What we did and what we learned: Monitoring Disability Rights](#).

⁵⁷ CRPD, Preamble (i) and (p); ACA, section 6(e); and CHRA, section 3.1.

⁵⁸ For an overview of GBA+, see: Women and Gender Equality Canada: [What is Gender-based Analysis Plus](#) and [Government of Canada's Approach on Gender-based Analysis Plus](#). The [Prime Minister's Mandate Letters](#) to federal ministers in 2021 also committed to ensuring that public policies were informed by and developed through an intersectional lens.

genders and sexual orientations. We spoke to people who are racialized and who have a precarious immigration status, as well as people living in poverty and who experienced homelessness and hidden homelessness. Some participants faced language barriers and had low literacy levels. Some had trouble accessing technology. The diversity of the experiences people shared with us enriched our monitoring work, highlighting the disparate impacts of discrimination on people with diverse identities.

We also considered intersectionality when developing the indicators and choosing the data sources for this monitoring framework. We are disaggregating all data for this framework to the greatest extent possible, to determine whether certain groups of people with disabilities face additional barriers in exercising their right to adequate housing. We will continue to advocate for disaggregated data collection that allows for intersectional analysis.

Dignity and autonomy

Respect for the inherent dignity of all people is a foundational principle of human rights law. Dignity is mentioned nine times in the CRPD, more than in any other UN convention.⁵⁹ Respect for dignity and autonomy is one of the principles of the CRPD.⁶⁰ Treating people with disabilities with dignity is also a principle of the ACA.⁶¹ The right to housing is recognized as the right to live somewhere in “security, peace and dignity.”⁶² The NHSA recognizes that “housing is essential to the inherent dignity and well-being of the person”.⁶³

Autonomy is integral to people’s dignity. It is at the core of article 12 of the CRPD, which requires states to recognize and support the legal capacity of people with disabilities.⁶⁴ People with disabilities are often denied their decision-making autonomy due to ableist assumptions about their capacity. They are presumed incapable of making decisions due to their disabilities. Decisions are often made for them, without their input. For example, many people with disabilities are institutionalized against their will. People experiencing homelessness face similar presumptions of incapacity. They are often perceived as “threats” who must be controlled.

During our engagement activities, people told us that their lack of autonomy prevents them from living with dignity. They explained that institutionalization, discrimination, poverty and inadequate supports all negatively impact their dignity. People experiencing homelessness said

⁵⁹ CRPD: Preamble (a), (h) and (y) and articles 1; 3(a); 8(1)(a); 16(4); 24(1)(a); and 25(d). Dignity is also mentioned three times in both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic and Social Rights (ICESCR) ICCPR: Preamble and article 10(1); ICESCR: Preamble and article 13(1).

⁶⁰ CRPD, article 3(a).

⁶¹ ACA, section 6(a).

⁶² [The human right to adequate housing](#)

⁶³ NHSA, section 4(b).

⁶⁴ CRPD, article 12. [Canada has made a reservation on this article](#) of the CRPD to allow for the continued use of substitute decision-making regimes. The disability community continues to call for the removal of this reservation.

they are often perceived as being “less than human”. Homelessness is often described as a form of “social death”.

Dignity and autonomy have been key considerations throughout this project. People with disabilities and people with lived experience of homelessness and inadequate housing played a central role in helping to shape this monitoring framework. We provided a platform for them to share their personal stories, experiences and expertise. We will amplify their voices through our monitoring work. The institutionalization section of this framework includes an indicator that measures people’s level of autonomy over their living situations.⁶⁵ The discrimination section also highlights the link between equality and dignity.

Equality and non-discrimination

The right to equality and non-discrimination is a key principle and right in the CRPD.⁶⁶ This right is enshrined in Canada’s Constitution and human rights laws, including the CHRA.⁶⁷ People with disabilities should be able to exercise their human right to adequate housing on an equal basis with others, without discrimination. If people experience discrimination, they can seek redress through Charter litigation or by filing complaints with human rights commissions and tribunals.

During the CHRC’s initial engagement about our CRPD monitoring, we shared that equality was one of our guiding principles. Rights holders told us they often experience discrimination. Many people said they’d been disrespected and treated unfairly because of their disabilities and other parts of their identities, such as their race, sex and socio-economic status. People with disabilities and people experiencing homelessness face a lot of stigma. They said they’re often made to feel uncomfortable in public because of this.

Equality and non-discrimination are the core of this monitoring project. A whole section of this framework is devoted to discrimination. Our intersectional approach seeks to identify disparities in housing outcomes and experiences for certain groups of people with disabilities. The findings from this project will bolster our ongoing advocacy for substantive equality and disability justice.

Accountability and transparency

Human rights monitoring helps foster government accountability and transparency. The CRPD promotes accountability by requiring countries to establish independent national monitoring mechanisms (NMMs) and report on their progress.⁶⁸ The NHSA also promotes accountability by empowering the Advocate to receive submissions, make recommendations and request review

⁶⁵ See [Institutionalization Indicator # 9](#) in our framework. Unfortunately, we were unable to identify any data sources for this indicator. We have been advocating for national surveys to collect data about people’s autonomy over their living situations.

⁶⁶ CRPD, article 3(b), (g) and (e), and article 5.

⁶⁷ Charter of Rights and Freedoms, section 15.

⁶⁸ CRPD, articles 33(2) and 35.

panel hearings about systemic housing issues. The Minister must respond to reports by the Advocate and review panels and must report on the effectiveness of the National Housing Strategy every three years.⁶⁹

During our engagement activities, people with disabilities, tenants, people experiencing inadequate housing and homelessness, and Indigenous organizations told us that it's often difficult to ascertain where funding for housing ultimately ends up, and whether it leads to real changes. People said they want to know whether government initiatives are improving people's housing situations and experiences.

This monitoring framework promotes accountability and transparency by tracking outcomes, policy efforts and government resources in key areas of housing for people with disabilities. We are tracking whether Canada is meeting its domestic and international human rights commitments and obligations. Our monitoring will allow Canada's progress to be measured over time. It will equip rights holders and civil society with reliable data to help hold governments to account.

Respectful relationships with Indigenous peoples

Human rights monitoring in Canada must recognize the ongoing impacts of colonialism on First Nations, Inuit and Métis peoples. Colonialism and racism have had lasting impacts on Indigenous families, communities, economies, and housing, health and education systems. The disability rate for First Nations, Inuit and Métis peoples in Canada (32%) is twice the national average, and almost 40% of Indigenous people with disabilities live in poverty.⁷⁰

The Advocate's visits to Inuit communities in Nunavut and Nunatsiavut, and to Métis communities in Saskatchewan, helped inform this framework. Indigenous key informants and Learning Circle participants told us that First Nations, Inuit and Métis peoples must be actively involved in developing, designing and delivering housing programs for their communities. They highlighted the need for housing with wraparound services to mitigate the severe and deplorable conditions in which many Indigenous communities live. They also noted that funding should go directly to Indigenous organizations through their Fiscal Funding Agreements, as opposed to going to generalized housing programs. The Advocate has collaborated with National Indigenous Organizations and Indigenous representative organizations to amplify their calls for housing justice.

The cultural adequacy section of this framework includes an indicator that measures whether First Nations, Inuit and Métis peoples have housing that reflects their cultural values and traditions.⁷¹ We are disaggregating data for all the indicators in this framework to the greatest

⁶⁹ NHA, sections 17-18.

⁷⁰ [Statistics Canada](#) (2019).

⁷¹ See Cultural Adequacy Indicator #1. Unfortunately, we have been unable to identify any existing data sources for this indicator. We will continue to advocate for improved data collection in this area.

extent possible. Our intersectional analysis aims to identify disparities in housing outcomes for First Nations, Inuit and Métis people with disabilities. We have identified significant [gaps in data collection](#) for national surveys on reserves and in remote and Northern communities. We will continue to advocate for better data collection in those areas.

Canada must uphold nation-to-nation, Inuit-to-Crown and government-to-government relations with Indigenous peoples, using a distinctions-based approach. It must respect its treaty obligations and other commitments to First Nations, Inuit and Métis peoples. Canada must also respect its duty to consult Indigenous peoples and adhere to the principles of data sovereignty.⁷² Canada must implement UNDRIP, as well as the Truth and Reconciliation Commission of Canada's Calls to Action and the National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice.⁷³

Life-course approach

People with disabilities should be able to exercise their human right to adequate housing throughout their lives. People's housing needs and situations evolve as they age. Children with disabilities may need specific supports to enable them to live, grow and flourish in the community. The CRPD recognizes the evolving capacity of children and their right to age-appropriate supports.⁷⁴ Caregivers of children and adults with disabilities may need supports, such as respite care and additional financial supports. Parents with disabilities may need supports with childrearing. Older adults with disabilities may also need age-specific supports and home adaptations to enable them to age in place.

Our key informants told us that many people with disabilities fall through the cracks during transitions through stages of life. For example, many supports for children with disabilities end when people turn 18. As a result, people often face gaps and barriers in accessing essential supports and housing as they transition from childhood to adulthood. Adults with disabilities often face similar challenges as they transition to old age. People told us they often need help to navigate complex, bureaucratic processes in order to access the supports they need. They also said their disability benefits risk being reduced (i.e. "clawed back") if they move in with their partners. This limits people's life choices; people living in poverty may feel obliged to keep living alone to avoid facing more financial barriers.

⁷² The Government of Canada has a duty to consult Indigenous peoples when its actions could adversely impact potential or established Indigenous or treaty rights. The duty stems from section 35 of Canada's Constitution Act, 1982, which recognizes and affirms "Aboriginal" and treaty rights. See: [Government of Canada and the duty to consult](#).

⁷³ UN Declaration on the Rights of Indigenous Peoples (UNDRIP); [Truth and Reconciliation Commission of Canada, Calls to Action](#) (2015); and [National Inquiry into Missing and Murdered Indigenous Women and Girls: Final Report](#), Volume 1b (2019).

⁷⁴ CRPD, articles 3(h) and 7(3).

This framework takes a life-course approach to monitoring the right to housing for people with disabilities. We are tracking whether people with disabilities have housing and supports tailored to their age-specific needs throughout their lives. We are disaggregating data for this framework to the greatest extent possible to identify age-based disparities in housing outcomes. We have identified [gaps in data](#) collected for national surveys about children with disabilities and have been advocating for these gaps to be addressed.

Appendix 2: International Law Sources

This Appendix provides an overview of key international human rights law sources that informed this monitoring framework. The first section summarizes the rights and obligations in the relevant articles of the CRPD. The second section lists several sources for each area in this framework. This is not an exhaustive list of all relevant international law sources.

Overview of relevant CRPD Articles

- **Article 3: General principles**⁷⁵

The principles of the CRPD are:

- a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
- b) Non-discrimination
- c) Full and effective participation and inclusion in society
- d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- e) Equality of opportunity
- f) Accessibility
- g) Equality between men and women
- h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

- **Article 4: General obligations**

States must ensure people with disabilities fully realize all their rights and freedoms, without discrimination.

- **Article 5: Equality and non-discrimination**

States must ensure people with disabilities' right to equality and prohibit disability-based discrimination.

- **Article 8: Awareness-raising**

States must raise awareness about the rights and dignity of people with disabilities, and combat stereotypes, prejudices and harmful practices towards people with disabilities.

⁷⁵ Articles 3 (General principles), 4 (General obligations) and 5 (Equality and non-discrimination) of the CRPD are relevant for all areas in this monitoring framework. We didn't list these articles under every area in our framework to avoid repetition.

- **Article 9: Accessibility**

States must ensure people with disabilities have equal access to the physical environment and public facilities and services. States must identify and eliminate barriers, including in housing, and must develop, promote and monitor the implementation of accessibility standards and guidelines.

- **Article 10: Right to life**

States must ensure people with disabilities enjoy the right to life on an equal basis with others.

- **Article 11: Situations of risk and humanitarian emergencies**

States must ensure the protection and safety of people with disabilities in emergencies, including natural disasters.

- **Article 12: Equal recognition before the law⁷⁶**

States must recognize and support the legal capacity of people with disabilities. Safeguards should ensure people's rights, will and preferences are respected, prevent abuse, and be subject to regular review. People with disabilities must be able to own and inherit property, control their finances and access bank loans and mortgages. They must not be arbitrarily deprived of their property.

- **Article 13: Access to justice**

States must ensure people with disabilities have equal access to justice, including access to accommodations in legal proceedings. States must promote training for people working in the justice system, including police and prison staff.

- **Article 14: Liberty and security of person**

States must ensure people with disabilities enjoy the right to liberty and security and are not unlawfully or arbitrarily deprived of their liberty.

- **Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment**

States must prevent people with disabilities from being subjected to torture or cruel, inhuman or degrading treatment or punishment. This includes medical and scientific experimentation without their consent.

- **Article 16: Freedom from exploitation, violence and abuse**

States must protect people with disabilities from all forms of exploitation, violence and abuse within and outside their homes. People with disabilities and their families and

⁷⁶ Canada made a reservation on article 12 of the CRPD to allow for the continued use of substitute decision-making regimes. Disability communities have been calling for Canada to remove this reservation.

caregivers should have support to avoid, recognize and report abuse. Facilities and services used by people with disabilities should be independently monitored.

- **Article 17: Protecting the integrity of the person**

States must protect the physical and mental integrity of people with disabilities.

- **Article 19: Living independently and being included in the community**

People with disabilities have the right to live in the community and to choose where and with whom they live. States must support their full inclusion and participation in the community, and provide them with supports and equal access to community services and facilities.

- **Article 20: Personal mobility**

States must ensure people with disabilities can move around with independence, when and how they choose, and at affordable cost.

- **Article 23: Respect for home and the family**

States must provide people with disabilities with assistance for parenting, and ensure children with disabilities have equal rights regarding family life. States must provide services and support to children with disabilities and their families, and prevent the segregation of children with disabilities. Children should be cared for in a family setting and not be separated from their parents because of disabilities.

- **Article 24: Education**

States must ensure people with disabilities can access an inclusive education in the communities in which they live.

- **Article 25: Health**

People with disabilities have the right to the highest attainable standard of health, without discrimination. States must ensure people with disabilities have equal access to quality health services.

- **Article 26: Habilitation and rehabilitation**

States must enable people with disabilities to maintain maximum independence. Habilitation and rehabilitation services should support people's participation and inclusion in their communities, and be as close as possible to their communities.

- **Article 27: Work and employment**

States must recognize people with disabilities' right to work and earn a living.

- **Article 28: Adequate standard of living and social protection**

States must promote the right of people with disabilities and their families to an adequate standard of living, social protection and the continuous improvement of their

living conditions. This includes access to adequate food, clothing and housing, poverty reduction and public housing programs, and assistance with disability-related expenses.

- **Article 30: Participation in cultural life, recreation, leisure and sport**

States must ensure people with disabilities participate equally in cultural life, and must recognize and support their cultural and linguistic identities.

Sources for Areas in this framework

Institutionalization

People with disabilities should be free to choose their own living situations, including where and with whom they live. They should have access to the supports they need to live independently in the community, instead of being forced to live in institutions. They should also be free to choose whether to undergo medical treatment.

The UN [Committee on the Rights of Persons with Disabilities](#) (“CRPD Committee”) published [Guidelines on Deinstitutionalization](#) in 2022. According to the Guidelines, institutionalization violates articles 5, 12, 14-17 and 19 of the CRPD. Institutionalization is a discriminatory practice and a form of violence against persons with disabilities. It involves the de facto denial of people’s legal capacity and the deprivation of their liberty based on their disabilities. Institutionalization also exposes people with disabilities to forced medical interventions (e.g. medications) without their free, prior and informed consent.

CRPD:

- CRPD Committee’s [Guidelines on deinstitutionalization, including in emergencies](#)
- Article 5: Equality and non-discrimination
- Article 12: Equal recognition before the law
 - CRPD Committee’s [General Comment # 1 on Article 12](#): Equal recognition before the law⁷⁷
- Article 14: Liberty and security of person
 - CRPD Committee’s [Guidelines on the right to liberty and security](#) (Article 14)
- Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment
- Article 16: Freedom from exploitation, violence and abuse
- Article 17: Protecting the integrity of the person

⁷⁷ UN treaty bodies publish General Comments to explain how they interpret the provisions of their treaties. To date, the CRPD Committee has published eight General Comments about the CRPD.

- Article 19: Living independently and being included in the community
 - CRPD Committee's [General Comment # 5 on Article 19](#): Living independently and being included in the community
- Article 23: Respect for home and the family
- Article 26: Habilitation and rehabilitation

UDHR:

- Article 3: Life, liberty and security
- Article 5: Torture or cruel, inhuman or degrading treatment or punishment
- Article 16(3): Family

ICCPR:

- Article 7: Torture or cruel, inhuman or degrading treatment or punishment
- Article 9: Liberty and security of person
 - Human Rights Committee (HRC)'s [General Comment # 35 on Article 9](#): Liberty and security of person
- Article 10: Deprivation of liberty
- Article 16: Personhood
- Article 23(1): Family

Other Sources:

- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (CAT) and its [Optional Protocol](#) (OPCAT)⁷⁸
 - [General Comment # 1 on Places of Deprivation of Liberty](#) (Article 4) – Draft
- Convention on the Rights of the Child (**CRC**): Articles 9, 23 and 37

⁷⁸ Canada has ratified CAT, but has not yet ratified OPCAT.

Homelessness

People with disabilities should not experience homelessness. They should have safe, permanent and adequate housing, and access to supports, social protection and an adequate standard of living. States should address the root causes of homelessness and hidden homelessness, including poverty and violence. Homeless shelters and services should be accessible and meet the needs of people with disabilities.

CRPD:

- Article 10: Right to life
- Article 14: Liberty and security of the person
 - CRPD Committee's [Guidelines on the right to liberty and security](#) (Article 14)
- Article 25: Health
- Article 28: Adequate standard of living and social protection

UDHR:

- Article 22: Social security
- Article 25: Adequate standard of living

ICESCR:

- [Article 11\(1\)](#): Adequate standard of living
 - Committee on Economic and Social Rights (CESCR)'s [General Comment # 4 on Article 11\(1\)](#): Right to Adequate Housing (para. 13)

ICCPR:

- [Article 6](#): Right to life
 - HRC's [General Comment # 36 on Article 6](#): Right to life

Other sources:

- UN General Assembly's [Resolution on inclusive policies and programs to address homelessness](#) (Dec 2021)
- UN Special Rapporteur on Adequate Housing's [Guidelines for the Implementation of the Right to Adequate Housing](#): Guideline # 5 on Homelessness

Discrimination and Dignity

People with disabilities have the right to equality and dignity. They should be protected from all forms of discrimination. This includes intersectional discrimination, which is when people experience multiple forms of discrimination that combine and overlap (e.g. ableism, racism and sexism).

CRPD:

- Article 4: General obligations
- Article 5: Equality and non-discrimination
 - CRPD Committee's [General Comment # 6 on Article 5: Equality](#) and non-discrimination
- Article 8: Awareness-raising
- Article 17: Protecting the integrity of the person
- Article 28: Adequate standard of living and social protection

UDHR:

- Article 1: Dignity
- Article 7: Equality and non-discrimination
- Article 22: Social security and dignity

ICESCR:

- Article 2(2): Equality and non-discrimination

ICCPR:

- Article 26: Equality and non-discrimination

Other sources:

- Special Rapporteur on the Right to Adequate Housing's [Guidelines for the Implementation of the Right to Adequate Housing](#): Guideline # 8 on Discrimination and Equality
- **CRC**: Article 2
- [Convention on the Elimination of All Forms of Racial Discrimination](#) (**CERD**)
- [Convention on the Elimination of All Forms of Discrimination Against Women](#) (**CEDAW**)

Accessibility

People with disabilities should have housing that meets their accessibility needs. All new housing should be accessible or adaptable. Accessible housing is designed and built to meet most people's accessibility needs. It allows people to live independently and age in place. Adaptable housing is designed so that it can easily be modified (i.e. renovated) to meet an individual's specific accessibility needs. People should have access to government funding to cover disability-related expenses, such as home adaptations to improve accessibility.

CRPD:

- Article 9: Accessibility
 - CRPD Committee's [General Comment # 2 on Article 9](#): Accessibility
- Article 20: Personal mobility
- Article 28: Adequate standard of living and social protection

ICESCR:

- [Article 11\(1\)](#): Adequate standard of living
 - CESCR's [General Comment #4 on Article 11\(1\)](#): Right to Adequate Housing (para. 8(e))

Supports and Services

People with disabilities should have equal access to basic services and infrastructure in their homes, such as: safe drinking water; sanitation; energy for cooking, heating and lighting; food storage; garbage disposal; and internet access. They should also have access to the supports they need to live independently in the community, such as assistance with bathing, cooking, cleaning, getting to appointments and running errands. People with disabilities should get to make decisions about the supports they receive. Supports and services should be provided for people with disabilities in emergency situations, such as severe weather events.

CRPD:

- Article 11: Situations of risk and humanitarian emergencies
- Article 12: Equal recognition before the law
 - CRPD Committee's [General Comment # 1 on Article 12](#): Equal recognition before the law
- Article 20: Personal mobility
- Article 19: Living independently and being included in the community
 - CRPD Committee's [General Comment # 5 on Article 19](#): Living independently and being included in the community
- Article 28: Adequate standard of living and social protection

UDHR:

- Article 25: Adequate standard of living

ICESCR:

- [Article 11\(1\)](#): Adequate standard of living
 - CESCR's [General Comment #4 on Article 11\(1\)](#): Right to Adequate Housing (para. 8(b))

Other sources:

- **CRC**: Article 23

Affordability

People with disabilities should have access to affordable housing (i.e. housing that doesn't cost more than 30% of their household's income before taxes). The cost of housing shouldn't prevent people from meeting their other basic needs, such as buying food or medications.

CRPD:

- Article 12: Equal recognition before the law
 - CRPD Committee's [General Comment # 1 on Article 12](#): Equal recognition before the law
- Article 28: Adequate standard of living and social protection

UDHR:

- Article 22: Social security
- Article 25: Adequate standard of living

ICESCR:

- Article 9: Social security
- [Article 11\(1\)](#): Adequate standard of living
 - CESCR's [General Comment #4 on Article 11\(1\)](#): Right to Adequate Housing (para. 8(c))

Other sources:

- **CRC**: Article 27(3)

Security of Tenure

People with disabilities should have security of tenure. This means they should have stable housing and be protected from evictions. They should also have access to justice, and be protected from retaliation if they exercise their rights or file complaints.

CRPD:

- Article 12: Equal recognition before the law
 - CRPD Committee's [General Comment # 1 on Article 12](#): Equal recognition before the law
- Article 13: Access to justice

UDHR:

- Article 17: Property

ICESCR:

- [Article 11\(1\)](#): Adequate standard of living
 - CESCR's [General Comment #4 on Article 11\(1\)](#): Right to Adequate Housing (para. 8(a))

Other sources:

- Special Rapporteur on the Right to Adequate Housing's [General Comment on Forced Evictions](#)
- Special Rapporteur on the Right to Adequate Housing's [Guiding Principles on Security of Tenure for the Urban Poor](#)
- Special Rapporteur on the Right to Adequate Housing's [Guidelines for the Implementation of the Right to Adequate Housing](#) - Guideline # 6 on Evictions

Safety

People with disabilities should feel safe in their homes and communities. They should be protected from violence, abuse and threats to their physical and psychological safety, both within and outside their homes. People with disabilities should also be kept safe in emergency situations, such as fires and extreme weather conditions.

CRPD:

- Article 11: Situations of risk and humanitarian emergencies
- Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment
- Article 16: Freedom from exploitation, violence and abuse
- Article 28: Adequate standard of living and social protection

Other sources:

- **CRC:** Articles 19, 34, 36 and 37

Habitability

People with disabilities should have housing that's in good condition and has adequate space for the number of people in their households. Housing should protect them from the cold, dampness, heat, rain, wind, vermin and other health threats, and be free of structural hazards.

CRPD:

- Article 23: Respect for home and the family
- Article 25: Health
- Article 28: Adequate standard of living and social protection

ICESCR:

- [Article 11\(1\)](#): Adequate standard of living
 - CESCR's [General Comment #4 on Article 11\(1\)](#): Right to Adequate Housing (para. 8(d))

Location

People with disabilities should live near employment opportunities and the services and facilities they need to fully participate in their communities. For example, they should live near health care, schools, childcare centres, recreational facilities, social activities and public transportation. This is especially important in northern and remote communities, where services tend to be more limited. People's neighborhoods should not be polluted or dangerous.

CRPD:

- Article 19: Living independently and being included in the community
 - CRPD Committee's [General Comment # 5 on Article 19](#): Living independently and being included in the community
- Article 24(2)(b): Education
- Article 25: Health
- Article 26: Habilitation and rehabilitation
- Article 27: Work and employment
- Article 30: Participation in cultural life, recreation, leisure and sport

ICESCR:

- [Article 11\(1\)](#): Adequate standard of living
 - CESCR's [General Comment #4 on Article 11\(1\)](#): Right to Adequate Housing (para. 8(f)).

Cultural Adequacy

People with disabilities should have housing that facilitates the expression of their cultural identities and traditions. This is particularly important for Indigenous people, given their right to self-determination. It is also relevant for Deaf people, people with disabilities who are racialized, newcomers, gender-diverse or members of religious groups, and people who identify with more than one of these communities.

CRPD:

- Article 19: Living independently and being included in the community
 - CRPD Committee's [General Comment # 5 on Article 19](#): Living independently and being included in the community
- Article 30: Participation in cultural life, recreation, leisure and sport

ICESCR:

- [Article 11\(1\)](#): Adequate standard of living
 - CESCR's [General Comment # 4 on Article 11\(1\)](#): Right to Adequate Housing (para. 8(g))
- Article 15(1)(a) and (2): Cultural life

Other sources:

- UN [Declaration on the Rights of Indigenous Peoples](#) (UNDRIP)
- **CERD**: Articles 2 and 5
- **CRC**: Articles 30 and 31