



The right to housing in action

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WOMEN'S NATIONAL
HOUSING & HOMELESSNESS
NETWORK



THE NATIONAL
RIGHT TO HOUSING
NETWORK

Land Acknowledgement

From coast to coast to coast, we acknowledge the ancestral territories of all Inuit, Métis, and First Nations people that call this land home. We recognize the historic and ongoing impacts of colonization and are committed to ongoing decolonization of our systems and practices, guided in our work by the **United Nations Declaration on the Rights of Indigenous Peoples, TRC Calls to Action, MMIWG Calls to Justice, and the principles of Indigenous self-determination.**

Agenda

1. What does the right to adequate housing mean?
Where does it come from?
2. How do we claim the right to adequate housing in Canada? What are our new human rights mechanisms under the *National Housing Strategy Act* (NHSA)?
3. What do systemic violations of the right to adequate housing look like? What are some examples?
4. How does this apply to your social work practice?



“The right to housing is not just a rallying cry. It, like human rights more generally, offers concrete standards that can be implemented and measured for progress.”

– *UN Special Rapporteur on the Right to Adequate Housing*



The right to adequate housing in international law

7 essential features of adequate housing:

- i. Legal security of tenure
- ii. Availability of services and materials
- iii. Affordability
- iv. Habitability
- v. Accessibility
- vi. Location
- vii. Cultural adequacy

“The right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the **right to live somewhere in security, peace and dignity.**”

- UN Committee on Economic, Social, and Cultural Rights

The right to adequate housing is not just about housing programs but also about **legal protections of housing rights, tax measures, planning, and regulation of investors.**



The story of advocacy to get to the NHSA

- The right to housing in the courts
 - The *Tanudjaja v. Canada (AG)* case
- Building political will
 - Advocating at UN treaty body reviews of Canada
 - Huge civil society Right to Housing Campaign (which led to the creation of the National Right to Housing Network)
- *National Housing Strategy Act* legislated in 2019



The 2019 *National Housing Strategy Act*

“The right to adequate housing is a **fundamental human right**... essential to the **inherent dignity and well-being** of the person and to building sustainable and inclusive communities.”

CANADA'S HUMAN RIGHTS ACCOUNTABILITY MECHANISMS





Systemic Issues

- **Evictions** (especially those into homelessness), access to justice, and inadequate rent protections
- Inadequate housing for **Indigenous, northern, rural, and remote communities**
- Ableism and inaccessible housing for **persons with disabilities**
- Inadequate housing for **women, girls, and gender-diverse persons**
- Lack of **social housing**
- **Financialization** of housing
- Major rights-based gaps in Canada's 2017 **National Housing Strategy (NHS)**, which holds all our housing policies and programs but actually "reduces targeted funding for households in core housing need"

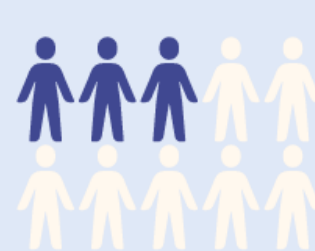
- The Parliamentary Budget Officer's (PBO) June 2019 report found that the eligibility criteria of **NHS capital initiatives** like the National Housing Co-Investment Fund (NHCIF) and Rental Construction Financing Initiative (RCFI) **do not target the needs of low-income households**

- For example, the **RCFI** only requires that 20% of units be priced at 30% of median income, which **far exceeds what is affordable for low-income individuals**
- Recent studies found that in **one NHS-funded project in Toronto**, units **would be unaffordable to between 75-90% of renter households**

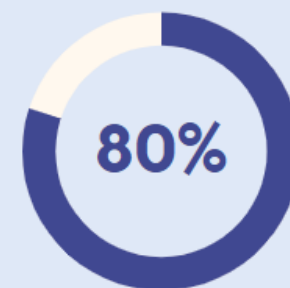
“[T]he State must **regulate, direct and engage with private market and financial actors**, not simply to ensure that they do not explicitly violate rights, but also **to ensure that the rules under which they operate and their actions are consistent with the realization of the right to adequate housing.**”

- *The UN Special Rapporteur on Adequate Housing*

NATIONAL HOUSING CO-INVESTMENT FUND (NHCIF)



30% of units



are priced at 80% of median total income for all families



20

for 20 years

RENTAL CONSTRUCTION FINANCING INITIATIVE (RCFI)



20% of units




are priced at 30% of median total income for all families



10

for 10 years



The NHS is not improving housing outcomes for those most in need.

The web-version of the NHS identified the following groups as **those in greatest housing need** (updated since 2017):

- Women and children fleeing domestic violence
- Seniors
- Young adults
- Indigenous peoples
- People with disabilities
- People dealing with mental health and addictions issues
- Veterans
- LGBTQ2+
- Racialized groups
- Recent immigrants, especially refugees
- People experiencing homelessness

Absent from the list of NHS priority groups and targeted programming are:

- **Persons of colour** (missing from the original 2017 NHS)
- Persons with **precarious immigration status**
- **Low-income women and lone caregivers**
- Persons who have interacted with the **criminal justice system**
- **Rural and remote** communities
- Persons with **disabilities** who require both **housing and accompanying support services** to live independently in the community



Human rights—like the right to adequate housing—are **transformational**.

- The challenge in Canada is to **change a housing system** that gives rise to inequality and homelessness into one which ensure access to adequate housing for all
- Human rights claims **identify systems, structures, and barriers** that obstruct the realization of the right to housing and identify effective remedies
- Human rights like the right to housing are **practical and build effective solutions**—they help us map how to get to where we want to go

"Systemic violations have broad causes and effects, **often arising from the ways in which society is organized politically, socially and economically**. It is often difficult to identify individual perpetrators who bear individual responsibility for systemic violations. **The State as a whole will be responsible.**"

- UN Office of the High Commissioner on Human Rights



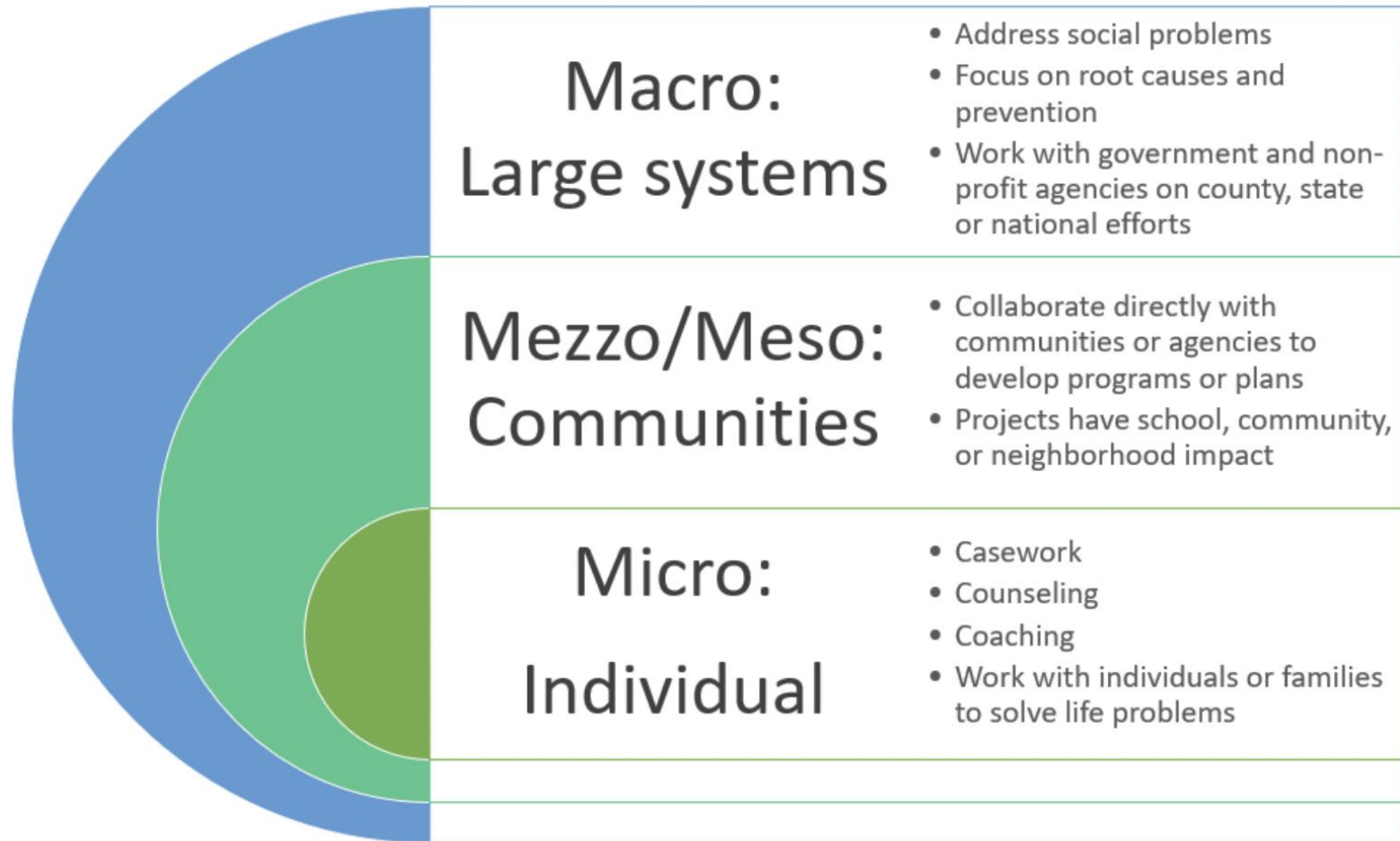
What does this all mean? The government's responsibilities

- Start with **meaningful engagement** with claimant community about their circumstances and dignity interests.
- Identify and **prioritize** those most in need.
- Address **systemic discrimination and socioeconomic inequality**, with particular attention paid to the rights of Indigenous peoples, women, persons with disabilities, persons relying on social assistance, racialized groups, and persons experiencing homelessness.
- Ensure a “comprehensive” approach by hearing from **diverse perspectives**.
- Exercise national leadership to allocate responsibilities and ensure co-operation of **all orders of government**, including through funding and inter-governmental agreements.
- Ensure **appropriate budgeting and resource allocation** based on "**maximum of available resources**" standard including all appropriate taxation measures.
- Ensure **access to justice** and accountability for the right to housing and within all housing programs and areas of governance affecting the right to housing.
- Ensure **independent monitoring and assessment** of progress.
- Use all appropriate means, including **regulatory and legislative measures**, to ensure that investment and actions of private and non-governmental actors contributes to and does not undermine progressive realization of the right to housing (e.g., **regulate private actors** to address the financialization of housing).
- Incorporate a "transformative" dimension to all **legislation, regulation, planning and decision-making** is consistent with the progressive realization of the right to housing within the shortest possible time.
- Avoid any **retrogressive measures**, except where absolutely necessary in times of crisis, with provisions to ensure that vulnerable groups are not affected.



The Right to Housing & Social Work Practice

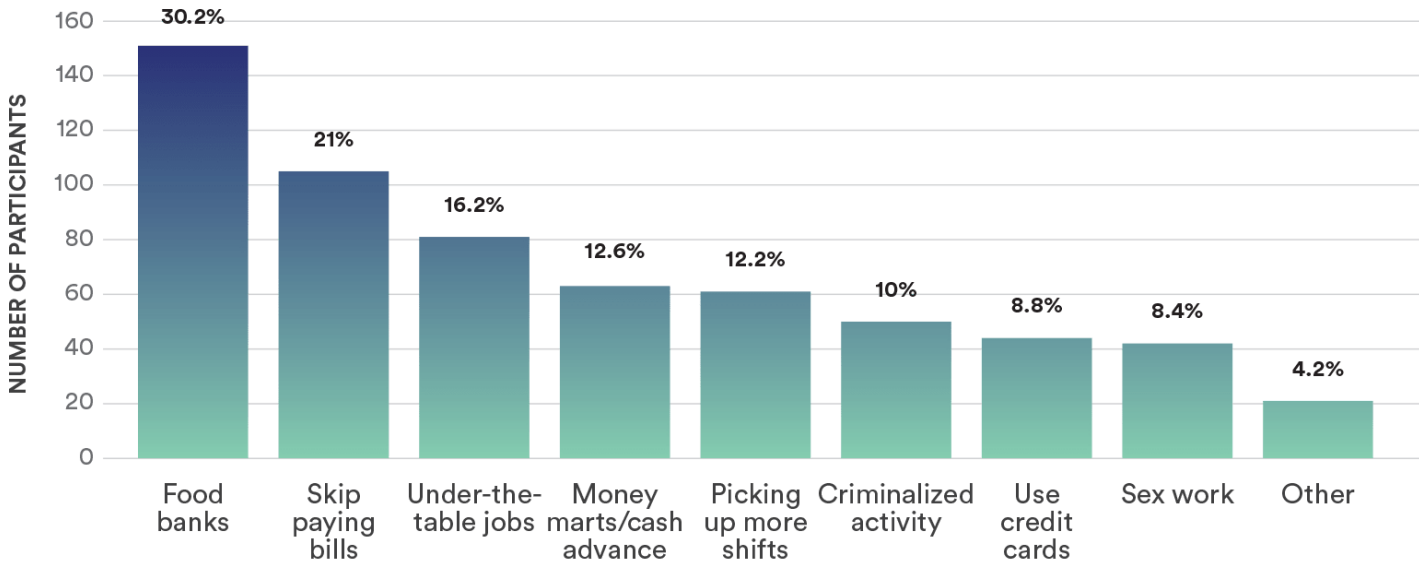
Right to Housing & Social Work Practice



Example of Violation of the Right to Housing at the Macro Level

Deep Poverty of Women vs. Federal Investments under the *National Housing Strategy*

STRATEGIES USED TO AFFORD BASIC NECESSITIES



Participants had an average of \$596.66 left over after paying for their housing each month.

Rental Construction Financing Initiative:

- Represents 40% of NHS funding + aims to produce 14,000 housing units over the life of the program
- Relaxed affordability criteria - 30% of the median total income for families in the area
- 80% of the rental units have no affordability requirements
- Only maintain the affordability of 20% of units for 10 years
- No targets re: women, girls, and gender diverse people

Why is this a violation of the right to housing?

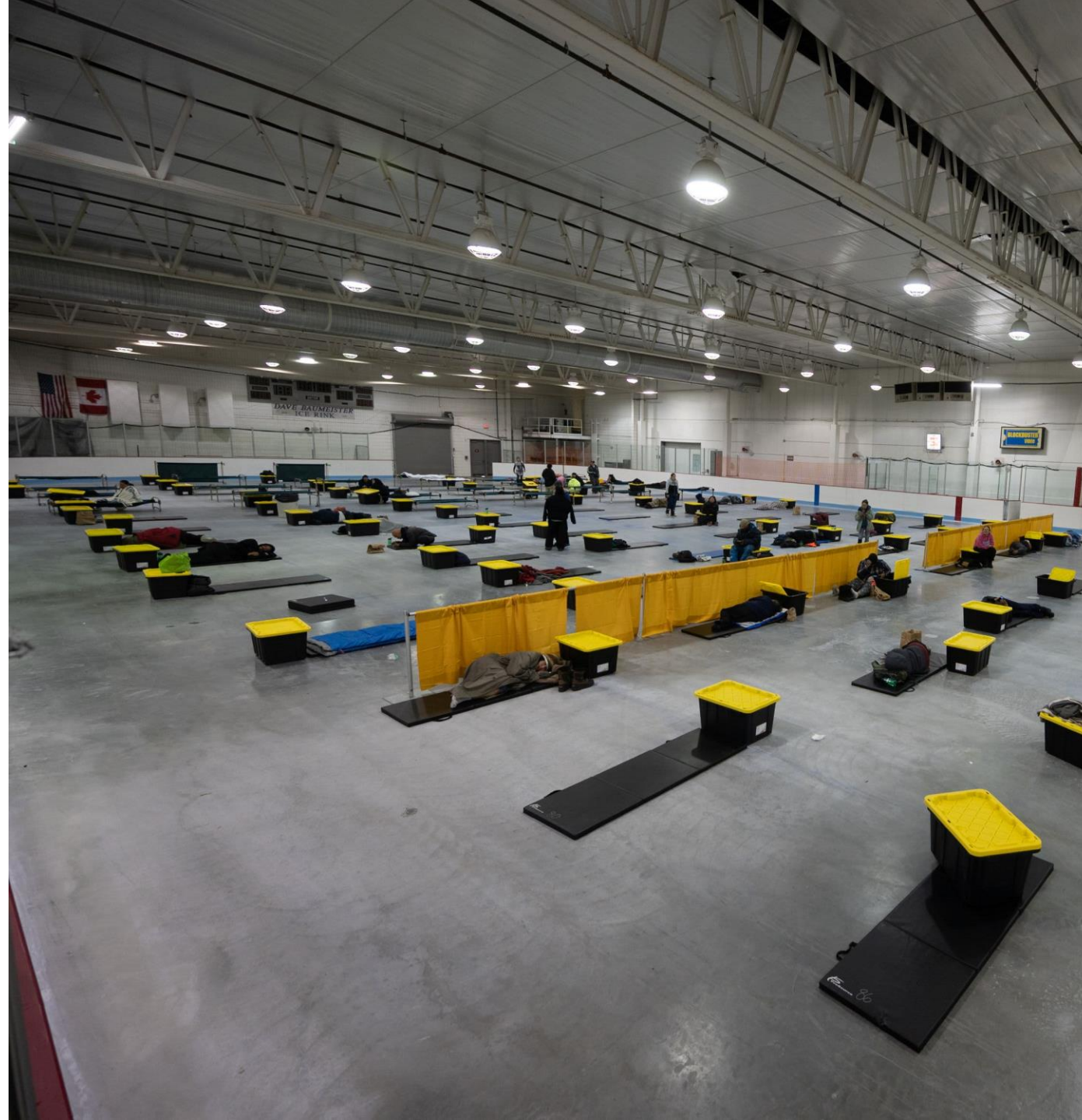
Rental Construction Financing Initiative

- Key NHS program is not serving **those most in need**
- **Violates principle of non-discrimination:** Flexibility of funding enables developers to prioritize units that create the most profit (i.e., 1-bedroom units) rather than units that meet the needs of equity-seeking groups (e.g., Black single moms living in homelessness)
- Fails to actualize human rights imperative to **end homelessness immediately**
- Inconsistent with expressed commitment **to gender equity** in the *National Housing Strategy* and human rights law

Violations of the Right to Housing at the Micro Level

Examples of violations within homelessness shelter service provision

- Strip-searching women nude in the lobby of the shelter out of suspicion that she has bedbugs
- Denying access to shelter on the basis of trans identity
- Failure to create gender-specific spaces for women in co-ed shelters on the basis of administrative criteria, contributing to gender-based violence and harassment in the shelter space



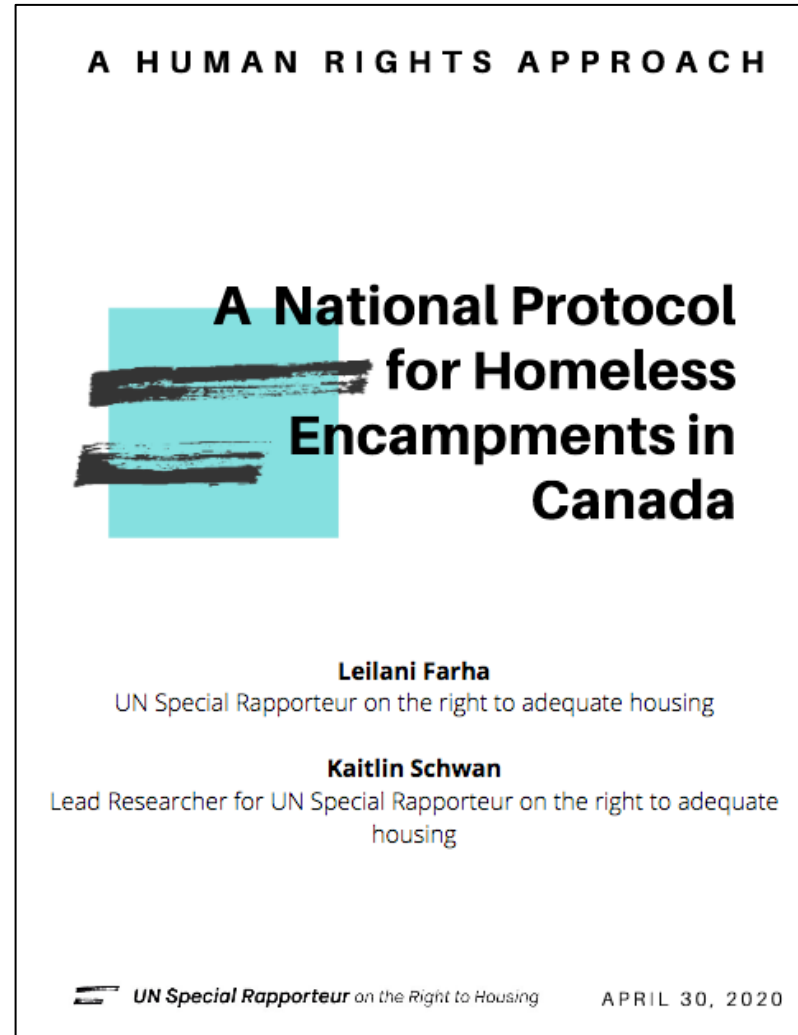
How can social workers leverage the new right to housing legislation to advance equity & justice?

- **Understand** what the right to housing is and how it applies in your work
- **Educate** the communities you work with on the right to housing & mechanisms for holding the Canadian government accountable to their human rights obligations
- **Build capacity** in your organization / amongst your colleagues or peers to embed right to housing principles into organizational culture, decision-making, and allocations of funding
 - Challenge violations of the right to housing within your organization, municipality, or community
- **Support** communities experiencing human rights violations in claiming their right to housing



Supporting communities to understand & claim their right to housing.

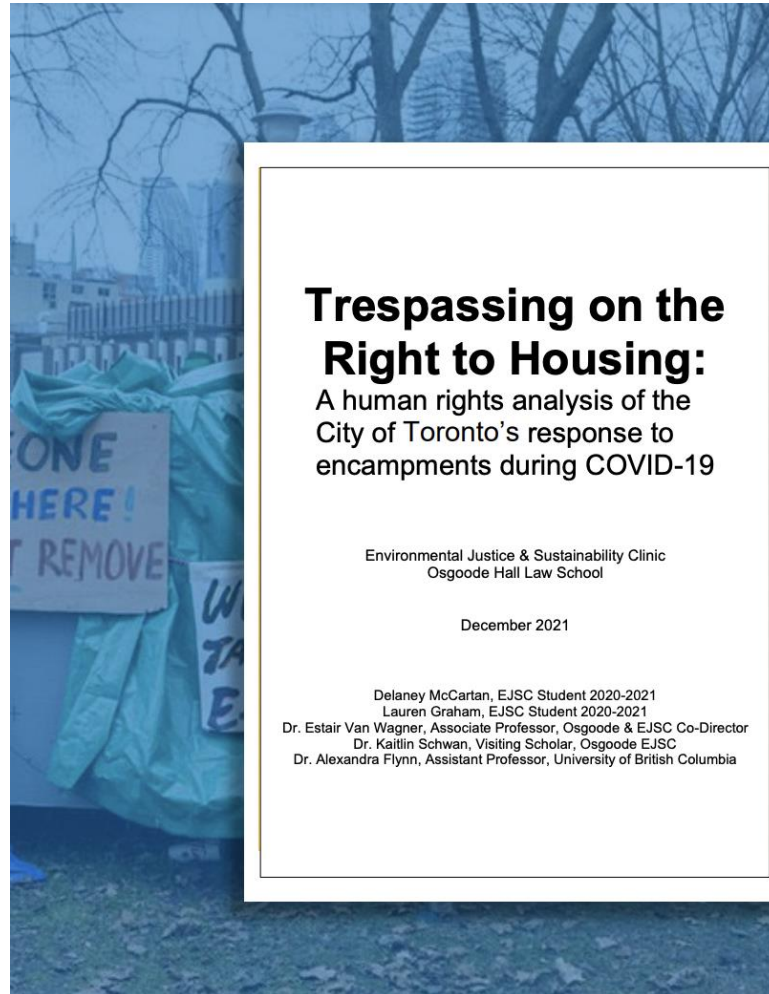
EXAMPLE: Application of Right to Housing in relation to Homeless Encampments in Canada



- **Principle 1:** Recognize residents of homeless encampments as rights holders
- **Principle 2:** Meaningful engagement and effective participation of homeless encampment residents
- **Principle 3:** Prohibit forced evictions of homeless encampments
- **Principle 4:** Explore all viable alternatives to eviction
- **Principle 5:** Ensure that relocation is human rights compliant
- **Principle 6:** Ensure encampments meet basic needs of residents consistent with human rights
- **Principle 7:** Ensure human rights-based goals and outcomes, and the preservation of dignity for homeless encampment residents
- **Principle 8:** Respect, protect, and fulfill the distinct rights of Indigenous Peoples in all engagements with homeless encampments

Supporting communities to understand & claim their right to housing.

Building localized evidence on violations of the right to housing for those living in encampments



Supporting communities to understand & claim their right to housing.

HOMELESS ENCAMPMENTS & YOUR HUMAN RIGHTS

If you are living in an encampment, you have human rights. Governments are obliged to respect your human rights, including your right to housing.

You have the right to housing under international human rights law. These rights are found in:

- / Canada's National Housing Strategy
- / The International Covenant on Economic, Social and Cultural Rights
- / The United Nations Committee on Economic, Social and Cultural Rights' General Comments No. 4 and No. 7

In April 2020, the United Nations Special Representative on the issue of human rights and the situation of the human rights of people living in encampments developed *A National Protocol for a Human Rights Approach*. The Protocol is a guide to the human rights of people living in encampments under international human rights law. This booklet is a summary of the Protocol.

Homeless encampments will never be legal. They must be human rights compliant.



Farha, L., & Schwan, K. (2020). *A National Protocol for a Human Rights Approach*. Geneva, Switzerland: Human Rights Foundation. <https://www.make-it-legal.org/A-National-Protocol-for-a-Human-Rights-Approach>

Equipping encampment residents with accessible information on their right to housing

THESE ARE YOUR HUMAN RIGHTS

1/ GOVERNMENTS MUST RESPECT YOUR HUMAN RIGHTS AND DIGNITY

If you are living in an encampment, you have human rights. You are claiming your right to housing by living in an encampment. Governments must uphold the human rights of all people, as outlined in Canadian and international law. All governments and anyone exercising government authority are required to treat people living in encampments with dignity and respect, this includes city officials, social workers, or the police. This means that you should not be ticketed, fined, treated as a criminal, or experience discrimination because you live in an encampment.

2/ YOUR VOICE AND EXPERTISE MUST BE RESPECTED BY GOVERNMENT AUTHORITIES

You are an expert in your own life, and governments must respect your right to self-determination. You are entitled to shape the programs, policies, and laws that affect you. Governments must provide you sufficient information about any housing, shelter, or services they are offering you, and must meaningfully consider your perspectives in all decision-making processes. They must treat you as a community of rights holders, not beneficiaries of charity. Formal processes should be established in this regard, for example, specific meeting dates and times in a place that is convenient to you. Governments must provide you with information, resources, and opportunities to ensure you can participate in any decision-making that affects you (e.g., by providing you with independent legal and other supports).

3/ GOVERNMENTS MUST ENSURE YOUR BASIC NEEDS ARE MET

Governments are legally required to ensure that every person, including those living in encampments, have their basic needs met. This means that you have the right to: safe and clean drinking water, access to sanitation facilities (including toilets, hand-washing stations, showers), waste management systems, social and healthcare services, supports to ensure personal safety, and resources for fire safety, food safety, harm reduction, and pest prevention. These basic services must be provided to all encampments and their residents on an urgent basis.

4/ FORCED EVICTION IS A VIOLATION OF HUMAN RIGHTS

Under international human rights law, governments cannot remove residents from encampments without meaningfully consulting them, without providing them legal supports, and without providing adequate housing alternatives. International human rights law does not permit governments to destroy peoples' homes, even if those homes are made of tents, tarps, or found materials. The reasons often used to justify removing encampments – such as city beautification, re-development, or 'public interest' – do not justify forced evictions. If government authorities or others have legitimate concerns about the safety of an encampment (e.g., fire), they must consult with residents about these concerns and support residents to resolve the underlying issues.

5/ RESPECT THE DISTINCT RIGHTS OF INDIGENOUS PEOPLES

Indigenous Peoples have distinct rights that must be respected and protected by all government authorities. Governments must not forcibly evict, displace, or relocate Indigenous Peoples without their consent, including Indigenous Peoples living in encampments. Governments are obliged, by law, to respect the self-determination of Indigenous encampment residents and must consult with them to ensure their free, prior, and informed consent before taking any action that may affect them. In addition, governments must respect the unique relationships that Indigenous Peoples have to their lands and territories, and their right to construct shelter in ways that are culturally, historically, and spiritually significant.

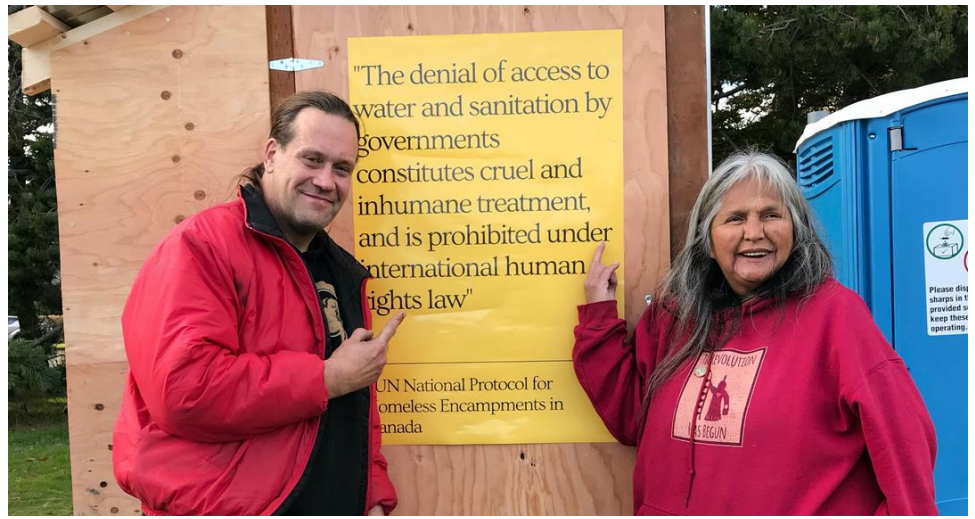
6/ GOVERNMENTS MUST EXPLORE EVERY ALTERNATIVE TO EVICTING AND PROVIDE LONG-TERM HOUSING ALTERNATIVES

Governments are legally required to explore all possible alternatives to eviction before asking encampment residents to leave where they are living. Government authorities cannot force you to go to a shelter or housing outside of your usual neighborhood. Staying where your community is, and where your home is, is part of the right to housing. If relocation is necessary, you must be provided with long-term adequate housing alternatives in close proximity to your original home, supports, and employment. Relocating you to a shelter does not constitute adequate housing.

Supporting communities to understand & claim their right to housing.

People living in encampments claiming their right to housing & claiming space

Beacon Hill Encampment (Victoria, BC, 2021)



Strathcona Park
DECAMPMENT REPORT CARD

Based on the National Protocol for Homeless Encampments in Canada

Report On:
The Province of BC,
the City of Vancouver and the
Vancouver Board of Parks & Recreation

Report By:
The residents of Camp HOPES
(Strathcona Park encampment)

OVERALL GRADE
Are Encampment Residents Recognized as Rights Holders?

D

Government officials, police, and by-law officers recognize and uphold the human rights and human dignity of encampment residents.

A
B
C
D
E
F

D Are the distinct rights of Indigenous peoples being respected?

An "A" grade would require:

- Officials recognize Indigenous peoples' right to create and organize shelter and housing in ways that incorporate their lived histories, cultures and experiences.
- Officials are genuinely working with Indigenous residents to find appropriate, culturally-safe, long-term housing, and do not force people into housing via eviction from encampment.
- Officials consult with Indigenous encampment residents to get informed consent before making any decisions, including eviction.
- Police are not present when officials engage with Indigenous encampment residents.
- Officials recognize that Indigenous peoples have high rates of homelessness and poverty.

D+ Is there meaningful engagement with and leadership by encampment residents?

An "A" grade would require:

- Officials engage in ongoing and meaningful engagement with residents that act as resident leaders.
- Encampment leaders are empowered to make decisions about actions that affect them, including through resident-led meetings and processes.
- Residents are given enough time to consider information provided by government and to give their direction.
- There is a clear resident-approved process to challenge decisions, propose alternatives, and articulated demands and priorities.
- Officials ensure resources are available to support full participation in decision-making, including Indigenous cultural supports, literacy supports, translation, mobility supports, PPE, food, and access to information.
- Residents are provided with independent legal advice, and information concerning human rights and the specific rights of Indigenous peoples.

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Strathcona Park Decampment Report Card (Vancouver, BC, 2021)



Questions to ask yourself about your social work practice

- How would **understanding the people you serve as “rights holders”** transform your practice?
- Does your organization understand itself as being engaged in human rights work? Are there **violations** of the right to housing occurring in your context?
- Are persons receiving services/ supports **able to say ‘no’** without negative consequences for their housing stability or access to services (directly or indirectly)?
- What power do **community members’ opinions or voices** have in organizational decision-making? Policy decision-making?
- What **policies & practices at mezzo and macro levels** making contributing to human rights violations at the micro level in your context? What are the levers for change?
- How can you best **support the communities you serve** to claim their right to housing?



Questions & Discussion

The right to housing and what it can look like in Canada and in your work

Thank you!

LEARN MORE AT:



[HOUSINGRIGHTS.CA](https://www.housingrights.ca)

[WOMENSHOMELESSNESS.CA](https://www.womenshomelessness.ca)



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