

# National Housing Strategy: A Rights-Based Approach to Women and Housing

**Brief submitted by the Canadian Women's Foundation to the National Housing Strategy consultation on a rights-based approach to housing**

**May, 2018**

The Canadian Women's Foundation is Canada's national public foundation dedicated to improving the lives of women and girls. Since 1991, we have invested in more than 1,500 community programs across Canada that help women and girls move out of violence, out of poverty, and into confidence and leadership.

In 2016 alone, we invested more than \$1.8 million in programs along a continuum of violence prevention and rebuilding lives that impacted over 60,000 women and children. We also funded 50 programs and 446 shelters that build the community and capacity of organizations working to end gender-based violence.

Since 1997, we have invested more than \$12 million in women's economic development programs run by women's organizations across the country.

## **Rights & Realities: Women's Lived Experiences**

Despite public perception that men primarily experience homelessness, women and girls make up roughly half of those who are homeless in Canada.<sup>1</sup> Moreover, to end women's homelessness, it's necessary to understand how violence against women and homelessness are interconnected, and to recognize the impacts of the gender pay gap, workplace discrimination and harassment, and women's responsibility for raising children. The implementation of a right to housing that reflects the realities of women's lives can help end homelessness for women and girls.

All women and children have the right to safe and affordable permanent housing. Canada is a party to the International Covenant on Economic, Social and Cultural Rights which affirms the basic and fundamental right to have housing.

Women's safety depends on a long term, comprehensive approach that addresses the roots of women's social, economic and political inequality. While eradication of violence is the goal, this can only be achieved if accountability mechanisms are built into all our social, political, and economic systems to ensure that they respond to the needs and rights of women and children to live free from violence. Implementing a right to safe and affordable housing can support this overall goal.

## **Preventing Violence against Women - A Right to Safe Homes**

Without a safe home, women and girls live at risk of emotional and physical violence. Access to safe, affordable housing is a fundamental right and often a critical deciding factor in a woman's decision to leave a violent home. Once women leave a violent relationship, many encounter systemic and structural

barriers to securing safe and affordable housing. The differential impacts of homelessness and lack of housing for marginalized women who have experienced violence, or are at risk of experiencing violence, leave women even more vulnerable to homelessness. More specifically, Indigenous women, racialized and newcomer women, women with disabilities, consumer survivors, criminalized women, trans women, and lesbian, gay and bisexual women who experience violence face a disproportionate risk of homelessness. Integrating an intersectional analysis is necessary.

### The Facts

In 2014, women self-reported slightly more than 1.2 million violent victimization incidents, representing 56% of all violent incidents.<sup>2</sup>

Indigenous women (First Nations, Inuit and Métis) experienced violence at a rate 2.7 times higher than that reported by non-Indigenous women and are six times more likely to be killed than non-Indigenous women.<sup>3</sup>

Lesbian or bisexual women were three to four times more likely than heterosexual women to report experiencing spousal violence.<sup>4</sup>

Women are at greater risk of experiencing elder abuse from a family member, accounting for 60% of senior survivors of family violence.<sup>5</sup>

60% of women with a disability experience some form of violence.<sup>6</sup>

Young women, aged 15-34 years, have the highest risk of experiencing violence.<sup>7</sup>

In 2014, young women were nearly 1.9 times more likely to experience violence than young men.<sup>8</sup>

Violence against women is a national crisis in Canada that results in women becoming homeless and/or remaining in situations that are unsafe. Effective strategies to identify and remove the barriers that prevent women from obtaining safe and affordable housing, require acknowledging violence as a root cause of homelessness for women, whether they are fleeing immediate violence from an abusive spouse or have spent years rotating through shelters and the street, at risk of violence on a daily basis. Viewing violence against women and homelessness as separate issues reinforces the invisibility of women's experiences of homelessness.

Women in Canada continue to face disproportionate rates of violence, particularly women of colour, Indigenous women, rural and northern women, women who identify as LGBTQ, older women, refugee or (im)migrant women, women with disabilities, consumer survivors and young women. Sexual abuse is a major cause, as well as a consequence, of homelessness, especially among young women.

There is currently insufficient safe and affordable housing available to women who have experienced violence, leaving women in shelters for a long period of time, or shelters being full and having to turn other women away.<sup>9</sup> Ontario's Special Priority Policy for social housing, mandated through government policy, gives priority status to social housing for applicants whose personal or family safety is at risk due to violence by a partner, spouse or family member living in the home. However, stringent eligibility criteria often leave women at increased risk of violence while they try to obtain the "proof" required to qualify. A rights-based approach would prioritize a women's safety over perfecting documentation.

Many women who have experienced violence, especially in areas of extreme housing crisis such as Nunavut and the Northwest Territories, know that the possibility of accessing safe and affordable housing on an income support program are unlikely, and choose to return or remain in an abusive situation. Wait lists for social housing can be longer than 10 years.

Violence against women is one of the major causes of women's homelessness, with tens of thousands of women and children leaving their homes annually to escape violence.<sup>10</sup> An effective right to housing will help to identify gaps and the structural changes required to ensure women who have experienced violence are adequately housed.

Shelters, though necessary for short-term or emergency purposes, are not adequate long-term housing. Responding to the crisis of homelessness demands the creation of safe, affordable, permanent housing, not the creation of more shelters.<sup>11</sup>

## **Women’s Economic Security - A Right to Affordable Homes**

Women in Canada who leave a partner to raise children on their own are more than five times likely to live in poverty than if they had stayed with their partner.<sup>12</sup> Single parent-led families experience the highest levels of poverty and most single parent families are women-led. Approximately one-quarter of women work part-time, making up almost 70% of Canada’s total part-time labour force and two-thirds of Canadians working for minimum wage.<sup>13</sup>

During our last multi-year funding program in Economic Development, the Canadian Women’s Foundation asked women what barriers they encountered to economic autonomy and security. The majority - 60% - indicated that they needed housing and support to set up their home, including first and last months’ rent, access to affordable housing, and start up support.

Most often, women and their families who are trying to transition away from violence are unable to find housing that they can afford.<sup>14</sup> Violence increases an existing vulnerability to homelessness that is based in women experiencing higher levels of poverty.

## **Realizing a Right to Housing for Women**

The Canadian Women’s Foundation supports the federal government’s commitment to the right to housing because moving women out of violence and poverty is deeply embedded in our work. Ending homelessness for women is not only possible, it is essential to ending violence against women and children. This will require effective implementation of the right to housing, including enforceable remedies. A right requires a remedy in order to be enforceable. Women’s legal right to housing must be central to all aspects of the National Housing Strategy.

We are pleased to have this opportunity to address issues around the implementation of a right to housing in the National Housing Strategy, including in the enabling legislation, the Federal Housing Advocate, the National Housing Council and the Public Education Campaign.

### **Legislation**

The enabling legislation should recognize housing as a legal right, subject to effective remedies. This federal law should contain an enforceable right to housing which would entitle all women, regardless of citizenship, with a right to housing and those who lack adequate housing, the right to effective remedies, collective or individual.<sup>15</sup> The legislation must include migrant women as rightsholders, regardless of their documentation.

Rights claimants, such as women who have experienced violence and are homeless or inadequately housed, should have opportunity for input, leadership and decision-making throughout development of the legislation. Intersectional, gender-responsive budgeting processes should be in place and used to analyze the differential housing experiences of women. Fiscal decisions should promote women’s housing equality. Specific, enumerated and measurable housing outcomes must include data that are disaggregated based on sex, race, sexual orientation, disability and age.<sup>16</sup>

Legislation that creates the opportunity to address systemic barriers - such as low income in relation to rising rents, labour market experiences, landlord discrimination, the social assistance system, and discrimination in the child welfare, mental health and criminal justice systems - is central to the right to housing.

### **Federal Housing Advocate**

The Canadian Women's Foundation welcomes the establishment of a Federal Housing Advocate and recommends this be established as a robust and well-resourced office. Implementation of the right to housing requires recognition as a legal right and support of a rights complaint mechanism.<sup>17</sup> The Canadian Women's Foundation recommends situating this complaint mechanism with the Federal Housing Advocate.

Reporting directly to Parliament, similarly to the Parliamentary Budget Officer, the Federal Housing Advocate should be an officer of the Legislative Assembly, rather than an advisor to the Minister of Housing. The Federal Housing Advocate should be empowered to review the implementation of the National Housing Strategy, assesses whether government and broader public-sector are upholding the right to housing and report to Parliament on an annual basis. This will provide a vital safeguard to fulfill its responsibilities objectively and fairly by making it independent of the government and its administration.

The Federal Housing Advocate should be empowered to not only hear the experiences of vulnerable groups regarding systemic housing barriers, but investigate those experiences, report to Parliament and apply remedies where the right to housing has been violated.<sup>18</sup> The federal government should be required to issue a timely, public response to recommendations from the Federal Housing Advocate.

The Federal Housing Advocate must be adequately resourced and participate in the monitoring mechanism.<sup>19</sup> To optimize efficiency and effectiveness of the Federal Housing Advocate, a clear complaints procedure for violations of the right to housing should be outlined in the legislation.

### **National Housing Council**

#### Composition

Right to housing strategies must ensure meaningful participation of those affected by homelessness at every stage, from design to implementation and monitoring.<sup>20</sup> Participation is central to a rights-based approach to housing because it challenges the exclusion of those most affected by homelessness. A majority of the National Housing Council should be people with lived experience of homelessness and/or precarious housing status. The National Housing Council membership should be at least 50% women, and this should include representation from women of colour, Indigenous women, rural and northern women, women who identify as LGBTQ, older women, refugee or (im)migrant women, women with disabilities, consumer survivors and young women. Women who have experienced violence that has resulted in precarious housing status should also be represented on the National Housing Council.

#### Reviewing Progress on the National Housing Strategy

In addition to providing input on policy, programming and research related to the National Housing Strategy, the National Housing Council should review performance of the National Housing Strategy against its stated objectives and make formal recommendations to address gaps.<sup>21</sup> As with the Federal Housing Advocate recommendations, the federal government should be required to issue a timely, public response to any recommendations.<sup>22</sup>

### **Public Engagement Campaign**

Although there is significant benefit in a public engagement campaign that aims to reduce stigma and discrimination, this should not preclude engaging service providers and existing government organizations.

Currently, service systems across the country use risk assessment models that can reproduce the oppression of women who experience homelessness by further stigmatizing them through imposition of punitive sanctions.<sup>23</sup> We offer two examples:

- The Custody Rating Scale used by Correctional Service of Canada assesses risk through “street stability.” Women who have experienced homelessness can be labelled as having “street stability” which increases their risk score. The risk score, elevated due to homelessness, is then used to determine security levels in incarceration and access to privileges.<sup>24</sup>
- The Ontario Child Protection Safety Assessment’s use of housing problems results in the over-representation of racialized and Indigenous children in the child protection system.<sup>25</sup>

Public engagement should include a comprehensive review of public service systems that view women’s housing status through an individual deficit model. Where violations are found, government policy and assessment tools would require revision. Organizations that implement these systems should be engaged in training and education on the right to housing to facilitate integration of these rights-based approaches into their organizations.

The public engagement campaign should also provide training and education on the right to housing in all sectors funded through the National Housing Strategy, more specifically, to social housing providers. This training should include the lived realities of vulnerable groups of women - women of colour, Indigenous women, rural and northern women, women who identify as LGBTQ, older women, refugee or (im)migrant women, women with disabilities, consumer survivors and young women - and how the intersectionality of their circumstances affects their homelessness.

## Women’s Rights and Women’s Housing

The right to housing has the potential to be transformative for women: access to safe, affordable homes prevents violence and reduces poverty. Implementation of a right to housing requires establishment of effective remedies and standards that can be measured against progress. Ending violence against women will only be possible with a systemic, coordinated effort to address the root problems of women’s social and economic inequality. The federal government can take the lead on ensuring that no woman is vulnerable to violence due to lack of safe and affordable housing through framing housing as a legal right subject to effective remedies when violated. The Canadian Women’s Foundation looks forward to the implementation of the human rights-based approach to housing and welcomes further discussion of this submission.

*Submitted on behalf of the Canadian Women’s Foundation by Ann Decter, [adecter@canadianwomen.org](mailto:adecter@canadianwomen.org) and Rebecca Rogers, [rrogers@canadianwomen.org](mailto:rrogers@canadianwomen.org).*

---

<sup>1</sup> This includes women and children in anti-violence shelters. YWCA Canada Advocacy and Policy on Homelessness. Available at: <http://ywcacanada.ca/en/pages/advocacy/priorities/homeless>

<sup>2</sup> Statistics Canada, Women and the Criminal Justice System, Women in Canada (June 2017).

<sup>3</sup> Homicide in Canada, 2014, The Daily, Statistics Canada. <http://www.statcan.gc.ca/daily-quotidien/151125/dq151125a-eng.htm>.

<sup>4</sup> Family Violence in Canada: a Statistical Profile, 2014, Statistics Canada, p. 14. <http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14303-eng.pdf>.

- 
- <sup>5</sup> Family Violence in Canada: A statistical profile, 2013, Table 4.2. <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14114/tbl/tbl42-eng.htm>.
- <sup>6</sup> Women with Disabilities and Violence Fact Sheet, DAWN Canada, undated. [http://www.dawncanada.net/?attachment\\_id=995](http://www.dawncanada.net/?attachment_id=995).
- <sup>7</sup> Hutchins, Hope (February 2013). "Measuring violence against women: Statistical trends: Section 2: Risk factors for violence against women." Juristat. Statistics Canada Catalogue no. 85-002-X. <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766/11766-2-eng.htm#a20>.
- <sup>8</sup> Statistics Canada, Women and the Criminal Justice System, Women in Canada (June 2017).
- <sup>9</sup> Women's Shelters Canada, Shelter Voices 2017. [http://endvaw.ca/wp-content/uploads/2017/06/shelterVoices\\_ENG\\_2017\\_WEB.pdf](http://endvaw.ca/wp-content/uploads/2017/06/shelterVoices_ENG_2017_WEB.pdf)
- <sup>10</sup> YWCA Canada Advocacy and Policy on Homelessness. <http://ywcacanada.ca/en/pages/advocacy/priorities/homeless>
- <sup>11</sup> Nellie's Women's Shelter, Nellie's Position on Homelessness, July 2009.
- <sup>12</sup> Monica Townson. Canadian women on their own are poorest of the poor, Sept. 8, 2009. Canadian Centre for Policy Alternatives. <https://www.policyalternatives.ca/publications/commentary/canadian-women-their-own-are-poorest-poor>
- <sup>13</sup> YWCA Canada Advocacy and Policy on Economic Security. <http://ywcacanada.ca/en/pages/advocacy/priorities/economic>
- <sup>14</sup> YWCA Canada Advocacy and Policy on Economic Security. <http://ywcacanada.ca/en/pages/advocacy/priorities/economic>
- <sup>15</sup> United Nations Human Rights Council (UNHRC), Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non discrimination in this Context, January 2018. <http://www.undocs.org/A/HRC/37/53>.
- <sup>16</sup> UNHRC, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non discrimination in this Context, January 2018. <http://www.undocs.org/A/HRC/37/53>.
- <sup>17</sup> UNHRC, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non discrimination in this Context, January 2018. <http://www.undocs.org/A/HRC/37/53>.
- <sup>18</sup> UNHRC, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non discrimination in this Context, January 2018. <http://www.undocs.org/A/HRC/37/53>.
- <sup>19</sup> Porter, Bruce, 2018. Enhancing the Rights-Based Framework for Canada's National Housing Strategy. <http://www.socialrights.ca/2018/bpideas1.pdf>
- <sup>20</sup> Paradis, Emily, 2018. Canada's Rights-Based National Housing Strategy: Principles and Mechanisms for Rights-Based Participation of Those with Lived Experience An ideas paper. <http://www.socialrights.ca/2018/epideas1.pdf>
- <sup>21</sup> Porter, Bruce, 2018. Enhancing the Rights-Based Framework for Canada's National Housing Strategy. <http://www.socialrights.ca/2018/bpideas1.pdf>
- <sup>22</sup> UNHRC, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non discrimination in this Context, January 2018. <http://www.undocs.org/A/HRC/37/53>.
- <sup>23</sup> Final report of the Advisory Committee on Homelessness. <https://www.canada.ca/en/employment-social-development/programs/communities/homelessness/publications-bulletins/advisory-committee-report.html>.
- <sup>24</sup> Webster, C. & Doob, A. (2004). Classification without validity or equity: An empirical examination of the custody rating scale for federally sentenced women offenders in Canada. *Canadian Journal of Criminology and Criminal Justice*, 46(4), 395-422 and Monture, P. A. (2006). Confronting power: Aboriginal women and justice reform. *Canadian Woman Studies*, 25(3), 25-33
- <sup>25</sup> Blackstock, C., Trocmé, N., & Bennett, M. (2004). Child maltreatment investigations among aboriginal and non-aboriginal families in Canada. *Violence Against Women*, 10(8), 901-916. doi:10.1177/1077801204266312 and Lavergne, C., Dufour, S., Trocme, N., & Larrivee, M. (2008). Visible minority, aboriginal, and caucasian children investigated by Canadian protective services. *Child Welfare*, 87(2), 59 and Sinha, V., Ellenbogen, S., & Trocme, N. (2013). Substantiating neglect of first nations and non-aboriginal children. *Children and Youth Services Review*, 35(12), 2080-2090.