

Canada's Human Rights-Based Approach to Housing: A Violence against Women perspective

Submission to the Ministry of Families, Children and Social Development, Government of Canada.

National Housing Strategy (NHS) Consultations

Submitted by the Woman Abuse Council of Toronto (WomanACT) with Community Partners.

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Introduction

The Woman Abuse Council of Toronto (WomanACT), is a policy development and planning body that coordinates an efficient and effective approach to providing services for women¹ and their children impacted by gender violence.

We would like to commend the Government of Canada for committing to realizing a human rights-based approach to housing and we welcome the opportunity to participate in this critical conversation. Everyone in Canada should have access to a safe and affordable home that meets their needs. In our everyday work, we see the important role that adequate housing has on women's safety, economic security and well-being.

In preparation for this submission, WomanACT coordinated a consultation process on Canada's proposed human rights-based approach to housing with stakeholders providing Violence Against Women services in the city of Toronto. We believe that the Violence Against Women (VAW) Sector has an important role to play in this conversation and in advocating for the rights of women experiencing violence across Canada.

The adoption of a human rights-based approach to housing is a critical step towards Canada fulfilling its international legal obligations. It is an opportunity to address the concerns raised by the UN Committee on Economic, Social and Cultural Rights during its 2016 review of Canada's human rights record, including the recommendation for Canada to "step up its efforts to protect victims of violence, including by ensuring the availability of sufficient number of adequate shelters for victims of violence, as well as long-term housing solutions and adequate social assistance." (Committee on Economic Social and Cultural Rights 2016)

The Violence against Women Sector across Canada has been urging the government to recognize housing as a human right for over a decade. For girls, women and their children, safe housing is essential. Women's right to, access to, and control over housing is a key factor to their safety. We are pleased to see that the government has listened and committed to moving towards realizing housing as a right. We are also encouraged that the National Housing Strategy is grounded in Gender-Based Analysis (GBA+) and committed to addressing the housing crisis that survivors of violence against women face across Canada when trying to find safety.

Housing, Homelessness and Violence Against Women

Violence against women is one of the main causes of homelessness and housing instability among women and children (C. K. Baker et al. 2010; Tutty et al. 2013; Novac 2007; Miller and Du Mont 2000). The lack of access to safe and affordable housing is one of the leading barriers for women fleeing violence (L. Baker and Tibibi 2017; Jategaonkar and Ponik 2011). Women and their children often lose their homes when they are escaping abuse. Some women become homeless after being evicted or denied housing based on the grounds that they are a victim of violence. Some women lose their employment because of impact their abuser's has on their ability to work.

¹ WomanACT uses an inclusive definition of women that recognizes and welcomes trans women, queer women and nonbinary people.

Like many things, the experience of homelessness is gendered. Women's homelessness is often less visible (Homes for Women Campaign 2013). Often for safety reasons, women are more likely to stay with family or friends than they are to access shelters or stay on the streets. Homeless women are more likely to be the victims of crime, including sexual assault (Gaetz, O'Grady, and Buccieri 2010). The traditional definitions of homelessness often do not reflect women's experiences of homelessness and have failed to include women in Violence against Women shelters or those who are unsafe in their own homes (Miller and Du Mont 2000). Furthermore, the lack of knowledge and understanding around women's homelessness underestimates the issue and also leads to a lack of appropriate services (YWCA Canada 2016).

In our everyday work, we witness the challenges and obstacles faced by women experiencing violence when trying to access safe and adequate housing. Women face a system that is focused on rules and eligibility as opposed to needs and rights. Women experiencing violence face limited housing options compounded with various forms of discrimination. Housing stock is limited and women in Toronto report that they are competing for private market units or community housing units. As a result, women report that to secure a rental property they have entered bidding wars or have been asked to pay six months of rent upfront. Currently, women and children are staying in Violence against Women shelters in Toronto on average 10 to 14 months, sometimes longer, while waiting for housing to become available.

Women report experiencing discrimination from landlords based on being on social assistance, having children and/or being a survivor of domestic violence. Some women report discrimination based on their race or immigration status. We know that women leaving abusive relationships are often saddled with debt and poor credit and women report that this is something landlords are not willing to negotiate.

The Ontario Human Rights Commission has documented several types of housing discrimination experienced by women on the basis of sex (women experiencing sexual harassment from landlords); family and marital status (lone mothers who are fleeing abuse are most impacted by this form of discrimination); race, age, sexual orientation, gender identity and discrimination against those who receive social assistance (Ontario Human Rights Commission 2008).

It is critical that within a human-rights based approach to housing we a) work to understand better the different experiences of housing need among women and b) address the systemic barriers and discrimination faced by women.

Recommendations

Safety is an essential component of Adequate Housing

The right to adequate housing is much more than the right to shelter or a roof over one's head. The idea of 'adequate' housing must encompass safety – a secure place to live in peace and with dignity. Some would even argue that violence experienced in the home is a violation of the right to housing – the right to live somewhere securely (Paglione 2006). In addition, a safe home is more than a violence-free home. A safe home also means adequate lighting in and around the home, locks on the home and other measures to ensure security.

We are encouraged by the use of the word ‘safe’ alongside adequate throughout the National Housing Strategy. A human rights-based approach demands that we recognize women’s right to, as opposed to their need for, a safe home free from violence.

Recommendations:

- The definition and understanding of the right to adequate housing must include the right to safe housing that is free from violence.
- The right to safe and adequate housing must include a diverse range of housing options for women experiencing violence, adapted to their circumstances and needs; including, the right to stay in their own home.

Intersectional Gender-Based Analysis (GBA+)

Women have different housing needs and different experiences of homelessness. Inequalities in housing are also based on other intersecting identity factors including Indigenous identity, race, age, family status, ability, sexual orientation and expression in addition to gender.

Some groups of women have higher rates of poverty including Indigenous women, women with disabilities and single mothers (Canadian Women’s Foundation 2017). Immigrant women can face additional barriers to accessing housing and services including language, precarious immigration status, and limited knowledge of Canadian systems, laws and policies (L. Baker and Tibibi 2017). A recent report on women’s homelessness in Winnipeg found that two-spirit persons and transgender women are especially impacted by discrimination from landlords and shelters (McInnes and Drabble 2017). To ensure women’s equal right to housing, we must take into account the impacts of multiple forms of oppression and how they intersect.

One particular group that needs focus in the broader National Housing Strategy is the urban Aboriginal population, a population in which in the 2016 census accounted for 51.8% of the total Aboriginal population (Statistics Canada 2017). We need to ensure that a GBA+ captures the housing needs of Aboriginal women in both northern areas and urban communities.

UN Special Rapporteur on Adequate Housing Leilani Farha echoed this in her report for the Thirty-Seventh Session of the UN Human Rights Council in March, 2018:

“Strategies should additionally recognize and be responsive to the unique housing experiences that result from intersectional and compound discrimination. For example, women with disabilities are more susceptible to violence in the home and less likely to have access to shelters or alternative accommodation.”(UN Special Rapporteur on the Right to Housing 2018)

We are pleased that the National Housing Strategy is grounded in GBA+. The application of a GBA+ is critical to realizing the rights of women living at different intersections. However, a GBA+ is only effective when the process includes robust data collection and analysis, meaningful engagement with stakeholders and ongoing monitoring and evaluation. The collection and analysis of disaggregated data is critical to understanding the housing needs of diverse groups and the impact of services, policies and strategies on these groups. The GBA+ process also requires engagement with key stakeholders including people with lived experience and organizations that are closely connected to communities. Conducting GBA+ alone is

not sufficient. The GBA+ must directly inform the measures, targets and outcomes that are developed to close gaps and reduce inequalities.

Recommendations:

- Incorporate an intersectional gender lens to the human rights-based approach to housing, recognizing the links between homelessness, economic insecurity, poverty, colonization, racism and violence against women.
- Ensure that the new legislation requires the federal government to conduct and report on a GBA+ of the National Housing Strategy every three years, including the associated goals, targets and timelines.
- Ensure that the GBA+ of the National Housing Strategy includes an analysis of the budget with identification of funding that has gone directly to services and provisions for women as well as subgroups including Indigenous women, women experiencing violence, Immigrant women.
- Invest in collecting and analyzing disaggregated data on housing and homelessness in Canada, especially the housing needs and experiences of women and women experiencing violence.

Meaningful Engagement of Women with Lived Experience of Violence

A key component of a rights-based approach is that people with lived experience are engaged in the decision-making processes and empowered as rights-holders. The further removed a population is from decision making and influence, the more susceptible they are to violence and the breach of their human rights.

We commend the government's commitment to participation and inclusion. A human rights-based approach must meaningfully engage people with lived experience, especially women and women experiencing violence. However, we need to move beyond the traditional consultation model and towards a more collaborative and transparent partnership where women with lived experience of violence are engaged in the shaping of policies, strategies and services. The engagement of people with lived experience must be valued and to this end, resources are needed. Compensation must be provided as well as measures to support participation, including childcare, transportation and translation services.

The Violence against Women Sector, as do other specialized organizations, play an important role in bringing forward the concerns of some of the most marginalized communities and for advocating for systemic change.

Recommendations:

- The Federal Housing Advocate should work closely with affected groups and advocacy organizations to identify systemic issues as well as develop solutions and policy recommendations. The federal government should be required to respond publically to the recommendations.
- The new National Housing Council should have at least 50% representation of women, including Indigenous women, refugee and immigrant women, women with disabilities, young women as well women with lived experience of violence and homelessness.

Commitment to Addressing Systemic Inequality and Discrimination

A human rights-based approach to housing must address rights other than the right to housing. A rights-based approach must address systemic and interlocking inequalities and discrimination on the grounds of gender, race, ability, the impacts of colonization and other grounds. The right to housing cannot be seen in isolation.

A vital component of a rights-based approach is the education of duty bearers and the education and empowerment of rights holders. It must also involve the development of processes and mechanisms by which communities can access justice, report violations and receive response and remedies.

The UN Special Rapporteur on the Right to Housing Leilani Farha also supported this principle in her recent report:

“Rights-based strategies must include effective claiming mechanisms that guarantee access to remedies where a violation is found. Such mechanisms can play a vital role in ensuring that housing systems operate inclusively and effectively. They allow marginalized groups to identify unmet housing needs, draw attention to circumstances that have been neglected or ignored and identify laws, policies or programmes that deny access to adequate housing. They provide rights holders with the opportunity to identify appropriate remedies or solutions to their housing problems.”(UN Special Rapporteur on the Right to Housing 2018)

We would like to see public education that educates both duty bearers and rights holders as well as helps reduce the stigmatization and discrimination of poverty, low-income housing and other intersecting oppressions.

Recommendations

- The right to housing must be included and considered in other strategies including strategies on eliminating poverty and gender-based violence.
- Processes and mechanisms must be developed to ensure people can identify violations of the right to housing and receive a response and appropriate remedies. These processes and mechanisms must be accessible and shared widely with the public.
- The new public engagement campaign should be informed by affected groups and should tackle stigma around poverty and low-income housing as well as raise awareness of the gendered experience of homelessness.

Best Practices

Safe at Home Policy and Programming

Safe at Home programs are broadly defined as interventions and strategies that aim to keep women and children in their own home and exclude the abuser from the home. These models have been adopted in practice and policy in other countries, particularly, Australia. There is increasing evidence that a broad range of culturally competent options for women fleeing violence will increase the likelihood of them re-establishing themselves safely as they can make a choice based on their individual needs (Chung et al.

2000). Among these options, the right for women to remain in their homes safely must be upheld (Diemer, Humphreys, and Crinall 2017; United Nations 2010; UN Women 2012).

The option for women to stay safely in their own homes can prevent disruption to housing, employment, children's education as well as the disconnection from community when fleeing violence. One evaluation of Safe at Home programs in Australia found that it reduced homelessness and reduced the disruption in the lives of women and children experiencing violence (Breckenridge et al. 2016). This option is well-founded within human rights' discourse and is supported by the Convention on the Elimination of all forms of Violence Against Women and government's requirement to protect women from violence and ensure women live free from violence. We believe that women should have choice and a range of options when fleeing from violence. One of these options should be the right to stay in their own homes.

Conclusion

We once again commend the Government of Canada for committing to realizing a human rights-based approach to housing. We need to continue to establish social conditions that support women to live free from violence and discrimination and we believe adopting a rights-based approach to housing is a positive step forward.

Those whose views are reflected in this submission wish to convey their thanks to the Government of Canada for seeking input on the proposed rights-based approach to housing in Canada.

We look forward to ongoing collaboration with the Government of Canada in realizing a rights-based approach to housing that eliminates discrimination and creates solutions and responses to the housing needs faced by women experiencing violence.

If you have any questions or wish clarification of anything in this submission, please contact Harmy Mendoza Executive Director of WomanACT using the contact information below.

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