

# Claiming the Right to Housing for Women & Gender-Diverse People in Canada: Progress & Opportunities

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## THE CRISIS ENDS WITH US:

REQUEST FOR A REVIEW INTO THE  
SYSTEMIC DENIAL OF THE EQUAL  
RIGHT TO HOUSING OF WOMEN AND  
GENDER-DIVERSE PEOPLE IN CANADA

Submission to the Federal Housing Advocate  
on behalf of the Women's National Housing  
& Homelessness Network

June 2022

  
WOMEN'S NATIONAL  
HOUSING & HOMELESSNESS  
NETWORK

“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

"Systemic violations [of the right to adequate housing] 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

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.**



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

- 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.

# The 2019 *National Housing Strategy Act*

## **National Housing Strategy Act: Housing Policy Declaration**

*It is declared to be the housing policy of the Government of Canada to*

*(a) recognize that **the right to adequate housing is a fundamental human right affirmed in international law**;*

*(b) recognize that **housing is essential to the inherent dignity and well-being of the person** and to building sustainable and inclusive communities;*

*(c) support improved housing outcomes for the people of Canada; and*

*(d) further the **progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights**.*

First federal legislation to recognize and commit to:


- A socio-economic right as "**a fundamental human right affirmed in international law**"
- Housing as "**essential to the inherent dignity and well-being of the person**"
- "the **progressive realization** of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights"



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**HOMELESS ON  
HOMELANDS**

UPHOLDING HOUSING AS A HUMAN RIGHT FOR  
INDIGENOUS WOMEN, GIRLS, TWO-SPIRIT, AND  
GENDER-DIVERSE PEOPLE

Keepers  
of the  
Circle 

Submission to the Federal Housing Advocate  
on behalf of the National Indigenous Feminist  
Housing Working Group

June 2022

# Systemic Issue

**We see no future for ourselves in the current housing regime. Housing has become, in effect, the new frontier for the subordination of marginalized women and gender-diverse persons in Canada.**

While our present circumstances have been determined for us, the future is not yet decided. We offer this Claim as part of our efforts to author a future for ourselves, our communities, and our planet through which housing is a tool for inclusion, equity, dignity, and interdependence. Out of respect for our right to author our own lives and futures, we urgently call on the Government of Canada to uphold and adopt all necessary measures to ensure our right to adequate housing.

# *Violation 1: Failure to Provide Adequate, Accessible, & Affordable Housing*

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**The Government of Canada has consistently failed to produce affordable housing options that meet the needs of low-income and marginalized women, women-led families, and gender-diverse persons.** In fact, it has frequently enabled market forces to erode existing available housing stock upon which our wellbeing and survival depends.

**We are most likely to be in core housing need and experience deep poverty, but least likely to benefit from *National Housing Strategy* capital investment programs.** Federal housing policies consistently fail to embed an intersectional GBA+ approach, resulting in our systemic invisibilization and exclusion. Those of us who are Black, Indigenous, racialized, disabled, 2SLGBTQIA+ persons, newcomers, gender-diverse, or multiply-marginalized suffer the most in the current housing market, but housing programs often do not reflect our needs or realities.

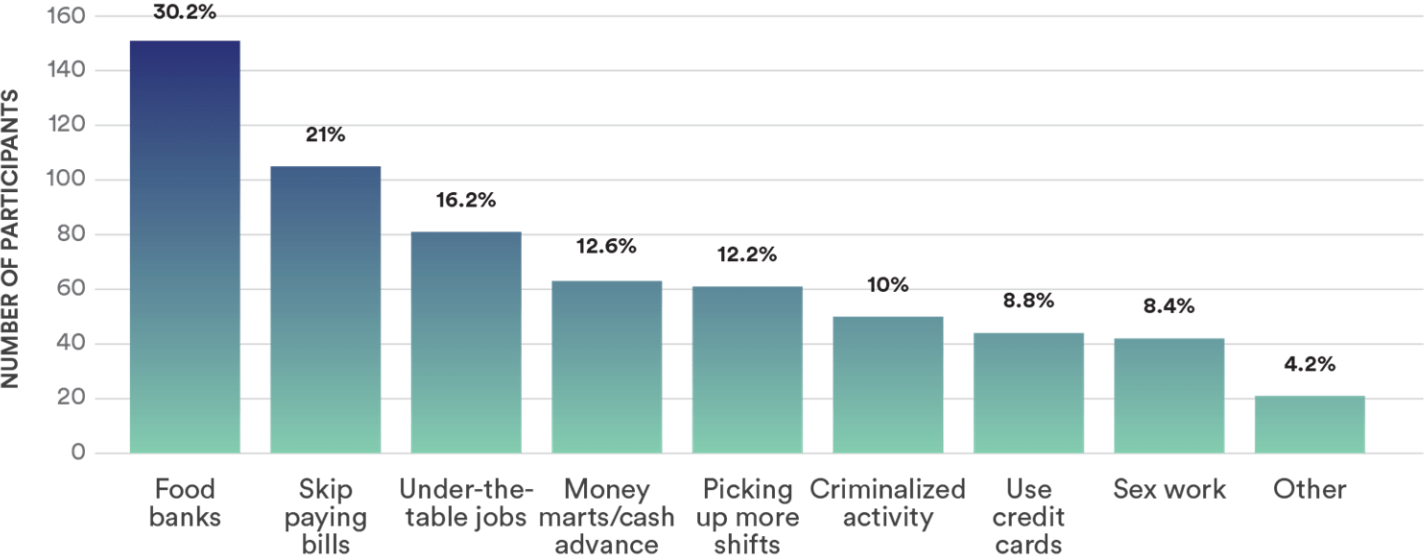
The Government of Canada's failure to understand and respond to the intersectionally gendered nature of housing violates our right to substantive equality and our right to housing, including our right to equal participation in the design, construction, and administration of housing policies and programs.



# Example of Violation of the Right to Housing

## 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

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## *Violation 2: Failure to Prevent & Eliminate Homelessness amongst Women, Girls, & Gender-Diverse People*

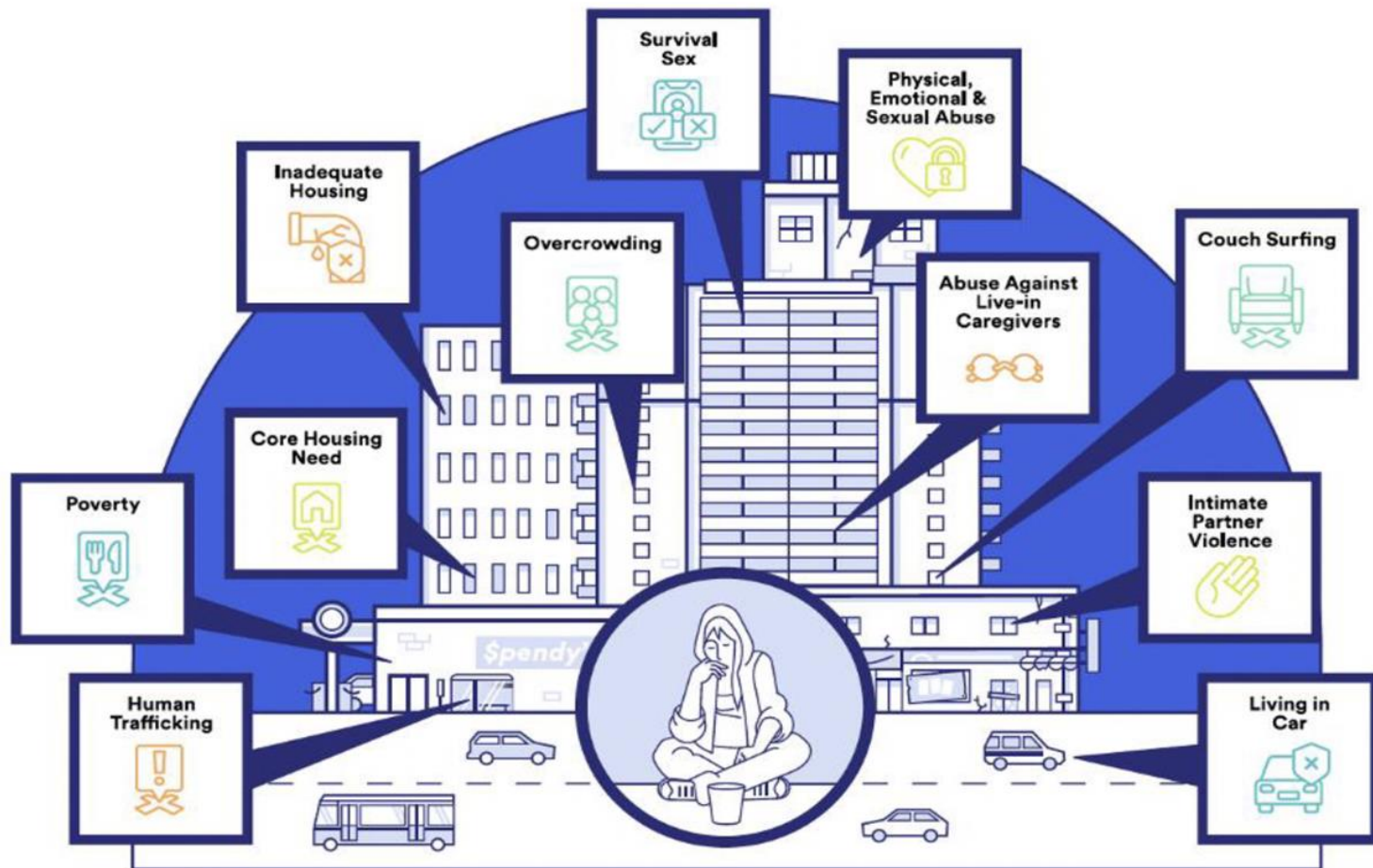
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**The Government of Canada has failed to implement any coherent strategy to prevent and end homelessness amongst women and gender-diverse people.** Definitions of homelessness, chronic homelessness, housing need, and affordability employed in federal policy do not reflect our experiences of housing precarity or homelessness, nor the depth of poverty we live in. There are few gender-specific *National Housing Strategy* targets and investments, and existing investments are insufficient to address the scale or nature of this gendered crisis. This means that women-focused and women-led housing programs and organizations are chronically underfunded and overwhelmed. Those of us who suffer most are rarely at decision-making tables or understood as rights-holders.

Homelessness is a *prima facie* violation of the right to housing. The very existence of homelessness in Canada is a human rights violation under the NHSA and international human rights law. The *National Housing Strategy* does not reflect this legal reality, or the legal requirement that governments immediately adopt measures that ensure access to adequate housing, in the shortest possible time, using the maximum available resources. In the absence of rights-based action, many of us will continue to experience a chronic, chaotic churn of precarious housing and homelessness – much of it hidden from view.

# Hidden Homelessness

Amongst Women, Girls, & Gender Diverse People



**FIGURE 1**

While we may imagine homelessness as the person asking for change on the street corner, women's homelessness is often hidden behind closed doors. It includes couch surfing with friends, trading sex for housing, or living in a tiny, overcrowded apartment.



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## *Violation 3: Failure to Regulate the Financialization of Housing in Alignment with the Right to Housing*

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Canada's failure to regulate the financialization of housing is a failure of equality rights for women and gender-diverse people. Marginalized women and gender-diverse people disproportionately suffer the effects of financialized housing markets and the resultant loss of affordable housing. While every segment of the Canadian economy depends on our labour – paid and unpaid – we do not share in the profits of financialization, nor do we share in decision-making power about it. We disproportionately face unsustainable rent increases, evictions, renovictions, and demovictions – often alongside our children – only to enter overheated housing markets where we cannot afford any housing that is safe, accessible, or adequate. By deepening our poverty and narrowing our housing options, the financialization of housing creates the conditions for increased violence against us by landlords, property-managers, co-inhabitants, and partners.

At an ever-increasing pace, financial actors and real estate developers continue to dispossess Indigenous women, girls, and Two-Spirit people of their lands and homes, extracting profit while creating intergenerational poverty and homelessness. These actors are often aided by federal housing policies, rather than constrained by them. Further, the financialization of housing contributes to climate emergencies that inequitably impact us and destroy the planet for generations to come.

The failure to regulate the financialization of housing is not only a policy failure; it is a failure of equality rights for women and gender-diverse people.





Launch of the Human Rights Claims on Parliament Hill (June 2022)



## Where do we go from here?

- Develop & submit **your own Claim** to the Federal Housing Advocate
- **Strategically mobilize** the WNHHN Claim and the FIHWG Claim to advance local or regional advocacy goals
- Engage in **WNHHN & NFIHWG Consultations**
- **Provide information, materials, and tools** on the right to housing to women & gender-diverse people experiencing homelessness, creating pathways for accountability
- **Educate stakeholders** on their right to housing + hold decision-makers accountable for its implementation





# Thank you!

LEARN MORE AT:



[www.womenshomelessness.ca](http://www.womenshomelessness.ca)

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