



Women's Legal
Education and
Action Fund | Fonds d'action et
d'éducation juridiques
pour les femmes

February 12, 2013

Right Hon. Stephen Harper
Prime Minister of Canada
Via email: Stephen.harper@parl.gc.ca

Hon. Diane Finley
Minister of Human Resources and Skills Development
Via email: diane.finley@parl.gc.ca

Hon. Rob Nicholson
Minister of Justice and Attorney General of
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Via email: rob.nicholson@parl.gc.ca

Hon. Rona Ambrose
Minister for Status of Women
Via email: rona.ambrose@parl.gc.ca

Re: Bill C-400: *Secure, Adequate, Accessible and Affordable Housing Act*

The Women's Legal Education and Action Fund (LEAF) and West Coast Women's Legal Education and Action Fund (West Coast LEAF) call on you to support Bill C-400, the *Secure, Adequate, Accessible and Affordable Housing Act*. Homelessness and housing insecurity is a national human rights crisis that demands immediate action. It is also an issue with particular impacts on women. Women's equality and the human rights of all members of Canadian society demand federal leadership and accountability for addressing homelessness and housing insecurity. Bill C-400 is an important step in this direction, and we urge you to support its passage and implementation.

Who we are

LEAF is a national, federally incorporated non-profit organization founded in April 1985 to secure equal rights for Canadian women as guaranteed by the *Canadian Charter of Rights and Freedoms* (the "*Charter*"). To this end, LEAF engages in equality rights litigation, law reform and public legal education relating to women's inequality. As an intervener in over 150 equality rights-related decisions in the areas of sexual violence, pay equity, socio-economic rights, spousal and child support, reproductive freedoms and access to justice, to name a few, LEAF has contributed to the development of equality rights jurisprudence and the meaning of substantive equality in Canada.

West Coast LEAF is an affiliate and sister organization of LEAF, an incorporated non-profit society in British Columbia and a federally registered charity. West Coast LEAF's mission is to achieve equality by changing historic patterns of systemic discrimination against women through BC-based equality rights litigation, law reform and public legal education. West Coast LEAF has supported LEAF interventions in numerous cases, and has intervened in its own name at all levels of Superior Court in British Columbia and at the Supreme Court of Canada to make arguments in support of substantive equality for women.

Both LEAF and West Coast LEAF have developed and advanced equality rights arguments in contexts where sex inequality is compounded by other prohibited grounds of discrimination, including race, Aboriginal status, sexual orientation and disability. We have developed considerable expertise in analyzing the potential and actual impacts of proposed and existing legislation on marginalized groups, particularly women experiencing multiple and overlapping forms of discrimination as a result of their race, ancestry, class, sexual orientation and/or (dis)ability. We seek to ensure that this analysis is included in the deliberations and implementation of Bill C-400.

Housing, homelessness and women's equality

The image frequently invoked by discussions of homelessness is that of an older male, most likely dealing with chronic health conditions, addiction issues and/or mental health problems, living on the street and panhandling for income. However, women's experiences of homelessness may look very different, and are largely marginalized from this discussion.

Rather than live on the streets, women will often "couch surf", staying with friends or family members to avoid the dangers of the streets. Women may also offer sex or other labour in exchange for a place to sleep for the night. They may attempt to access transition houses because they are fleeing violence at home. However, these centres are frequently under-resourced and operating at maximum capacity; Statistics Canada reported that on one day in April 2010, 426 women were turned away from emergency shelters for abused women, most often because the shelter was full.

Sexual abuse is a major cause, as well as a consequence, of homelessness, especially among young women. Homeless shelters are often not safe places for women, and sexual assaults are common. A 2007 study found that 1 in 5 homeless women interviewed reported having been sexually assaulted while on the streets or homeless.

Women in Canada (and around the world) are disproportionately affected by poverty, violence, and discrimination in the private rental housing market. With limited housing options, women often have little choice but to return to abusive spouses, couch surf, or take a chance on the streets, all while running the risk of apprehension of their children by child protection agencies. Indeed, apprehensions of children due to inadequate housing are common, causing great harm to children's and families' well-being.

Because the majority of low-income women rent, as opposed to own their home, access to affordable rental housing is central to addressing women's homelessness. Further, the federal government's transfer of responsibility for social housing programs to the provinces and territories seems to have been made without ensuring equal benefit of federal spending in this area for women. Women are more likely than men to meet income qualifications for social housing and therefore more adversely affected by cuts to this essential form of housing.

Bill C-400 will help end homelessness and advance women's equality rights

The United Nations has identified homelessness in Canada as an urgent human rights crisis. The UN Special Rapporteur on Adequate Housing has noted that "Canada is one of the few countries in the world without a national housing strategy." Without a coordinated approach, piecemeal programs and policies can lead to inconsistencies and gaps. This is evidenced by the fact that homelessness has continued to increase during years of unprecedented economic growth and prosperity in Canada.

While various programs and policies tackling homelessness and housing affordability are in place across Canada, what is missing is a coordinated approach with strong leadership, adequate resources, clear targets and timelines and meaningful accountability mechanisms. Bill C-400 does not suggest that the federal government is solely responsible for housing programs, but acknowledges that we need everyone at the table, including municipal and provincial governments, Aboriginal groups, non-profit and private housing providers, as well as those most vulnerable to homelessness, working in a coordinated way, and that the federal government alone has the ability to pull all of these groups together. We need federal leadership to end homelessness in our country.

Bill C-400 affirms that access to adequate housing is a fundamental human right. Starting from the recognition that housing is a human right, Bill C-400 contains key provisions that will help make this right meaningful, including:

- goals and timelines for eliminating of homelessness;
- an independent complaints procedure for violations of the right to adequate housing;
- guarantees of effective participation by Aboriginal communities, equality-seeking groups and other stakeholders including women leaving violent households and persons with disabilities;
- a process for review and follow-up on any concerns or recommendations from United Nations human rights bodies with respect to the right to adequate housing;
- a key role for civil society organizations, including those representing groups in need of housing, and Aboriginal communities in designing the delivery, monitoring and evaluation of programs required to implement the right to adequate housing; and
- provision of financial assistance to those who cannot otherwise afford housing.

The Bill would ensure that Canada meets its international human rights obligations, and would fulfill recommendations made by various bodies of the United Nations. In 1998 and 2006 when Canada was up for review by the Committee on Economic, Social and Cultural Rights, the Committee expressed concern about inadequate housing and homelessness amongst particular vulnerable groups – girls, single mothers, women leaving violent relationships and people with disabilities, among others.

Also in 2009, during the Universal Periodic Review of Canada's human rights record, Canada accepted recommendation #48 to "Intensify the efforts already undertaken to better ensure the right to adequate housing, especially for vulnerable groups and low income families".

The Government of Canada and all of the provinces and territories are obligated, as a matter of international human rights law, to guarantee the right to adequate housing.

Encouragingly, in 2012, MPs from every party unanimously voted in favour of Motion M-331, confirming that the federal government should: "(a) keep with Canada's obligation to respect, protect and fulfill the right to adequate housing as guaranteed under the International Covenant on Economic, Social and Cultural Rights; (b) support efforts by Canadian municipalities to combat homelessness; and (c) adopt measures to expand the stock of affordable rental housing, with a view to providing economic benefits to local housing construction businesses."

Bill C-400 is the next step. It seeks to implement this commitment by engaging with different levels of government and stakeholders to end homelessness and make meaningful the right to housing in Canada. The right to housing is a core Canadian value that is central to dignity, security and equality. Canadians expect

leadership from the federal government on this important issue. We call on you to support Bill C-400 and ensure its timely passage and implementation.

Yours truly,



Laura Track
West Coast LEAF Legal Director



Kim Stanton
LEAF Legal Director