

Right to Housing and Violence against Women

What is the Right to Housing?

The right to housing, a concept defined as all individuals having the right to **safe** and **affordable permanent** housing¹, is more than just having a roof over one's head. It is the right to adequate housing, which includes social, economic, environmental, and/or cultural needs.²

The United Nations Committee on Economic, Social, and Cultural Rights highlights seven key characteristics of adequate housing:²

1. **Legal security** of tenure (protection against forced eviction, harassment, and other threats)
2. **Availability of services, materials, facilities, and infrastructure** (housing contains the resources necessary for health, security, comfort, and nutrition)
3. **Affordability** (housing costs do not prevent people from satisfying other basic needs)
4. **Habitability** (housing contains adequate space, guarantees physical safety and protects occupants from the environment, health threats and structural hazards)
5. **Accessibility** (disadvantaged groups are given some degree of priority consideration)
6. **Location** (housing is situated away from polluted sites and allows access to employment options, healthcare services, schools, childcare centres and other social facilities)
7. **Cultural adequacy** (housing appropriately enables the expression of cultural identity and diversity of housing)

The Right to Housing in Canada

In 2019, Canada passed Bill C-97 which included the National Housing Strategy (NHS) Act and recognized, for the first time in Canada, that the right to adequate housing is a human right. The NHS Act highlighted that housing plays a critical role in achieving success across multiple spheres – dignity and well-being at the individual level, inclusion and sustainability at the community level, and economic prosperity and opportunity at the national level. The Act also recognized that access to affordable housing has positive impacts on social, economic, health, and environmental outcomes.³

Why is the Right to Housing a gender issue?

Homelessness is known to disproportionately affect women, girls, and gender-diverse people due to several reasons including (but not limited to), income inequality, inequitable economic opportunities for

homeownership, inequitable property rights, increased risk of gender-based violence, and systemic underreporting and lack of monitoring of women's homelessness. Violations of the right to housing are largely gendered, with women, girls, and gender-diverse people experiencing disproportionate amounts of inadequate housing and homelessness.⁴

How is Violence Against Women (VAW) related to Right to Housing?

Women, girls, and gender-diverse people experience a wide range of housing adequacy issues, with safety issues being a common concern that undermines housing stability and leads to homelessness.⁵ According to the UN Declaration on the Elimination of Violence against Women, housing must be **safe**, which includes protection of women and girls against domestic violence.⁴ As such, women living in situations of abuse and exploitation are also experiencing a direct violation of their right to housing. Access to a safe and affordable home is an important deciding factor in a woman's decision to leave a violent home, and many women who are trying to leave a violent home are unable to find safe housing, leaving them either vulnerable to homelessness and a higher level of poverty, or forcing them back into their violent home.¹

A leading cause of women and gender-diverse people losing their housing is a relationship ending.⁷ In the case of domestic violence, women experiencing violence are often forced to relocate when separating from an abusive relationship, while the perpetrator remains in the formerly shared home.⁸ This occurs even when women are legally entitled to the home, such as being listed on the lease agreement. Relocation causes significant disruptions to women's everyday lives, in areas like employment, service access, and social relationships.⁸ It is also another way that violence against women violates the right to housing: legal security of tenure should be independent of relationship status.⁷



There is currently insufficient safe and affordable housing available to women experiencing violence, which results in women living in shelters for longer periods of time or shelters being too full and many women being turned away.^{1,6} 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 low income is unlikely, and choose to return or remain in an abusive situation, hence, continuing the vicious cycle of inadequate housing and violence against women.¹

What are the greatest housing barriers for survivors of VAW?

Financial

- Women are more likely to face discrimination and financial barriers in the private housing market, leading to increased economic insecurity.⁶
- Women are more likely to experience poverty and income inequality, making it harder for women and women-led families to afford rent among other necessities.⁶
- Women are overrepresented in non-permanent employment, receive lower wages, and pay higher rates for rental housing than men.⁵

- Survivors face additional barriers to housing affordability such as financial abuse that affects credit scores or the inability to work due to trauma and harassment carrying over into the workplace.⁸

Safety and security

- Violence or abuse in the home leading to unsafe living conditions is a violation of right to housing.^{4,5}
- If women remain in their shared home without the perpetrator, there may be concerns that perpetrators can come back to cause harm.⁸
- There may be safety concerns of a neighbourhood if moving to a new area.⁸
- Survivors have expressed concerns about the time it would take for police to reach their home in an emergency, and a broader lack of trust in police and justice system accountability for perpetrators.⁸

Lack of permanency

- Housing options like shelters and moving in with friends or family are temporary solutions.
- Women are faced with choosing between an unsafe home (i.e., continuing to live with perpetrators), or a precarious housing situation (i.e., living in shelters or living with friends and family) – both options are forms of hidden homelessness.⁸ Some reports have indicated that hidden homelessness is estimated as three and a half times the amount reported in Canada.⁶
- Supports and services that promote housing stability for women may be offered only on a short-term basis.⁸
- In the context of the COVID-19 pandemic, overcrowding of shelters can lead to high-risk situations potentially causing outbreaks and putting the lives of these women further at risk.⁹

Safe at Home

Access to safe and affordable homes prevents violence and reduces poverty¹, and is essential for women to leave abusive situations and maintain stable tenancies.² Programs such as Safe at Home – where women fleeing violence are enabled to remain in their existing housing or move directly to independent housing – can allow them to stay safely in their own home.¹⁰ These programs use a combination of legal tools, safety measures, and wraparound support services to remove the perpetrator from the home and reduce the risk of harm. Safe at Home upholds women's right to housing that is safe and secure, and survivors in Ontario have expressed wide interest in having this option available to them when separating from an abusive relationship.⁸

The temporary housing options that are generally available to women experiencing violence lead many women to remaining trapped in a vicious cycle of homelessness and violence. Safe, affordable, and permanent housing is the only long-term solution to homelessness for women, girls, and gender-diverse people, and addressing the housing needs of women (and their children) is critical to solving chronic and intergenerational homelessness.⁶

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