

THE RIGHT TO ADEQUATE HOUSING FOR WOMEN IN CANADA: ARTICLES 2(2), 3 and 11(1)

Summary Submissions By: National Working Group – Women and Housing in Canada¹

Across Canada low-income women identify access to safe, secure, affordable housing as an immediate and desperate need. Low-income women's housing conditions and homelessness was of grave concern to the Committee on Economic, Social and Cultural Rights in its 1998 review of Canada. Since that time, governments in Canada have done little to address the Committee's concerns, despite the fact that the country continues to prosper.

1. Women's Homelessness is Different than Men's – Women Try to Stay Off the Streets to Avoid Violence and the Apprehension of their Children.

The increasing number of women in shelters is only a small fraction of the number of women across Canada experiencing housing crises and homelessness. Women will do almost anything to avoid living on the streets and even in shelters because of the threat of violence this poses and because it can easily result in their children being taken away by State authorities.² In its Fourth Periodic Report to the Committee, the Government of Canada indicates that it intends to undertake a national street count of homeless persons to "enhance the knowledge base on homelessness" (par. 341). This type of "count" is not a full insight into women's homelessness and will not lead to gender-inclusive policy-making.

¹The National Working Group on Women and Housing in Canada (NWG) is comprised of members from every province and territory, whose combined experience and expertise represents many decades of service provision, research and policy development on women's housing, poverty, and homelessness. The NWG is the only national organization on women's housing issues in Canada.

²Ibid, pp. 1-2.

The federal government should coordinate the collection of statistics of the numbers of low-income women waiting for subsidized housing across the country and the numbers of low-income women evicted from their housing, as was recommended by the Committee in its 1993 review of Canada.³

2. Women Do Not Have Access to Subsidized Housing. Within the Private Market they Experience Discrimination.

The most direct role of the federal government with respect to housing and homelessness has traditionally been through the provision of assisted rental housing. Since the majority of low-income women are tenants, access to affordable rental housing is central to addressing women's homelessness.

In 1993 the federal government announced a freeze on federal funding contributions to social housing, and the cancellation of funding for any new social housing (except for a few limited exceptions). The federal government has downloaded responsibility for social housing programs to the provinces/territories without ensuring that women receive the equal benefit of federal spending in this area. Women are more likely than men to meet income qualifications for assisted housing and therefore more adversely affected by cuts to assisted housing.

In response to the housing crisis in Canada, in 2001 the Government of Canada initiated the Affordable Housing Program (AHP) through Framework Agreements signed with several provinces and territories. Absent from the initiative is an accountability mechanism to ensure that a minimum proportion of units be allocated to core need households and in keeping with principles of equality.⁴ Without subsidized housing, women are increasingly relying on the private rental market to meet their housing needs. Within the private market, women commonly confront discrimination: landlords who do not want to rent to

³ CESCR (1993), *Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant, Concluding Observations of the Committee on Economic, Social and Cultural Rights, Canada*, E/C.12/1993/5, at par. 19.

⁴ As of October 2005 it is estimated that only 12,000 new homes – 10% of the total committed under the AHP – had been built. See: National Housing and Homelessness Network, *Dying for a place to call home: Women and Homelessness in Toronto and Canada*, October 2005.

them because they are single-parents, because they are Aboriginal and/or non-white, because they have children or large/extended families, because they are in receipt of social assistance, because they are newcomers.⁵

The Government of Canada must uphold the Affordable Housing Framework Agreements with the provinces and territories and invest the agreed upon \$1 billion CDN in subsidized housing through the construction of new housing units, the provision of rent supplements and other mechanisms. Funding for new rental housing supply should be made conditional on non-discriminatory rental practices and on ensuring that the stock will remain affordable rental in the future.

3. Low-Income Women Cannot Afford Housing in Canada. Income Support Programs such as Social Assistance and Employment Insurance are set at Inadequate Levels.

In its 1998 review of Canada, the Committee noted the particularly harsh impact that the repeal of CAP and cuts in social assistance rates and social services had on women, particularly sole support mothers.⁶ Coupled with an inadequate supply of affordable housing stock, and increasing rents in the private market this has meant that available housing is unaffordable for most low-income women.⁷

In 1998 the Committee made a series of recommendations to the Government of Canada with respect to housing and anti-poverty measures that, if acted upon in a meaningful way, could have dramatically improved the housing conditions of low-income women. To date, none of these measures has been undertaken.

⁵ CERA, *Barriers to Equality*, at pp. 18 – 21. See also: , *Response to the Affordable Housing Strategy Stakeholders Consultation*, December 2004 at pp. 2, 4;

⁶ CESCR (1998), paras. 19, 21, 23.

⁷ CERA, *Barriers to Equality*, pp. 8 – 15, 47 – 54 and National Anti-Poverty Organization (NAPO), *Voices: Women, Poverty and Homelessness in Canada*, May 2004, pp.27- 29.

Governments in Canada should:

- **consider re-establishing a national program with specific cash transfers for social assistance⁸;**
- **increase shelter allowances to realistic levels⁹;**
- **amend the National Child Benefit Scheme to prohibit provinces/territories from deducting the benefit from social assistance entitlements¹⁰; and**
- **direct a greater proportion of government budgets to address women's poverty, the poverty of their children, affordable day care, and to provide adequate support for shelters for battered women.¹¹**

4. Women Are Forced to Stay in Abusive Relationships Because They Have Few Housing Options.

In 1998 and 1993 the Committee expressed concern that the lack of housing options for women was forcing many women to stay in abusive relationships and was leading to the apprehension of children by the State.¹² This remains the case today. Women report that the two biggest systemic barriers to women and children escaping violence is inadequate income assistance and the lack of affordable housing.¹³ In the Yukon and the Northwest Territories women trying to leave abusive situations are not given priority status for subsidized housing. In many Indigenous communities the lack of shelters or places within existing shelters means women cannot leave abusive relationships.¹⁴ With few housing options women are compelled to return to abusive situations and then risk the apprehension of their children by child protection agents.¹⁵

⁸ CESCR (1998), *supra*, note 1 at par. 40.

⁹ *Ibid.*

¹⁰ *Ibid.*, at par. 44.

¹¹ *Ibid.*, at par. 54.

¹² CESCR (1998), at par. 28 and CESCR (1993) at par. 14.

¹³ OAITH, *Response to the Affordable Housing Strategy Stakeholders Consultation*, December 2004, p. 2.

¹⁴ Native Women's Association of Canada, *Participant Briefing for the Canada-Aboriginal Peoples Roundtable Sectoral Follow-Up Session on Housing* (24 – 25 November 2004).

¹⁵ Mosher et al., *Walking on Eggshells: Abused Women's Experiences of Ontario's Welfare System*, April 2004, p.14. See also: OAITH, *Response to the Affordable Housing Program*.

Funding for women's shelters and second stage housing needs to be restored and enhanced. Women fleeing abuse must be given priority for subsidized housing.

5. Low-Income Women are Discriminated Against by the Federal Government's Home Ownership Program

Federal programs that promote access to affordable home ownership and renovation and repair of owned homes are not of equal benefit to women. This is because of discriminatory policies maintained by the Canada Mortgage and Housing Corporation (CMHC), which disqualify the majority of sole support mothers and low-income women from homeownership on the basis of a 32% "gross debt service to income ratio". Under this policy, women are denied access to homeownership on the basis of their income, even if they have been paying more in rent than would be required by mortgage and property tax payments. In this way, the CMHC's underwriting system about which the Government of Canada boasts (par. 328) is discriminatory.

CMHC's restrictions on mortgage insurance should be removed and regulation of banks should ensure that women and low income households are provided with alternative ways of demonstrating credit worthiness.