



Submission

Consultation on A Progressive Human Rights-Based
Approach to Housing for the National Housing Strategy

May 2018



National Learning Community on
Youth Homelessness
Communauté nationale d'apprentissage
sur l'itinérance des jeunes

Introduction

“A human rights approach embraces the idea that all young people have a fundamental, legal right to be free of homelessness and to have access to adequate housing.”

“Rights can only be respected, protected and fulfilled when they are recognized in law, with institutions dedicated to ensuring the accountability of the state – both to the international community and to rights-holders themselves”

All human rights apply to youth, however the ones listed below are the most relevant:

ECONOMIC AND SOCIAL RIGHTS

- Right to an adequate standard of living
- Right to housing
- Right to food
- Right to work
- Right to education
- Right to health

CIVIL AND POLITICAL RIGHTS

- Freedom of expression
- Right to life
- Right of access to justice
- Freedom of assembly
- Right to personal security and privacy
- Right to freedom from discrimination and right to equality

[Youth Rights Right Now: Ending Youth Homelessness, A Human Rights Guide](#)

(Youth Rights! Right Now!)



A Way Home Canada



A Way Home Canada is dedicated to reimagining how we respond to youth homelessness in Canada through transformations in policy, practice and planning. We inspire and enable communities and all levels of government through a Collective Impact lens to organize, plan and implement strategies to address youth homelessness in a coordinated, measurable and impactful way. By strengthening families and building the assets and resilience of youth, we can help young people avoid homelessness and make a healthy transition to adulthood.

The work of A Way Home is achieved by building on the existing strengths of our partners, community engagement and innovation, and a strong commitment to ending youth homelessness that is emerging across the country. We believe that by aligning the strategies and resources of leading stakeholders seeking to address homelessness in Canada, we can prevent and end youth homelessness. Founding members of A Way Home include Raising the Roof, Canadian Housing and Renewal Association, Canadian Alliance to End Homelessness, Canadian Observatory on Homelessness, Egale Human Rights Trust, and the National Learning Community on Youth Homelessness. Core to our work is elevating the voices of people with lived experience of youth homelessness in everything we do.

Background - Youth Homelessness: A Rights Violation in Need of Redress

We acknowledge that the experience and risk of homelessness is a violation of youths' rights, and as a nation there is much still to be done to ensure youths' rights to affordable, adequate, and suitable housing are met.

- An estimated 35,000 young people will experience homelessness in Canada in a given year - this does not include those that are hidden from view or precariously housed.
- Youths' pathways into homelessness may include individual factors such as mental health and addictions or family breakdown, systems failures in which youth are turned out into homelessness from public systems, and/or structural factors like poverty, systemic racism and oppression, or the lack of affordable, adequate housing.
- Canada's largest study on youth homelessness, [Without A Home](#) (2016), surveyed over 1,100 youth and found that the longer youth remain homeless, the more trauma, violence and exploitation they are exposed to, and the less likely they are to successfully exit homeless.
- Our community partners have indicated that all too often supports to address homelessness and housing stability cannot be accessed until an individual has been homeless for at least 6 months. This practice is generally inhumane, and particularly so when applied to young people, demanding they languish in homelessness until their situation becomes much more complex and dire than if interventions and supports were provided when they first sought help.
- In our report with the Canadian Observatory on Homelessness, [What Would it Take?](#), (2018) youth across Canada were very clear that as communities, systems, and governments, we wait far too long to intervene and offer support for young people. During the consultations, "youth vividly described experiences of discrimination and stigmatization when applying to rent housing, access income supports, or obtain a job, often on the basis of age, class, race, sexuality, gender, and/or disability" (p. 5). Indigenous youth, in particular, framed their experiences as rights violations.
- *Youth Rights! Right Now!* (2016) outlines how young people's human rights are being violated as a result of the combined conditions of being both homeless and a young person. The experiences of homeless youth are distinct. Unlike homeless adults, youth who leave home are leaving relationships based on social dependence – a parent or guardian – and suddenly must face the challenges of an adult before they have gained the skills or experience of adults.

Toward this effort, we make the following recommendations. These recommendations are formed in consultation with the Canadian Observatory on Homelessness, the Canadian Alliance to End Homelessness and other knowledgeable stakeholders. We draw heavily from the recommendations made by Leilani Farha, UN Special Rapporteur on the Right to Adequate Housing and *Youth Rights Right Now: Ending Youth Homelessness, A Human Rights Guide*. The strategies and guidelines set forth by the Special Rapporteur provide a strong, principled foundation from which to ensure the human rights of Canadian youth are built into the National Housing Strategy.

Communities, provinces and territories have demonstrated a commitment to designing their youth homelessness responses around a prevention lens. There has been a dramatic increase in our understanding of the causes and conditions of youth homelessness matched by a growing number of innovative solutions in communities. The following recommendations should be foundational elements within community, provincial and territorial plans/strategies that address the unique needs of youth at risk of or experiencing homelessness.

Recommendations:

1

Make Youth a Priority by Ensuring a Tailored Response to Youth Homelessness

We strongly support the Canadian Observatory on Homelessness' submission and recommendation (4.1) on the need for a tailored approach to protecting children and youth's rights to housing. This tailored approach should:

Reflect a harmonized/one government approach that aligns the Federal Poverty Reduction Strategy, Youth Employment Strategy, National Housing Strategy (prioritizing the most vulnerable) and renewed Homelessness Partnering Strategy.

Invest equitably in the provision of housing for youth across a wide range of housing options and strategies, including housing first for youth, supportive housing, transitional housing and family reunification.

Detail the targeted approaches necessary to respond to populations that are overrepresented within youth homelessness including Indigenous youth, LGBTQ2S+ youth, and racialized youth.

2

Legislated Right to Housing

A Way Home Canada supports the call for a legislated, sufficiently resourced human right to housing. In keeping with the international social and economic rights that have been ratified in Canada, enshrining an actionable, enforceable right to housing in legislation is a necessary step toward ensuring all Canadians, including young people, are able to access and maintain affordable, adequate housing.

This will require mechanisms through which all children and youth, regardless of citizenship status, are able to bring forward systemic rights violations for response and redress. Such mechanisms must:

- Be highly accessible to children and youth of all ages, as well as youth with disabilities or literacy challenges.
- Not require that a caregiver provide permission, or be present, for a child or youth to lodge a complaint.
- Ensure that all redress mechanisms are impartial, equitable, prompt, and accountable to youth and their families.

3

Duty to Assist

The federal government in partnership with all provinces/territories would establish a Child and Youth Housing Advocate who assesses the Canadian government's progression towards the realization of all children and youth's right to housing. Within the scope of the Child and Youth Housing Advocates role would be the oversight and execution of the Duty to Assist. The Child and Youth Housing Advocate would liaise provincial and territorial Child and Youth Advocates to ensure alignment and related policy connections and limitations are identified. Reporting directly to Parliament, the Child and Youth Housing Advocate is required to respond to recommendations of any nature regarding housing, provision of housing and housing legislation. Provision of rationale for their decision to accept or dismiss recommendations would be necessary to ensure transparency.

A Duty to Assist would signal a shift in how we address homelessness, from a considerable investment in the crisis response, to one that prioritizes the prevention of homelessness and reorienting systems, services and funding. As a statutory responsibility enshrining a universal right to homelessness prevention, a Duty to Assist will include:

- **Rights-based approach.** The rights protected under a Duty to Assist are not only human rights but legal rights¹. In other words, the right to housing and supports is judiciable, meaning a young person has legal recourse if there was a failure to take steps to prevent their homelessness.

- **Age mandate.** The Duty to Assist applies to young people aged 13-24. Because provincial and territorial legislation regarding children and youth may already define what age young people can access supports independently of parents, or who is responsible for addressing the needs of young people at risk under the age of 16 (such as child protection authorities), considerations will have to be made to align actions to ensure young people can access appropriate supports of their choosing².
- **Obligation to act.** Upon presentation to the organization/entity coordinating the Duty to Assist at a local level, state actors (of some kind) are obliged to act within 30 days in order to provide assistance in the form of information, referral and/or support.
- **After-Care Guarantee.** An After-Care Guarantee means that when young people are taken into care, provincial and territorial governments commits to providing ongoing support (as needed) until a young person reaches the age of 25. This is built on the belief that youth in care need to have the same gradual and extended transition to adulthood that most young people enjoy. Rather than extend the mandate of child protection services or create a whole new system, services and supports should be provided through agencies and services that have experience in working with youth and young adults. The guarantee should specifically ensure that all young people leaving care will have access to housing that is safe, appropriate, affordable, and sustainable.
- **Indigenous youth.** In alignment with the recommendations of the Truth and Reconciliation Commission, all duty to assist efforts make every effort to obtain culturally appropriate housing and supports for Indigenous youth, which should be Indigenous-led. Assistance must be based on a respect traditional knowledge, cultural traditions, and practices, as well as account for the impact of colonialism on Indigenous communities, including intergenerational trauma. Taking into consideration the Canadian Definition of Indigenous Homelessness, young people who are identified as being culturally disconnected from their Indigenous heritage should be offered the opportunity to, and supports for cultural reconnection.
- **Quality Assurance.** The Duty to Assist must be backed up by measures to ensure full access to support, quality services, opportunities for client feedback and input, and a demonstration of impact. This includes clarity regarding a determination of when the Duty to Assist has been met. In the Welsh legislation there are three main ways that the duty is met: “homelessness is relieved (accommodation is available for at least 6 months), homelessness is unsuccessfully relieved (having taken steps to help, no solution is found within 56 days), or some ‘other’ reason (either an offer is refused or they fail to cooperate).” (Mackie et al., 2017: 87). A Canadian Duty to Assist should assess more than whether a young person has been successfully housed or not, but also include other quality of life measures that will have an impact on their risk of becoming homeless in the future. Duty to Assist must be focused on truly preventing homelessness, rather than just deferring that outcome.

¹The rights guaranteed to young people under international conventions that Canada is a signatory to are outlined in the report [Youth Rights, Right Now](#). It should also be noted that the Government of Canada’s National Housing Strategy also declares housing as a right, and special measures must be in place to ensure that the rights of young people are protected.

² This is important, considering that some young people at risk of homelessness, or who are experiencing homelessness at a young age may already be in the care of child protection authorities, but may be fleeing such care.

4

Meaningful Participation of Youth

The government of Canada should conduct a national inquiry into systemic housing rights violations youth experience in different contexts in order to better-identify the actions required to redress these problems.

The *What Would it Take?* study asked young people with lived experience of homelessness: what would it take to prevent youth homelessness in Canada? Between July 2017 and January 2018, A Way Home Canada and the Canadian Observatory on Homelessness consulted with youth across Canada. One of the many focus areas for young people was the failures of systems. Youth revealed the impact multiple systems play in their paths into, and out of, homelessness. Most youth traced the origins of their homelessness back to inadequate policy and service delivery within public systems. These failures took various forms, including:

- Youth being transitioned out of the child welfare or healthcare system with little income or supports
- Youth under 16 being denied access to mental health or addiction services without parental signatures
- Youth being turned away from services or housing because they were not “homeless enough” to qualify for help (e.g., had not been homeless for more than 3 months)
- Youth being removed from housing, supports, or services when they couldn’t meet the requirement that they participate in education or employment
- Youth struggling to navigate complex and confusing bureaucratic requirements to access services, including difficulties obtaining necessary documents (e.g., reference letters, ID, citizenship documents)
- Young people’s lives change relative to changes in the labour and housing markets, the education system, and society more broadly. We need to commit to engaging youth on an ongoing basis in order to create responsive and flexible institutions that remain effective at creating better outcomes for youth in a changing world. This is not a one-time effort. Youth must be meaningfully engaged at every step of this process, including progress evaluation, and this engagement must be conducted in a non-judgmental and anti-oppressive way, with minimal or no risk for the participants.

5

Educating Young People and the Public on their Rights

The *What Would It Take?* report identified a significant gap in youths’ understanding of their rights and the supports they could access when their rights are violated. The federal government, when enshrining a right to housing will need to address this knowledge gap, in order to ensure young people know their rights and how to access legal supports when it comes to access to housing, and evictions prevention.

6

Supporting Homelessness Prevention as a Mechanism to End Youth Homelessness While Achieving Federal and International Human Rights Goals and Obligations

Currently across Canada communities and provinces are embracing a critical paradigm shift in their commitment to ending youth homelessness that involves moving away from focusing public resources on emergency responses and towards preventing youth homelessness from occurring in the first place. This impressive evidence-led body of work involves multiple initiatives across disciplines of policy, planning and practice and are yielding real results. Increased support for prevention-based initiatives are deeply connected to achieving Canada's Human Rights goals because they address the same structural/systems causes of homelessness named in the respective declarations and covenants including systems failures in which youth are turned out into homelessness from public systems, and/or structural factors like poverty, systemic racism and oppression, or the lack of affordable, adequate housing.

This work is already occurring and currently supported through the Government of Canada's Skills Link Program. Continued Federal support to strengthen and scale evidence-led prevention-based initiatives through the National Housing Strategy will sharpen our ability to put an end to the pipeline into homelessness for thousands of young people, while ensuring that a human rights lens is embedded at the community level and play a role in supporting Canada to meet its Human Rights obligations at home and on the international stage.

Examples of existing effective prevention-based initiatives that support a human rights approach to housing:

- Systems Planning and Integration
- Housing First for Youth
- School-based and Place Based Programs
- Connection to Family and Natural Supports

7

Ensure Measurement of Youth Homelessness Using a Human Rights Approach

How do you measure youth homelessness using a human rights approach? Along with quantitative data, such as point-in-time counts, online questionnaires, or shelter surveys, it is important to acquire a qualitative understanding of the needs and circumstances of youth homeless populations based in their experiences. This can be captured through oral testimony, photographs, videos or interviews with frontline workers. Critical to this process will be to disaggregate, or break down, data to ensure that information gathered on marginalized groups, such as racialized youth, youth with mental health disabilities, and LGBTQ2S, can be considered. (*Youth Rights! Right Now!*)