

## DOWNLOAD RESOURCES & LEARN MORE

<https://www.make-the-shift.org/homeless-encampments/>

Want to know more about the right to housing?

**THE SH/FT**  
#RIGHT2HOUSING

E-mail us here: [info@maketheshift.org](mailto:info@maketheshift.org)

Visit us here: [www.maketheshift.org](http://www.maketheshift.org)

Twitter: [@Make\\_TheShift](https://twitter.com/Make_TheShift)

# HOMELESS ENCAMPMENTS & YOUR HUMAN RIGHTS

*If you are living in an encampment, you have human rights.  
Governments must respect your human rights,  
including your right to housing.*

You have the right to housing under Canadian legislation and international human rights law. These rights are found in:

- / Canada's National Housing Strategy Act - S.C. 2019, c. 29, s. 313
- / The International Covenant on Economic, Social, and Cultural Rights, Article 11.1
- / The United Nations Committee on Economic, Social, and Cultural Rights, General Comments No. 4 and No. 7

In April 2020, experts at United Nations developed *A National Protocol for Homeless Encampments in Canada: A Human Rights Approach* (Leilani Farha & Kaitlin Schwan). The Protocol is a guide to make sure Canadian governments protect and respect the rights of people living in encampments based on the law. This booklet is a summary of the Protocol.

Homeless encampments will never fulfil the right to housing – only adequate housing can do that. But since they exist, governments must respect the human rights of people who live in them.



Farha, L., & Schwan, K. (2020). *A National Protocol on Homeless Encampments in Canada: A Human Rights Approach*. Geneva, Switzerland: Office of the United Nations Special Rapporteur on the Right to Adequate Housing

<https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf>

# THESE ARE YOUR HUMAN RIGHTS

---

## 1/ GOVERNMENTS MUST RESPECT YOUR HUMAN RIGHTS AND DIGNITY

If you are living in an encampment, you have human rights. You are claiming your right to housing by living in an encampment. Governments must guarantee the human rights of all people, according to Canadian and international law. Governments and government representatives like city officials, social workers, and police must treat people living in encampments with dignity and respect. This means you should not be ticketed, fined, treated as a criminal, or experience discrimination because you live in an encampment.

## 2/ YOUR VOICE AND EXPERTISE MUST BE RESPECTED BY GOVERNMENT AUTHORITIES

You are an expert in your own life. Governments must respect your right to make choices that are best for you. You have the right to shape the programs, policies, and laws that affect you. Governments must provide you enough information for you to make decisions about any housing, shelter, or services they are offering you. When governments make decisions about encampments, they must consider the perspectives of people living in encampments. To do this, they must meet with people living in encampments to discuss solutions. Meetings should be at places and times that are convenient for you.

Governments must provide you with information, resources, and opportunities to participate in decisions that affect you (e.g., by providing you with independent legal and other supports). Governments must provide you sufficient information about any housing, shelter, or services that they are offering you. Governments must treat you as a community of right holders, not beneficiaries of charity.

## 3/ GOVERNMENTS MUST ENSURE YOUR BASIC NEEDS ARE MET

Governments are legally required to ensure that every person, including anyone living in an encampment, has their basic needs met. This means that you have the right to: safe and clean drinking water, access to sanitation facilities (including toilets, hand-washing stations, showers), waste management systems, social and healthcare services, supports to ensure personal safety, and resources for fire safety, food safety, harm reduction, and pest prevention. These basic services must be provided to all encampments and their residents as quickly as possible.

## 4/ FORCED EVICTION IS A VIOLATION OF HUMAN RIGHTS

Under international human rights law, governments cannot remove residents from encampments without meaningfully consulting them, without providing them legal supports, and without providing adequate housing alternatives. International human rights law does not permit governments to destroy peoples' homes, even if those homes are made of tents, tarps, or found materials. The reasons often used to justify removing encampments – such as city beautification, re-development, or 'public interest' – do not justify forced evictions. If government authorities or others have legitimate concerns about the safety of an encampment (e.g., fire), they must consult with residents about these concerns and support residents in addressing these concerns and making their homes safer.

## 5/ RESPECT THE DISTINCT RIGHTS OF INDIGENOUS PEOPLES

Indigenous Peoples have distinct rights that must be respected and protected by all government authorities. Governments must not forcibly evict, displace, or relocate Indigenous Peoples without their consent, including indigenous persons living in encampments. Governments are obliged, by law, to respect the self-determination of Indigenous encampment residents and must consult with them to ensure their consent before taking any action that may affect them. This consent must be given freely, after the residents have been fully informed of what they are consenting to, and not as the result of coercion or threat. In addition, governments must respect the unique relationships that Indigenous Peoples have to their lands and territories, and their right to construct shelter in ways that are culturally, historically, and spiritually significant.

## 6/ GOVERNMENTS MUST EXPLORE EVERY ALTERNATIVE TO EVICTING AND PROVIDE LONG-TERM HOUSING ALTERNATIVES

Governments are legally required to explore all possible alternatives to eviction before asking encampment residents to leave. It violates your human rights if government authorities force you to go to a shelter or housing outside of your usual neighborhood. Staying where your community is, and where your home is, is part of the right to housing. If relocation is necessary, you must be provided with long-term adequate housing alternatives that are close to your original home, supports, and employment. Relocating you to a shelter does not count as adequate housing.