

LEGAL RESOURCES AND SUPPORTS

Want to know more about the right to housing?

THE SH/FT
#RIGHT2HOUSING

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HOMELESS ENCAMPMENTS & YOUR HUMAN RIGHTS

*If you are living in an encampment, you have human rights.
Governments are obliged to 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, the United Nations Special Rapporteur on the Right to Adequate Housing developed *A National Protocol for Homeless Encampments in Canada: A Human Rights Approach*. The Protocol is a guide for Canadian governments to ensure they implement the human rights of people living in encampments, in keeping with international human rights law. This booklet is a summary of the Protocol.

Homeless encampments will never fulfil the right to housing. But insofar as they exist they must be human rights compliant.



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 uphold the human rights of all people, as outlined in Canadian and international law. All governments and anyone exercising government authority are required to treat people living in encampments with dignity and respect, this includes city officials, social workers, or the police. This means that 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, and governments must respect your right to self-determination. You are entitled to shape the programs, policies, and laws that affect you. Governments must provide you sufficient information about any housing, shelter, or services they are offering you, and must meaningfully consider your perspectives in all decision-making processes. They must treat you as a community of rights holders, not beneficiaries of charity. Formal processes should be established in this regard, for example, specific meeting dates and times in a place that is convenient to you. Governments must provide you with information, resources, and opportunities to ensure you can participate in any decision-making that affects you (e.g., by providing you with independent legal and other supports).

3/ GOVERNMENTS MUST ENSURE YOUR BASIC NEEDS ARE MET

Governments are legally required to ensure that every person, including those living in encampments, have 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 on an urgent basis.

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 to resolve the underlying issues.

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 Peoples 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 free, prior, and informed consent before taking any action that may affect them. 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 where they are living. Government authorities cannot 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 in close proximity to your original home, supports, and employment. Relocating you to a shelter does not constitute adequate housing.