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Volume 24

*A Road to Home: The Right to Housing in  
Canada and Around the World*

Article 1

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## A Road to Home: The Right to Housing In Canada and Around the World

Darcel Bullen

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## Introduction

# A Road to Home: The Right to Housing in Canada and Around the World

DARCEL BULLEN\*

THIS SPECIAL ISSUE of the Journal of Law and Social Policy collects papers presented at the Right to Housing symposium, “A Road to Home: The Right to Housing in Canada and Around the World” held in Toronto, 24 October 2013.<sup>1</sup> The symposium, organized by the Advocacy Centre for Tenants Ontario, was part of a three-day event that included an open community forum, and a full-day devoted to transnational organizing strategies and policy recommendations from people who have experienced homelessness and housing-related oppression.<sup>2</sup> The genesis of our special Volume’s focus on the Right to Housing reflects dedicated advocacy by organizations in courts and communities to eliminate inadequate housing in Canada and achieve the progressive realization of the right to housing.<sup>3</sup> The contributors from across the world speak to the various interventions and strategies used to actualize housing as a fundamental human right in South Africa, France, the United States, Scotland, and Canada, ranging from litigation, to

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\* Darcel Bullen recently finished her final year at Osgoode Hall Law School and will be articling at a union-side labour and employment firm in Toronto.

<sup>1</sup> “A Road to Home: The Right to Housing in Canada and Around the World,” Advocacy Centre for Tenants Ontario; the Symposium was organized by Advocacy Centre for Tenants Ontario, and delivered at Daniels Spectrum on 24 October 2013. There was also a community forum held at Ryerson University on 23 October 2013 and a day of transnational organizing held at the Wellesley Institute on 25 October 2015, online: ACTO <<http://www.acto.ca/en/events/agenda-right-to-housing-symposium.html>>. Funders of these events include the Law Foundation of Ontario, Legal Aid Ontario, Osgoode Hall Law School, Wellesley Institute and the Canadian Homelessness Research Network.

<sup>2</sup> Advocacy Centre for Tenants Ontario, online: ACTO <[www.acto.ca](http://www.acto.ca)>.

<sup>3</sup> The following organizations and individuals have devoted valuable time and/or endorsed the right to housing campaign in Canada: ACORN Canada: Uniting Communities for Justice, Aboriginal Legal Services of Toronto, Amnesty International, Anduhyaun Inc., Anglican Church Child Poverty Committee, ARCH Disability Law Centre, Asper Centre for Constitutional Rights, Canada Without Poverty, Canadian Pensioners Concerned, Canadian HIV/AIDS Legal Network, Centre for Equality Rights in Accommodation, Charter Committee on Poverty Rights, Children’s Aid Society of Toronto, Colour of Poverty, Covenant House, The Dream Team, Elizabeth Fry Toronto, ESCR.Net, Federation of Metro Tenants Association, Fred Victor Mission, FORWARD (For Women’s Autonomy, Rights and Dignity), Habitat Services, Hamilton Community Legal Clinic, HIV/AIDS Legal Clinic Ontario, Holland Bloorview Kids Rehab, Housing and Homelessness Umbrella Group, Income Security Advocacy Centre, June Callwood Centre, Justice for Girls, Kensington-Bellwoods Community Legal Clinic, Metro Chinese and Southeast Asian Community Legal Services, National Aboriginal Housing Association, National Anti-Poverty Organization, Native Women’s Association of Canada, Native Women’s Resource Centre, Nellies: Shelter, Education Advocacy, ODSP Action Coalition, Older Women’s Network, Pivot Legal Society, Sistering: A Women’s Place, Social Rights Advocacy Centre, Springtide Resources, Steering Committee on Social Assistance, Tenants for Social Housing, Toronto Disaster Relief Committee, Voices From the Street, Wellesley Institute, Women’s Legal Education and Action Fund (LEAF), Workers’ Action Centre, Working for Change, Fay Faraday (Faraday Law), Professor David Hulchanski (University of Toronto), Professor Martha Jackman (University of Ottawa), Emily Paradis (Research Associate, University of Toronto), Peter Rosenthal (Roach, Schwartz and Associates), Dean Lorne Sossin (Osgoode Hall Law School).

community awareness building, to protests, and to lobbying. The articles also speak to the challenges of enforcement of the right to housing once that right is recognized at law. We hope the included eight works will serve as a global resource for the right to adequate housing movement that seeks justice for the millions of people who are threatened by housing insecurity in the second decade of the twenty-first century.

Many of the authors in this volume write from a position of paradox: they reside in countries that are among the world's richest, and which are recognized as global leaders of democratic liberal values, but their national homelands fail to ensure every person has access to adequate housing. The manufactured scarcity of housing in countries of economic prosperity goes to the very core of justice. If the law in some way archives a nation coming to terms with its values, then entitlement to affordable, adequate, and accessible homes is a global issue, which differentiates nations that engage in willful forgetfulness from those in pursuit of a just society.

Countless studies substantiate the impact of housing on the social determinants of health, mortality rates, health care costs, and the economic welfare of a nation. Studies also reveal that housing people costs less than dealing with the public cost of homelessness.<sup>4</sup> Despite the consensus that states need to create policies to close the gap between the demand for affordable housing and the lack of that availability, there is no consistent threshold for the provision of housing even among Western nations.

All countries have ratified at least one of the various instruments of international law that recognize the basic right to an adequate standard of living and a commitment to protect citizens against substandard housing.<sup>5</sup> In 1948, the *Universal Declaration of Human Rights (UDHR)* unequivocally recognized the right of everyone to adequate housing:

Everyone has the right to a standard of living adequate for the health and wellbeing of himself [or herself] and of his [or her] family, including food, clothing, housing and medical care and necessary social services.<sup>6</sup>

The central recognition of the right to adequate housing is found in Article 11 of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*.<sup>7</sup> International commitments to ensure adequate housing are further referred to in multiple covenants, such as

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<sup>4</sup> Stephen Gaetz, Tanya Gulliver & Tim Richter, *The State of Homelessness in Canada: 2014* (Toronto: The Homeless Hub Press, 2014) at 4, online: Homeless Hub

<<http://www.homelesshub.ca/sites/default/files/SOHC2014.pdf>>; Cathy Crowe, *Dying For a Home: Homeless Activists Speak Out* (Toronto: Between the Lines, 2007); Juha Mikkonen & Dennis Raphael, "Social Determinants of Health; The Canadian Facts," (2010) York University School of Health Policy and Management, online: <[http://www.thecanadianfacts.org/the\\_canadian\\_facts.pdf](http://www.thecanadianfacts.org/the_canadian_facts.pdf)>; CJ Frankish, SW Hwang, & D Quantz, "Homelessness and Health in Canada: Research Lessons and Priorities" (2005) 96:2 Can J of Pub Health 23; John M Quigley & Steven Raphael, "The Economics of Homelessness: The Evidence from North America" (2001) 1:3 Intern J of Housing Pol 323.

<sup>5</sup> Office of the United Nations High Commissioner for Human Rights, *The Right to Adequate Housing*, OHCHR, UN Doc No 21/Rev. 1 (2009) at 1 [OHCHR, *The Right to Adequate Housing*].

<sup>6</sup> *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, 3d Sess, Supp No 13, UN Doc A/810, (10 December 1948) at Article 25 [UDHR].

<sup>7</sup> *International Covenant on Economic, Social and Cultural Rights*, GA res 2200A (XXI), 21 UN GAOR, Supp (No 16) at 49, UN Doc A/6316 (1966); 993 UNTS 3[ICESCR]. Article 11(1) states: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent."

Article 17 of the *International Covenant on Civil and Political Rights*,<sup>8</sup> protecting persons from arbitrary or unlawful interference with their home, as well as Articles 14(2) and 15(2) of the *Convention on the Elimination of All Forms of Discrimination against Women*, ensuring women have equal rights in the area of housing.<sup>9</sup>

Recognition of the interdependent and indivisible relationship between housing insecurity and economic inequality is particularly relevant to the editorial team of this volume who are located in Canada, a nation emblematic of the juxtaposition of a rich nation with a meager approach to housing. The “crisis of homelessness and inadequate housing” in Canada, noted by the first Special Rapporteur on adequate housing, is often erased from collective consciousness.<sup>10</sup> Indeed, the international human rights expert members of the Committee on Economic, Social and Cultural Rights called upon Canada’s “federal, provincial and territorial governments to address homelessness and inadequate housing as a national emergency.”<sup>11</sup> The internationally recognized affordable housing crisis in Canada is made all the more stark when contrasted with the enforceable right to housing in France, Scotland, and South Africa, as illustrated and further problematized by the articles here within. However, as the authors writing from countries with the law on their side make clear, large gaps remain between the justiciable right to housing and the actual on-the-ground access to housing as a result of meaningful and effective enforcement. The status of housing accessibility in France, Scotland, and South Africa confirm that written laws alone do not equate to meaningful change.

At the time of this volume’s publication, Canada’s highest court, the Supreme Court of Canada, is deciding whether to grant leave to hear an appeal in the historic Right to Housing Challenge, *Tanudjaja v Attorney General (Canada)*, a claim brought against the governments of Canada and the province of Ontario.<sup>12</sup> As explained in the first two articles featured in this Volume, a Notice of Application was issued in May 2010, seeking to hold Canada’s provincial and federal governments responsible for policy and law that systematically create, and continue to sustain, homelessness, a lack of affordable housing, and substandard living conditions in violation of guaranteed constitutional rights and international covenants. The claim argues that the combined action and inaction of the Canadian government violates sections 7 and 15 of the

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<sup>8</sup> *International Covenant on Civil and Political Rights*, (16 December 1966), United Nations, Treaty Series, vol 999, p171.

<sup>9</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, (18 December 1979) United Nations, Treaty Series, vol. 1249 [CEDAW]. Other international human right treaties that recognize the right to adequate housing can be found in OHCHR, *The Right to Adequate Housing*, *supra* note 5:

- Article 21 of the 1951 *Convention Relating to the Status of Refugees*;
- Article 5(2) of the International Labour Organization’s 1962 *Convention No. 117*;
- Article 5(e)(iii) of the 1965 *International Convention on the Elimination of All Forms of Racial Discrimination*;
- Articles 16 (1) and 27 (3)) of the 1989 *Convention on the Rights of the Child*;
- Articles 14, 16 and 17 of the International Labour Organization’s 1989 *Convention No. 169* concerning Indigenous and Tribal Peoples in Independent Countries;
- Articles 43 (1)(d) of the 1990 *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*; and
- Articles 9 and 28 of the 2006 *Convention on the Rights of Persons with Disabilities*.

<sup>10</sup> Miloon Kothari, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Addendum, MISSION TO CANADA* (9 to 22 October 2007), UN Human Rights Council, 10<sup>th</sup> Session, UN Doc A/HRC/10/7/Add.3 (17 February 2009) at para 32.

<sup>11</sup> UN Committee on Economic, Social and Cultural Rights, *UN Committee on Economic, Social and Cultural Rights: Concluding Observations*, Canada, UN Doc E/C.12/CAN/CO/4 (22 May 2006) at para 62.

<sup>12</sup> *Tanudjaja v Canada (AG)*, 2013 ONSC 5410, 116 OR (3d) 574, Lederer J [*Tanudjaja*].

*Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982 (Charter)*,<sup>13</sup> and further does not satisfy the international right to adequate housing in the *UDHR*<sup>14</sup> and Article 11 of the *ICESCR*<sup>15</sup> among other international covenants.<sup>16</sup> Born from the development of the Right to Housing Coalition in 2009, the litigation is based on evidence from four courageous applicants in varying circumstances of housing insecurity: Jennifer Tanudjaja, Janice Arsenault, Ansar Mahmood, and Brian DuBourdieu, as well as the small but impressive non-profit housing advocacy organization, Centre for Equality Rights in Accommodation (CERA).<sup>17</sup> The experiential evidence of the four individual claimants and CERA reflects the situation of hundreds of thousands of Canadians living in fear of eviction, living in homes that cannot accommodate disabilities, and living in precarious housing with the attendant fear of homelessness. Social justice lawyers and venerable community advocates Tracy Heffernan, Fay Faraday, and Peter Rosenthal are counsel for the applicants. The Right to Housing Challenge is not just a court case; it embodies decades of collective and collaborative action to make housing a human right through long-term organizing, lobbying, mobilizing, public education, and legal advocacy, which unfold simultaneously with the litigation.

As of May 2015, it remains to be seen if Justice Rosalie Abella, Justice Andromache Karakatsanis, and Justice Suzanne Côté of the Supreme Court of Canada will allow the Right to Housing Challenge to be heard. Despite the fact that a motion to strike is to be brought “promptly” and no evidence is allowed before the court on such a motion, the Attorneys General waited for two years while the applicants painstakingly compiled a ten thousand page evidentiary record including substantiation from physicians, academics, those with lived experience of homelessness, and international human rights experts, before bringing a motion to strike the proceeding, arguing that it is “plain and obvious” that there is “no chance of success.”<sup>18</sup> In September 2013, Justice Thomas Lederer of the Ontario Superior Court of Justice granted the motion to strike.<sup>19</sup> The international community was shocked that Canada, a country touted as a leader of human rights, would preclude a legal claim before hearing any evidence about the cause and impact of the housing crisis. An appeal of the decision to the Ontario Court of Appeal led to a divided ruling, with the majority upholding the dismissal on the basis that the claim was non-justiciable.<sup>20</sup> Justice Katherine Feldman of the appellate court issued a strong dissent, holding that the litigation raised serious *Charter* claims of significant public importance:

It was an error of law to strike this claim at the pleadings stage ... This application ... has been brought by counsel on behalf of a large, marginalized, vulnerable and disadvantaged group who face profound barriers to access to justice. It raises issues that are basic to their life and well-being. It is supported by a number of credible intervening institutions with

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<sup>13</sup> *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11 [*Charter*].

<sup>14</sup> *UDHR*, *supra* note 6.

<sup>15</sup> *ICESCR*, *supra* note 7.

<sup>16</sup> *CEDAW*, *supra* note 9.

<sup>17</sup> *Tanudjaja*, *supra* note 12.

<sup>18</sup> *Rules of Civil Procedure*, RRO 1990, Reg 194 section 21; *MacDonald v Ontario Hydro*, 1994 CanLii 7294 (ONSC) [*Rules of Civil Procedure*]. See Canadian HIV/AIDS Legal Network, “More than a Motion: Tanudjaja and the Fight for Affordable Housing (Part 2)” (21 November 2014), online: AidsLaw <<http://www.aidslaw.ca/site/more-than-a-motion-tanudjaja-and-the-fight-for-affordable-housing-part-2/>>.

<sup>19</sup> *Tanudjaja v Canada (Attorney General)*, 2014 ONCA 852 [*Tanudjaja*, ONCA]. The appeal was argued May 26 – 27, 2014 in Toronto.

<sup>20</sup> *Ibid.*

considerable expertise in *Charter* jurisprudence and analysis. The appellants put together a significant record to support their application. That record should be put before the court.<sup>21</sup>

In seeking to dismiss the legal challenge as non-justiciable, the Attorneys General express the view, rather unequivocally, that marginalized groups should be denied access to seek recognition of socio-economic rights in courts. Lorne Sossin identifies the important role of courts in litigation like that of the Right to Housing legal challenge, noting that “[i]n a constitutional democracy, it falls to the courts to define the government’s obligations, and then for government to decide how best to meet those obligations” with courts needing to “consider the rights and needs of minorities and the interests of the disenfranchised.”<sup>22</sup> The Right to Housing Challenge is testing the waters of the constitutional ambit of redress for socio-economic rights in Canadian courts. Should the Supreme Court of Canada deny the opportunity for the case to be heard on a full evidentiary record, it will reveal Canada’s legal waters to be both frigid and unwelcoming to those seeking protection for social rights.

Perhaps a central theme of this Volume concerns lessons on navigating the tension between the goal of achieving a justiciable right to housing rights and the reality that legal rights alone do not ensure the effective and meaningful enforcement of that right. By coupling a past-and forward-looking discussion of the governmental, legislative, and jurisprudential action and inaction regarding housing insecurity, the authors deepen insight into how crises in housing materialize, and offer instructive strategies to addressing such crises. The collection of articles documents the diversity of barriers, and overlapping approaches, to actualizing housing as a human right in countries across the globe. National approaches to homelessness in Canada, France, Scotland, South Africa, and the United States speak beyond transformation contained within geographic borders as they illustrate transnational strategies in chorus with international treaties and, most importantly, a global-scale of issues—including global migration patterns—introduced by welfare state models that are increasingly individualized and neoliberal. On the surface, the articles appear nationalist in scope. However, each country’s unique answer to holding governments, courts, and communities accountable for the provision of adequate housing reveals a proud trajectory of housing rights achievement and a protracted slate of work for the future.

## CONTRIBUTIONS TO THE SPECIAL ISSUE

The opening piece of the Volume, “Fighting for the Right to Housing in Canada,” archives the topical and historically groundbreaking litigation of the Right to Housing Challenge.<sup>23</sup> Authors Tracy Heffernan, Fay Faraday, and Peter Rosenthal couple an examination of the genesis of homelessness and inadequate housing in Canada with hard-fought solutions. The contribution provides a critical foundation to understand the evolution of the Right to Housing Challenge by historicizing the centuries-long struggle for adequate and accessible housing in Canada and the legal principles underpinning the claim. The concise framing of the litigation leads into an analysis of the merits of the submissions that the federal and provincial governments violated sections 7 and 15 of the *Charter*, as well as international treaties. Previous applications of the

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<sup>21</sup> *Ibid* at paras 86, 88.

<sup>22</sup> Lorne Sossin, “Using the Charter to End Homelessness,” *The Lawyers Weekly* (27 August 2010) at 10, online: Lawyers Weekly <<http://www.lawyersweekly-digital.com/lawyersweekly/3015?pg=11#pg11>>.

<sup>23</sup> <sup>23</sup> *Tanudjaja*, *supra* note 12; *Tanudjaja* ONCA, *supra* note 19.

*Charter* in rights-based cases are explored for their meaningful jurisprudential impact, signaling the progressive potential of related litigation in the Right to Housing Challenge. The summary of the legal challenge introduces the reader to the current Canadian legal landscape of the lawsuit, while identifying the imperative of pairing the seeking of redress for the violation of marginalized peoples' rights in court, with a multifaceted approach on the ground to build community support. The article convincingly illustrates how constitutional rights get eroded when courts elude questions of justice by deeming socio-economic rights outside the scope of justiciability and reserved solely for the purview of legislators.

Next, in "Charter Eviction: Litigating Out of House and Home," our focus is shifted from 'how' the housing crisis in Canada was created and sustained, to a consideration of 'why' the urgency exists and persists. As the title of the article suggests, the article engages barriers to addressing housing instability through access to the courts. For author Margot Young, the Ontario Court of Appeal's foreclosure of the Right to Housing Challenge at the preliminary stage of litigation is to refuse the housing crisis a rightful home for remedy within the law. The two parts of Young's article work together to illustrate that there is undeniable international and domestic evidence of the need to immediately address the lack of adequate housing, and there is further policy, political, and jurisprudential precedent as to how it should be done. Central to Young's overall argument is an acknowledgement of the disparity between the dire housing crisis in Canada and the nation's reputation as a Western leader. In part one, Young approaches housing from a framework of gendered and sexualized violence as a case study of the inextricability of social location and housing insecurity. A prismatic approach to housing involving all three levels of government is required to meet the diverse and complex needs of groups disproportionately impacted by inadequate housing, including youth, new immigrants, lone-parent families, and low socio-economic groups. The second portion of the article applies the social dimensions of housing security explored in Part I to an examination of the court's sidestepping of socio-economic concerns in the Right to Housing Challenge. The author problematizes the inconsistent treatment of the *Charter* and the distinction between negative and positive rights. Drawing on the judicial approach in *Canada (Attorney General) v PHS Community Services Society*,<sup>24</sup> it is clear that policy action and inaction are subject to *Charter* review. Young critiques and explores the complicated reasoning about the justiciability of socio-economic claims and judicial capacity by analyzing the government's successful motion to evict housing issues from the constitutional ambit of the Ontario Superior Court and subsequently the Ontario Court of Appeal's authority. To relegate the Right to Housing Challenge outside of the justiciable legal landscape in Canada is an attack on the meaningful evolution of *Charter* protections for marginalized people and a dangerous precedent of judicial disengagement from some of the most pressing access to justice issues facing Canada.

The following article contributes to the conversation about housing rights from a different stage of concern than the previous two pieces. Author Lilian Chenwi examines the barriers to the realization of the constitutionally recognized right to housing in South Africa by detailing the obstacles encountered by the country after the right to housing was recognized at law, but before the actual effect of the law is achieved. In "Implementation of Housing Rights in South Africa: Approaches and Strategies," Chenwi explores the powerful relationship between litigation and social mobilization as a necessary partnership for the enforcement of the right to housing at the level of the court, government, legislature, civil society organizations, and community. The article begins by equipping the reader with an overview of the expansive set of housing rights

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<sup>24</sup> *Canada (Attorney General) v PHS Community Services Society*, 2011 SCC 44, 3 SCR 134.

recognized in South Africa's *Constitution* of 1996, including the right to have access to adequate housing, the right to shelter for children and detained persons, and right to not be arbitrarily evicted.<sup>25</sup> Chenwi identifies the juxtaposition in South Africa between codified housing rights and effective implementation as demonstrated by the successful and limited outcomes of housing rights litigation in the cases of *Grootboom*,<sup>26</sup> *Olivia Road*,<sup>27</sup> and *Joe Slovo*.<sup>28</sup> In conversation with the preceding piece in this volume, Chenwi explores the importance of the judicial remedy of “meaningful engagement,” requiring the government of South Africa to consult individuals and communities most affected by the housing crisis to ensure they are able to shape the future realization of constitutionally recognized housing rights, socio-economic rights, and international covenants. With the spectre of Apartheid present in the reality of the overwhelmingly black inadequately housed population in South Africa, Chenwi reveals the housing crisis to be inextricably bound to the urgent need to address racialized poverty. Reading the piece from Canada with a comparative law analysis, lessons from South Africa announce both what is possible when the right to housing is written in law, and what could happen both on paper and in practice to ensure global access to adequate housing.

The article that follows builds on the lessons offered by local struggles for adequate housing across the globe by turning our attention to France. Writing from a context of a legally enforceable—but not a constitutional—right to housing, author Claire Lévy-Vroelant unravels the barriers to implementing the codified right to housing in France. The article begins by bearing witness to the human cost of housing deprivation as evidenced by the death of twenty-four people, including eleven children, caused by a fire in a low-income Paris hotel in 2005. The deadly stakes of failing to make interventions on homelessness remain an underlying theme of the article's consideration of the divergent approaches to housing, with the advancement of individual rights for selective right-holders on one hand, and a collective struggle for housing as a matter of socio-economic equality on the other. The *DALO Act*, which ushered in the legally enforceable right to housing to France in 2007, is deconstructed for its innovative and transformative “obligation of result” on the state to implement solutions for under-housed and homeless people.<sup>29</sup> Speaking to the broader European context, the article explores the influence of Scotland's progress on housing to legislative and policy development in France, in particular Scotland's *Housing (Scotland) Act 1987*<sup>30</sup> and 2003 *Homelessness etc. (Scotland) Act 2003*.<sup>31</sup> Lévy-Vroelant makes clear that neither the “obligation of result” nor the recognition of housing as a constitutional value solve the concrete task of making the legal entitlement real. While the gain in achieving the requisite legal footing to penalize the government for housing inaction in courts is important, the law alone is incapable of bridging the gap between the supply and demand of housing, forming a fair process to decide who gets priority housing, or establishing an effective method of ensuring local levels of government use resources to support housing. A super-social analysis of France as a post-welfare society announces questions about the individualization of responsibility and the dwindling social state in the European context of migration and globalization. In France, the intersection between homelessness and immigration

<sup>25</sup> *Constitution of the Republic of South Africa*, 1996, No 108 of 1996, ss 9, 10, 11, 33, 25(5), 27, s 26.

<sup>26</sup> *Government of the Republic of South Africa and Others v Grootboom and Others* 2000 (11) BCLR 1169.

<sup>27</sup> *Occupiers of 51 Olivia Road and Others v City of Johannesburg and Others* [2008] 5 BCLR 475 (CC).

<sup>28</sup> *Residents of Joe Slovo Community, Western Cape v Thubelisha Homes and Others* [2009] 9 BCLR 847 (CC).

<sup>29</sup> Loi n° 2007-290 du 5 mars 2007 instituant le droit au logement opposable et portant diverses mesures en faveur de la cohésion sociale.

<sup>30</sup> (UK), 1987, c 26.

<sup>31</sup> SP 2003, c 10.

is increasingly definitive of marginalization because legal citizenship or a residency permit is required to access housing programs, thereby presenting insurmountable barriers to those deemed as non-European. The article also poses complicated questions regarding the role of non-profit and community organizations in the implementation of housing rights where these bodies retain discretionary power to establish benchmarks of social inequality as street-level power brokers. The contribution offers an instructive anticipation of issues that social justice advocates fighting for the legally enforceable right to housing in countries like Canada may face in the future.

In “Do Us Proud: Poor Women Claiming Adjudicative Space at CESCRC,” author Emily Paradis centralizes the lived experience and expertise of women facing homelessness and inadequate housing. Paradis details housing advocacy by the group FORWARD (For Women’s Autonomy, Rights and Dignity), comprised of diverse women from low socio-economic backgrounds. Paradis’ feminist participatory action research project was supported by the work of FORWARD at a Toronto-based organization serving homeless, marginalized, and low-income women, Sistering.<sup>32</sup> Relying on the policy expertise and experiential knowledge within the group, FORWARD developed and delivered a report to the United Nations Committee on Economic, Social and Cultural Rights concerning Canada’s compliance with the international covenant. FORWARD provided space for the people most impacted by housing instability to take leadership in explaining the interlocking relationships between systemic discrimination, sexism, racism, ableism, poverty, and criminalization that facilitate the disproportionate impact of the housing crisis on women. Although recognizing the UN Committee’s lack of enforcement powers, the report was a vital opportunity to record, in first-person narrative, the perspectives of women surviving violations to their civil, political, and equality rights due to a lack of safe housing. The article depicts the government of Canada’s participation at the UN Committee as “evasive” and “sociopathically unconcerned about the effects of their government’s actions.” A complicated dynamic is revealed by the women of FORWARD, who critique the individual casework approach of the non-profit industrial complex as inherently limited in its capability to transform systems of structural inequality and develop solidarity between shared conditions of marginalization. Paradis makes clear that any anti-oppressive housing rights organizing cannot apprehend the housing crisis if poverty survivors do not themselves define the solutions to the problems they endure on a daily basis.

Following the articles, the Volume turns to three pieces in the Voices and Perspectives section that bring the Right to Housing Volume full circle, with a sharp focus on the active systems that disproportionately target marginalized people for inadequate housing and homelessness. Lessons from authors Yutaka Dirks, Rob Robinson, and Fiona King take stock of projects of transformation and reformation to make housing a human right in law, policy, and lived experience. The shorter contributions from Scotland, the United States, and Canada ground a critical perspective of the human cost of the slow violence of housing instability as well as the rights at stake. In these varied national contexts of embattled housing rights, cases make their way to court, foreclosure of homes by banks are successfully avoided and political allies are secured through community organizing and grassroots mobilizing. The resources and knowledge sharing about housing insecurity offered in the final part of this Volume engage a broader conversation about how to leverage shared sites of socio-economic oppression to construct a more just world in which housing is a human right.

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<sup>32</sup> Sistering: A Women’s Place, online: Sistering <<http://www.sistering.org>>.

## **THANK YOU**

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