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Do Us Proud: Poor Women Claiming Adjudicative Space at CESCR

EMILY PARADIS*

Claiming Our Rights (Revendiquer nos droits) était un projet de recherche action participatif féministe inspiré de Sistering, un centre d’accueil pour les femmes itinérantes à Toronto. Lors de rencontres hebdomadaires sur une période de dix-huit mois, les membres en ont appris sur les droits sociaux et économiques, ont fait des témoignages sur leurs expériences vécues, et ont entrepris des actions pour revendiquer leurs droits. Les initiatives du groupe – un groupe que ses membres ont appelé FORWARD – ont mené à un rapport sur la situation des femmes sans-abri, déposé dans le cadre de l’examen du Canada de 2006 du Comité des droits économiques, sociaux et culturels des Nations Unies. Cet article se fonde sur des observations du processus du groupe et des entrevues approfondies avec les participantes pour évaluer cette méthodologie d’éducation en matière de droits de la personne. Je pose les questions suivantes : Comment les témoignages et les demandes de femmes défavorisées peuvent-elles contribuer à comprendre le phénomène du sans-abrisme et les droits qui sont en jeu dans ce contexte? Qu’est-ce que le projet peut nous apprendre sur l’utilité des processus fondés sur les droits pour le militantisme de masse en matière de pauvreté et de sans-abrisme? Et quelles sont les leçons à retenir de ce projet en matière de défense des droits sociaux au Canada?

Claiming Our Rights was a feminist participatory action research project based at Sistering, a Toronto drop-in for women facing homelessness. At weekly meetings over the course of eighteen months, members learned about social and economic rights, gave testimony on their lived experiences, and undertook actions to claim their rights. Among other initiatives, the group—which members named FORWARD—contributed a report on women’s homelessness to the 2006 review of Canada by the United Nations Committee on Economic, Social and Cultural Rights. This paper draws upon observations of the group’s process and in-depth interviews with participants to assess this human rights education methodology. I ask, what do poor women’s testimonies and claims contribute to an understanding of homelessness and the rights at stake in it? What does the project suggest about the utility of rights-based processes for grassroots activism on poverty and homelessness? And what lessons does this project hold for social rights advocacy in Canada?

IN APRIL 2005 A GROUP OF WOMEN gather for the first time at a Toronto drop-in centre for a human rights workshop. The invitation flyer says, “Hold Canada accountable for homelessness and poverty!” and women come ready to share their stories and demands. In April 2006, a group

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of women take a taxi to Pearson International Airport. On the departures level, they join hands and say a prayer, blessing the heart, hands, feet, eyes, ears, and mouth of their representative, who is on her way to speak on their behalf before the United Nations Committee on Economic, Social, and Cultural Rights (CESCR).

This paper tells the story of Claiming Our Rights, a feminist participatory action research project that led to a report by women facing homelessness to CESCR’s 2006 review of Canada.¹ It presents a human rights education methodology deeply grounded in women’s testimonies and claims, and considers the possibilities of such an approach for reconceptualising rights, homelessness, and poverty in the context of social rights litigation.

Legal theorists have long advocated legal education and collective organizing as key components of poverty law work.² Almost a half-century ago Stephen Wexler wrote, “two major touchstones of traditional legal practice—the solving of legal problems and the one-to-one relationship between attorney and client—are either not relevant to poor people or harmful to them.”³ He goes on to decry the dependency fostered by traditional casework, and frames a new set of tasks for poverty law practitioners: informing poor people of their rights, writing educational materials, training lay advocates, and educating groups for confrontation. In the same period, adult educators were calling for a shift in pedagogy from individual mastery of information and skills to collective articulation of and action on shared conditions of oppression,⁴ or what Rachel Gorman calls “struggle learning.”⁵

Collective, critical, and participatory approaches have since been widely taken up in poverty law, adult education and social research. Still, a review by Susan McDonald found little empirical research assessing public legal education and information initiatives.⁶ In particular, she notes a dearth of accounts that trace the incremental contributions such initiatives may make to law reform and community development. This essay aims to provide one such account, evaluating an intervention less from the perspective of its broader social and legal impacts than from the perspectives of rights claimants. I ask, what do poor women’s testimonies and claims contribute to an understanding of homelessness and the rights at stake in it? What does the project suggest about the utility of rights-based processes for grassroots activism on poverty and homelessness? And what lessons does this project hold for social rights advocacy in Canada?

The next section recounts the story of Claiming Our Rights, describing the project’s formation and its first three phases with an eye to the group’s development of a collective voice and their articulation of collective claims. It reviews the process of framing the report to CESCR, the dilemmas I encountered in writing the report, and our experiences at the United Nations. The section concludes with the group’s changes since the CESC report. In the third section of the paper, I draw upon the testimonies and claims that emerged from the group process, to explore

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⁶ McDonald, supra note 2 at 37-38.
what these reveal about homelessness as a social process. Turning to interviews with group members, I evaluate rights-based processes as a strategy of resistance from the perspective of marginalized claimants. Finally, I examine what the group’s claims and participants’ evaluations of the process suggest for social rights advocacy in Canada.

I. CLAIMING OUR RIGHTS

Claiming Our Rights was a feminist, participatory action research project I designed and facilitated in 2005-2006 as part of my PhD in Adult Education. It was hosted at Sistering, a Toronto drop-in serving women who are homeless and socially isolated. Project meetings were held weekly from June 2005 to December 2006. More than fifty women participated, with a core group of about twenty who were consistently involved throughout the project, and about thirty more who attended at least one meeting. Participants ranged in age from under twenty to over seventy, with the largest group aged forty-five to sixty. More than half were Aboriginal, racialized, and immigrant women. All were living in poverty, most were very precariously housed, some were currently homeless, and others had been homeless in the past. Many had visible or invisible disabilities and chronic health conditions. A few spoke openly about psychiatric system involvement, struggles with well-being, and addiction, while others appeared to be facing these issues but did not share this information. The group included several women who were queer, trans, or two-spirited.

From April to June 2005, I did extensive outreach through presentations at drop-in centres, shelters, and other organizations serving homeless women, as well as directly to women on the street. I distributed posters in laundromats and agencies, inviting women to learn about human rights, share their stories, and participate in the development of a report about women’s homelessness and poverty in Canada for the review by the United Nations Committee on Economic, Social and Cultural Rights (CESCR). Two introductory meetings at Sistering in April 2005 gave women an opportunity to contribute to the list of questions that a non-governmental organization (NGO) coalition was preparing to submit to CESCR in advance of its review of Canada. Most participants came to the group through Sistering, but a few long-term members discovered the group, and Sistering, through this outreach.

In fifteen years as an activist, front-line worker, and researcher, I had met many women who were committed activists and rebels in their own situations of abuse, housing loss, shelter life, and psychiatric intrusion: women who phoned the Ontario Ombuds Office on a weekly basis, or yelled “What are you looking at?!?” when guys gave them the eye on the street. I expected that the project would appeal to women who were taking this type of action in their own lives, and that it would validate their resistance strategies, placing their individual struggles in a larger context. I also hoped that the project’s work would benefit from the energy, creativity, and determination women brought to their own fights. My outreach emphasized the overtly political nature of the project, in order to spark interest among women who were already fighting homelessness in their everyday lives.

Women’s participation in the project was supported in various ways. At Sistering, participants had access to a range of resources, including clothing, harm reduction supplies, housing support, skills training, and counselling. Meetings were held in the mid-morning, immediately before the daily hot lunch served in the agency’s dining room. Drinks and fresh fruit were provided at every meeting, and participants in phases one and two received public transit tokens. Through a partnership with the Barbra Schlifer Commemorative Clinic, a legal and
counselling centre for survivors of abuse, I was able to arrange for a Spanish-language interpreter for the first twelve weeks.

Near the end of the project, between July and October 2006, I met with thirteen of the participants to conduct in-depth individual interviews. Some women I interviewed had been involved throughout the project, while others had attended only sporadically or during a specific phase. These structured dialogues focused on participants’ experiences with homelessness, poverty, and the immigration and psychiatric systems, among others; their assessment of the project’s impacts on their well-being and sense of empowerment; their evaluation of the project’s political effectiveness; and their recommendations for future organizing on women’s homelessness. The analysis below draws upon these interviews, as well as on discussions during meetings, formal testimonies, and documents produced by the group.

In preparation for the project I designed a three-phase program that roughly corresponded to the activities of participatory research: education, research (testimony), and action. Phases one and two incorporated session-by-session plans with structured activities, while phase three was more ad hoc. Its sessions were framed by a general objective of preparing the CESCR report, but the activities of weekly meetings were determined by the priorities of those who attended.

A. PHASE ONE: HUMAN RIGHTS EDUCATION

Phase one, spanning fifteen sessions from June to September 2005, was modelled on Human Rights Education, a form of popular education whose goal is to teach communities about human rights so that they can take action on their own behalf. Human rights education is particularly powerful for women because it reframes “private” experiences, such as abuse, as violations of women’s human rights. Such reframing is crucial for survivors of homelessness, who have been represented to themselves and to the public at large as blameworthy, deficient, or unfortunate victims of the neutral functioning of markets.

The objectives of this phase were to introduce participants to group work, learn about economic and social rights, and make connections between women’s experiences and human rights. Activities and discussions were grounded in participants’ lived experiences, through the use of popular education techniques, open discussion, small group exercises, arts activities, and mindfulness meditation.

The group was “open,” meaning women were free to join at any time, and about thirty women came to meetings during this phase. In spite of the structured activities, the facilitation

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10 During this phase I was very fortunate to work with two co-facilitators whose skills made the arts and mindfulness components possible: arts educator Shira Spector, and yoga scholar Sheila Batacharya.
during this phase was very flexible, establishing a group culture that was inclusive of a broad range of styles and self-expression. Sessions could be very chaotic, with participants arriving late, leaving early, walking around the room, telling long stories, dozing off, arguing, and jumping in to discussions with non-sequiturs. But they were also very productive, generating the beginnings of a deeply critical analysis. The group’s nascent collective voice is in evidence in its very first written statement, initiated by participants at the end of the second session: “welfare workers, ODSP workers, government, landlords, health care, any service provider, social workers, dental workers, C.A.S.: YOU WORK FOR US, WE DON’T WORK FOR YOU.”

Rights talk came naturally to group members, providing a vocabulary to name both their daily experiences of degradation, and their aspirations for a better world. In contrast with the prevailing image of human rights violations as unusual acts carried out by the military and penal apparatus of far-away states, group members understood their rights to be at play in multiple everyday settings. Because of their reliance on services and programs for basic needs of survival, mundane interactions with a range of institutional gatekeepers were loaded with power, and all too often it seemed that these actors, and the systems they represent, worked to secure women’s powerlessness. The Charter’s promises of life, liberty, security of the person (section 7), and freedom from discrimination (section 15) held visceral meaning for participants, for whom a determination of ineligibility for disability support meant the difference between eating and going hungry; a biased risk assessment tool applied by a young, childless social worker could lead to the loss of a child; and a transgression of shelter rules could mean being put out on the street to endure freezing temperatures and the danger of assault.

**B. PHASE TWO: TESTIMONY**

Phase Two took place in seven sessions from September to November 2005. It was modelled on interventions in which testimony serves twin purposes of healing and justice. In feminist therapy groups, for example, women give and receive support as they discuss their struggles, discover commonalities, and place their seemingly “private” pains in political context.\(^{11}\) Testimonio is a Latin American literary genre in which members of disenfranchised communities recount their lived experiences of rights violations by the State; because the narrator is targeted for these violations on the basis of community membership, the “personal” narrative becomes the story of the whole community, and conversely the “individual” story may include elements taken from the stories of others, or from common experiences.\(^{12}\) Testimony therapy was developed by Chilean therapists working with survivors of state torture and imprisonment, who recognized the therapeutic and political value of documenting these violations as formal testimony to denounce the perpetrators.\(^{13}\)

The objectives of this phase were to tell, witness, document, and discuss participants’ testimonies of violations of the rights guaranteed under the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), including just working conditions, adequate housing,


health, social security, and protection of the family. In each weekly session one or two group members gave testimony, which I transcribed and returned to the testifiers, so that they could make any changes or additions they wished. This process produced eight written testimonies from seven women, to be used in the report to CESCR.

For some women, it was the first time they had spoken at length in the group, while others’ stories were already familiar. Each woman testified differently: some quiet and matter-of-fact, others dramatic; some prepared and orderly, others unspooling stories as they spoke; some testimonies plainly factual, others marked with the gaps and excesses that express the “unreal reality” of trauma. Such variations are typical of how survivors recall and recount traumatic events, yet the emotional and cognitive struggles that characterize trauma narratives are often interpreted to undermine claimants’ credibility in legal and administrative settings.

Testimonies gathered during this phase cast the right to housing in a new light. While only a few women had experienced absolute homelessness, all knew what it meant to be inadequately housed. The material dimensions of inadequate housing—infestation, disrepair, overcrowding, and unaffordability—were present in women’s accounts, but more important than these were the abuse, harassment, discrimination, exploitation, dependence, and precarity that women were subject to in their homes. Women’s stories also underlined the interdependence of housing with other social rights such as health, work, income, and equality.

For example, the testimony below, from F., demonstrates how the material and social dimensions of inadequate housing come bundled with discrimination on the basis of gender, race, disability, and poverty:

I was working but getting no pay increases so I couldn’t afford my apartment. Then I moved into a rooming house. But these people were not related to me, not part of my family, not anyone I knew. And if I played East Indian music people were offended—they said there were no East Indian people living there so I should go and live with my own people. They said that because I was working I had to pay more for heat and hydro. When I was in the kitchen people would come in and accuse me of things I hadn’t done. So there were many problems with this house. The rent was too high, there was racism and discrimination, it was untidy, and there was too much noise. I complained about these things, but I was told that I had no priority because I didn’t own the house. The landlord ignored my complaints, and said, “You should go live

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16 Herman, supra note 11. This is not to endorse essentialist psychiatric explanations that trauma causes “disordered” speech. Instead, trauma stories—and in particular, those of racialized, psychiatricized and poor women—are just one example of what Lucie White calls “subordinated speech.” She explains, “Familiar cultural images and long-established legal norms construct the subjectivity and speech of socially-subordinated persons as inherently inferior to the speech and personhood of dominant groups. Social subordination itself can lead disfavored groups to deploy verbal strategies that mark their speech as deviant when measured against stylistic norms. These conditions—the subterranean web of speech norms and coerced speech practices that accompany race, gender and class domination—undermine the capacity of many persons in our society to use the procedural rituals that are formally available to them.” Lucie White, “Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G” (1998) 38:1 Buff L Rev 1 at 4.

17 Here and throughout this paper I employ pseudonyms women selected for themselves.
with people of East Indian origin.” I couldn’t live there. The rent was too much. So I applied to the government for housing. But I didn’t have priority.\(^{18}\)

During the eight years she lived in the house, facing daily racist harassment, her health understandably deteriorated. This in turn affected her ability to work, further reducing her income and her options for moving out.

Sexual harassment and exploitation by landlords and cohabitants was a common topic, seen as a fact of life for low-income women. In her testimony, Commando, a two-spirited Aboriginal woman, described the sexual harassment she faced when she finally moved off the streets into her own place:

Finally I got a room in the Annex and this time, the landlord was coming on to me. That’s what they always do when you’re single – they come onto you and when I wouldn’t sleep with him that’s when he kicked me out.

Her need for the self-defence skills she had acquired in a year of street life did not diminish once she was re-housed.\(^{19}\)

Women’s housing troubles were not limited to discrimination and harassment by individuals, however. Social policies were shown to have direct, palpable impacts on women’s access to adequate housing. For example, Ingrid had lived in a spacious, bright, affordable apartment for thirty years until the neighbourhood gentrified and the building was sold. The purchaser—a real-estate broker with five other rental buildings and a house of his own—evicted her using a clause that allows landlords to evict tenants if they plan to move in to the unit.\(^{20}\) A more likely scenario was that he, like thousands of other Ontario landlords, was planning to take advantage of a policy of vacancy decontrol that permits rents to be raised an unlimited amount on vacant units.\(^{21}\) Though Ingrid knew this, she found that neither the legal clinic where she went for help, nor the Rental Housing Tribunal that heard her case, had any mechanism to investigate whether landlords applying to evict on this basis ever did move in to the unit as they claimed.

Ingrid’s housing search was nearly impossible because she had been paying very low rent and was now searching in a housing market in which average rents were much higher. She ended up in a below-code basement one-bedroom, paying eighty percent of her disability cheque on

\(^{18}\) FORWARD 2006, supra note 1 at 12.

\(^{19}\) Intimate partner violence and abuse by family members is the most common precipitor of homelessness for women and families. Emily Paradis et al. Better Off in a Shelter? A Year of Homelessness and Housing among Status Immigrant, Non-Status Migrant, & Canadian-Born Families, (2008) Research Paper 213, Centre for Urban and Community Studies (CUCS), Cities Centre, University of Toronto; Leslie M. Tuty et al., “I Built My House of Hope” : Best Practices to Safely House Abused and Homeless Women, (2009) Report Prepared for the Homelessness Knowledge Development Program, Homeless Partnering Secretariat, and Human Resources and Social Development Canada, online: <www.ucalgary.ca/resolve-static/reports/2009/2009-01.pdf>. Though some participants shared these experiences in the group and in interviews, I deliberately did not include them as topics when planning the testimony phase, because I was concerned that giving and witnessing testimonies on abuse would be triggering for some members.

\(^{20}\) Tenant Protection Act 1997, SO 1997, c 24, as repealed by Residential Tenancies Act, SO 2006, c 17 [TPA] ss.51-52. At that time, Ingrid’s tenancy was subject to the TPA, but this provision has been carried forward into current landlord-tenant legislation and, continues to be exploited by landlords as a quick solution for terminating tenancies: Residential Tenancies Act, S.O. 2006 c 17, s 48 (the landlord may terminate the tenancy, if, in good faith, the landlord requires possession for residential occupancy by him/herself, a spouse, child, parent or caregiver).

\(^{21}\) TPA, ibid, s 124.
rent. The grief over the loss of her home of thirty years, combined with lack of sunlight, left her depressed for months. With such high rent, she couldn’t afford food and needed to eat at a drop-in, but there were days she would go without eating because she was so depressed she couldn’t get out of bed. When she did go out, she would sometimes walk past her old place, watching as the renovations progressed and the new upscale units eventually went back on the market.

Women’s testimonies anchor theories of the indivisibility of social and civil rights in the complexities of lived experience. What emerged in women’s accounts was that the streets, shelters and housing were all sites of violation, because women lacked safety, security, control, privacy, autonomy, and dignity in those places. Gendered, raced, classed, and mentalist relations of dominance in which women were subject to the actions and decisions of others in positions of power characterized both homelessness and housing for most women. Even having an affordable, adequate, independent home was usually described as a matter of luck, which could change at any time, and often did. Testimonies also demonstrate that the right to housing is inextricably bound up with other social rights domains including work, social security, health, and protection of the family.

C. PHASE THREE: ACTION

When the first two phases had come to an end, participants agreed to continue meeting in order to plan and undertake actions together to address women’s poverty and homelessness. Members re-named the group FORWARD.22 This phase of the project was modelled on participatory research and transformative community practice, in which the researcher or “change agent” supports participants in identifying and taking action on common concerns.23 It began in late November 2005 and continued through July 2006, consisting of more than thirty group meetings and several other activities. In addition to women who had attended in Phases One and Two, about twenty new women came to meetings during this phase.

The objectives of this phase were to develop and deliver a submission to the review of Canada by the United Nations Committee on Economic, Social and Cultural Rights (CESCR), and to support the group in taking other actions. In addition to sending a report and a representative to the CESCR review in Geneva in May 2006, the group undertook a range of other activities during this phase, including developing a mission statement, participating in a worldwide online discussion about urban issues, attending an all-party forum on homelessness during the federal election campaign, and sending a member to the Grassroots Women’s International Academy and World Urban Forum in Vancouver in June 2006.

Women’s homelessness had been at the centre of my analysis when I designed the program for Claiming Our Rights. Participants certainly met criteria for more expansive definitions of “homelessness”: visible homelessness and/or inadequate housing characterized the experiences of the vast majority, as did extremely low incomes. One could argue that as a group, they were generally understood as “homeless” because of their association with Sistering. On the other hand, most did not identify with the term “homeless.” What had emerged from testimonies

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22 Initially, FORWARD stood for Feminist Organization for Womyn’s Advancement, Rights and Dignity. Later it was shortened to For Women’s Autonomy, Rights and Dignity.

and discussions in Phases One and Two was that the material inadequacy of dwellings and incomes was not the only—or even the most important—aspect of women’s shared experience. Instead, the group articulated a basis for solidarity that foregrounded how they were treated in multiple, intersecting domains, including the streets, shelters, public and private housing, to be sure, but also social assistance offices, psychiatric institutions, child welfare agencies, and public space. Laws, policies, programs, services, and market actors all come together in the lives of poor and marginalized women in what the group’s mission statement refers to as “the system”:

We are a group of low-income women who have been harmed by the system. We are women of all ages and religious backgrounds, of the four colours, from the four directions, of all sexual orientations, single/or not, mothers/or not, who are working in solidarity for all women to be heard […]

Discussions and actions during this phase were wide-ranging. Members brought topics for discussion from their own immediate circumstances, but also from newspapers, other groups they were involved in, and even administrative correspondence. At one session, for example, a member brought in a letter informing her about new regulations of the provincial drug plan for low-income people, which would allow recipients’ prescription information to be shared across institutions. The group discussed the implications of this change, agreeing that it was a shocking invasion of privacy that would never happen to middle-class people whose insurance plans were paying for their medications. Members wondered, what if you went to the emergency room for a physical health crisis, and medical staff could pull up the records of your psychiatric prescriptions? Would they treat you as less credible?

Each new event and piece of information contributed to, and was re-interpreted through, collective discursive framings the group was gradually developing. The group’s re-framings refuted hegemonic, neoliberal constructions of poverty, homelessness, and services, but they also often rejected more sympathetic-seeming progressive narratives. For example, one key element of the group’s counter-hegemonic narrative was a re-interpretation of services as, in the words of one participant, “making your living off the backs of the poor.” Dominant neoliberal discourses paint social services as, at best, laudable charitable responses to those less fortunate, or at worst, a waste of taxpayers’ dollars to support freeloaders and cheats. Progressive campaigns tend to counter these claims—and the funding cuts they legitimate—by insisting on the need for more services, often mobilizing images of poor people as victimized and service-dependent in order to substantiate their demands. But the group rejected all of these framings. For members, a critical perspective on services was a taken-for-granted fact of life, learned not from radical writings about the “non-profit industrial complex,” but from daily interactions whose most obvious inequity is obscured by both mainstream and progressive discourses: the fact that every service interaction includes a service provider who is being paid, and a “client” who is not. Through the lens of these everyday experiences, women had come to understand the systems and services with which they interact as having a raison d’être that is different from their stated purpose of helping. In reinterpreting social services as essentially self-perpetuating, this discourse pulls

25 Like all of the group’s collective narratives, this one was not uncontested. In meetings, members might temper this critical perspective with recognition of the necessity of services, acknowledgement of the difficulties agencies
apart a powerful framing that helps to hold in place the economic and social relations that perpetuate homelessness.

Shared experiences and a common analysis were no guarantee of harmony, however. Daily-lived scarcity and abuse transmit modes of competition and mistrust, and meetings were often fractious. For members, solidarity did not mean transcending conflict, dominance, and rupture, but rather learning to work together in spite of them. This point is expressed in a funding proposal the group developed:

Our major challenge has been sticking together and getting work done in spite of the incredible pressures each individual group member faces every day. We are all being pushed and overwhelmed to the max by the many systems in which we are entangled. Most of us have been told we are crazy, we have been labelled by the psychiatric system, and we have been told that our ideas and feelings don’t matter. We each carry our own grief, for the loss of our kids, the loss of our homes, the loss of our former lives. The anger, grief and frustration sometimes make it hard to stay united, but we have kept working together for change.

In short, during this period, the participants consolidated a collective analysis of the system, and counter-narratives about its operations, from the perspective of their lived experiences. But they also wrestled with individual and group struggles, while refuting stereotypical representations of homeless women as disordered. Instead of positioning women as blameless and passive victims, the group’s discourses adopted a fighting stance, and held open a space for disorder as a legitimate—and even potentially productive—response to their experiences and the social processes that constitute them.

D. DEVELOPING THE REPORT TO CESCR

The process of preparing the report to CESRC brought a number of challenges. A key one was logistical: who would write the thing, and how? Though I had hoped the report would be written with members’ active involvement, the group found this task too daunting, and asked me to draft it. In order to generate material, we relied on the collective writing process by which we had produced other documents: each week, I taped up a big sheet of paper, and wrote as women talked. We revisited past discussions, members’ stories, and documented testimonies, examining them through the lens of the ICESCR. Using circles, arrows, and a different colour for each Covenant right, I tried to produce rudimentary maps of the ways these rights intersected in women’s stories and theories. Within a few weeks, we had produced enough material to frame the report.

There were also discursive challenges in developing the report. It seemed important to hold on to the group’s radical critique of services, and its forthright self-representation as angry and frustrated, but this proved tricky. A human rights claim seemed to require that experiences be framed in terms of violation and victimization. There was no shortage of these to be found face, and expressions of gratitude for positive experiences. Nevertheless, these qualifiers were understood as complicating the critique of services, but not contradicting it.

In their feminist participatory action research with poor women, Colleen Reid and her colleagues noted that women, too, may adopt a discourse of victimization in framing their own stories, in order to gain access to needed
in women’s stories, but equally important was the active role that women played. Their experiential accounts revealed not only the impacts of violations, but also women’s active negotiations with and resistance to them. No matter how overloaded the power imbalances and how narrow the range of choices, women were always active protagonists and narrators of their stories. This was the case whether they established moral worth by adopting dominant discourses, or by critiquing and subverting them; whether they walked away from situations that were harmful to them, or stayed put and found ways to cope; whether they went along with institutional and government régimes in hopes of avoiding punishment, or resisted attempts to control and monitor themselves and others, in spite of the risks they faced in doing so. Positioning women as victims of rights violations seemed to require that these elements of agency drop out of the story, leaving a simple narrative of abuse of power.27

Also challenging to capture in the report was the way in which women’s experiences reflected the interdependence of social and economic rights, and their indivisibility from civil and political rights. This made it difficult to organize testimonies as violations of discrete Covenant rights. Did F.’s story, for example, belong in a discussion of inadequate housing, insufficient social security, unjust working conditions, or discrimination? What about a testimony recounting physical injuries the witness sustained during psychiatric incarceration, an employer’s subsequent attempts to get access to her confidential medical information, and the impossibility of having a now disproven but deeply stigmatizing psychiatric diagnosis removed from her medical records? Were these not better understood in a framework of the rights to liberty and security of the person?

In the end, the report included some innovative responses to these challenges, as well as some compromises.28 When members reviewed the draft I had prepared, there were few comments about specific content, but the group made one large change: they directed me to alter the voice of the report from the third person to the first. In writing a report that claimed to be “poor and homeless women speaking out,” I had agonized about issues of voice and appropriation, but other members of the group had no such reservations about their ownership of the report and its content. After all, shouldn’t a poor women’s movement have access to ghostwriters and PR staff? If elected officials didn’t write their own speeches, why should they?

The first person voicing proved to be a partial solution to the discursive dilemma, as well. It definitively situated the report as different from, and complementary to, other NGO reports whose formats and contents were likely to be more in keeping with legal and scholarly conventions. This change opened new possibilities for incorporating material and perspectives that would have been difficult to fit into a more formal report, including overt challenges to services and/or establish a claim to moral worth. Colleen Reid & Allison Tom, “Poor Women’s Discourses of Legitimacy, Poverty and Health” (2006) 20:3 Gender & Society 402.


28 FORWARD 2006, supra note 1.
hegemonic discourses. We even managed to find a place for the critique of services, in the section addressing Article 1, the right to self-determination:29

Government decisions about expenditures do not include our input and they do not reflect our priorities. It is well-known that shelters cost more than housing, psychiatric treatment costs more than counselling and a healthy diet, State care for children costs more than providing adequate resources to families. Yet government spending in these areas remains oriented towards the systems that maintain State control and poor women’s dependence, instead of promoting our autonomy and dignity.30

The report also commented directly on the intersections of the rights to work, social security, adequate housing, protection of the family, and health, and pointed to the indivisibility of these rights from civil and political rights and equality rights, adding an experiential perspective to the legal theory making these same connections.31

We learned that groups attending the review should select one or two key issues on which to lobby the Committee, in hopes of getting a specific recommendation in the Concluding Observations. FORWARD’s report was complicated: it focused, of course, on women’s poverty and homelessness, but it also elaborated the links between these and violations of other rights. The group reasoned that many other organizations would lobby on broader issues of homelessness and poverty, and decided that our unique contribution would be to raise the rights violations poor and homeless women face within two State systems: child welfare and the psychiatric system.

E. ATTENDING THE CESCR REVIEW OF CANADA

Choosing a representative to go to Geneva was a difficult process for the group, but in the end members unanimously selected Doreen Silversmith, a poet and long-time activist who was also deeply involved in a newly-erupting struggle in her home community of Six Nations.32 This choice was serendipitous, as it meant Doreen was also able to bring attention to her community’s

29 ICESCR, supra note 14, Article 1 (1): “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”
30 FORWARD 2006, supra note 1 at 28.
32 At this First Nation, the largest in Ontario, protestors had blocked construction of a private residential development on unceded land. Since February, a small group had camped at the site to protect it from further development, in defiance of a court order. The week before our departure to Geneva, the Ontario Provincial Police left their warm beds early to make a pre-dawn raid on the quiet winter encampment. They tore sleeping people from their tents, beat clan mothers, tasered youths, and arrested 16 people. Within hours, hundreds of supporters had arrived at the site, along with major media outlets. On TV, sensationalized images of the blockade were interspersed with white talking heads gravely professing their hope for a “peaceful resolution,” as though the protesters had been the instigators of the violence. The standoff over this piece of land, named Kanonhstonaton (the protected place), became the focus of international news and sparked renewed action for Indigenous sovereignty across Turtle Island. Actions to protect the land continue to this day, according to a recent article in Two Row Times: Jim Windle. “The people say no to Hewitt’s plan for Kanonhstonaton”, Two Row Times (2 July 2014) online: <www.tworowtimes.com/news/local/the-people-say-no-to-hewitts-plan-for-kanonhstonaton> .
crisis at the CESCR review by also presenting a statement from the Haudenosaunee.\textsuperscript{33} FORWARD’s report to CESCR—and likely, the CESCR review as a whole—in turn benefitted from reflected media attention generated by the ongoing standoff at Six Nations.

With input from the group, Doreen developed a powerful statement that brought together discussion of articles of the covenant, brief summaries of members’ testimonies, and poetic invocation of homeless women living and dead. We met at a local coffee shop to discuss travel logistics. Word was getting around Sistering and the neighbourhood that Doreen was going to the United Nations. It was lifting people’s spirits. Friends and acquaintances offered her what money they could, for a haircut and something nice to wear. “Go get ‘em, Doreen,” a customer at the coffee shop said. “Do us proud.”

Meanwhile, through discussions on an email list of Canadian NGOs submitting reports to CESCR, I was getting a crash course in the history, strategies, and politics of UN committee reviews. Canadian organizations had been the first to lobby CESCR to accept written submissions from NGOs, and then to have a day set aside for oral statements by these groups.\textsuperscript{34} Now the very advocates who had lobbied for this precious adjudicative space—in which poor and marginalized people could speak out on the international stage about their countries’ domestic human rights record—were pushing for the next step: to have NGO presentations immediately precede the review of their own country. This was considered important because advocacy groups could rarely afford to stay in Geneva for the days, or even weeks, between their oral submission and the review of their government. Reducing NGOs’ advocacy to one day of oral submissions diminished their effectiveness, because groups could not provide information to Committee members to correct misrepresentations by their governments during the review. Some well-established Canadian NGOs were seeking a special meeting with the Committee on the first day of Canada’s review, instead of making their presentations on the designated day for NGO oral submissions.\textsuperscript{35}

For FORWARD, though, the choice was clear. Members were unanimous in their conviction that we had not done all this work just to speak to the Committee during a private meeting that might not even happen. We owed it to ourselves—and to other women living in poverty and homelessness in Canada—to take the floor on the NGO day, and get our presentation on the record.

An entourage of FORWARD members met at Sistering the day of our departure. We took taxi vans together to the airport, where we joined hands and said a prayer. Two days later, in fancy clothes, Doreen and I rode the tram to the United Nations. The long wait at the gate for security clearance, and the vast manicured grounds to which we gained access through that gate, reminded us that we were somewhere special and rarefied. Soon we took our places in the

\textsuperscript{33} Also referred to as the Iroquois, a confederacy of six nations: Mohawk, Cayuga, Oneida, Onondaga, Tuscarora and Seneca, whose centuries-old principles of governance inform North American democracy. The statement was submitted by the traditional government, the Clan Mothers and Ceremonial Chiefs of Six Nations. The Haudenosaunee have a long history of intervention in international legal fora, including a 1920s application for membership in the League of Nations; see Grace Li Xiu Woo, “Canada’s Forgotten Founders: The Modern Significance of the Haudenosaunee (Iroquois) Application for Membership in the League of Nations” 2003:1 Law, Social Justice and Global Development Journal, online $<www2.warwick.ac.uk/fac/soc/law/elj/lgd/2003_1/woo>$.


\textsuperscript{35} In 2006, there was not yet a complaints mechanism for ICESCR, as there was for its sister treaty, the Convention on Civil and Political Rights. The CESCR reviews were therefore the main United Nations forum in which social rights advocates could bring information about their states’ perpetuation of homelessness, poverty, and ill health. The Optional Protocol for ICESCR entered into force in 2013, but Canada has not yet ratified it.
committee room in which CESCR would take submissions from Canadian, Moroccan, and Mexican NGOs.

Most Canadian NGOs at this session were from grassroots and community organizations representing Aboriginal people, refugees, African-Canadians, people living in poverty, and marginalized girls and women. It seemed that most novice presenters like us had chosen to attend the NGO day, while the well-established advocacy organizations were holding out for a meeting on the first day of Canada’s review. Doreen was one of only a few Canadian NGO representatives living in poverty; most, like me, were advocates and allies. We sat around a long table in the middle of the windowless, low-ceilinged room, surrounded by Committee members. The Committee Chair and secretariat were at a raised head table, and around the periphery of the room were interpreters in closed cubicles. Each of our seats was equipped with its own microphone and a set of headphones; you could turn a dial to listen to the proceedings in different languages. It was definitely the UN.

Before we knew it, it was Doreen’s turn to speak. Her microphone came on, she leaned in, and slowly, clearly, and with great authority, she delivered the FORWARD statement. It was a powerful moment that seemed to reverberate out to the past and future: Doreen in a ribbon shirt before a committee of the United Nations, introducing herself in Cayuga, giving honour to the women who have died on the streets, telling her own story and the story of other FORWARD members, and urging the Committee, on behalf of all poor and homeless women, to call Canada to account. Most of the other statements were formal and restrained, presenting research and statistics to bolster their claims, perhaps using stories as illustrations for broader trends. Doreen’s was a passionate appeal to the Committee’s conscience, voiced in a “we” that included women living and dead.

We had a lot to learn in the days that followed. Lobbying Committee members was a culture unto itself, with many unspoken rules and practices. Though committed on principle to the rights of people living in poverty, this elite diplomatic environment was not very inclusive of the embodied presence of poor women. At times, we found ourselves in conversations where poor and homeless women were talked about as if they weren’t there. In providing information to the Committee, we sometimes felt compelled to engage in simplified, mainstream discourses just to get our point across. Economic and social rights tend to be understood as the right to social provision, without regard to the ways in which social benefits are provided. This made it difficult to present information that was in keeping with the spirit of our report. For example, we found ourselves advocating for increases to welfare rates, but unable to address what FORWARD members considered the more important issue: how women are treated by the welfare system and its workers. And being at the United Nations—with its marble halls, battalions of well-dressed staff, and gourmet cafeteria—I sometimes couldn’t help but wonder whether we were all just making our living off the backs of the poor.

At the same time, the few grassroots women in the Canadian delegation relied on their outsider status as license for approaches to the Committee that the professional advocates might never have thought—or dared—to make. During breaks, Doreen spent time in the smoking lounge, lighting Committee members’ cigarettes and teaching them to pronounce

36 In the time since the review, there has been some progress in UN recognition of States’ obligations to uphold fundamental rights of dignity and autonomy in their social protection systems. See, e.g., Magdalena Sepúlveda Carmona, From undeserving poor to rights-holder: A human rights perspective on social protection systems (Oxford: Development Pathways, 2014).
“Onkwehon:we.” At the long-fought-for lunch meeting, she stood up and addressed members of the Committee, though she was not on the speaker’s list. “We hope you’ll take the government of Canada and just….” She paused, and made a gesture like grabbing an errant dog by the scruff of its neck and rubbing its face in the mess it had made. “Just rub their faces in it, force them to see what they’ve done. Give them a spanking.”

“That is what we will do, Doreen,” a Committee member replied with a smile. “Only, we will do it very politely.”

We didn’t have to wait long for the promised spanking. On the first day of Canada’s review, a Committee member who was a judge in his home country took the floor. His voice raised and shaking with practiced judicial anger, he pointed out that none of the key issues from Canada’s previous reviews had been resolved. He cited information he had received from NGO submissions to illustrate the decline in economic and social rights in Canada since the last review, and to support the assertion that Canada was failing to make these rights justiciable. There seemed to be a misunderstanding on the part of Canada about disadvantaged groups, he suggested: Canada has an obligation to provide the rights to housing, food, and freedom from poverty, and to take care of disadvantaged groups. “These people also have rights,” he concluded emphatically. “These people are entitled to have their needs fulfilled.”

Coming as I was from Canada, where judges regularly insist that social and economic rights are not justiciable, his speech brought tears to my eyes.

The Canadian government delegation responded like frat boys called in to the dean’s office because their last party got out of hand: evasive, irritable, and sociopathically unconcerned about the effects of their government’s actions. At one point, for example, it was clear that they had done a quick search of their own website to identify any federally-funded projects with the words “African Canadian” in the title, and then tried to pass this off as a coordinated federal strategy to remedy the social and economic exclusion of African Canadians. And later, when addressing questions about the fact that an increasing proportion of the people who enter Canada each year do so as temporary workers with drastically circumscribed rights, they explained that temporary workers were not necessarily marginalized, since the category could include “hockey players, models, CEOs, foreign students, and trainers for new software programs.”

When confronted with questions about the inadequacy of Employment Insurance (EI) and the clawback of the National Child Benefit Supplement (NCBS) from welfare cheques, though, they thought nothing of showing their true workfarist colours. They disputed the “idea that EI should cover the living expenses of all unemployed people.” Instead, they explained, “This program is designed to replace lost income for workers who have become unemployed by no fault of their own … program access is very high among those for whom the program is designed.” Of the NCBS clawback, they claimed that it functioned “to promote labour market attachment by ensuring parents always benefit more by working. This is how the program is

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37 This is an indigenous term meaning “the original people” and is used to refer to First Nations generally. See <http://onkwehonwering.wordpress.com/resources-for-study/glossary-of-onkwehonwe-terms/>.  
38 All direct quotes from Committee members and the Canadian delegation are from verbatim notes I took during the review.  
39 The federal Conservative Party, led by Stephen Harper, had just taken power for the first time with a minority government. Its first budget was tabled two days before the review, cancelling planned social rights programs including a national childcare program and a national accord to improve education, employment and living conditions for Aboriginal peoples. Its deep cuts to programs for equity and human rights such as Status of Women Canada and the Court Challenges Program were soon to follow. Its reconstitution of the shreds of Canada’s welfare state into a seamless workfare-security state, and its evisceration of democracy, were yet to come.
supposed to work.” It seemed outrageous that they could embrace this policy position in the presence of women who had gone hungry each month as a direct consequence of it.

Days later we were back at Sistering, clustered around my laptop to watch the video of Doreen’s statement to CESCR. The sound was poor and the image small, but some women wept as they watched. At the end, the group cheered and crowded around Doreen to hug her. We tried to report back in more detail about the trip, but it was difficult to explain the elaborate process in which we had participated: the meetings, the lobbying, the briefing notes. There was so much more to the work we had done than was captured on the video. One member, who had spoken strongly in favour of lobbying for a recommendation on psychiatry, asked what we had done on this. I admitted that we had not found a way to bring the issue forward. But when I tried to account for why—the narrow jurisprudence on the right to health; the lack of other organizations bringing a critical perspective on psychiatry; the importance of maintaining credibility with the committee; fear of bringing forward a “radical fringe” issue—the reasons sounded too much like the usual excuses for ignoring disability issues and toeing the line on psychiatry. She was disappointed, and hearing myself explain it, so was I.

This accomplishment for which we had spent a year preparing felt at once triumphant and disappointing. On the one hand, we had audiovisual proof of Doreen bringing the women’s stories into a forum in which they had never imagined they would be heard. On the other hand, our most significant work in Geneva had taken place behind the scenes, in a language and process so subtle and complicated, and with an impact so diffuse as to be imperceptible. We had gone far away from the group to do this work, and now, on our return, it proved difficult to bridge that distance.

The Concluding Observations were released a short time later. They were a social rights advocate’s dream: righteous, strongly-worded, and concrete. The fact that human rights in Canada had been found wanting by the UN even caught the attention of the mainstream media for a day or two. At the next FORWARD meeting we read through the document together. The group had known since the beginning of the project that the CESCR had no enforcement powers and that its reports were not binding. From reading the 1998 CESCR report on Canada and hearing about our adventures in Geneva, members had become familiar with the bloodless language of the UN, in which the words “grave concern” stand in for a howl of outrage. With all the compromises and missing issues, this was still momentous: women’s experiences had informed a document that the government would have to at least pretend to take seriously. It was particularly thrilling to see traces of FORWARD’s work in the Committee’s recommendation on the apprehension of children:

The Committee recommends that the State party gather disaggregated statistical data in relation to the relinquishment to foster care of children belonging to low-income families, single-mother-led families, and Aboriginal and African Canadian families in order to accurately assess the extent of the problem. The Committee further recommends that, in accordance with the provisions of article 10 of the Covenant on

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the protection of families, the federal, provincial and territorial governments undertake all necessary measures including through financial support, where necessary, to avoid such relinquishment.\footnote{\textit{Ibid}, Article 56.}

This recommendation, on an issue that had not appeared in previous CESCR reviews of Canada, owed its existence to information provided by the African Canadian Legal Clinic, the First Nations Child and Family Caring Society of Canada, and FORWARD, but also, I believe, to Doreen’s own story, which she had shared in FORWARD’s oral statement to the Committee and had discussed further in a meeting with a Committee member:

I was homeless and pregnant on the streets of Toronto, and when my baby was born, instead of providing us with the housing and support we needed, the State took her away from me.\footnote{FORWARD, \textit{Statement to the 36th} session of the Committee on Economic, Social and Cultural Rights (Geneva, 1-19 May 2006), \textit{The impact on poor women of violations of economic, social and cultural rights in Canada under articles 1, 2(2), 3, 6, 7, 8, 9, 10, 11 & 12}. See also Paradis, supra author biography (footnote *) at Appendix G.}

Doreen’s presence, her voice, and through her the voices of so many other FORWARD members who had lost something inestimably more precious than a home, had made a difference.

\section*{F. THE END OF THE PROJECT, AND THE FUTURE OF FORWARD}

After the end of Phase Three, meetings continued to December 2006, with two members taking on the coordination of the group. Though I continued to attend, I began to decrease my leadership role in order to focus on thesis-writing. After the group’s many achievements in the previous six months, there were few new opportunities for action to mobilize members, and eventually attendance dwindled.

Though weekly meetings at Sistering came to an end in January 2007, FORWARD continued its work, coordinated by three members who had been key leaders throughout the project: Doreen, Daniela Mergarten, and Patricia Cummings-Diaz. With their leadership, FORWARD continued to undertake action, research, and human rights advocacy on women’s poverty and homelessness. In October 2007, the coordinators made a presentation to the UN Special Rapporteur on the Right to Adequate Housing when he conducted a fact-finding mission in Canada. In October 2008, they returned to Geneva to present a report to the review of Canada by the Committee for the Elimination of Discrimination Against Women.\footnote{FORWARD For Women’s Autonomy, Rights and Dignity, \textit{Report to the United Nations Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), Canada’s Human Rights Violations Against the Poor} (2008), online: Office of the High Commissioner for Human Rights <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/FORWARD_canada_cedaw42.pdf>.} The report was based on the findings of a survey FORWARD had conducted in twenty drop-in centres, women’s shelters, and Aboriginal organizations. In the years that followed, the group built networks with other women’s and poor people’s organizations, attracted new members, and received funding to conduct innovative, peer-based programs by and for women who were homeless and inadequately housed. I stayed involved, assisting with grant-writing, research, and organizing. In 2010-2011 we received a large grant for a participatory research project to identify service practices that promote the autonomy, dignity, and self-determination of women facing...
Like so many grassroots groups, though, FORWARD’s accomplishments were the result of the hard work of one or two key leaders, most of it unpaid. Everyday troubles and major crises are common in the lives of poor women and poor communities, making it difficult to sustain long-term organizing. The group’s activities came to an abrupt halt in late 2011 when the only remaining coordinator had severe health problems. But years later, traces of FORWARD’s work live on: in project reports and the concluding observations of UN committees, but especially in the fragile web of connections between grassroots activists and allies, who have drawn individual and collective inspiration from each other’s work, and have continued to claim space for poor and homeless women.

II. DISCUSSION

Speaking on the occasion of the coming into force of the Optional Protocol for the ICESCR, Bruce Porter notes, “Like all human rights, ESC [economic, social and cultural] rights can’t be properly understood or valued without hearing from victims of violations.” This underlines the importance of complaints mechanisms, but also, more generally, the necessity of listening deeply to claimants’ perspectives, and taking into account not only the violations they describe, but the meanings they ascribe to their experiences and the aspirations expressed by their claims. This project offered women an opportunity to be heard in an international forum; it also offers advocates for social rights in Canada an opportunity to inform our work with the stories of women facing poverty and homelessness, and their collective analysis of those stories. Here I explore the implications of Claiming Our Rights for understanding women’s homelessness, for the use of human rights claims as a component of collective resistance, and for social rights advocacy in Canada.

A. WOMEN’S HOMELESSNESS AS LIVED EXPERIENCE AND SOCIAL PROCESS

Like other popular education programs, a key aim of Claiming Our Rights was to provide a space in which women could share stories of the troubles they faced, identify commonalities, consider links between their experiences and the broader social and political context, and take action on the causes of their problems. This space—and the resistance it fostered—was as much discursive as political. Before women could decide what to do about their problems they needed to assign new meanings to them, refuting dominant representations of themselves as “lackers, slackers, and unwilling victims.”


45 See Porter, “Claiming Adjudicative Space,” supra note 34.


47 Anthropologist and activist Rob Rosenthal describes how dominant representations of homeless people tend to confine them to one of these three roles: “slackers” who are homeless by choice and take advantage of services and the taxpayers who fund them; “unwilling victims” who have been forced into homelessness for reasons beyond their control; and “lackers” who are homeless as a result of an individual deficiency or pathology which renders them incapable of meaningful participation in society. Each of these images dehumanizes homeless people and obscures
The kinds of experiences members described are what one report on women’s homelessness refers to as “common occurrences”: incidents the like of which recur often in the lives of most women at the margins.\footnote{Kappel Ramji Consulting Group, \textit{Common occurrence: The impact of homelessness on women’s health. Phase II: Community based action research final report} (Toronto: Brown Books, 2002).} They are common, or recursive, because they are socially organized and characteristic of the ways in which homelessness, housing, poverty, psychiatry, child protection, immigration, colonialism, and the regulation of public space come together to maintain the disadvantaged position of women who are poor, racialized, Aboriginal, disabled, immigrants, mothers, queer and trans, young and old.\footnote{Political activist and ethnographer George Smith points out that recursivity—the reappearance of phenomena across different scales and locations in society—is a clue that such phenomena are socially organized, and that they serve an identifiable purpose for ruling régimes. George Smith, “Political activist as ethnographer” (1990) 37:4 Social Problems 629.}

The material conditions of poverty, inadequate housing, and homelessness, and the direct impacts of these conditions on health and well-being, were part of almost every woman’s story. But, as I have explored in detail elsewhere,\footnote{Emily Paradis, “‘I would like us to unite and fight for our rights together because we haven’t been able to do it alone’: Women’s homelessness, disenfranchisement, and self-determination” in Jennifer Kilty, ed, \textit{Within the confines: Women and the law in Canada} (Toronto: Canadian Scholars’ Press, 2014) at 52.} these were not the most important commonalities of women’s experiences. Instead, what FORWARD members emphasized repeatedly in group discussions and individual accounts was the way they were treated, and the harms they had endured from “the system.” Women understand these social relations to be the key right violations they face.

What came to the fore in women’s accounts and group documents was a set of relations that are remarkably consistent across stories and scales. First, poor and homeless women’s security of the person and even their right to life are undermined: women experience physical and sexual violence; harms to their health, well-being, spirit, and dignity; and threats both overt and covert. Also, they are subject to restrictions on their autonomy and the normal freedoms of movement, thought, and self-expression. These restrictions are often enforced using the harms and threats described above. In addition, they encounter intrusion into and surveillance of realms normally recognized as private, such as parenting and sexual relationships. Finally, the threats, restrictions and surveillance combine to keep women in a state of constant precarity, risk, and insecurity. Women assert that the violence, harm, threats, control, surveillance, intrusion, and insecurity convey the message that they are less than human; indeed, dehumanizing representations both produce and legitimize these violations of their basic rights. Women’s poverty, homelessness, and need for support are the conditions that make these relations possible. Standing up for themselves in the face of threats, control, intrusion, insecurity, and dehumanization often means risking the withdrawal of the bare necessities of survival.

These relations are enacted in a multiplicity of local sites in women’s everyday lives, including the streets, drop-ins, shelters, homes, workplaces, and social services. Further, they are carried out by a wide range of powerful actors, including shelter managers, social housing providers, landlords, welfare workers, child protection agents, drop-in staff, and employers. These relations women encounter in multiple everyday settings both enact and reflect the restriction of rights to which they are subject in policy and law. Women’s homelessness and

social and political causes of homelessness; at the same time, homeless people and movements may sometimes strategically deploy one or more of these representations to advance their cause. Rob Rosenthal, “Imaging homelessness and homeless people: Visions and strategies within the movement(s)” (2000) 9:2 Journal of Social Distress and the Homeless 111.
poverty, and their involvement or risk of involvement in systems such as welfare, psychiatry, immigration, and child protection, cause them to be subjected to different legal and policy régimes than other members of “the public,” in which their human rights are circumscribed or suspended.  

Members of FORWARD join social and legal theorists in understanding these social relations and rights restrictions as a denial of citizenship, or as one woman put it, that poor and homeless women “are not seen as people.” Accordingly, I refer to these as relations of disenfranchisement. But instead of harkening back to the good old days of the welfare state when supposedly everyone was seen as a citizen, the group’s collective analysis situates neoliberal social exclusions in a much longer story: that of the role of Canadian law and social policy in the production, control, and elimination of Indigenous, racialized, surplus, and deviant populations. Women commonly linked their own experiences to the ways in which Canadian society has always been built on “making your living off the backs of the poor” and violent disposessions of Indigenous and racialized peoples. One Métis participant, for example, described her eviction as being “like Christopher Columbus landing all over again.”

This connection invites us to see homelessness differently: not only as a material state resulting from neoliberal economic and social policies, but also, and more importantly, as a social process whose operations serve a purpose for ruling régimes. Though there is no verb form for it, homelessness is similar to social processes such as racialization, criminalization, and psychiatrization, in which discursive and material operations come together to sort out certain groups of women and reclassify them as residing outside the sphere of protection of liberal personhood. That the social category “homeless” is as much discursive as material is made evident by the fact that women who are housed can come to be classified as “homeless” by


52 Kennett, for example, links homelessness in the UK to a shift away from a Keynesian model of social citizenship to a market-based citizenship in which social entitlements are no longer universal but contingent on labour market participation. Liggett, following Patterson’s work on slavery, describes the public policy response to homelessness as a radical denial of personhood she calls “social death.” Porter suggests that Canadian courts’ refusal to recognize social rights in effect denies the citizenship of poor and homeless people. See Patricia Kennett, “Homelessness, citizenship, and social exclusion” in Patricia Kennett & Alex Marsh, eds, Homelessness: Exploring the New Terrain (Bristol, UK: The Policy Press, 1999) 37; Helen Liggett, “Where they don’t have to take you in: The representation of homelessness in public policy” (1991) 10:3 Journal of Planning Education and Research 201; Bruce Porter, supra note 34 at 77.
individuals, organizations, and social policies on the basis of their appearance, their associations, and their need for services.

Women’s accounts and analyses also reframe resistance. In the encounters they describe, women’s responses often assert their liberty, security of the person, privacy, and dignity, sometimes even at the cost of their material needs. This is clearest in Commando’s story of refusing to have sex with her landlord even though it meant being kicked out of her room, but it appears time and again in testimonies, group discussions, and interviews. Further, women pushed back against situations in which their basic material needs were being fulfilled in ways that undermined their dignity, such as the terrible conditions of social housing. Women claim their personhood not only through their actions, but also discursively, adopting discourses that insist upon their moral worth. Following community workers Denise Nadeau and Alannah Young, I understand these forms of resistance to communicate self-determination, which they define as individual and collective (re)connection with self, the body, and a web of relations, that enables women to stand their ground. They describe this groundedness as a necessary foundation for collective political action:

Although social and economic justice is absolutely necessary to restore the web of relations shattered by political violence and oppression, there is an equally urgent need to recover the individual’s and the collective’s sense of dignity so that this struggle for justice can take on a form that honours traditional teachings.

In short, FORWARD’s analysis calls into question responses to women’s homelessness and poverty that centre on material deprivation and claim only material remedies. Instead, through their accounts and actions, women insist that their self-determination, citizenship, and even personhood are at stake, and they demand to have these restored.

**B. HUMAN RIGHTS CLAIMS AS A STRATEGY OF RESISTANCE**

The relevance and utility of rights-based processes for poor people’s campaigns of resistance is the subject of some debate. Some critiques are discursive: for example, critical race feminist Sherene Razack critiques rights claims for their liberal individualism and their failure to acknowledge the histories of oppression that contextualize them, while Christopher Gilkerson suggests that the litigation process misrepresents poor people’s complex stories by forcing them into narrow legal categories whose purpose is to legitimize the status quo. Other critiques are practical: Women’s human rights activist Indai Sajor speaks of the paradox of bringing women’s demands to the very system that exists to prevent them from getting what they want; and a recent chapter by Bruce Porter and Martha Jackman notes that social rights advocates in Canada

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54 Ibid at 92.
55 Sherene Razack, Looking white people in the eye: Gender, race and culture in courtrooms and classrooms (Toronto: University of Toronto Press, 1998).
have lately been criticized for “misleading rights claimants into thinking that rights could actually be realized through the courts.”

On the other hand, some critics propose expressive, rather than instrumental, uses of rights-based processes, whose aim is to make room for claims and discourses that have traditionally been excluded. This appropriation of human rights forums—what Porter calls “claiming adjudicative space”—measures the success of an action not by its legal outcome but by the extent to which claimants’ stories have been heard and their perspectives entered into jurisprudence. This approach might contribute to the incremental development of jurisprudence that could some day lead to successful claims; but it also holds immediate benefits for claimants who, Porter suggests, are empowered by their day in court regardless of the outcome. And in an analysis of the growing recourse to rights claims in anti-poverty advocacy, Margot Young suggests that even in the current social-rights-averse judicial climate, rights claims may still be beneficial for organizing and mobilizing. Similarly, Hunt argues for the value of social movements’ dynamic engagement with rights, which he calls “rights-in-action,” through which collective identities are articulated and mobilized, and new social claims are legitimated.

Participants’ evaluations of the personal impacts and political effectiveness of Claiming Our Rights suggest that, indeed, rights-based processes hold both drawbacks and benefits for poor and homeless women’s collective organizing.

In engaging with the CESCR review, FORWARD did encounter some challenges that were in keeping with the critiques cited above. First, the predetermined categories of the ICESCR proved a difficult fit for women’s experiences; but even more difficult was to introduce FORWARD’s collective, counter-hegemonic narratives in an environment structured by more limited, mainstream understandings of social and economic rights. The failure of the CESCR process to accommodate some of FORWARD’s most pressing concerns was paralleled by its ambivalent and incomplete inclusion of the embodied presence of poor and homeless rights claimants. And, of course, the greatest limitation of the CESCR review was its utter powerlessness to enforce Canada’s compliance with social and economic rights.

Notwithstanding these problems, FORWARD members cited our participation in the review as the group’s greatest achievement. Their reasons for this echo those Porter outlines. In the words of one participant:

I believe that the UN did hear our words. They were the true words of the women living these real-life experiences. They weren’t just some stories out there somewhere else. I mean, these are really living people who are experiencing these oppressions.

Even the CESCR, where the rights and dignity of people in poverty are defended, is accustomed to receiving information about rights violations as “some stories out there somewhere else”: experiences compressed into statistics, or stories packaged to illustrate a specific category of rights violation. Doreen’s and FORWARD’s presence at CESCR brought

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59 Porter, supra note 34.
home the statistics and reports in a new way, and heightened the urgency of the Committee’s response. The critical element here, though, was that the report transmitted women’s “true words,” insisting upon the complexities of women’s real-life experiences and the group’s counter-hegemonic understandings of their significance. A report framed strategically, to fit with prevailing social rights discourses, would not have had the same effect.

But strengthening social rights jurisprudence with women’s input was not the only way in which rights claiming contributed to FORWARD’s campaign. For many participants, the project’s most important effects were those on their own well-being. Most said that Claiming Our Rights had inspired a sense of hope, optimism, and power. In the words of Lonely Moon:

> It’s like a little room of hope. It reminds me of some of the stories that I heard, in medieval times, you know, that you got into the secret tower. To plot for the overthrowing of an evil king, or something. So it’s like that kind of a thing, it’s like a hope.

Hope was a key theme in members’ evaluations. Many described the ways in which relations of disenfranchisement leave women feeling hopeless, dispirited, and stuck, while individual and collective acts of resistance reignite a sense of possibility. The group’s rights-based reframing of their experiences helped members transcend internalized shame and self-blame, but they emphasized that this element alone would not have been sufficient to re-energize them. All too often, they explained, programs (and campaigns) lead nowhere: what one member described as “talk, talk, talk and nothing really happens.” Taking action to claim space and rights was what set FORWARD apart and gave the group its momentum.

This hopeful momentum extended beyond those directly involved. As Ellen explains, “it says to other women that it is possible. The fact that a poor woman spoke at the United Nations says something to the rest of them.” FORWARD’s participation in the CESCR review shows other poor and homeless women that it is possible to call Canada to account, and implicitly invites them to join in. The hope inspired by FORWARD’s mission to the UN thus lifts the spirits of others who have faced disenfranchisement—what the patron in the coffee shop meant by “do us proud.” This contribution of a rights-based process to a collective sense of self-determination is, perhaps, its most important effect, though this dimension is often neglected in assessing the impacts of litigation, political action, and participatory research.62

C. LESSONS FOR SOCIAL AND ECONOMIC RIGHTS ADVOCACY

FORWARD’s collective analysis of women’s poverty and homelessness, and participants’ perspectives on the value of rights claims, suggest some lessons for social rights advocacy in Canada.

The key lesson is, of course, the vital role of rights claimants: not only because their experiences of violation drive claims for social and economic rights, but also because their insights and discourses can help overcome jurisprudential impasses that have frustrated such claims in Canada. This is made evident in Margot Young’s analysis of the British Columbia

62 Hunt suggests that changes in consciousness be recognized as one form of “action” promoted by rights-based processes. Colleen Reid and colleagues make a similar argument for broadening the definition of “action” in feminist participatory action research. See Hunt, supra note 61 at 318; Colleen Reid, Allison Tom & Wendy Frisby, “Finding the ‘action’ in feminist participatory action research” (2006) 4:3 Action Research 315.
Young suggests that the decision turns on its recognition of a “complex and socially evolving set of conceptions” about addiction and supervised intravenous drug use, and that these conceptions emerged from “the local community’s struggle against hegemonic understandings of the marginalized individuals involved and their needs.”  

Young’s analysis builds on discursive theories of poverty law that argue for its power to push the law in new directions by faithfully communicating clients’ and communities’ narratives and meanings; but she focuses not on the intended meanings of individual claimants’ stories, but rather on collective, deliberately formulated, counter-hegemonic narratives that explicitly challenge the oppressive discourses embedded in social policies and legislation.

In many ways, the struggle against neoliberalism must be a discursive one, because neoliberalism powerfully mobilizes pre-existing discourses of dominance (including colonial, sexist, racist, ableist, homophobic, anti-immigrant, and anti-Indigenous narratives) in order to promote ideologies of individual responsibility, competition, the primacy of economic growth, and the reification of market activities as forces of nature. This is particularly the case with the current federal government, which relies heavily on messaging in its development and marketing of policy and legislation.

The success of a discursive strategy in PHS—and, it would appear, in the recent Federal Court decision on cuts to the Interim Federal Health program—suggests that collective, counter-hegemonic narratives hold potential for social rights litigation. Such narratives are fostered in collective spaces like Claiming Our Rights, where marginalized voices and perspectives take their place at the centre, and form the basis of new knowledge and analysis. Social rights advocacy on poverty and homelessness might well be strengthened by FORWARD’s analysis, which de-centers material conditions and instead emphasizes the dehumanizing treatment of poor women, and the ways in which poverty and homelessness make possible the harm, threats, control, surveillance, intrusion, and insecurity they face in myriad daily encounters and settings.

On the flip side, even counter-narratives may have pitfalls when they form the basis of social rights decisions. Young raises this dilemma in her analysis of PHS, in which the ruling relied upon a framing of addicts as having no choice but to engage in harmful behaviours. Though this framing held immediate strategic benefits for maintaining a necessary service, Young cautions against making choice the arbiter of Charter claims, arguing that this obscures the ways in which “[i]ndividual choices are meaningfully constrained, shaped, and made possible

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64 Ibid at 222-23.
65 Gilkerson employs a methodology of “translation” in poverty law litigation, in which the lawyer incorporates not only clients’ stories, but the meanings they make of them, into facta. Alfieri describes a community-university program that grounds legal education and representation in the preservation of a local community’s culture and spirituality. He argues that “Fundamentally, community education stems from community knowledge.” See Gilkerson, supra note 56 at 915; Anthony Alfieri, “Community education and access to justice in a time of scarcity: Notes from the West Grove Trolley Garage Case” [2013] Wisconsin Law Review 121 at 130-31.
66 In Canadian Doctors for Refugee Care et al v Canada (Attorney General and Ministry of Citizenship and Immigration), 2014 FC 651 at para 13, Justice McTavish found that, in addition to placing lives at risk, the cut constitutes cruel and unusual punishment in part because it “perpetuates the stereotypical view that they [refugees] are cheaters, that their refugee claims are ‘bogus,’ and that they have come to Canada to abuse the generosity of Canadians. It undermines their dignity and serves to perpetuate the disadvantage suffered by members of an admittedly vulnerable, poor and disadvantaged group.”
by larger systemic norms, structures and institutions,” and that it risks absolving governments of their obligations where claimants can be shown to have choices. I would add that this framing also risks replacing one stereotype with another, trading an image of the “slacker” addict wilfully making bad choices for a “lacker” image that erases substance users’ agency and the complexity of their lives. This discursive move may render addicts more sympathetic under the terms of prevailing moral frameworks, but it leaves unchallenged what UN Special Rapporteur on Extreme Poverty Magdalena Sepúlveda Carmona calls “the deserving-undeserving poor ideology” which not only creates the conditions for homelessness but also continues to pervade social policy responses to it. In addition, this framing in fact undermines what FORWARD’s analysis would suggest is the primary claim of marginalized women: self-determination.

Social rights advocacy in Canada can incorporate these lessons in both its processes and content. First, even with the diminishing likelihood of bringing a decisive end to homelessness through Charter litigation, social rights advocacy can emphasize the movement-building potential of claims, making creative use of time and resources to foster diverse forms of education and organizing that promote individual and collective empowerment. Secondly, litigation and other rights-based responses to poverty and homelessness can build on the recent success of discursive strategies by incorporating counter-hegemonic analyses developed in and with grassroots movements.

Finally, social rights advocacy can “do us proud,” and give primacy to women’s self-determination in both its arguments and its processes. As Young notes, “victories can be losses.” In the struggle to end homelessness in Canada, “victories” must not be predicated on timid approaches that bargain away the transformative potential of social rights claims; on arguments that reify hegemonic representations of poor and homeless women; or on traditional litigation processes in which, in the words of Porter, “the individual claimant is separated from the movement created or advanced by her claim.” By even the most optimistic accounts, social rights advocacy in Canada has been backed into a corner by interpretive exclusions, piecemeal remedies and governments’ adamant refusal of the obligation to ensure their citizens access to the basic necessities of life. Like women facing poverty and homelessness, social rights

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67 Young, supra note 60 at 249-50.
68 Carmona, supra note 36 at 4.
69 This is in keeping with the imperative of a community education approach to lawyering, as described in Ingrid Eagly, “Community education: Creating a new vision of legal services practice (1998) 4 Clinical Law Review 433, cited in Alfieri, supra note 65 at 139. A current example can be found in the wide range of activities surrounding Tanudjaja v Attorney General (Canada), a Charter challenge on the right to housing that has incorporated community organizing, coalition-building, demonstrations and social media strategies alongside the litigation process; see Tracy Heffernan et al, The Right to Housing Campaign in the Courts and the Community, presented at the National Conference to End Homelessness, Vancouver, 4 November 2014, presentation available at http://www.caeh.ca/wp-content/uploads/2014/11/LP3_HeffernanT.pdf, Heffernan, Faraday & Rosenthal, “Fighting for the Right to Housing In Canada” (2015) 24 JLS and Dirks, “Community Campaigns for the Right to Housing: Lessons from the R2H Coalition in Ontario,” this volume. Unlike the initiatives described by Jennifer Gordon (“The lawyer is not the protagonist: Community campaigns, law and social change” (2007) 95 Cal L R2133), the case was initiated by a legal clinic, Advocacy Centre for Tenants of Ontario. In the absence of strong, long-standing, local organizations of people facing homelessness, the organizing, education, and coalition-building undertaken in initiatives such as Claiming Our Rights and Tanudjaja help to create the conditions for future campaigns to be initiated, planned, and led by poor people’s organizations, with legal and academic professionals playing a supporting role.
70 Young, supra note 60 at 21.
advocates have little left to lose. At this pivotal moment, we should take our cues from
Commando: brace for the worst, come out fighting, and refuse to trade anyone’s self-
determination for a crappy rented room.