FACTSHEET 2/8

Actions to Recognize and Respect the Human Rights of People Living in Encampments

"We don't believe that involving people in dismantling the encampment where they live should be considered a good practice. Encampments should be tolerated and people supported until there are adequate and appropriate options to offer." (Stakeholder)

A. Formally recognize that people living in encampments are rights holders in all strategies, policies, declarations and laws. They have the same human rights as everyone else in Canada, and all governments must publicly commit to upholding international and Canadian human rights norms in all responses to homeless encampments.[1] Strategies, policies, declarations and laws that address encampments must be human rights compliant and should be co-developed with people living in encampments to ensure they address their real needs and cause no harm. Action plans and strategies to advance Indigenous rights should be developed with local Indigenous leaders and Indigenous people living in the encampment.

👉 **Example:** Prior to putting place policies, protocols, plans and laws, seek independent advice to review drafts and identify any gaps in compliance with human rights norms as well as Indigenous rights and traditions. If a proposed action might infringe on human rights, it must be reconsidered and not implemented.

B. Mobilize maximum available resources to ensure that everyone can enjoy the right to adequate housing without discrimination.

C. Recognize that the forced dismantling of encampments and other repressive strategies of control and surveillance are harmful to the physical and mental health of people living in encampments.

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E. Draw up concrete action plans that respect human rights principles to help people living in encampments find permanent and adequate housing, and ensure follow through. Whatever type of housing is proposed as an alternative to living in an encampment, it must respect the seven elements which make up the international definition of the right to adequate housing[2] to guarantee dignified and sustainable conditions.

F. Ensure people living in encampments have access to legal representation, through legal aid or other means, to defend their human rights when needed.

G. Put in place urgent and concrete measures to respect and protect the rights of people living in encampments to live in dignity, to the highest attainable standard of physical and mental health, to privacy and to protection from arbitrary seizure of their belongings.

- 👉 **Example:** Coordinate and organize a day with stakeholders and service providers from the community, the public and the municipal sector to offer multiple services directly in the encampment or in the vicinity.

H. Put an end to bylaws and regulations that criminalize and marginalize people experiencing homelessness for occupying public space. Put an end to practices which result in the destruction or confiscation of personal belongings. Such measures make people living in encampments feel more insecure and can lead to a violation of their human rights, including the right to life.

- 👉 **Example:** Review current bylaws and regulations in consultation with people with experience living in encampments, and revoke those that criminalize people experiencing homelessness or are used disproportionately against people living in encampments.[3] Do not seize the belongings people need for survival.

I. Put in place permanent, effective and accessible accountability mechanisms that are accessible and have simplified procedures for people living in encampments to file complaints about harassment, intimidation and non-respect of human rights or existing policies and protocols. Ensure access to legal aid and provide timely responses and genuine follow-up.

- 👉 **Example:** Appoint an independent person or instance with the power to act who can represent the interests of people living in encampments. Provide education and resources to people living in encampments so they can voice their concerns to actively promote and defend their human rights.

J. Support people living in encampments to take part in the decisions that concern them and respect their right to decide what is best for them and their security. No alternative should be imposed or actions taken that will worsen their situation. See the actions under Principle 8 for more details.

K. Use existing human rights-based resources to inform responses and strategies to support people living in encampments.

- 👉 **Example:** Review these resources and others and consider how you can change your policies, protocols and plans:
  - Upholding Dignity and Human Rights: The Federal Housing Advocate's Review of Homeless Encampments
  - Encampments and legal obligations: Evolving rights and responsibilities
  - National Protocol for Homeless Encampments in Canada
  - Homeless Encampments: Municipal Engagement Guidance

L. Dedicate sufficient financial resources to ensure meaningful engagement with people living in encampments.

- 👉 **Example:** When developing budgets, ensure specific allocations are available to support engagement with people living in encampments and local Indigenous leaders. Budgets should include amounts for honoraria, food and beverages, transportation and other needs that may be identified by people living in encampments.

M. Immediately halt practices which traumatize and destabilize people living in encampments, including forced evictions, dismantling encampments and violence.

- 👉 **Example:** Put in place policies based on respect for human rights, and provide training to prevent micro-aggressions, such as denigration of particular groups, intimidation, harassment and the destruction of personal belonging required for survival, including items used for drug consumption.

N. Abolish hostile architecture and urban planning practices designed to prevent people experiencing homelessness from sitting, sleeping or taking shelter in the public space, as these contribute to the daily challenges they face and hinder their survival capabilities.

- 👉 **Example:** Involve people living in encampments in the design of urban renovation projects to ensure solutions meet the needs of all people using public space, as they know their environment and needs. For example, a municipality can make a heated bus shelter available so people can protect themselves from cold weather.

1. For more details, see Upholding dignity and human rights: The Federal Housing Advocate's Review of Homeless Encampments and the National Protocol for Homeless Encampments in Canada

2. UN Habitat Fact Sheet No. 21, The Right to Adequate Housing

3. In the last 30 years, new or revised anti-homeless laws have been enacted across Canada targeting the presence and survival activities of homeless people in public spaces. The offence types include: panhandling, loitering, obstructing, salvaging/scavenging, resting/sleeping and disorder. Hermer, J., & Fonarev, E. (2020, July 12). Neo-Vagrancy Laws in Canada. Retrieved from: http://covid19-phi.ca/