

Memorandum of Justice for Girls Regarding the Right of Teenage Girls to Adequate Housing in Canada

For consideration by
Mr. Miloon Kothari
United Nations Special Rapporteur on Adequate
Housing

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United States of America

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Introduction

1. Justice for Girls, a Canadian social justice organisation, respectfully submits this memorandum for consideration by Mr. Miloon Kothari, United Nations Special Rapporteur on Adequate Housing, at its consultation October 15-17th, 2005 in Washington DC.
2. Justice for Girls is a Canadian non-profit organization that promotes the human and equality rights of teenage girls who live poverty. Justice for Girls is the only equality rights organization for girls in the country. Since its inception in 1999, Justice for Girls has documented and challenged the ways in which Municipal, Provincial and Federal governments in Canada fail to uphold and protect the rights of teenage girls who live in poverty. For more information about the organization please see www.justiceforgirls.org.
3. Justice for Girls has provided individual advocacy to incarcerated girls, monitored court processing of teenage girls, conducted a national study of marginalized girls' access to education in Canada, and is currently developing a housing strategy for teenage girls who live in poverty. On the basis of this experience, which includes, the insights of many young women living in poverty, and our review of current literature, we offer the following observations. We also submit the individual statements of 17 Canadian young/women (see Tabs A-Q) who chose to prepare written statements for the purposes of this consultation.
4. This submission does not undertake a comprehensive analysis of the compliance of the Canadian government with the provisions of Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)¹. Nor does it offer recommendations concerning changes in law and/or practice which might ensure more effective adherence to the provisions of the ICESCR. Nonetheless, the following memorandum indicates a pattern of human rights violations directed at young women in Canada with respect to adequate housing which appears inconsistent with State Party obligations under various International Conventions and Covenants.
5. There is no specific right to housing for children in Canadian law. However, there are international provisions obligating state parties to provide adequate housing to all citizens. Moreover, the Convention on the Rights of the Child², the Universal Declaration of Human Rights³, the International Covenant on Economic, Social and Cultural Rights⁴ and the International Covenant on Civil

¹ *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, UNTS vol 993 p 3, CTS1976/46 (entered into force 3 January 1976, accession by Canada 19 May 1976).

² *Convention on the Rights of the Child*, 2 September 1990, UNTS vol 1577 p 3, CTS1992/3 (entered into force 2 September 1990, accession by Canada 13 December 1991)

³ *Universal Declaration of Human Rights*, adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

⁴ *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, UNTS vol 993 p 3, CTS1976/46 (entered into force 3 January 1976, accession by Canada 19 May 1976).

and Political Rights⁵ all note the vulnerable position of children in society and the obligation of states to provide adequate protection for children.

6. Despite a context of economic prosperity and relatively progressive social policy in Canada, teenage girls who live in poverty are very often denied access to the most basic human rights. More often than not, girls who live in poverty are criminalized for the oppression they face—homelessness, systemic racism/colonization, male violence—and furthermore, encounter additional abuse in State run facilities such as youth prisons and child welfare agencies. The Canadian government consistently fails to provide teenage girls who live in poverty with secure homes and communities in which to live in peace and dignity.
7. In the following pages we submit that Canada is failing in it's obligation to realize the right to adequate housing for teenage girls. We believe that this right is inherently tied to other human rights and can not be considered in the absence of a full understanding of various interlocking forms of oppression that shape the lives of teenage girls in Canada.
8. Marginalised within the category of children as females, and within the category of women as minors, teenage girl homelessness is often eclipsed in the term “youth homelessness”. Intersections of oppression that girls experience such as homophobia, racism, colonization, poverty and sexism are rarely articulated and as a result, the complex reality of homeless girls is not taken into account in the development of housing and or social services for teenage girls living in poverty.
9. “In order for the human right to housing to be meaningful to women it must be interpreted and implemented in a manner that addresses housing disadvantage as it is actually experienced by women.” Similarly, because girls are an ‘at-risk’ group, they are particularly vulnerable to having their right’s disregarded, and therefore, require an interpretation of housing that best adapts to their specific needs. As a disadvantaged social group living in what the UNCESCR term “unfavourable conditions,” States parties must give them particular consideration.

Poverty in Canada

10. In 1989 the Canadian House of Commons unanimously resolved to eliminate poverty among Canadian children by the year 2000. As of 2004 Canadian children were worse off economically⁶. Poverty rates amongst Aboriginal, Immigrant and racialized groups are more than double the average for all children and almost a third of children with disabilities are living in poverty.⁷
11. According to the 2001 Statistics Canada Census, the following number of children are living in poverty:
 - 27.7 % of children with disabilities are living in poverty
 - 40 % of Aboriginal children are living in poverty
 - 33.6 % of visible minority children are living in poverty
 - 49 % of recent immigrant children are living in poverty

⁵ *International Covenant on Civil and Political Rights*, 16 December 1966, UNTS vol 999 p171, CTS1976/47 (entered into force 23 March 1976, accession by Canada 19 May 1976).

⁶ <http://www.firstcallbc.org/documents/whatsnew/NationalreportcardFSA.pdf>

⁷ *ibid*

12. The concept of child poverty adopted by the Canadian Government is problematic in that it erases the fact that poor children live in poor families. For many teenage girls, poverty is actually a reflection of the denial of economic security to their families, who are very often led by single mothers, the poorest group in Canada⁸. Immigrant and refugee, Aboriginal, and racialized single mothers, and thus their children, are at extreme disadvantage in Canadian society and are virtually guaranteed to live in poverty.

13. Poverty in the lives of Aboriginal girls, whether they are living at home, in child welfare agencies or on the streets, is a direct result of historical and current conditions of colonization that have systematically destroyed Aboriginal nations, cultures, languages and communities. Aboriginal girls who were consulted by Justice for Girls as part of a multi-year project to develop a housing strategy for teenage girls, talked frequently about intergenerational poverty in their families. They spoke about their mothers, fathers, sisters, cousins, uncles, and other family members living on the streets and in extreme conditions of poverty:⁹

“my parents live downtown like you know they’re addicts you know, they sleep on benches you know, they sleep in parks and stuff, you know I’ve seen it, I’ve done it, it wasn’t that great, it’s scary”¹⁰

“I wasn’t exactly homeless but me and my mom we didn’t have money for food, and we’d go to [mom’s friends’] place and get food for us, packaging for like one day, and then I’d go to the outreach van, they come every Thursday to give us food and stuff.”¹¹

13. Poverty in the lives of teenage girls must be understood in the larger context of poverty amongst their mothers, families, and communities.

Extent of Girl Homelessness in Canada

14. Homelessness has been declared a national disaster in Canada.¹² Many people would be surprised to learn that teenage girls make up between 6-12 % of the homeless in large cities across Canada.¹³

15. In the Greater Vancouver Regional District (province of British Columbia), for example, teenage girls make up about 12% of the homeless¹⁴ and yet there is no girl-only emergency shelter anywhere in the area, in fact anywhere in British

⁸ <http://www.povertyandhumanrights.org/docs/denied.pdf>

⁹ Interview data, Housing Strategy for Young Women Living in Poverty, A multi year Justice for Girls project funded by Status of Women Canada

¹⁰ Ibid

¹¹ Ibid

¹² Big Cities Mayor's Caucus of the Federation of Canadian Municipalities (FCM) in November 1998- Declaration.

¹³ Based on compilations of statistics from cities across Canada found in the On Her Own: Young Women and Homelessness in Canada report and Canadian government estimates that youth constitute 10-30 percent of the total homeless population in big cities (The National Homelessness Initiative at http://www11.hrdc-drhc.gc.ca/pls/edd/SPAH203_03_343004.htm)

¹⁴ This percentage is based on a compilation of statistics, as following: The 2002 Research Project on Homelessness in the Greater Vancouver Regional District found that youth make up about 23-28% of the homeless in the GVRD. According to studies such as No Place to Call Home: A Profile of Street Youth in BC-2001, Between the Cracks: Homeless Youth in Vancouver 2002, and according to the 2003/04 Vancouver Underage Safe House statistics, girls make up about 42-53% of the youth homeless in the GVRD.

Columbia. Girls only have access to shelters with male peers and male adult workers. In interviews with Justice for Girls, teenage girls who are/have been homeless described sexual harassment and sometimes sexual assaults against them in co-ed shelters and State agencies (group homes, foster homes). The situation for homeless girls in British Columbia is mirrored in other cities across Canada. In Montreal for example about 50% of the homeless under the age of 18 are girls.¹⁵

16. In Toronto, Ontario about 34% of shelter users ages 15-24 are female.¹⁶ In 1999 there were 2155 young women housed in Toronto shelters¹⁷. Despite this fact, there is only one young woman-only shelter in Toronto which houses 27 teenage girls and young women. One innovative step that the city of Toronto has undertaken to stop youth homelessness is to designate subsidized housing suites specifically to youth living in poverty. However, it is widely known that the waiting lists for subsidized housing in Toronto are extremely long. In 2004, there were 63,791 people on the Toronto subsidized housing list.¹⁸ Youth under 18 and families with children are the fastest growing groups within the homeless population in Toronto.¹⁹
17. Young women living in poverty, especially teenage moms²⁰ are in desperate need of subsidized housing suites with supports so that they do not become homeless.
18. In Calgary, Alberta young women are 35% of the homeless ages 13-24.²¹ Virtually all of the shelters for homeless girls in Calgary are part of a program of forced confinement under law that allows the provincial government to incarcerate girls in locked facilities as a means of “protection.” It is no coincidence that Alberta, up until very recently, refused to endorse Canada’s ratification of the UN Convention on the Rights of the Child, arguing that it undermines the rights of parents.²²
19. It has been noted by Canadian researchers that at younger ages (under 15 years) homeless girls outnumber homeless boys in large Canadian cities.
 - o In the 2000 Snapshot study of youth homelessness in Vancouver, the majority of youth aged 12-15 living on the street were girls²³
 - o A national review of young women and housing indicated that the average age of girls living on the street is lower than in the past and more of those young women are sexually exploited through prostitution.²⁴

¹⁵ Novac, L. Serge, M. Eberle and J. Brown, “On Her Own: Young Women and Homelessness in Canada”, 2002, Canadian Housing and Renewal Association, online: Status of Women Canada , http://www.swc-cfc.gc.ca/pubs/pubspr/0662318986/200303_0662318986_e.pdf

¹⁶ Ibid

¹⁷ Ibid

¹⁸ <http://www.housingconnections.ca/pdf/annualReports/2004/TSHC%20Annual%20Report%202004.pdf>

¹⁹ Interim Report- Mayor’s Homelessness Action Taskforce, 1998, www.toronto.ca/pdf/homelessness.pdf

²⁰ City of Toronto Report Card on Homelessness, 2003, www.toronto.ca/homelessness/pdf/reportcard2003.pdf

²¹ 2004 City of Calgary Homelessness Count,

http://www.calgary.ca/docgallery/bu/corporateproperties/countofhomelesspersons_2004_fullreport.pdf

²² Alberta Civil Liberties Research Center <http://www.aclrc.com/CRC%20book/crctoc.html#Alberta>

²³ Homeless Street Youth in Downtown South: A snapshot study, 2000, www.hvl.ihpr.ubc.ca/pdf/verdant2000.pdf

²⁴ Novac, L. Serge, M. Eberle and J. Brown, “On Her Own: Young Women and Homelessness in Canada”, 2002, Canadian Housing and Renewal Association, online: Status of Women Canada , http://www.swc-cfc.gc.ca/pubs/pubspr/0662318986/200303_0662318986_e.pdf

The Impact of Discrimination

There are a variety of ways in which teenage girls become homeless in Canada but the common thread amongst them is the impact of social and economic inequalities.

20. Many girls leave home because of sexual abuse and other male violence at home. Sexual abuse has been named as a major reason for why girls become homeless in many studies on youth homelessness in Canada and the United States
 - 87% of the homeless girls had been physically and/or sexually abused in a 2001 British Columbia survey of 523 homeless youth ages 12-19²⁵
 - 84% of Aboriginal girls in a 2000 Vancouver (British Columbia) study on youth homelessness had experienced sexual abuse²⁶
 - In a study of 775 homeless youth in Denver, New York, and San Francisco, 75% of the girls reported being sexually abused²⁷
21. The effects of sexual abuse on girls cannot be underestimated and the extent of the problem cannot be ignored. Sexual violence in the home is an overwhelming reason for girls' homelessness, criminalization, and ill health.
22. As a result of historic and current colonial policies and practices, many Aboriginal girls are removed from their families and communities and forced into State care. In March 2002 in BC there were 10, 450 children in care, 40% are Aboriginal.²⁸ Aboriginal girls often become homeless because they leave State foster homes and other housing placements that are alienating to them as Aboriginal persons, and which are sometimes blatantly racist and abusive.
23. The result of colonization of Aboriginal nations and lands has been brutal for Aboriginal peoples, including Aboriginal girls. Aboriginal girls experience sexual abuse as children at very high rates, are a disproportionately large number of girls who are homeless, and are a disproportionately large number of girls in state care.
 - Up to 75% of victims of sex crimes in Aboriginal communities are female under 18 years of age, 50% of those are under 14, and almost 25% of those are younger than 7 years of age²⁹

²⁵ No Place to Call Home: A profile of street youth in BC, 2001, www.hvl.ihpr.ubc.ca/pdf/mccreary2001.pdf

²⁶ Between the Cracks: Homeless Youth in Vancouver, 2002, www.hvl.ihpr.ubc.ca/pdf/mccreary2002.pdf

²⁷ Kral AH, Molnar BE, Booth RE, Watters JK. Prevalence of sexual risk behaviour and substance use among runaway and homeless adolescents in San Francisco, Denver, and New York City. International Journal of STD and AIDS 8 (2)

²⁸ Children in Care in Canada- BC Stats Table 1, www.nationalchildrensalliance.com/nca/pubs/2003/children_in_care_march_2003.pdf

²⁹ Violence Prevention and the Girl Child, FREDA Research Centre, www.harbour.sfu.ca/freda/report/gc01.htm

- The suicide rate for adolescent Aboriginal girls has been measured to be between 8 and 20 times the national average of non-Aboriginal adolescent girls³⁰ and³¹
 - 42% of homeless girls were Aboriginal in a 2000 Vancouver (British Columbia) study on youth homelessness³²
 - 61% of youth interviewed were female and 40% of all the youth were Aboriginal in a Williams Lake (British Columbia) 2002 study on youth homelessness³³
 - 19% of homeless female youth in Ottawa were Aboriginal in a recent study on youth homelessness³⁴
24. Teenage refugee and immigrant girls may become homeless through several avenues. They may leave home because of male violence or homophobia in the home, like other young women, or may leave because of the serious strains migration creates in their families (including because of sponsorship breakdown).
25. Children and youth are sometimes separated from their families during the immigration or migration process, which can later make it difficult for children and parents to carry on close relationship causing some young women to become homeless after sponsorship breakdown (especially if they have been apart from family for years).
26. Some young people arrive in Canada unaccompanied, without family. There have been discernible waves of refugee and immigrant youth entering shelters, especially in Toronto. A recent influx of youth from Angola, Sierra Leone, Iraq and Iran was preceded by youth from Yugoslavia, Russia and Poland. Some have come to Canada alone, others with family, escaping war and social turmoil in their home countries. Many of these young women have experienced war-related trauma. The government provides very few supports such as counselling specifically for refugee girls and women who have experienced war, and thus girls are left to deal with the trauma of war, on their own.³⁵
27. Despite Canadian government claims about equality and multiculturalism within Canada, racism and xenophobia are systemic problems within Canadian institutions.
28. Racism, xenophobia, and other types of discrimination within Canadian institutions, such as schools, children's ministries, welfare ministries, and services for youth, are a serious barrier to refugee and immigrant girls accessing

³⁰ National Forum on Health 1997, <http://www.nfh.hc-sc.gc.ca/publicat/finvol2/vol2.htm>

³¹ Raven's Children: Aboriginal Youth Health in BC, The McCreary Centre Society, 2000

³² Between the Cracks: Homeless Youth in Vancouver, 2002, www.hvl.ihpr.ubc.ca/pdf/mccreary2002.pdf

³³ Youth Homelessness and Housing Needs in Williams Lake and Area, 2002,

www.hvl.ihpr.ubc.ca/pdf/williamslake2002.pdf

³⁴ Environmental Scan on Youth Homelessness, www.cmhc-schl.gc.ca/publications/en/rhpr/socio086.pdf

³⁵ Novac, L. Serge, M. Eberle and J. Brown, "On Her Own: Young Women and Homelessness in Canada", 2002, Canadian Housing and Renewal Association, online: Status of Women Canada, http://www.swc-cfc.gc.ca/pubs/pubspr/0662318986/200303_0662318986_e.pdf

- support, housing, advocacy and help. Discrimination may be a serious deterrent for girls who are needing assistance but are aware that government institutions, ministries and services may be indifferent to and/or ignorant about their needs, or worse, may make racist assumptions about them and their families if they seek help. Racism in youth shelters can also be a barrier to girls accessing them. In a recent BC review of youth shelters youth commented that racism and racist harassment within youth shelters is a serious problem.³⁶
29. For immigrant and refugee girls, the experience of being 'invisible' is a real one. Canadian institutions, including schools, children's ministries, and services for youth (such as counselling, job training, etc) are largely based on Anglo-Canadian culture, and can be alienating, racist, and inaccessible to young immigrant and refugee girls. Language barriers compound young women's difficulties when they try to access services of almost any kind. Few services exist for non-English speaking youth, who if they attempt to access an English speaking service, may become alienated and leave quickly due to the language barrier.
 30. It is estimated that as many as one third of homeless youth are gay, lesbian, bisexual or trans-gendered. Lesbian youth are over-represented amongst homeless teenage girls.³⁷
 31. The pressure to adhere to traditional gender roles, heterosexism, and homophobia within schools can often push lesbian and bisexual girls out of school which is a set up for subsequent homeless. Gay and lesbian youth may leave home because of parental homophobia. Further, lesbian youth in the care of the state often experience homophobia in government agencies.
 32. A recent review of youth shelters in British Columbia states "the review did not identify any resources that specialized in serving lesbian, gay, bisexual, or transgender youth and some of the youth surveyed indicated they experienced discrimination about their sexuality".³⁸
 33. Lesbian youth are at greater risk of homelessness, ostracism and other types of social marginalization. This pressure can lead to depression and low self esteem placing them at greater risk for suicide. Once on the street, young lesbian women are less likely to use health care facilities, and are at extreme risk of violence, rape and homophobia.
 34. In the United States, gay, lesbian, and bisexual youth are considered "hard to place" and face delays in finding spaces in group homes, and there are lots of placement failures of gay, lesbian, and bisexual youth in state placements.³⁹
 35. Pregnancy is a reality for young women who are on the street, even among those as young as 12 or 13 years of age. Family Services of

³⁶ Review of Youth Safe Houses and Emergency Shelters in BC, Ministry of Children and Family Development, 2005

³⁷ Novac, L. Serge, M. Eberle and J. Brown, "On Her Own: Young Women and Homelessness in Canada", 2002, Canadian Housing and Renewal Association, online: Status of Women Canada , http://www.swc-cfc.gc.ca/pubs/pubspr/0662318986/200303_0662318986_e.pdf

³⁸ Review of Youth Safe Houses and Emergency Shelters in BC, Ministry of Children and Family Development, 2005

³⁹ Carol-Anne O'Brian, "The Social Organization of the Treatment of Lesbian, Gay, and Bisexual Youth in Group Home and Youth Shelters." *Canadian Review of Social Policy*, No. 34, 1994.

Greater Vancouver (British Columbia) who operate a parent support program estimate that 15% of street-involved youth (the majority of which are female single moms) have children.

36. There is no youth shelter in the Lower Mainland of BC that is specifically for young moms and their children. There are two spaces for parenting youth in co-educational youth short-term shelters for the whole Lower Mainland which has a population of over 2 million persons. To our knowledge there is no long term subsidized housing for teenage girls with children in BC. Recent cuts to the children's ministry by the BC provincial government have caused the closure of the only housing specifically for teenage mothers and pregnant girls. All of these factors put young moms at high risk of becoming homeless with their children.

Canada's Failure to Meet it's Obligations to Girls

Adequate housing for young women can only be understood by taking into account the context of girls' lives. Freedom from violence, health and well-being, education and attainment of human and equality rights are essential to ending girl homelessness. Young women in Canada do not enjoy the full spectrum of entitlements necessary for housing to be adequate and for their equality to be realized.

Denial of domestic Human and Equality Rights in the Name of Child Protection

37. Two recent Supreme Court of Canada rulings--both of which argue age-based discrimination as beneficial to children and youth--indicate a disturbing trend in Canada.
38. Equality rights of persons in Canada are guaranteed under section 15(1) of the *Canadian Charter of Rights and Freedoms*⁴⁰. The right to be equal before and under the law in Canada without discrimination on the basis of age is often under section 1 of the *Charter* which justifies such "reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Such limits to the rights of girls are usually argued in the name of child protection. Provincial and Territorial Human Rights Laws also protect the human rights of Canadians and yet various Human Rights Codes across Canada specifically disqualify children (under 18 years) and senior citizens (over 65) from legal protection from age discrimination.⁴¹
39. In one 2004 case⁴², the Supreme Court of Canada denied children age-based equality rights by upholding a law that decriminalizes the use of physical force against a child by parents, teachers and other caregivers (see Tab R) . The court viewed such physical assaults against children as acceptable "corrective use of force," and thus beneficial to the child. Not unlike the oppressive legal history of domestic violence against women where male violence in the home was protected by the framing of families as private institutions that should not be subject to the criminal law, the Supreme Court of Canada stated the following in relation to domestic assault of children:

⁴⁰ *Canadian Charter of Rights and Freedoms* –see <http://laws.justice.gc.ca/en/charter/>

⁴¹ See for example the BC Human Rights Code [RSBC 1996], Ontario Human Rights Code [RSO 1990]

⁴² Attached

The decision not to criminalize such conduct is not grounded in devaluation of the child but in a concern that to do so risks ruining lives and breaking up families—a burden that in large part would be borne by children and outweigh any benefit derived from applying the criminal process⁴³.

40. The court also expressly denied the “best interest of the child” as a principle of fundamental justice in Canada.
41. In a similar “for their own good” logic, the Supreme Court of Canada in 2002 found no discrimination on the basis of age, and in fact argued that young people were assisted by a social welfare program that reduced rates of youth social assistance to extreme poverty levels in the province of Quebec. The Court viewed the Quebec government’s imposition of abject poverty as beneficial to youth in that it was viewed as a legitimate means by which to motivate young people into the workforce⁴⁴.
42. Ironically it is precisely the protected/special status of children that is often used to justify the denial of girls’ access to rights, freedoms and dignity in Canadian society. Nowhere is this more apparent than in the Canadian child welfare system and its failure to provide protection from abuse and/or adequate housing to children and youth. Aboriginal girls and their communities have experienced horrendous human and equality rights violations in the name of child protection.

Failure to Provide Adequate Housing: Security, Peace & Dignity Denied

43. Recent moves by a number of Canadian provinces toward legislation that allows forced confinement of homeless teenage girls who are sexually abused through prostitution is a pernicious example of discrimination on the basis of age, sex, and race⁴⁵. Rather than criminally prosecuting men who sexually exploit teenage girls under Section 212.4 of the Canadian Criminal Code, provincial governments have moved toward criminalizing and incarcerating young women via child welfare laws which offer fewer procedural protections than Canadian criminal law.⁴⁶
44. Canadian law professor Jennifer Koshan concludes in her analysis of Alberta’s *Protection of Children Involved in Prostitution* law that “the [Alberta] government’s response to youth prostitution denies responsibility for the underlying social and economic conditions which the government has helped create and continues to entrench” (see Tab S).⁴⁷ Professor Koshan also points out that incarceration of young women who are sexually abused in prostitution only exacerbates social inequalities:

It should be beyond dispute that youth prostitution is rife with

⁴³ Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General) [2004] 1 S.C.R

⁴⁴ Gosselin v. Quebec (Attorney General) [2002] 4 S.C.R

⁴⁵ See for example: Alberta Protection of Children Involved in Prostitution Act, [R.S.A. 2000] c. P-28; Secure Care Act [SBC 2000] Chapter 28 (not yet in force)

⁴⁶ Criminal Code (R.S. 1985, c. C-46).

Section 212 (4) Every person who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

⁴⁷ Jennifer Koshan, “Alberta (Dis)Advantage: The *Protection of Children Involved in Prostitution Act* and the Equality Rights of Young Women”. *Journal of Law & Equality*, (Vol. 2 (2), Fall 2003, p.254.

inequalities based on sex, race, economic disadvantage, and the confluence of these factors. The coercive regulation of youth prostitution reinforces and exacerbates these inequalities, and is unconstitutional unless it can be justified as reasonably necessary and effective by the state⁴⁸

45. Recent studies have shown that many youth on the street, including girls, have previously lived in the care of the government. In one study almost half of street youth surveyed had been in care.⁴⁹ Many of the girls interviewed by Justice for Girls had been in the care of the government before becoming homeless. The fact that so many girls who are homeless have been in care of the government points to systemic failures within children's ministries across Canada to meet the needs of girls.
46. Historically the child welfare system in Canada has acted as a colonizing force in the lives of Aboriginal children and families and should be viewed as an agent of cultural genocide. Far from protecting the interests of Aboriginal children, child welfare authorities in Canada devastated entire communities by removing the children and placing them in the care of the government where they were forced to adopt the language and culture of the dominant white society. Residential Schools were notorious for their abuse of Aboriginal children.
47. Systemic racism continues to be a problem within the child welfare system in Canada. Aboriginal young women often find it racist and unresponsive. In a recent review of BC youth safe houses, one youth shelter stated that many of the Aboriginal youth who come to their shelter became homeless because they left government placements in white families, because these homes were alienating to them.⁵⁰
48. There are many barriers within Canadian child welfare agencies that make it difficult for girls to access safe housing and economic security.
49. Often when girls ask the BC children's ministry for help, they are met with a 'go home' response. One teenage girl described to us during an interview how a social worker wouldn't help her. The social worker told her she had to prove that she would not go home or work things out with her parents before the children's ministry would support her. The young woman explained to us that the ministry would deny her supports because her dad was telling the children's ministry she was allowed to come home. She felt he was just embarrassed to admit to the ministry that she wasn't allowed to come back home.
50. In our 6 years of advocating for teenage girls, we consistently encounter issues like discrimination, violence, and alienation within state foster home placements. This is especially true for Aboriginal girls. A recent study found that 43% of foster children experience violence within the foster home setting; 60% have been abused in the past; and 5% are still being abused.⁵¹

⁴⁸ Ibid

⁴⁹ Between the Cracks: Homeless Youth in Vancouver, 2002, www.hvl.ihpr.ubc.ca/pdf/mccreary2002.pdf

⁵⁰ Review of Youth Safe Houses and Emergency Shelters in BC, Ministry of Children and Family Development, 2005

⁵¹ Violence Prevention and the Girl Child, FREDA Research Centre, www.harbour.sfu.ca/freda/articles/stat2.htm

51. Girls in our interviews talked about feeling like an “unwanted guest” or a “paycheque” when they were in foster homes.⁵² One First Nations young woman said she had no good experiences in foster homes, and she felt like she was taken by foster parents for the money.⁵³ Girls noted that they while in foster care they were given different food than the family ate, that the families’ children got better gifts on holidays, and that they were always fighting to be equal to the other children in the home.⁵⁴
52. Group homes are state mandated homes for wards of the state, in which several teenage youth live at a time supervised by adult staff. These homes are almost always co-educational. Girls describe group homes as being “institutionalized”, “cold”, and “sterile”. In group homes everything is timed, including meal times: rigid structure is common.
53. As the National Youth in Care Network has noted, “youth who are in less restrictive placements such as foster homes fare best academically, while those in more restrictive placements such as group homes are less likely to succeed”. This is especially important to consider since group homes are becoming common placements for children in the care of the state, “one outcome of greatest concern ins the growing number of children being served in group care and institutional/residential treatment...a 58% increase has occurred since 1990”.⁵⁵
54. Many people would be surprised to hear that most youth shelters across Canada are co-educational. Sex discrimination in youth shelters, drop-ins, and on the street is traditional and oppressive for young women. A recent study also found that young women are reluctant to make use of co-ed services for street youth because of “fears of intimidation and violence by male patrons”.⁵⁶ When asked about sexual harassment in youth shelters, young women told Justice for Girls:
*“it’s like minimized in the safe house compared to what you get like wandering around Granville street at like three in the morning. I think it’s nothing compared to that so it doesn’t bother me”*⁵⁷
*“you do get hit on a lot but that’s pretty much everywhere you go right?”*⁵⁸
*“it’s pretty dangerous if you’re a girl”*⁵⁹
*“if you’re going in there to have a break off the streets you don’t want people cat-calling you...I don’t wanna be hit on when I’m going to a shelter...so if there’s a women only shelter that’s better”.*⁶⁰

⁵² Interview data, Housing Strategy for Young Women Living in Poverty, A multi year Justice for Girls project funded by Status of Women Canada

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ OACAS, 2002. Barbell and Freundlich

⁵⁶ Novac, L. Serge, M. Eberle and J. Brown, “On Her Own: Young Women and Homelessness in Canada”, 2002, Canadian Housing and Renewal Association, online: Status of Women Canada , http://www.swc-cfc.gc.ca/pubs/pubspr/0662318986/200303_0662318986_e.pdf

⁵⁷ Interview data, Housing Strategy for Young Women Living in Poverty, A multi year Justice for Girls project funded by Status of Women Canada

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ Ibid

55. Justice for Girls has interviewed many teenage girls who talked about girl-only shelters as being necessary for girls who are homeless. Sexual harassment and sexual assault in co-educational youth shelters was cited by girls as the primary reason for wanting girl-only housing. In a recent government review of BC youth shelters, the need for safety was one of the most critical topics raised by youth who had stayed in the shelters.

Children's Ministries Push Young Women into Poverty

56. The British Columbia children's ministry sometimes sends teenage girls to adult welfare for financial support thereby abdicating responsibility for girls' care. In our interviews, girls repeatedly told us about being sent to adult welfare by the children's ministry. Some of the girls we talked to were put on welfare as young as 15 years of age.

57. Provincial and territorial governments in Canada thus subject girls to institutionalized poverty. In their attempts to survive on unlivable adult welfare rates, girls are at risk of violence from adult men who often house girls and/or force them into prostitution or drug dealing.

58. Renting a safe, affordable apartment while on welfare is almost impossible for teenage girls (and for many others on welfare). "You can't get a decent place for 325 a month...anything else if it's over that comes out of your support so that you starve".⁶¹ Girls have told us they do not feel safe living in the spaces that are affordable to them on low welfare rates. One young woman we interviewed described living with her boyfriend in an apartment where there were rats, asbestos, and chemicals that the landlord used to try to stop homeless people from sleeping in the doorways of their building.⁶²

59. The BC the Ministry of Human Resources has set up multiple barriers for people trying to access welfare. These measures result in many young women who are at risk of homelessness being denied access to financial assistance. This situation is so dire that while in March of 1998, there were 1273 female youth under 19 on welfare in BC, in March of 2005 there were only 159.⁶³

60. Homeless young women seek shelter in a number of ways, including: couch surfing (staying on friends' couches), staying with older men to have shelter, sleeping in parks, and staying in squats (abandoned buildings). In one interview a young woman described to Justice for Girls how the first time she slept in a park she was 10 and ran away, when she does stay in parks now, at 20, she doesn't sleep because she is too paranoid⁶⁴

61. Aboriginal girls we interviewed described sleeping in parks all over the Lower Mainland of Vancouver when they did not have a place to stay. One young

⁶¹ Interview data, Housing Strategy for Young Women Living in Poverty, A multi year Justice for Girls project funded by Status of Women Canada

⁶² Ibid

⁶³ BC Statistics, Ministry of Human Resources—see <http://www.gov.bc.ca>

⁶⁴ Interview data, Housing Strategy for Young Women Living in Poverty, A multi year Justice for Girls project funded by Status of Women Canada

woman talked about how she would burn free newspapers to stay warm on the street , and sleep on newspapers, another young woman said “if you have no place to go you just curl up and go to sleep and you wake up the next day”⁶⁵.

62. Single Room Occupancy hotel “suites”, often in some of the poorest neighbourhoods in Canada, are unsafe and usually uninhabitable but are some of the only housing that will accept teenage girls in poverty. Young women, whom Justice for Girls has interviewed, describe extremely poor living conditions and experiences of violence in SRO’s.

Consequences of Homelessness: Full Circle

Male Violence

63. It is widely accepted that homelessness is a key factor in young women’s vulnerability to various forms of victimization. Once they are on the street, girls experience incredible amounts of violence, from assaults (being kicked, spat on) by passers-by, abuse through sexual exploitation by adult men (johns), rape and assault by boyfriends and male street “brothers,” extreme mental and physical cruelty by pimps and drug dealers, to sexual harassment, assault, and brutality by police and prison guards. A recent study specifically addressing the issue of homelessness among young women also revealed that young homeless women routinely experience health problems, face significant barriers to completing their education, and have high pregnancy rates⁶⁶.
64. When the Canadian (federal, provincial and territorial) government fails to provide accessible housing for homeless girls, older predatory men step in. Many girls described to us situations in which they were 14 or 15 and homeless and met a “boyfriend” who was in his 20’s-30’s (and sometimes much older) and moved in with him.
65. Girls who are homeless “trade” sex with older men in exchange for a place to stay. Girls also experience sexual abuse through street prostitution as a means of survival. Girls who are homeless are at very high risk of becoming exploited in prostitution.⁶⁷ In a recent survey of 183 people in prostitution, the average age of entry into prostitution was 16, furthermore “there is an immense over representation of Aboriginal women in the street level sex trade (31% of their survey)...[and] Almost three quarters of the women had left their parents or guardians home permanently at age 16 or younger”.⁶⁸
66. A 1996 UN committee found that “in Vancouver, the increase in child sex tourism is attributed to rising levels of homeless children, the city’s proximity to child

⁶⁵ Ibid

⁶⁶ Novac, L. Serge, M. Eberle and J. Brown, “On Her Own: Young Women and Homelessness in Canada”, 2002, Canadian Housing and Renewal Association, online: Status of Women Canada , http://www.swc-cfc.gc.ca/pubs/pubspr/0662318986/200303_0662318986_e.pdf

⁶⁷ Ibid

⁶⁸ No Place like Home; Christine Christensen & Leonard Cler-Cunningham, “A Research Report into Violence against Sex Trade Workers in Vancouver’s Downtown Eastside” prepared for PACE Society, (2001).

abuse hot spots in Asia, and to the fact that information on the city's child abuse industry is available on the internet"⁶⁹

67. When young women talked to us about being sexually exploited they described being trapped where they had no safety, where pimps had full control of their housing and could terrorize them anytime. A young we interviewed described how as a youth she was living in a SRO hotel in another province where a pimp had keys to all of the girls' rooms.⁷⁰ Girls are kept isolated, often addicted, and in conditions of extreme fear.
68. Men who buy sex from children are rarely criminalized for sexual exploitation in Canada. In 1999 Daum found that men who pay to abuse children and youth are 20 times less likely to be charged than if they buy sex from an adult.⁷¹ Though more men have been charged for sexually exploiting girls in recent years, conviction rates are abysmally low and sentences minimal.

Criminalization & Imprisonment

69. Not only do girls who live in poverty experience violence at alarming rates, they are often criminalized. Within a national context, researchers have documented gender bias with regard to criminal justice processing of teenage girls⁷². For First Nations girls and young women of Colour, who are over-represented in the justice system, the situation is compounded by racism⁷³. Homeless girls, particularly those, who are sexually exploited in prostitution, are criminalized for violence committed against them. For example, until recently, girls who were sexually abused through prostitution were charged under prostitution related statutes approximately 60 times more often than their adult male customers.⁷⁴
70. Once they are in the criminal justice system, young women often face further marginalization and discrimination. There exists, moreover, a disturbing trend in which girls receive custodial sentences for non serious offence, and in particular "administrative" or "non-compliance" offences such as "breach of probation" or "failure to appear."⁷⁵ Custodial sentences are often used as "protective" measures, a way to respond to young women's lack of safety in the absence of adequate social service intervention.⁷⁶
71. Amber Dean, Justice for Girls researcher, concludes that girls in Canada continue to be criminalized as a means of social control and supposed protection of girls rather than as a response to actual crime (see Tab T). Dean argues that

⁶⁹ Looking Back, Thinking Forward: the 4th report on the implementation of the agenda for action adopted at the world congress against commercial sexual exploitation of children, 1996,

⁷⁰ Interview data, Housing Strategy for Young Women Living in Poverty, A multi year Justice for Girls project funded by Status of Women Canada

⁷¹ Kimberly Daum, "Painting By Numbers," Report prepared for Downtown Youth Activity Society, 1999

⁷² Justice for Canadian Girls: A 1990's Update. Canadian Journal of Criminology 41(4) Marge Reitsma-Street, 1999

⁷³ Ibid

⁷⁴ Daum, "Painting By Numbers," Report prepared for Downtown Youth Activity Society, 1999

⁷⁵ Corrado, R. R., Odgers, C., and Cohen, I. M. (2000). The incarceration of female young offenders: Protection for whom? Canadian Journal of Criminology, April, 189-207; "Justice for Canadian Girls: A 1990's Update." Canadian Journal of Criminology 41(4), 335-363. Reprinted. T. Fleming, P. O'Reilly, and B. Clark (Eds.). Youth Injustice: Canadian Perspectives, 2nd Edition. Toronto: Canadian Scholars' Press Inc.

⁷⁶ Ibid

prison is not a safe place for girls and that violence and human rights abuses are the norm:

Unfortunately, the criminal justice system is seldom, if ever, a “safe place” for girls, as sexual harassment from police officers, male guards and inmates common in these young women’s experiences, and violence, segregation, strip searches and invasive psychological assessments combine to put girls at as much if not greater risk within the prison walls.⁷⁷

Disease and Death

72. In order to deal with the compounding effects of homelessness, violence, alienation, and grief, young women often turn to drugs to mask their pain. Once they become addicted to powerful drugs such as heroin or crack cocaine, young women especially vulnerable to a number of chronic and fatal diseases.
73. HIV/AIDS Researchers Drs. Patricia Spittal and Martin Schecter (see Tab U) describe the following typical scenario of a young woman’s path to HIV infection in their commentary on the gendered nature of HIV/AIDS transmission:

According to Marie, this man became like a father figure for her and showed her love like she had never known. But then he began to beat her, and her predilection for injected powder cocaine intensified. "He said to me, this is what happens to you if you enjoy being with a trick.... He wanted to make sure that all that was in my head was to make money, to get the money and go back and give it to him." She sometimes tried to make her money and run; however, he would track her down, inject her and then batter her, sparing only her face. Controlled by both fear and drugs, Marie's vulnerability escalated. "I just started using a lot, and every time I got into a trick's car, I felt relieved. I could escape." By the time Marie was 17 years old, drugs and tricks had become the only reality she knew. Today, at age 28, although she has survived gang rape, incarceration, miscarriages and 2 suicide attempts (slashed wrists and a heroin overdose), she is infected with both HIV and hepatitis C.⁷⁸

74. Homelessness teenage girls are more at risk of developing physical and mental health problems. The prevalence of sexually transmitted diseases, HIV, viral hepatitis, drug dependence and mental health problems are significantly higher than that found among the non-homeless population⁷⁹.
75. The range of health problems that young women face is extensive and includes: hepatitis A, B and C, infection, self-harm, eating disorders, sexually transmitted diseases, HIV-AIDS, addiction, scabies, lice, irregular menstruation, headaches,

⁷⁷ Amber Dean, “Locking them up to keep them ‘Safe’ Criminalized Girls in British Columbia. A systemic Advocacy Report conducted for Justice for Girls. Published by Justice for Girls, 2005 – see http://justiceforgirls.org/publications/pdfs/jfg_complete_report.pdf

⁷⁸ Patricia M. Spittal and Martin T. Schecter. “Injection drug use and despair through the lens of gender.” *Canadian Medical Association Journal*, March 20, 2001; 164 (6), Commentary.

⁷⁹ S. Acorn, “Mental and physical health of homeless persons who use emergency shelters in Vancouver,” (1993), *Hospital and Community Psychiatry*, Vol. 44, Num. 9, pp854-7, online: The Homelessness Research Virtual Library <http://www.hvl.ihpr.ubc.ca/pdf/AcornEmergency.pdf>; É. Roy, N. Haley, P. Leclerc, B. Sochanski, J-F. Boudreau and J-F Boivin, “Mortality in a Cohort of Street Youth in Montreal,” (2004), *The Journal of the American Medical Association*, Vol. 292, No. 5.

depression, anxiety, phobias, overdoses, sexual identity crises, tuberculosis, jaundice, diabetes, malnutrition, collapsed veins, abscesses, dental problems, suicide, mental illness, drug-induced psychosis, and foetal alcohol syndrome. While some homeless people are in and out of hospital frequently, there was a general perception that despite the range of clinics and street-level health services available to homeless young women, those who are involved in prostitution tend to avoid hospitals and regular medical care due to discrimination and negative staff attitudes⁸⁰.

Concluding Comments

76. The need for Canada to adopt a rights-based approach to housing for young women in poverty is critical and indeed fundamental to reducing victimization in young women's lives. In order for young women to truly transition from poverty, homelessness, and a life of instability and male violence, a continuum of housing options that address girls' specific and diverse needs is essential. To date Canada does not have a strategic and coordinated provincial/territorial or national approach to housing young women in poverty.
77. Services for housing young women are disjointed, short-term, and inadequate in their failure to acknowledge and respond to young women's lived realities of multiple and interlocking forms of oppression. Also, young women are often moved through many, sometimes dozens, of housing placements while in the care of the state.
78. Canada is currently failing to protect the human and equality rights of teenage girls. For Aboriginal girls the situation is dire. Canada must meet its obligations to provide the most marginalized Canadian girls access to economic security, adequate housing, freedom from violence and discrimination, and indeed, human dignity.

⁸⁰ Novac, L. Serge, M. Eberle and J. Brown, "On Her Own: Young Women and Homelessness in Canada", 2002, Canadian Housing and Renewal Association, online: Status of Women Canada , http://www.swc-cfc.gc.ca/pubs/pubspr/0662318986/200303_0662318986_e.pdf