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**Report on discrimination, segregation and the right to adequate housing**

Mr. Balakrishnan Rajagopal

UN Special Rapporteur on adequate housing

Office of the High Commissioner for Human Rights

Submitted by: Sandra Wesley, Executive Director

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**Who we are**

Stella is an organization run by and for sex workers in Montreal. Since 1995, our mission has been to improve the working and living conditions of sex workers. We are accountable to sex workers in our community and represent a collective voice of thousands of women. We are a registered charity, funded through provincial and federal funds, including the Health and Social Services Ministry and Montreal public health on a provincial level, as well as PHAC’s HIV and other STBBI funds and Reaching Home, Canada’s homelessness strategy. We make an average of 5000 to 8000 contacts with sex workers every year, in all spheres of the sex industry. We provide materials such as condoms and safe drug use materials, information, support, accompaniments and referrals in a non-directive, empowerment-based feminist approach. Our intervention model is rooted in “by and for” principles and the belief that we, sex workers, are the best people to provide services within our own community.

We also provide education to students, professionals, community partners, institutions and deciders on how to better serve sex workers, the barriers that we face to access healthcare, justice, employment, housing, and other needs, as well as other human rights issues relevant to our community. We advocate for the full decriminalization of sex work, as articulated by our community through extensive consultations. We work in close partnership with other sex worker groups across Canada and abroad, as well as with our local HIV, harm reduction and feminist movements.

**Thoughts on housing and sex work**

The following are a re-statement of the points we brought up in the meeting on May 7. They come from our community’s experiences, but are applicable to a wide range of other communities, both in Canada and in other locations. We do not currently have the resources to provide a longer brief, but we encourage the rapporteur to look into the thousands of reports, publications and demands of sex workers everywhere who denounce criminalization. We especially urge the rapporteur to consider the needs of women without seeing us as inherent victims of exploitation or violence, but rather as a group targeted through hostile policies and practices.

**1- Impacts of sex work criminalization on housing**

Criminalization of sex work, especially under Swedish-style regimes that aim to eradicate sex work, lead to massive evictions of sex workers, as well as other landlord violence such as extorsion, threats and sexual violence. In Canada, the fact that sex work is a criminal act since 2014 means we can be evicted if we receive clients at home. In France, procuring ("pimping") laws hold landlords legally responsible if sex workers live in their buildings. In Sweden, the birthplace of these types of aggressive anti-sex work legislation, sex workers have reported housing rights violations as a major consequence of criminalization of sex work since criminal laws have been in place. It is clear that forcing women into homelessness to punish us for being sex workers is a big part of prohibitionist ideology and different iterations of this problem exist all over the world.

Beyond the “Swedish regime”, also known as “end demand model”, other forms of sex work criminalization also create housing rights violations. For example, our homes can be seen as “brothels” in places where such legislation exists, we can be denied housing based on lack of credit or legal income, etc.

Housing rights need to include the full decriminalization of sex work. While simply protecting sex workers should be reason enough to act, it is also important to note that human rights violations targeting sex workers also have negative impacts on the rights of all women and LGBTQ2S+ communities, as well as on migrant women and Indigenous communities.

**2- Need for informal housing such as “crackhouses”**

*Crackhouses* and other similar informal spaces where sex workers, people who use drugs and homeless people gather are essential to our communities and are under constant attack. These places can be rooming houses or apartments, sometimes squats, and are needed to create community, to access drugs, to sleep or rest, to use drugs with other people, to access ways to make money, to land when arriving in town or newly released from prison, etc. We are seeing a very concerning trend of cities leveraging all available tools (fire department, criminal laws, municipal bylaws, etc) to seize those buildings. They often then turn them into social housing for which the people who lived in those buildings are not eligible. Given the criminalization of drugs, sex work and the way rental boards or other tribunals do not recognize informal tenants, it is nearly impossible to fight against our displacement by simply demanding more social housing development. Social housing developers must be accountable to communities who were there before them and must not see our marginalized spaces as cheap real estate ripe for conversion.

**3- Need to prioritize the right to occupy public space**

The right to occupy and live in public space needs to be fought for with as much strength as the right to housing. No one should ever be forced to move into housing and we must provide decent living conditions for people living outside. In Montreal and across Canada, we are seeing extreme repressive measure to dismantle encampments and a terrifying rise of the notion that society cannot tolerate homelessness. This is leading to massive human rights violations and increased stigma against homelessness. In Montreal, Mayor Valérie Plante recently reiterated in a press conference that she believes that we need to make the choice as a society to no longer tolerate anyone sleeping outside.

Recently, we have seen the death of an Indigenous man who froze to death in a portable toilet after his encampment was dismantled. A young homeless woman was also killed by a garbage truck while sleeping at a gas station. She was also someone who would normally have been in a safe encampment, but was displaced through state-ordered police repression to remove tents. It’s impossible to fully document the horrific consequences of anti-homelessness policies that do not start with respecting everyone’s right to live outside of traditional housing.

It is only by respecting people's right to live in public space that we can develop housing policies that respect human rights. Movements to "end homelessness" and "housing first" are incompatible with a rights-based approach. Such discourse can be very seductive and have wide public support because, on the surface, ending homelessness sounds like a nice idea. However, individual realities are infinitely more complex and nuanced.

**4- Housing rights are not adequately defendable in court**

We are part of the Canadian Alliance for Sex Work Law Reform, an alliance of 25 groups primarily by and for sex workers. As such, we have recently launched a Charter challenge to remove criminal code provisions criminalizing sex work. Our colleagues in France have a similar ongoing case with the European human rights tribunal. We have found that current Charters do not provide adequate paths for the inclusion of housing rights in our arguments beyond simply mentioning those harms in our arguments around security, for example. However, the right to housing goes well beyond our safety and health, it is a right in and of itself and it should be easier to take governments to court when those rights are violated on a collective level. The concerns noted around the right to occupy public space should also become an integral part of housing as a human right.