



Centre for Equality Rights in Accommodation
Centre pour les droits à l'égalité au logement

From: Alyssa Brierley, Executive Director, CERA, (Toronto, Ontario, Canada)

To: Maud de Boer-Buquicchio, UN Special Rapporteur on the sale and sexual exploitation of children

September 30, 2019

RE: Submission for the Special Rapporteur's final thematic report to the Human Rights Council (March 2020)

About CERA

The Centre for Equality Rights in Accommodation ("CERA") is a not-for-profit charitable organization that has advocated for the progressive realization of the human right to housing for over 30 years. CERA's work is focused on preventing homelessness. In our significant advocacy and policy work, we engage with local, provincial and federal governments in Canada.

In addition, CERA provides legal information through direct services to about 1500 clients annually who face eviction and human rights violations in their housing. We also provide public education and training on human rights in housing, educating landlords, post-secondary institutions, communities and vulnerable individuals. In this way, CERA raises awareness about these issues and empowers residents in Ontario to understand and demand their housing rights.

CERA's high volume of clients, as well as our advocacy in the field, gives us a unique insight into the issues faced by vulnerable renters, and those who are precariously housed and homeless, including women, youth, LGBTQI2S+, racialized individuals, persons with disabilities, seniors, newcomers to Canada, and those with intersecting identities.

CERA has special consultative status at the Economic and Social Council (ECOSOC) of the United Nations and maintains a strong working relationship with the UN Special Rapporteur on the right to adequate housing.

CERA's work to prevent youth homelessness

CERA has been working on youth homelessness prevention since 2011. Our youth program aims to assist young people in overcoming barriers to housing and support them in maintaining stable housing. Designed and implemented by peer facilitators, our program uses arts-based approaches to creatively engage young people to learn about their rights and the law. We work with the most vulnerable young people who are often denied access to housing or are mistreated as tenants for a variety of reasons. We know from experience and from the available data that

once a young person becomes homeless, access to housing and stability becomes even more difficult, and their downward spiral often worsens. Youth often get stuck in a vicious cycle of poverty, social marginalization, and poor health, which may include substance use and sexual exploitation, and which can follow them into adulthood.

CERA's concerns related to sale and sexual exploitation of children

Canada is in an extreme housing crisis. While the exact number of people affected by this crisis is difficult to determine, a recent estimate by *The State of Homelessness in Canada 2016*¹ estimated that at least 235,000 Canadians experience homelessness in a given year, with at least 35,000 individuals experiencing homelessness on any given night (p.12). The numbers are likely much higher, given the challenges of an accurate count in this transient population, including the fact that many who are unhoused live with friends or relatives, and seldom register as clients with emergency shelters.

Youth represent a significant proportion of the homeless population. According to *Without a Home: The National Youth Homelessness Survey*,² 20 per cent of the homeless population in Canada is comprised of youth between the ages of 13-24. In a given year, there are at least 35,000-40,000 youth experiencing homelessness (p.27). Indigenous and Black youth are significantly overrepresented in the homeless population (p. 6). As well, those who identify as LGBTQI2S+ make up 25-40 per cent (p. 31) of youth experiencing homelessness, and they experience unique barriers when accessing the shelter system. One-third of trans-identifying youth are rejected from shelters as a result of their gender identities and gender expression³.

Children under 16 are often not eligible to stay at youth shelters and are therefore more likely to end up on the street. Data shows that boys and young men are represent the majority of youth in shelters⁴. Because girls and young women are particularly at risk of crime and violence (including sexual assault), they may seek alternatives to the streets, even if this poses other major risks (in many situations, exposure to the sex trade)⁵.

1

Stephen Gaetz, Erin Dej, Tim Richter, Melanie Redman: The State of Homelessness Report 2016

(https://homelesshub.ca/sites/default/files/attachments/SOHC16_final_20Oct2016.pdf)

² Stephen Gaetz, Bill O'Grady, Sean Kidd, Kaitlin Schwan: Without a Home

(<https://homelesshub.ca/sites/default/files/attachments/WithoutAHome-final.pdf>)

³ <https://www.homelesshub.ca/about-homelessness/population-specific/youth>, reached Sept 27, 2019

⁴ Aaron Segart, The National Shelter Study: Emergency Shelter Use in Canada 2005-2009

https://homelesshub.ca/sites/default/files/attachments/Homelessness%20Partnering%20Secretariat%202013%20Segart_0.pdf

⁵ <https://www.homelesshub.ca/about-homelessness/population-specific/youth>, reached Sept 27, 2019

Children and youth experience housing precarity and homelessness individually, but also as members of their families. We know that the number of homeless families is on the rise. With the gap between income and rents continuing to widen, housing is becoming increasingly unaffordable for families living on fixed incomes, particularly in the lower income range. This is particularly the case for those receiving social assistance, those making minimum wage, and those employed in precarious jobs.

Many families are forced to choose between housing and food, a choice that has a particularly profound impact on children and youth. Inadequate housing and food can lead to, for example, social isolation, dropping out of school, and issues with low self-esteem. What is more, the very system put in place to address some of these issues can in fact perpetuate the problem, since children placed in the child welfare system may be moved from one foster family to another, or between State institutions, experiencing housing instability that increases their vulnerability and marginalization in numerous ways.

Human trafficking and sexual exploitation are “industries” that rely on exploiting such vulnerability. We know from our work with youth and with partner agencies that sexual exploitation is a concern for homeless youth. As part of a larger initiative by Covenant House International to research human trafficking among homeless youth, the University of Pennsylvania conducted a multi-city study, *Human Trafficking Prevalence and Child Welfare Risk Factors Among Homeless Youth, 2018*,⁶ which showed that 20 per cent of homeless youth have been victims of some type of human trafficking and sexual exploitation, with 17 per cent of them having experienced sex trafficking (p. 14). Victims of sex trafficking were more likely to be female (53%) (p.15) or transgender (11%) (p.15). In the same study, 22 per cent of youth reported that they had been offered money for sex on the first night they spent on the street (p.3). The study also found that sexual exploitation takes different forms, with sex exchanged for different “goods,” such as shelter, drugs, food, love or fear of the trafficker, or protection from previous abuse.

What is clear is that life on the street carries a high risk of involvement in sex trafficking.

One of the biggest challenges with addressing the issue of child and youth sexual exploitation is the lack of appropriate, accessible data. The data on human trafficking are currently incomplete and sparse. There is little data on the different forms of trafficking and the specific groups that are vulnerable. Data collection is challenging because most cases of trafficking and sexual exploitation are hidden, unreported, or inadequately investigated. It is not uncommon for survivors of human trafficking to be unwilling to report their experiences due to stigmatization by those in authority and fear.

⁶ Debra Schilling Wolfe, MEd; Johanna K.P. Greeson, PhD, MSS, MLSP; Sarah Wasch, MSW; Daniel Treglia, PhD, MPP: *Human Trafficking Prevalence and Child Welfare Risk Factors Among Homeless Youth, 2018* (<https://fieldcenteratpenn.org/wp-content/uploads/2013/05/6230-R10-Field-Center-Full-Report-Web.pdf>)

CERA's recommendations

CERA's work is grounded in the Universal Declaration of Human Rights, including children's rights as declared in the Convention on the Rights of the Child.

In the final thematic report to the Human Rights Council on the sale and sexual exploitation of children, CERA recommends that the Special Rapporteur's mandate includes:

- Raising awareness in the international community about the rising global housing and homelessness crisis⁷ (including through displacement, gentrification, family breakup, and extreme poverty), and the impact of this crisis on the sale and sexual exploitation of children and youth, particularly girls and LGBTQI2S+ youth).
- Urging States to collect comprehensive data, disaggregated by gender and other factors, and to support research to inform evidence-based solutions to human trafficking.
- Prioritizing at-risk populations, including children and youth (with a focus on girls and LGBTQI2S+ youth) in homelessness and housing precarity and creating appropriate and early interventions to protect them, and developing effective prevention strategies.
- Urging governments to end homelessness and protect the right of all people, children and youth to safe and adequate housing in accordance with the Sustainable Development Goals and the recommendations of the UN special Rapporteur on the right to adequate housing.
- Urging governments to develop effective strategies to end human trafficking and sexual exploitation and to prioritize the protection of children and youth as declared in the Convention on the Rights of the Child.

⁷ Leilani Farha, Access to justice for the right to housing, report January 2019 (<https://www.undocs.org/A/HRC/40/61>)