

CANADIAN
CIVIL LIBERTIES
ASSOCIATION



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CANADIENNE DES
LIBERTES CIVILES

January 21, 2025

Hamilton City Council
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Via email

Dear Mayor and Councillors;

Re: Upcoming Vote on Encampment Protocol

The Canadian Civil Liberties Association (“CCLA”) strongly urges all City of Hamilton Councillors to vote against the resolution to rescind the City’s Encampment Protocol.

The “CCLA” is an independent, national, nongovernmental organization that was founded in 1964 with a mandate to defend and foster the civil liberties, human rights, and democratic freedoms of all people across Canada. Our work encompasses advocacy, research, and litigation related to the criminal justice system, equality rights, privacy rights, and fundamental freedoms. Key aspects of our mission include fighting for democratic accountability and defending the rights of vulnerable and marginalized members of our society.

A recent report by the [Association of Municipalities of Ontario](#) states that there were over 81500 people experiencing homelessness in Ontario an increase of over 25% since 2022 and that by 2035 this number could triple without significant intervention. We know that municipalities such as the City of Hamilton are facing challenges caused by lack of affordable housing, lack of shelter spaces and the growing epidemic of addictions.

However, rescinding the Encampment Protocol is not an effective measure to combat the homelessness crisis which requires compassionate and long-term responses. The Encampment Protocol was introduced as a measure that respects the dignity and safety of people who are living in Encampments while balancing the needs of other community members.


As you know, the [National Housing Strategy Act](#) (NHTA) enshrines the right to housing in domestic law. The NHTA recognizes that **“the right to adequate housing is a fundamental human right affirmed in international law”** and that **“housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities”**. In a recent report, the [Federal Housing Advocate](#) has stated that governments have legal obligations to recognize and respect the right to adequate housing, protect against its violation, take positive measures and mobilize maximum available resources to ensure that everyone can enjoy this right without discrimination, and promote broad public awareness and understanding of the right to adequate housing.

The CCLA believes that rescinding the Encampment Protocol will put the lives of the City’s most vulnerable residents at risk. This would also disproportionately harm groups that are already marginalized, as they are over-represented among unhoused population. This includes Indigenous, Black and racialized people, women, members of the 2SLGBTQIA+ community, and people with disabilities.

Governments of all levels need to work together to find human rights-based solutions that respect the dignity and autonomy of encampment residents. The approach to combating homelessness should not be to override fundamental rights and freedoms, but rather to find meaningful long-term solutions that are rights-respecting.

For these reasons, the CCLA is urging City of Hamilton Councillors to vote against the proposed resolution that will violate the dignity, rights, and freedoms of unhoused people in Hamilton.

Sincerely,



Harini Sivalingam
Director, Equality Program
Canadian Civil Liberties Association