

## Summary of Recommendations from the *Law Reform Opportunities in Quebec for Women Experiencing Intimate Partner Violence* report by the Québec Homelessness Prevention Policy Collaborative

The report identifies five areas for reform with 12 recommendations that have the potential to reduce the risk of housing insecurity for survivors of intimate partner violence (IPV) and their children.

### Reform Area A: The Right to Adequate Housing

The two recommendations in this section would, first, create a specific right to adequate housing in Quebec’s *Charter of Human Rights and Freedoms* and, second, would operationalize that right in Quebec through legislation. A “right to housing” is part of international human rights law and has been part of Canadian federal law since 2019.

This right should be reflected in Quebec law as part of its obligations to respect, protect and fulfill the right to housing.

Enact a Right to Adequate Housing	
1. Amend the Quebec <i>Charter of Human Rights and Freedoms</i> (the “Charter”)	<p>Currently, Quebec’s <i>Charter</i> contains economic and social rights but the right to housing is not explicitly mentioned. An amendment to add this right would support Quebec’s efforts to:</p> <ul style="list-style-type: none"> <li>• achieve the progressive realization of the right to housing;</li> <li>• better reflect international law obligations.</li> </ul>
2. Enact legislation that implements the right to adequate housing in Quebec and creates accountability measures for the government to strengthen efforts to prevent homelessness.	<p>A new law would:</p> <ul style="list-style-type: none"> <li>• explicitly incorporate the <i>International Covenant on Economic, Social and Cultural Rights</i> in Quebec law;</li> <li>• support the development of a national strategy;</li> <li>• create a mechanism to ensure the participation of affected groups;</li> <li>• create strong oversight and accountability measures for the Quebec government, such as oversight and monitoring of results;</li> <li>• create an independent housing rights advocate to promote and protect the right to housing.</li> </ul>

Women and children fleeing domestic violence and IPV should be designated as priority groups under the provincial strategy, as they are in the federal government’s National Housing Strategy and the related legislation, the *National Housing Strategy Act*.

In international law, the right to adequate housing represents the right to live in security and dignity, which includes factors such as accessibility, affordability, habitability, location, security of tenure, the availability of services, equipment and supports, and culturally appropriate housing (including linguistic services). In the area of IPV and domestic violence, confidentiality and security must be included as fundamental values.

### Reform Area B: Enact Legislation on the Right To Be Free From IPV/Domestic Violence

Advocates have long called for comprehensive legislation that creates a right to be free from domestic violence, with appropriate protections, services and supports. Other jurisdictions have such laws and have created a legal framework *outside the criminal justice system* to provide remedies, supports and resources for victims through the civil courts. Although the Criminal Code plays a crucial role in the area of conjugal violence, it often treats incidents of violence as unique events rather than as elements in a cycle of violence. Comprehensive legislation, on the other hand, enhances prevention, early intervention and timely responses to IPV, recognizing the need for a continuum of approaches.

Enact Comprehensive Legislation on the Right to Be Free From IPV	
3. Provide an inclusive definition of domestic violence/IPV.	A clear definition would allow for judicial intervention, including in situations of coercive control.
4. Enhance safety and supports	Courts could order a wider and more flexible range of protective orders, such as restraining orders, exclusive occupancy of the family home, counselling and sanctions.
5. Amend the <i>Civil Code of Quebec</i> to maintain women and children in rental leases and prevent eviction.	The current law allows lessees to terminate or “resiliate” leases in cases of domestic violence, but there are delays and the current process means leaving the dwelling. Additional options should be available to protect women with respect to housing, including removing a perpetrator from a lease where required for safety reasons, without evicting or penalizing the victim.
6. Undertake a feasibility study to improve access to justice by introducing integrated domestic violence courts (IDV courts).	Quebec currently has a specialized criminal court for conjugal violence matters, but IDV courts can address criminal, civil, and family law cases under one roof with case management and supports. This recommendation reiterates previous proposals that have been made in the area of conjugal violence.

### Reform Area C: Improve Income Supports

Affordability is one of the main barriers facing women who are looking for housing, especially after IPV. In Quebec, at present, certain categories of people are excluded from income support or may have their support reduced, affecting their ability to access affordable housing. The following proposed reforms are designed to offer some protection to women who are financially vulnerable.

Improve Income Supports for Disadvantaged Groups	
7. Remove child support payments from “income” when determining eligibility for social assistance.	Quebec law includes child support in income when calculating eligibility for financial assistance. We propose that child support payments be excluded in calculating the financial ceiling.
8. Expand eligibility for assistance for persons for persons who have separated from abusive spouses regardless of immigration status	Several categories of people who are victims of abuse are ineligible for social assistance because of their immigration status. We recommend amendments to include women who leave abusive partners.
9. Increase the threshold for the value of liquid assets	Quebec law provides for very low thresholds for liquid assets: for example, for someone without dependent children, the ceiling is only \$887, above which applicants are ineligible for financial assistance. Given the rise in housing costs, among other factors, we propose an increase to the ceiling.

### Reform Area D: Social Housing

Social Housing	
10. Widen access to low rental housing	Currently, Quebec law does not permit access to social housing to people whose immigration status is precarious. We propose an amendment to widen access.
11. Ensure that the right to housing includes further investments in the development of more second step housing.	Research indicates that the period after a survivor of IPV leaves an emergency shelter is critical to one’s security. There is an insufficient supply of housing for survivors. Major investments are required in second step infrastructure that is safe and accessible for survivors and their families as part of the progressive realization of the right to housing.

## Reform Area E: Family Law Reforms

Family Law Reforms	
12. Amend the <i>Civil Code of Quebec</i> to provide unmarried couples with rights to spousal support, the family patrimony and a default regime that allows for the equitable division of assets.	Many unmarried couples in Quebec are in <i>de facto</i> unions and lack basic protections compared to other provinces, such as access to the matrimonial home for the partner who is not the owner and who has custody of children. We recommend that the government heed calls for reform from prominent family lawyers to enhance these protections, which would have an important impact on victims of IPV.

Finally, in our research, we identified several additional “upstream” measures that, while not directly related to housing and IPV, may support a comprehensive strategy on preventing IPV and homelessness:

- *The right to information and the right to know*: Explore changes in the law to provide a right to information and a “right to know” about a partner with an abusive past. Other jurisdictions, including in the UK and two Canadian provinces, have adopted measures that allow the police to provide information about a partner’s criminal or civil record of past abuse (“Clare’s Law”).
- *Healthcare sector*: Improve processes and methods in the healthcare sector on screening, training, and reporting on family violence and IPV may have improved public health outcomes.
- Amend the *Education Act* to include IPV and violence-prevention education and social-emotional learning programs in primary or secondary schools, or both.