

Short-Changed on Human Rights:

A NAPO Position Paper on Anti-panhandling By-laws

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Executive Summary

Panhandling is defined as the act of stopping people on the street to ask for assistance, for example in the form of food or money. Over the past several years, cities across Canada have witnessed a tremendous increase in the number of people panhandling. This visibility is generating much public discussion and debate about the causes of panhandling and what to do about it. One popular response among municipal governments is to introduce anti-panhandling legislation, which restricts where, when and how one person can ask another for assistance.

The appearance of anti-panhandling by-laws is an issue of great concern for NAPO and this paper presents an overview of issues of concern. The paper highlights the following problems:

- These laws discriminate against people who are poor. It is only the poor who are being restricted from parts of a city that are supposed to be open to full public access. In a free and democratic society, public spaces should be accessible to all citizens provided that they are not engaging in behaviour that can cause harm to other citizens. We already have laws that prohibit behaviour that is harmful to others—we are not free to threaten others or cause public disturbances.
- The act of panhandling does not harm anyone, whether it is done next the entrance of a bank or next to a vacant lot. Poor people are perceived to be more of a threat simply because they may not look or act the same as people who are not poor. The wording of the by-laws make it clear that it is the very presence of poor people on the streets asking for money that people are objecting to. Panhandling—begging for money—does not pose a threat to anyone.
- Governments are criminalizing begging at the very same time that they are enacting legislation that is creating more poverty. The move by all levels of government to reduce support for people in need of social security has led to the growth in the numbers of homeless people in Canada as well as the need for more people to rely on the charity of others in order to survive. Asking strangers for money is a last resort for survival for many people who are poor as a result of government policies that have created the conditions that force people to beg. The criminalization of begging represents an abrogation of governments' responsibility to their citizens and an attempt to use the police to try to cover up the highly visible manifestation of the failure of government social and economic policies.
- The manifestation of poverty through people begging may not be an aesthetically pleasing sight to some. And some people may feel annoyed by panhandlers who continually approach them on the streets. Maybe they should be annoyed. Maybe it is through being annoyed that more people will begin to realize that the current economic and social policy options that Canadian governments are pursuing are having a negative effect on the health and well-being of a large number of Canadian citizens as well as undermining the trust and compassion in our communities.

Introduction

The National Anti-Poverty Organization

Established in 1971, the National Anti-Poverty Organization (NAPO) is a non-profit, non-partisan organization that represents the interests of low-income Canadians. A 22-person voluntary Board of Directors from every province and territory directs and governs NAPO's work. All Board members are either living in poverty or have lived in poverty at some point in their lives. NAPO works to ensure that the views of people living in poverty are considered during debates about national issues of importance to them. We assist local and regional organizations to bring the voices of low-income Canadians to decision-making and policy-making processes in their communities.

NAPO is active in the area of human rights and poverty. In October 1999, NAPO released a paper and made presentations to the Canadian Human Rights Act review panel, advocating for the inclusion of social and economic rights and "social condition" as a prohibited ground of discrimination. NAPO has also made presentations before the United Nations

Committee on Economic, Social and Cultural Rights and the United Nations Human Rights Committee.

Anti-panhandling By-laws: Discrimination and Poor Bashing

Panhandling is defined as the act of stopping people on the street to ask for assistance, for example in the form of food or money. Over the past several years, cities across Canada have witnessed a tremendous increase in the number of people panhandling. This visibility is generating much public discussion and debate about the causes of panhandling and what to do about it. One popular response among municipal governments is to introduce anti-panhandling legislation, which restricts where, when and how one person can ask another for assistance.

The appearance of anti-panhandling by-laws is an issue of great concern for NAPO. As an organization representing low-income Canadians, we believe that the existence of anti-panhandling by-laws raises significant questions about the violation of the human rights of Canadian citizens. Reductions in government

support to people in need of income security have created conditions that force people to beg and rely on individual donations in order to simply survive. Anti-panhandling by-laws effectively render the social consequences of government policies invisible. They direct our gaze away from the failure and mean-spiritedness of government social and economic policies and shift it to individuals. The by-laws blame and punish people for their poverty.

The practice of making poor people the scapegoats for society's social and economic problems is known as "poor bashing". Turning to the criminal justice system for a solution to what is essentially a socio-economic issue stands out clearly as an example of poor bashing. Such

discrimination suggests that the rights of poor Canadians are less important than the rights of those who have money. NAPO considers these anti-panhandling by-laws to be unjust.

Any discussion on the issue of panhandling must be framed within a broad societal context. This paper will first discuss the socio-economic factors that have given rise to panhandling. It then provides an overview of the content of anti-panhandling by-laws and discusses the various arguments that are used to justify such legislation. Finally, this paper examines why these by-laws are problematic, particularly from a human rights perspective, and what NAPO is doing about this issue.

The Social and Economic Context of Panhandling

Poverty and Inequality

The reasons for panhandling are multifaceted and are connected to issues of income, food security, housing, social programs and wages, among other things. The following is a list of recent indicators of growing economic and social inequality.

Many of these indicators set the stage for an increase in the incidence of panhandling:

- In 1998, mayors of large cities across Canada declared homelessness a national disaster. ¹

- Food bank use in Canada has more than doubled in a decade.²
- The average income for a couple with two children on welfare in New Brunswick was only 48% of the poverty line in 1996.³
- A single person in Calgary earning a minimum wage pays 63.9% of her earnings towards rent for a 1-bedroom apartment.
- A single person receiving social assistance in St. John's pays more than two times his benefits towards rent for a 1-bedroom apartment.⁴
- From 1987 to 1997, the number of full time jobs increased by 9% compared to an increase of 28% in part-time jobs.⁵
- On average in Canada, a single parent with one child working full time at the minimum wage falls \$7500 below the poverty line.⁶
- The richest 20% of Canadians saw their incomes increase by \$2000 between 1995-96 while the poorest 20% saw their average incomes fall \$500.⁷
- 28% of all hostel users in Toronto are youth.⁸

Growing economic and social inequality can be attributed to both decreased income from earnings and the systematic

erosion of our welfare state, which no longer provides adequate incomes to Canadians in times of need. In the interests of deficit reduction, federal and provincial governments targeted social programs for dramatic funding cuts. Social spending was falsely declared to be “out of control”, needing to be reigned in rather than viewed as a building block of a just, caring and compassionate society.⁹

Social Programs

Historically, the role of income support programs such as welfare and Unemployment Insurance (UI) has been a means to counter market failures by redistributing income within Canada. This is rapidly changing as both programs have been significantly eroded and scaled back through dramatic reductions in funding levels and tightening of eligibility and entitlement.

The shift from UI to Employment Insurance (EI) in 1996, for example, reduced payments to people working in temporary, contract and seasonal jobs. It also replaced the number of weeks with the number of hours worked as the indicator for entitlement. This change means individuals must work for longer periods of

time before qualifying for benefits. Benefit levels and duration of benefits have also been significantly reduced. The proportion of unemployed people receiving EI benefits has declined significantly from 87% in 1990 to 36% by 1998.¹⁰ This drastic reduction undermines the program's ability to insure against unemployment and increases the incidence of poverty.

A recent survey found that as many as 60% of people using homeless shelters in Toronto would have qualified for the old unemployment insurance, workers' compensation and disability programs.¹¹

As fewer people are eligible for EI they must turn to provincial social assistance programs for basic economic support. Social assistance programs have also undergone dramatic reductions and do not provide adequate income support to individuals.

One of the most dramatic changes to Canada's social framework came with the elimination of the *Canada Assistance Plan* (CAP) and the *Established Program Financing* (EPF) and the implementation of the *Canada Health and Social Transfer* (CHST) in 1996. The federal government

argued that this change was primarily made to provide provincial governments with more flexibility in the design and implementation of social programs.¹² The result of the introduction of the CHST was that the real per capita value of cash transfers to the provinces for social programs fell by over 40% between 1992 and 1997.¹³

The CHST block-fund for health care, post-secondary education and social assistance makes no requirement for the provinces to maintain, let alone enhance, a social assistance system. As such, provincial governments across Canada have slashed funding for and radically altered assistance programs. Since 1995 the provinces of British Columbia, Alberta, Manitoba, Ontario, Quebec, Nova Scotia, Prince Edward Island and Newfoundland have significantly cut back their benefit rates, narrowed eligibility to programs of income assistance and cut back shelter allowances.¹⁴

Ontario slashed its welfare rates by 21.6% in 1995 and has aggressively introduced a workfare/forced labour program. In other provinces, the lack of inflation protection has meant that the value of welfare benefits continues to decline in relation to

the cost of living. Social assistance benefits do not reflect even the very basic costs of living. Individuals in receipt of social assistance, regardless of where they live in Canada, exist well below the poverty line.¹⁵

The existence of panhandling in Canadian cities must be viewed within this socio-economic context. When social assistance rates are set well below poverty levels, when the minimum wage does not provide an adequate annual income, and when a choice has to be made between shelter

and food, many people have no option left but to seek financial support through panhandling. Rather than address the underlying issue of poverty, the tendency of city politicians is to implement “quick fix” solutions to panhandling by criminalizing it, and removing it from public view. This paper now turns to look at the content of anti-panhandling by-laws and the rationale behind their appearance in municipalities across Canada.

Out of Sight, Out of Mind: Municipal Responses to Panhandling

The presence of panhandlers confronts us with the underside of a free market economy in which wealth and the benefits of economic growth do not “trickle down” to everyone. Some Canadians have made it clear that they are not comfortable being confronted with this reality. In response to the presence of panhandlers on city streets, several municipalities across Canada (including Ottawa, Oshawa, Sudbury, Calgary, Edmonton, Saskatoon, Kingston, Hamilton, Quebec City, Winnipeg and Vancouver) have implemented anti-panhandling by-laws.

The anti-panhandling by-laws restrict panhandling in three different ways¹⁶. First, they seek to restrict *where* it occurs. Many of the by-laws prohibit panhandling at transit stops and bus shelters, in front of banks and automated teller machines, in pedestrian walkways, and at traffic control signals or parked motor vehicles. In addition, the Winnipeg by-law prohibits panhandling at the entrance of hospitals; Saskatoon and Vancouver specifies prohibition in front of liquor stores; and Saskatoon prevents it in front of mobile food vendors, such as hot-dog stands.

These specific geographic restrictions reveal some of the stereotyped assumptions about people living in poverty that are behind the by-laws. Prohibiting panhandling in front of a bank or automated teller machine, for example, assumes panhandlers are more likely to be thieves than other citizens. Likewise, making it illegal to ask for money outside of a liquor store assumes a problem of alcoholism. From the point of view of a panhandler, however, these sites could be considered strategic locations where a non-panhandler has made some kind of financial transaction (for example, buying a bottle of wine or a hot-dog, or withdrawing money from a bank machine) and possibly has some loose change readily available upon request. In other words, they are wisely chosen locations for panhandling.

The by-laws also seek to control *when* panhandling can occur, although it is inconsistent and varies between cities. For example, the Calgary by-law makes it illegal between 8:00 a.m. to 8:00 p.m.; Saskatoon from 9:00 a.m. to 6:00 p.m., and Vancouver and Winnipeg between sunset and sunrise. Ottawa has an outright ban on panhandling in all public areas, 24 hours a day.

Finally, the by-laws seek to regulate *the manner* in which panhandling occurs. The Calgary by-law, for example, states

"No person shall continue to engage in panhandling...with a person who has refused or declined the solicitation. No person shall, while engaging in panhandling, move to obstruct the passage of, walk next to, or follow the person being solicited."

The Criminal Code of Canada already prohibits obtaining money by force, and aggressive or threatening actions.¹⁷ Thus these by-laws seek to penalize a conduct, begging, that is peaceful and non-disruptive.

Contravention of these by-laws can result in a financial penalty, which vary from city to city. Panhandlers in Vancouver can be fined a minimum of \$100.00 and up to a maximum of \$2000.00. Calgary states no minimum but sets its maximum at \$10,000.00 (!). Those in Quebec City can be charged \$500.00 while people in Winnipeg can receive a maximum financial penalty of \$1000.00. Not only do panhandlers face this financial discrimination, they also risk terms of imprisonment if they do not pay. The Calgary by-law allows for up to one

year in jail; Winnipeg allows for up to six months.

These legal sanctions show the by-laws for what they really are: a mechanism of social control. By criminalizing the simple act of asking another for help, anti-panhandling by-laws identify a group in society as not deserving of human rights protection. Moreover, the fact (and irony) that these by-laws impose such stiff financial penalties on a population which has no or little income to begin with indicates quite clearly that in no way are the by-laws designed to assist people who panhandle. Clearly, such legislation cannot provide a disincentive when other social and income supports remain inadequate.

What, then, is the rationale for such legislation? At one level, these by-laws are consistent with a historical pattern of “cleaning up” city streets for tourism as witnessed at Expo '86 in Vancouver, the 1992 Earth Summit in Rio de Janeiro, the 1996 Olympics in Atlanta, and at the 1999 Pan Am Games in Winnipeg. For example, although the Winnipeg City

Council passed its anti-panhandling by-law in 1995, as the Games drew nearer there was a concerted effort to

“ensure that 'undesirables' be removed from all areas of the city where the Games will be celebrated...Winnipeg will appear dressed up, when in reality buildings will still exist behind the pretty murals, while the homeless and other 'vagrants' will only be allowed to emerge when the Games are over and everyone has gone home.”¹⁸

This “out of sight, out of mind” attitude is the strategy of choice by city bureaucrats to deal with panhandling.

Arguments to justify the anti-panhandling by-laws fall into three broad categories: the preservation of economic vitality of city areas; the public's right to the peaceful enjoyment of public places; and the eradication of an unhealthy lifestyle. These justifications will now be examined as well as why they are problematic, weaving in public attitudes and opinions garnered from daily newspapers.

Rationale for By-laws

Preservation of Economic Vitality

One argument employed to justify anti-panhandling by-laws is that they will preserve the economic vitality of downtown areas. It is believed that panhandlers constitute a street nuisance and consequently their presence creates an environment that is bad for business.

"...business owners and their employees have a right to be able to conduct their affairs in an environment that is conducive to their continued viability. Therefore it is necessary to find ways to minimize situations that compromise the ability of business operators to make a living".¹⁹

The assumption behind this position is that people who panhandle may annoy or upset pedestrians who will then stop shopping in downtown areas, resulting in lost business. Further strengthening this argument is a belief that people who panhandle pose a threat to public and private property and therefore must be removed.

While no study exists to prove a connection between the presence of

panhandlers and a decline in business revenue, the fear is that:

"when the norms of orderly behaviour are ignored...many people stay off the streets when they can or, more dramatically, they 'vote with their feet' by moving to other, safer, nicer neighbourhoods".²⁰

According to proponents of this argument, city centres will enter a downward spiral, as middle-class people are driven out and a further deterioration of services will occur.

This argument in favour of the by-laws ultimately creates a hierarchy of rights that places the rights of businesses and shoppers ahead of the rights of people living in poverty. This approach maintains that panhandlers threaten the interests of consumers and businesses, while ignoring the fact that the by-law threatens the interests and rights of those who panhandle. Urban cores are a site of social and economic interaction and as such are a good strategic location to publicly request assistance for basic necessities, such as food. Furthermore, although it may be distressing for someone to encounter and interact with a

person who panhandles, “we don’t have to accept laws that make compassion illegal.”²¹

Public’s Right to Enjoyment of Public Spaces

A second argument employed to prohibit panhandling is premised on the public’s right to the peaceful enjoyment of public places and, as such, panhandlers constitute an infringement of this right. The City of Ottawa’s by-law, for example, states its purpose as “...to provide for an environment free from certain public nuisances which may degrade the quality and tranquility of life”.²² Saskatoon’s by-law gives its purpose as

“...to ensure that panhandling does not unreasonably interfere with the use of streets, sidewalks and other public places by members of the public”.²³

One assumption behind this argument is that encounters with people living in poverty who are publicly asking for help are not a “pleasant” experience for the non-poor public and thus must be avoided. An op-ed piece in the *Globe and Mail*, for example, reads:

“The truth is, you cannot escape the intrusion of these people and their outstretched hands into your lives. And it is not fair...They have

turned an infringement on the public’s right to the peaceful enjoyment of our public places into an unsavoury industry”²⁴

This argument attempts to establish people who panhandle as “other”, as identified with substance abuse, misfortune, dirt and bad smells. The by-laws are designed as a distancing mechanism between the poor and non-poor. They effectively exclude people living in poverty from being considered as part of “the public” and therefore not equally entitled to enjoy public spaces.

Discomfort at what panhandlers represent and the consequent narrowing of the definition of “public” shifts, in turn, the notion of “citizenship”. Take, for example, an op-ed piece in the *Ottawa Citizen* that states:

“Public spaces shouldn’t contain *things* that offend a significant number of people, and beggars do. It’s time the cops moved them along”.²⁵ (italics added)

Defining people who beg as “things” is a shift in discourse that is highly problematic and erases people who panhandle right out of the concept of citizenship. It is a use of language that is de-humanizing to people living in poverty.

Not only are people who panhandle defined as the “other”, whom the by-laws seek to place outside the boundaries of “normal” society, they are no longer considered as human, active, creative, and thinking people.

Justifying by-laws on the basis that panhandlers infringe on the peaceful enjoyment of public space serves as another means of social control and exclusion. By eliminating people who panhandle from the “public”, the by-laws control who is in and who is out, who are acceptable as citizens and who are not. Is it that panhandlers pose a danger to public health and safety or is it that we don't like what they represent? Instead of legislating panhandlers out of our consciousness and out of our understanding and meaning of who constitutes “the public” (and even humanity), perhaps we need to be disturbed and provoked by their presence, and to direct our anger to the appropriate sources – current economic and social policies pursued by all levels of government.

Eradication of an Unhealthy Lifestyle

A final argument in support of the by-laws is that by making panhandling illegal, poor

people will be forced to find employment and thereby break a cycle of laziness and an unhealthy lifestyle. This argument supports the idea that the by-laws are actually intended to help poor people. Reflecting this viewpoint, a letter to the editor in the *Ottawa Citizen* states,

“While it is tempting to give a few coins to a panhandler...the consequence is that these people will not seek better ways to earn a living and we are unconsciously keeping them in the panhandling ghetto.”²⁶

There are self-righteous undertones to this argument implying that panhandlers have chosen not to work in favour of the life of leisure that panhandling seemingly provides. As such, this argument feeds into discriminatory assumptions that people living in poverty are lazy and lack ambition. Another letter reads:

The Citizen's classified advertising section has countless job openings and I'm sure that...could fill one of those positions if he had any ambition. So don't tell us that your only option is to steal or beg because I don't buy a word of it. Stop blaming others for your problems, stop wasting court and police resources and start becoming a productive citizen.²⁷

Underlying the justification of “helping” panhandlers is the strategy of holding them to be entirely responsible for their situation. In fact, the by-laws add further support to the illusion that individuals alone have the power to improve their economic circumstances. They distract the so called “public” from the fundamental issues that contribute to panhandling in the first place, such as inadequate

resources to deal with homelessness; lack of social housing; reductions in government supports, and destruction of our social safety net. Panhandlers are held to be responsible for their plight by a society that has opted for a war on the poor instead of a war on poverty. ²⁸

Whose Rights are Human Rights? Problems with Anti-panhandling By-laws

Anti-panhandling by-laws seek to mask the very visible manifestation of poverty in Canada rather than address it. At best, they succeed in hiding the issues from the general public. At worst, they are an attack on one of the most disadvantaged groups in society. Anti-panhandling legislation fosters divisiveness, and encourages poor bashing as an acceptable public attitude. In her book [The Ugly Canadian: The Rise and Fall of a Caring Society](#), Barbara Murphy notes that tough public attitudes in the 1990s are similar to those in Canada in the early years of the century. She asks:

“Where did all that caring go? We take pride in our toughness now, not our generous social policies.

We warn the poor and the sick to keep their heads up, they’ve had their innings. The years of compassion are over. Today we’re playing hardball.”²⁹

Anti-panhandling by-laws and the attitudes accompanying them underscore this hard line attitude. As this paper has demonstrated, there is another lens through which to view and understand panhandling, and hence, other choices to deal with it than such discriminatory legislation. Poor bashing does not and should not remain an acceptable public attitude or the dominant public discourse.

Placing the anti-panhandling by-laws within a framework of human rights abuse is one viable strategy to counter poor bashing and to eliminate anti-panhandling by-laws from municipalities. Human rights are often perceived as being synonymous with civil and political rights; but the protection of social and economic rights is integral to realizing human rights and ensuring individual freedom and dignity. Indeed, poverty is one of the most critical human rights issue facing Canada today.

Many of the elements in anti-panhandling legislation constitute an infringement of human rights as recognized in the *Canadian Charter of Rights and Freedoms*. *The Charter* was added to Canada's constitution when it was repatriated from Britain in 1982. It consists of constitutionally protected rights that seek to ensure human rights are respected and that inequality is reduced among Canadians.³⁰ Under the framework of *The Charter*, anti-panhandling by-laws often infringe on three distinct rights: freedom of expression, the right to equality without discrimination, and the right to security of the person.³¹

Freedom of Expression

Anti-panhandling by-laws seek to penalize conduct that is by its nature peaceful and non-disruptive. As such, they are in contravention of section 2 of the *Charter of Rights and Freedoms* because they curtail the right to freedom of expression. In other words, the by-laws deny to panhandlers the right to communicate to another person, in a public place, his or her need for assistance. A ruling in a successful constitutional challenge in Massachusetts on this very point also reflected that such prohibition suppressed “an even broader right – the right to engage fellow human beings with the hope of receiving aid and compassion.”³²

In asking for money, a relationship is built between a panhandler and the person she or he is requesting money from. On the flip side of the right to freedom of expression, then, is the right of donors to freely give direct aid to someone in need. The act of giving involves the values of social solidarity, compassion and community building. Panhandling

“allows us to interact with others who are feeling so apart from the society we have built. It gives us the opportunity to impact on an individual life even if it is only to

the extent of smiling upon them as we pass".³³

Equality Before the Law Without Discrimination

The by-laws are inconsistent with section 15(1) of the *Charter of Rights and Freedoms* in that they deny to panhandlers equality before and under the law without discrimination. They discriminate on the basis of poverty because they have a disproportionate impact on persons who live in poverty. It is only poor people who are being restricted from parts of a city that are supposed to be open to full public access.

Furthermore, the legislation discriminates on the basis of some of the personal characteristics of people who live in poverty (such as homelessness, mental illness and addictions) in that the by-laws will have a disproportionate impact on these sub-groups of persons living in poverty. These personal characteristics are prohibited grounds of discrimination under the Charter.

The by-laws are also inconsistent with section 15 in that they deny to panhandler's the equal protection and benefit of the law. They aim to distance

and separate panhandlers from the rest of the population in public places, by virtue of their activities. The negative consequences of this shift in consciousness about who is included as part of the public has been previously noted. Essentially, this argument seeks to reaffirm that people who are poor and who panhandle are indeed an integral part of our cities and communities and as such, have the right to equal access and use of public spaces.

Security of the Person

The by-laws are inconsistent with section 7 of *The Charter* that protects the right to life, liberty and security of the person and the right not to be deprived thereof.

As such, the by-laws deny to certain classes of individuals the ability to provide for the necessities of life, including food, shelter and clothing thereby undermining their own personal security. It also undermines individual efforts to deal with poverty. This right is further denied through the imposition of financial penalties and/or terms of imprisonment. Given the financial circumstances that lead people to panhandle in the first place, it is likely that many panhandlers will not be able to pay the fine and may be

jailed. These violations of section 7 cannot be demonstrably justified in a free and

democratic society, as guaranteed under section 1 of *The Charter*.

What is NAPO Doing About the Issue?

To defend the right to beg peacefully is not to deny NAPO's concern with the fact that we have created a society in which individuals panhandle in order to survive. Legal prohibition and coercion, however, are not effective in addressing what is essentially a problem whose roots lay in socio-economic structures. As this paper has outlined, NAPO is concerned about the appearance and implications of anti-panhandling by-laws. They suggest that the rights of poor Canadians are less important than the rights of those who have money.

This type of legislation is a clear example of poor bashing. It blames people who are poor for their poverty while simultaneously punishing them for attempting to survive. Scapegoating people who panhandle shifts our individual and collective gaze away from the failure of government social and economic policies, and reinforces the attitude that it is all right to treat people living in poverty as less than human.

NAPO has chosen to become involved in efforts to eliminate these by-laws for a number of reasons. First, because we believe that they violate basic human rights of low income Canadians. Second, given the nature of the by-laws, many individuals who would otherwise challenge the validity of the by-laws are unlikely to do so for the following reasons: many individuals who panhandle are transient; others who panhandle are members of marginalized groups such as persons with mental disabilities; people who panhandle are engrossed in their own daily survival; and some individuals will likely not come forward as they are concerned that they will be subject to a fine which they cannot pay and could therefore be incarcerated or subject to increased police "attention" in retaliation for their actions.

Finally, given the acceptability of poor bashing in our society and the hard line attitudes of our governments towards the poor, who else will take this issue on? NAPO has demonstrated its commitment to providing a voice for low income

Canadians over the past 28 years and heard on this issue.
believes it is essential for this voice to be

NAPO is acting against panhandling by-laws in a number of ways in order to vocalize our concerns over this issue:

- NAPO is involved in **constitutional challenges** to the by-laws in Vancouver and Winnipeg based on violations of human rights as guaranteed by the *Canadian Charter of Rights and Freedoms*. NAPO is also providing **support** to a constitutional challenge to the anti-panhandling by-law in Ottawa.
- NAPO works to **eradicate** poor bashing from public attitudes.
- NAPO seeks to **educate** the public about the underlying causes of panhandling, focusing on the politics of economic and social justice.
- NAPO works to **ensure** that the human rights of low income Canadians are acknowledged and fully recognized in Canada.

Some thoughts from an anonymous beggar

In the growing debate of how we can eliminate the so-called slothful and immoral poor from our streets, the government, the media and poverty activists numb our senses with statistics. Why? Do numbers make a difference? Did the reports of hundreds of thousands of human beings being slaughtered in Rwanda and Burundi move us to act? More than a half-century ago when boatloads of Jewish people sought refuge from having their human skin turned into lampshades and wanted to flee to Canada, were we moved to act?

Forget the numbers for a moment and ask yourself these questions: Do I see more people living a life of destitution on city streets than I did ten years ago? Are many of these people alcohol dependent, drug addicted or afflicted with serious psychological problems? Does this somehow mean that they are no longer people with human rights and needs?

If you want to put your head in the sand like an ostrich and pretend these problems will simply disappear please feel free to continue believing the hateful rhetoric that the poor are the cause of our problems. Perish the thought that any of us should be held personally accountable.

With the exception of Canada's capital city - where it there is an outright ban on manifesting your poverty in public - a common element to all city by-laws is the prohibition of passive panhandling within a certain distance of a bank machine (ATM). NAPO acknowledges that people are robbed at ATMs but asks how many people are robbed by a beggar or when there is a beggar present? Frequently there is a loss of cash at ATM's; however the money is removed electronically from the customer by a financial institution.

Regardless of whether there is one person living on our streets or thousands, it is essential that we maintain the right to deal with them as individuals. When we choose to view humankind with trepidation and fear then we have no choice but to keep our heads buried in the sand a while longer.

Perhaps if and when we open our eyes and see the burgeoning number of poor all around us we will ask of our governments why 'they' didn't solve the problem.

If numbers do occasionally make a difference, consider these -at the beginning of its first mandate in 1995 the Ontario Conservative government cut 21% from welfare payments to individuals and families and yet the provincial debt increased by \$21,000,000,000.00 from its 1994/95 level (Ottawa Citizen, October 16, 1999). Maybe, just maybe, the poor aren't to blame.

Summary of Municipal Panhandling By-Laws¹

City	No By-law	Panhandling banned completely	Time of day restriction	Specific areas restriction	'Aggressive' ² panhandling banned	'Obstructive' panhandling banned	By-law exempts charitable organizations	Specific fine Min/Max
St. John's	x							
Moncton	x ³							
Saint John	x							
Charlottetown	x							
Quebec City						x		0/\$500
Ottawa		x					x	0/\$5000
Kingston					x			
Toronto	x							
Hamilton					x	x		
Sudbury		x					x	
Windsor		x ⁴					x	0/\$1000
London	x							
Winnipeg			x	x			x	0/\$1000
Saskatoon			x	x	x	x	x	0/\$2000
Edmonton						x		
Calgary			x	x	x	x	x	0/\$10000
Vancouver			x	x	x	x	x	\$100/\$2000

¹ This table is not meant to be an exhaustive list.

² Aggressive is defined and enforced differently by the various municipalities.

³ The city of Moncton is in the process of developing an anti-panhandling by-law.

⁴ Windsor requires a permit to solicit contributions, but only charitable organizations may receive a permit.

Endnotes

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- ¹ Federation of Canadian Municipalities. *National Housing Policy Options Paper: A Call for Action*, June 1999.
- ² *HungerCount 1999: A Growing Hunger for Change*. Canada's Annual Survey of Emergency Food Programs, 1999
- ³ National Council of Welfare. *Welfare Incomes 1996*. Winter 1997-98. The term "poverty line" refers to the before-tax Low Income Cut-offs that are employed by Statistics Canada. Although Statistics Canada does not officially endorse these as poverty lines, they are widely accepted in Canada as the most dependable measure of the level at which Canadians are living in straightened circumstances.
- ⁴ *HungerCount 1999: A Growing Hunger for Change*.
- ⁵ Statistics Canada. *Canadian Economic Observer, Historical Statistical Supplement 1997/98*, 11-210-XPB, July 1998.
- ⁶ Christopher Clark. *Work and Welfare: Looking at both sides of the equation*. Canadian Council for Social Development, 1995.
- ⁷ NAPO. *Poverty and the Canadian Welfare State: A Report Card*, 1998.
- ⁸ *Taking Responsibility for Homelessness: An Action Plan for Toronto*. Report of the Mayor's Homelessness Action Task Force. January 1999. Recent legislative changes in Ontario limit the eligibility of 16 and 17 year old teenagers for social assistance, thereby forcing many youth to turn to illegal or undesirable sources of income such as prostitution or exchanging sex for housing. "Squeegee kids" are also a part of the continuum of panhandling.
- ⁹ Duncan Cameron and Ed Finn. *10 Deficit Myths: The truth about government debts and why they don't justify cutbacks*. Canadian Centre for Policy Alternatives, January 1996.
- ¹⁰ NAPO. *The 50th Anniversary of the UN Declaration: Human Rights Meltdown in Canada*, 1998.
- ¹¹ *Benefit cuts have pushed thousands into shelters: Study*. The Toronto Star. October 10, 1999.
- ¹² NAPO. *Human Rights Meltdown in Canada*.
- ¹³ NAPO. *Government Expenditure Cuts and Other Changes to Health Care and Post-Secondary Education: Impacts on Low-Income Canadians*, 1998.
- ¹⁴ NAPO. *Poverty and the Canadian Welfare State: A Report Card*. June 1998.
- ¹⁵ National Council of Welfare. *Welfare Incomes 1996*.
- ¹⁶ See: City of Saskatoon By-law no. 7850; City of Ottawa By-law no. 117-91; City of Winnipeg By-law no. 6555/95; City of Vancouver By-law no. 7885; City of Calgary By-law no.3M99; Quebec City By-law no. 192.
- ¹⁷ Arthur Schafer. *Down and Out in Winnipeg and Toronto: The Ethics of Legislating Against Panhandling*, Caledon Institute of Social Policy, 1998.
- ¹⁸ Nick Ternette. *Unwelcome in Winnipeg*. Briarpatch, November 1998.
- ¹⁹ "The Underlying problem with panhandlers". Ottawa Citizen. June 27, 1999.
- ²⁰ Arthur Schafer. *ibid*
- ²¹ "Should begging be legal? YES: The law should not make human compassion illegal" Ottawa Citizen. June 24, 1999.
- ²² City of Ottawa By-law no 117-91.
- ²³ City of Saskatoon By-law no.7850.
- ²⁴ "Brother, can you spare a dime? Panhandling intrudes into daily life in the city" The Globe and Mail. June 15, 1999.
- ²⁵ "Should begging be legal? NO: We need protection from harassment in public spaces" Ottawa Citizen. June 24, 1999.
- ²⁶ *Letter to the editor*. Ottawa Citizen. June 22, 1999.
- ²⁷ *Letter to the editor*. Ottawa Citizen. June 22, 1999
- ²⁸ James Laxer. *The Undeclared War: Class conflict in the Age of Cyber Capitalism*. Toronto: Penguin Books, 1998.
- ²⁹ Barbara Murphy. *The Ugly Canadian: The Rise and Fall of a Caring Society*. J. Gordon Shillingford Publishing Inc., 1999.
- ³⁰ Shelagh Day and Gwen Brodsky. *Women and the Equality Deficit: The Impact of Restructuring Canada's Social Programs*. Status of Women Canada, 1998.
- ³¹ The following three examples are based on court challenges launched against anti-panhandling bylaws in Vancouver, Winnipeg and Ottawa.

³² National Law Center on Homelessness & Poverty. *Litigation Update: Criminalization of Homelessness*. June 1997.

³³ "Should begging be legal? Yes: The law should not make human compassion illegal" Ottawa Citizen. June 24, 1999.