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THE COMMISSION DES DROITS DE LA PERSONNE ET DES DROITS DE LA JEUNESSE SPEAKS OUT AGAINST THE SOCIAL PROFILING OF THE HOMELESS IN MONTRÉAL

Montréal, November 10, 2009 – The Commission des droits de la personne et des droits de la jeunesse (Québec Human Rights Commission) urges the city of Montréal to repeal two municipal by-laws that target the homeless, and recommends that the Montréal police (SPVM) change its institutional standards and policies that have a discriminatory impact on people living on the streets.

In an opinion *The judicialization of the homeless in Montréal: A case of social profiling* published today in Montréal, the Commission makes 14 recommendations to the different levels of governments and to the Montréal police in order to counter the social profiling of people living on the streets, and outlines detailed proposals for a policy on homelessness.

“We must fight homelessness without fighting against the homeless. We cannot solve this problem by simply handing out tickets,” said Gaétan Cousineau, President of the Commission.

The Commission’s report states that people living on the streets in Montreal are victims of social profiling which contravenes the Quebec *Charter of Human Rights and Freedoms*.

The Commission calls on the city of Montreal to repeal the Ville-Marie borough’s by-law closing its remaining 15 parks that were still open at night and the sections of the by-law prohibiting dogs in the Émilie-Gamelin park and in Viger Square, two parks where street people congregate.

The SPVM standards and policies describing the presence of the homeless as “disturbing” and “causing insecurity” must be amended because they make people living on the streets designated targets for police monitoring and surveillance.

The Commission has been working with community groups and municipal officials on the issue of homelessness since 2004. It participated in the Three-party task force which led to the implementation of a number of initiatives, such as the creation of a specialized legal aid clinic and the setting up of the *Équipe de médiation urbaine*. The task force also found that the issue of large numbers of tickets for minor offences affected the homeless in particular, and lead to imprisonment in a high percentage of cases. This finding prompted the Commission to examine to what extent the municipal by-laws and their application are consistent with the *Charter*.

In the view of the Commission, the excessive use of the courts to deal with the homeless is the result of targeted police practices aimed at removing them from the public space, rather than a neutral and impartial enforcement of the law.

The Commission demonstrates that the homeless are victims of social profiling when for example, they are ticketed for minor offences that are rarely, if ever, punished by the police when committed by other citizens such as: jaywalking or lying on public bench or yet, when they are ticketed repeatedly – five times in one day – for obstructing traffic.

Although people living on the streets make up less than 1% of the Montreal population, they received 31,6% of the tickets issued by the police under municipal by-laws in 2004, and 20,3% in 2005. The

number of tickets issued annually to the homeless under municipal and STM by-laws jumped by 327% between 1994 and 2005.

If, in the case of racial profiling, skin colour is the element that triggers police intervention, in the case of social profiling, the trigger is the visible signs of poverty or marginality, states the Commission's opinion.

The stigmatization of the homeless in SPVM standards and policies as well as the ensuing police profiling, undermines the rights of the individuals concerned to the safeguard of their dignity without discrimination based on social status.

In its groundbreaking report, the Commission recommends increased funding to build social housing and for programs supporting the social reintegration of street people. The Commission also urges the government to reinforce the Charter's economic and social rights as soon as possible to ensure the protection of society's most vulnerable groups, particularly the homeless.

"This document provides the framework that will allow all those who want to deal with homelessness to work together to implement sustainable solutions", said Mr. Cousineau.

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The opinion, the recommendations of the Commission, an executive summary and fact sheets on *The judicialization of the homeless in Montréal: A case of social profiling* are available at www.cdpcj.qc.ca

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