



For Immediate Release

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CONSTITUTIONAL BATTLE TO END CRIMINALIZATION OF PANHANDLING GOES TO COURT

TORONTO, ON – A long-awaited constitutional challenge seeking to strike down the *Safe Streets Act* and end the criminalization of panhandling in Ontario will be heard in Superior Court starting Tuesday. Lawyers representing Fair Change, Aboriginal Legal Services, Justice for Children and Youth, the Canadian Civil Liberties Association, the Ontario Human Rights Commission, and the Income Security Advocacy Centre, will argue that the law, which came into effect in 2000 and has resulted in millions of dollars of fines for some of the most vulnerable Ontarians, unjustifiably breaches several of their Charter rights.

The challenge, initially filed in 2017, is being heard at a time when the housing crisis, record inflation, and the economic and health impacts of the COVID-19 pandemic are being felt in every community across Ontario. These overlapping crises are felt acutely by people who turn to panhandling as a means to survive.

“The *Safe Streets Act* is cruel,” said **Chris Hummel, Legal Counsel to Fair Change and one of the initiators of the Charter Challenge**. “By design, it targets the most vulnerable population in our society for doing one of the most desperate acts imaginable – begging for spare change. It heaps fines on people with nothing to give, and jails people who already suffer disproportionately from mental illness, trauma, addiction, and stigma.”

Instead of improving the conditions that lead to panhandling, an act of survival, the debts from fines accumulate, making it more difficult for panhandlers to access housing supports, social assistance, and other government services, such as obtaining and replacing basic identity documents. Imprisonment from these fines results in even more dire consequences, including loss of health care, family and social connections, employment, housing, and social assistance, for individuals who are already experiencing vulnerability due to poverty and other intersecting factors.

Christa Big Canoe, Legal Director at Aboriginal Legal Services (ALS), one of the intervenors in the case, notes the challenge is an important one. “A disproportionate number of Toronto’s panhandlers are Indigenous,” said Big Canoe. “The evidence in this case shows that Indigenous people make up almost one quarter of all panhandlers in Toronto. Aboriginal Legal Services will argue that this means they are disproportionately affected by the enforcement of the *Safe Streets Act*. Any law that has an adverse impact of this nature on one racialized group must be seriously looked at.”

Since the case was launched in 2017, income from Ontario Works, Ontario’s social assistance program of last resort, increased once in 2018 but has remained stagnant since. The maximum rate for a single individual receiving Ontario Works is \$733 per month, and may be even lower for those who have no fixed address.

“In the context of a provincial government that is not willing to adjust social assistance rates to meet the needs of people experiencing income insecurity, there is no other option for many vulnerable people but

panhandling,” said **Nabila Qureshi, Staff Lawyer at the Income Security Advocacy Centre (ISAC)**, an intervenor in the case.

Many impacted by the *Act* have ended up in precarious and desperate situations after fleeing violence. “Teenagers and young adults experience homelessness and, in desperation turn to panhandling. They have faced harm in their homes and communities, faced discrimination because of their 2SLGBTQ+ identity, newcomer status, Indigenous identity, and often have serious health and mental health concerns. We have failed them at every turn,” said **Mary Birdsell, Executive Director at Justice for Children and Youth (JFCY)**, an intervenor in the case. “This *Act* only serves to create more harm and barriers to safety and belonging.”

“*The Safe Streets Act* criminalizes and restricts the freedom of expression of unhoused and low-income people who seek donations from the public in order to survive and live with dignity,” said **Harini Sivalingam, Director of the Equality Program at the Canadian Civil Liberties Association (CCLA)**, an intervenor in the case. “Limiting the rights of people living in poverty who ask for supports to meet their basic needs is inhumane and should be deemed unconstitutional.”

The case is being heard in-person at the Ontario Superior Court of Justice, from Tuesday, February 6 to Thursday, February 8, 2024. A link to watch the proceedings online is available.

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