



Legal Aid Manitoba  
L'Aide Juridique du Manitoba



## MEDIA RELEASE

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### **CITY of WINNIPEG BY-LAW CHALLENGED** *Decriminalize peaceful panhandling, assist those who are ill*

There are many stereotypes about panhandlers in Winnipeg. A University of Winnipeg Canada Research Chair comprehensive study\* released today paints a more accurate picture of panhandling activity based on observation and interviews with 75 panhandlers in Winnipeg. Commissioned by the Public Interest Law Centre, a branch of Legal Aid Manitoba, the study forms the backbone of a court challenge filed today on behalf of the National Anti-Poverty Organization against one section of the City of Winnipeg's panhandling bylaw (*The Obstructive Solicitation By-law No. 128/2005*).

The panhandlers in the study group are predominantly male, homeless and unemployed. Nearly three out of every four panhandlers (72%) identify themselves as having a physical or mental illness or disability. Two out of every three receive some government assistance but describe it as inadequate to meet basic needs. They are a group of people living in very deep poverty, often in poor health, and many report feelings of guilt, anxiety and shame as a result of panhandling.

"Punishing vulnerable people with a bylaw like this is not only discriminatory, it is not effective," said Debbie Frost, President of the National Anti-Poverty Organization. "It just moves people to someone else's doorstep. Governments and communities must tackle the root causes of homelessness, essentially income insecurity, lack of quality, affordable housing and insufficient mental health and addiction services."

"If individual and community sustainability is the outcome we are looking to achieve for all citizens," Sonia Prevost-Derbecker, Executive Director of Ndinawe stated, "then we must invest in solutions that will lead to that outcome. If we don't offer safe housing, education programs that build on individual strengths, services that are able to adequately address mental health and addictions and relevant day-time programming for our most marginalized populations, we leave individuals with few options. In essence, we have created a system that has decreased individual options without providing primary care or an ability for individuals to empower themselves to change, particularly those with mental health or addictions issues. We don't leave other people who are ill to wander the streets alone and hungry, yet almost three quarters of Winnipeg panhandlers need care and we are turning our backs on them."

"You can't make poverty illegal," said Kelly Holmes, Executive Director of Resource Assistance for Youth (RAY). "We need to address the root causes of poverty and ensure that systems and agencies that are in place to tackle these issues are adequately resourced so that access to support is available for vulnerable people."

The court challenge reiterates a wide body of research which concludes that strengthening services for people on the street is the most effective deterrent to panhandling. Winnipeg's panhandlers themselves have identified gaps in services that could be filled. Their comments include: "Give more money for rent on welfare, it's too hard to find a place to live;" "They should have more services for those on crack and for the mentally ill - lots of them just wandering around;" and "We need more drop-in centres."

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"The effect of the by-law is to make illegal what was once lawful expressive conduct for people who are poor," said Josh Weinstein, a Winnipeg lawyer with Myers Weinberg LLP, who is donating his time as co-counsel. "Simply by the stroke of a pen at City Hall, non-aggressive requests for donations are now declared illegal in many circumstances, violating the constitutional rights of those who are poor. Our hope with this challenge is to restore the dignity to the impoverished who have been adversely affected by this by-law."

"Aggressive panhandling is the exception which everyone agrees is a problem and we are not contesting that," said Byron Williams, Director of the Public Interest Law Centre. "We are zeroing in on the part of the bylaw passed by City Council in 2005 which stops people from passively holding a sign or putting out a hat near a bus stop, ATM, at a pay phone, or financial institution, in a parking lot, at a bar patio or taxi stand. In effect, this section makes it illegal for financially desperate people to stand in much of our urban environment, even when not doing anything hurtful or threatening. It is discriminatory. It allows us to move low income people along and treat them in a way that we would never think of doing to well-dressed shoppers. "

Community groups including the Social Planning Council, National Anti-Poverty Organization, Ndinawe, the Low Income Intermediary Project and Resource Assistance for Youth are pressing for improved conditions for Winnipeg's panhandlers. The groups are requesting political and community leadership in:

**Recommendations for City of Winnipeg:**

- \* Quash the punitive Winnipeg panhandling bylaw
- \* Incorporate community policing, involving the community in its own policing and supporting police involved in the community

**Recommendations for Manitoba:**

- \* Immediately increase welfare rates and shelter allowance to a livable rate and index to inflation
- \* Expand affordable housing stock
- \* Expand mental health services, especially to the homeless
- \* Expand existing permanent supported housing programs for persons with mental health issues
- \* Expand existing programs for persons with a gambling addiction, solvent abuse problems and other addictions
- \* Develop a long-term comprehensive poverty reduction strategy with real targets and effective policies

The legal challenge to the Winnipeg panhandling bylaw was served on the City of Winnipeg today and filed yesterday in Manitoba Court of Queen's Bench. It is anticipated the matter will go to trial sometime in 2008.

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*\*Study by The University of Winnipeg Canada Research Chair in Urban Change and Adaptation  
Dr. Tom Carter (February-June 2006) can be accessed at  
[www.publicinterestlawcentre.ca](http://www.publicinterestlawcentre.ca) and [www.uwinnipeg.ca/index/CRC-Carter](http://www.uwinnipeg.ca/index/CRC-Carter)*

