

THE JUDICIARIZATION OF THE HOMELESS IN MONTRÉAL: A CASE OF SOCIAL PROFILING

FACT SHEET 3: INFRINGEMENT OF RIGHTS – DEFINITION

The Commission considers that 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.

The Commission's opinion shows that the discriminatory targeting of the homeless is not rationally linked to the objective pursued by the SPVM, which is to reduce the feeling of insecurity felt by citizens in the presence of the homeless, and to respond to complaints from citizens. This is problematic, since it shifts the justification for police actions from punishment for behaviour that objectively threatens security and public order to punishment for behaviour subjectively considered to be threatening by other members of the public.

For this reason, the homeless are more likely to be punished by police officers to quell fears based on prejudice than because of the actual degree of nuisance or danger created by their behaviour. In fact, the scientific data shows that there is no significant correlation between the rate of uncivil behaviour and the crime rate in a given neighbourhood.

In addition, the SPVM appears to have overestimated the degree of insecurity and number of complaints likely to be generated by the presence of the homeless in the downtown area.

In any case, there is no evidence to support the conclusion that citizens are happy with the priority use of repressive methods – which may lead to a prison sentence – to deal with the cohabitation difficulties caused by the presence of the homeless in public spaces.

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