

**SUPERIOR COURT OF JUSTICE
(Toronto Region)**

B E T W E E N

Her Majesty the Queen

v.

John Clarke, Gaetan Heroux and Stephan Pilipa

AFFIDAVIT OF J. BRUCE PORTER

I, J. BRUCE PORTER, of Peninsula Lake in the District Municipality of Muskoka, make oath and say:

1. Since October 1, 2002, I have been working independently as a human rights consultant on a number of projects related to the human rights of poor people in Canada and internationally. I am co-ordinating the development and administration of a new database of cases from various countries dealing with social and economic rights recognized in international human rights law, such as the right to adequate food,

clothing and housing, the right to education and the right to healthcare. This research is being done in collaboration with Professor Craig Scott, the Associate Dean of Osgoode Hall Law School, for a new network called the International Network on Economic, Social and Cultural Rights (ESCR-Net).

2. I have also been working on research for the National Anti-Poverty Organization for their intervention in the Inquest into the Death of Kimberly Rogers, a forty year old woman who died, eight months pregnant, while serving a sentence of house arrest after being convicted of welfare fraud. I have researched, among other things, patterns of prosecution and sentencing for welfare fraud in comparison to Employment Insurance and Income Tax fraud. I presented some of this research after having been qualified as an expert witness on poverty and the justice system at the Inquest on December 2 - 4, 2002.

3. I have also continued to do research and co-ordinate work on a test case initiative of the Charter Committee on Poverty Issues (CCPI), a national committee of low income people and legal experts. I have co-ordinated the work of CCPI since 1994, including interventions in eight cases before the Supreme Court of Canada. The case I am currently working on involves a number of low income people who faced discrimination because of poverty or social condition in areas covered by the *Canadian Human Rights Act*. I am overseeing the preparation of a challenge to the exclusion of

the ground "social condition" from the *Canadian Human Rights Act* as a violation of section 15 of the *Canadian Charter of Rights and Freedoms*.

4. In October, I also prepared a background research paper on the position taken by the Federal Government on the justiciability of social and economic rights in domestic courts and in international fora. This paper was distributed to participants at a meeting on October 29, 2002 hosted by the Department of Foreign Affairs and International Trade in Ottawa. The meeting included leading academics and advocates in the area of social and economic rights from Canada and internationally, as well as representatives of a half dozen federal departments.

5. From 1987 to September, 2002 I was the Executive Director of the Centre for Equality Rights in Accommodation ("CERA"), a non-profit organization and a registered charity. CERA has offices in Toronto, Ottawa and Windsor. It provides advice and representation in the area of human rights in housing, engages in research on issues of discrimination and human rights, runs programs aimed at preventing homelessness in Ontario and works with non-governmental organizations and governments in other countries to promote human rights, particularly the human right to an adequate standard of living, including adequate food, clothing and housing.

6. My *curriculum vitae* is attached as Exhibit A to this Affidavit. As will be noted from this, two of my particular areas of expertise are discriminatory attitudes and

prejudice against the poor and the human rights of poor people. The present affidavit describes the nature and extent of discrimination and negative stereotypes about poor people in Ontario and the way in which these discriminatory attitudes also result in the under-valuation of the seriousness of violations of fundamental rights of the poor in Ontario. On the basis of my knowledge of discrimination and prejudice against the poor, I conclude that a significant proportion of people in Ontario have prejudicial attitudes towards the poor that might affect their judgment of evidence about the actions of militant advocates for the poor.

7. As well as publishing the articles and delivering the presentations listed in my *curriculum vitae*, I have been qualified as an expert before a number of tribunals and courts to give opinion evidence on the nature of discrimination against poor people, discriminatory stereotypes and prejudices applied to poor people and the importance of social and economic rights addressing poverty in international human rights law. I have published a number of articles on these issues which are listed in my c.v. I have also been invited to speak on human rights and the situation in Canada by, among others, the U.N. High Commissioner on Human Rights (once in Oslo and once in Geneva), the South African Constitutional Assembly, the International Human Rights Internship Program (on two occasions in South Asia), Forum Asia, the United Nations Centre for Human Settlements (New York), the Committee for the Administration of Justice, Northern Ireland, the University of Barcelona (Faculty of Law), the Senate Joint

Committee on a Renewed Canada, the Canadian Bar Association, the Ontario Bar Association and the Canadian Association of Statutory Human Rights Agencies.

8. I provided expert evidence on discrimination, prejudice and stereotypes experienced by poor people in Canada for the Ontario Court, General Division in the cases of *Falkiner v. Ontario*¹, *Masse v. Ontario*² and *Clark v. Peterborough Utilities Commission*³. I have also been qualified as an expert to provide evidence on discrimination in housing against low income families by human rights tribunals in *Dudnik v. York Condominium Corp. No. 216 (No. 2)*⁴ and *Kostanowicz v. Zarubin*.⁵

9. As the Executive Director of CERA, I directed the day to day operation of CERA and supervised all staff. I reviewed most human rights complaints filed by CERA staff and regularly consulted with caseworkers about cases of discrimination

¹(200) 188 D.L.R. (4th) 52.

²(1996) 134 D.L.R. (4th) 20.

³(1995), 24 O.R. (2d).

⁴(1990) 12 C.H.R.R. D/325 (Ont. Bd. Inq.) (*York Condominium corporation No. 216 v. Dudnick* (1991), 3 O.R. (3d) 360 (Ont. Div. Ct.).

⁵(1994) 28 C.H.R.R. D/55 (Ont. Bd. Inq.).

which had been reported to them. I also carried a number of cases myself and was frequently involved in mediating with landlords, social service workers and others on behalf of low income clients facing discrimination. Over the past decade, CERA has filed more human rights complaints and represented more complainants at the Ontario Human Rights Commission than any other organization in Ontario.

10. Those who face discrimination in housing are primarily the poor. Since CERA began its work in 1987, the trend toward discrimination against the poor has been on the increase. Receipt of public assistance, in particular, has become an increasingly prevalent ground of discrimination. In the late 1980's, this ground was second to "family status" but since 1991 it has been the most frequent ground of discrimination reported to CERA. More than half of human rights claimants who contacted CERA in recent years reporting discrimination on any ground were in receipt of public assistance and most others were low income.

11. 'Receipt of public assistance' was added to Ontario's *Human Rights Code* as a prohibited ground of discrimination with respect to the occupancy of accommodation in 1981. The legislature responded at that time to a growing public awareness of widespread prejudice and discrimination against persons on social assistance, not just because of their source of income but also because they are the poorest group in society. Landlords' groups proposed that the protection be amended to "source of income" so that they would still be permitted to refuse applicants on the

basis of income level, but this was rejected. The prohibition of discrimination because of "receipt of public assistance" as well as other prohibited forms of discrimination in *the Human Rights Code*, including race, sex, age, marital status and citizenship, have since been interpreted by boards of inquiry and courts as including protection from tenant selection practices which exclude low income applicants.

12. Most other provinces and territories have also now recognized those living in poverty as a group facing discrimination and requiring the protection of human rights legislation. Nova Scotia's *Human Rights Act* prohibits discrimination in housing because "the individual or class of individuals receive income maintenance payments from any level of government ..." Quebec's *Charter of Human Rights and Freedoms*, first passed in 1977, prohibits discrimination because of "social condition" which has since been interpreted to prohibit discrimination because of receipt of social assistance as well as discrimination because of poverty or low level of income. Saskatchewan prohibits discrimination because of "receipt of public assistance." Newfoundland prohibits discrimination because of "social origin." Manitoba, Alberta, Prince Edward Island and the Yukon prohibit discrimination because of "source of income" in their human rights legislation and British Columbia's *Residential Tenancy Act* (R.S.B.C. 1996 c. 406) prohibits the denial of rental accommodation on the basis of "lawful source of income." This protection has been interpreted to include protection from refusals based on the level of income people receive on social assistance.

13. The *Canadian Human Rights Act* and the *New Brunswick Human Rights Act* are the only human rights acts in Canada which do not include a ground related to poverty. An independent review of the *New Brunswick Human Rights Act* more than a decade ago strongly recommended the inclusion of “social condition” as a prohibited ground of discrimination and the New Brunswick Human Rights Commission continues to press for this change in order to provide protection from a prevalent form of discrimination there. More recently, the *Canadian Human Rights Act* was reviewed by a special review panel chaired by former Supreme Court Justice Gerard Laforest at the request of the Minister of Justice. The panel was requested to consider, among other things, whether the ground "social condition" should be added to the *Act*. After extensive research and consultation, the panel released a report entitled *Promoting Equality*, in which it recommended the inclusion of social condition as a prohibited ground of discrimination in all areas covered by the *Act*. The panel stated that:

Our research papers and the submissions we received provided us with ample evidence of widespread discrimination based on characteristics related to social conditions, such as poverty, low education, homelessness and illiteracy. We believe there is a need to protect people who are poor from discrimination. ...

We believe it is essential to protect the most destitute in Canadian society against discrimination. At the very least, the addition of this ground would ensure there is a means to challenge stereotypes about the poor in the policies of private and public institutions. We feel that this ground would perform an important educational function.

14. Experiences at CERA also showed that prejudices and stereotypes about poor people intersect and overlap with other prejudices and discriminatory stereotypes.

Racialized minorities are subjected to more discrimination when they are poor than when they are better off. Members of visible minorities arriving from impoverished countries tend to face more discrimination than those from more prosperous countries. Negative attitudes toward families with children renting apartments are strongly tied to the fact that families with children who rent apartments are generally low income families and are thus not extended to homeowner families with children.

15. Discrimination against poor people is based largely on characteristics that are imputed to the members of the group with little or no evidence. Social assistance recipients, for example, are often imagined to be able-bodied men who are idle at the tax-payers' expense. In fact, the majority of those relying on social assistance are women, children and persons with disabilities.

16. Poor people are often characterized as being dishonest and irresponsible with money when in fact they are usually extremely conscientious in careful in budgeting. Low income tenants, for example, are widely believed by landlords to pose a greater risk of default on rent. A common rule used to assess risk is to determine whether the tenant would be paying more than 30% of income toward rent. In fact, studies have shown no difference in the risk of default associated with low income tenants who must pay more than 30% of income toward rent. Despite enduring severe hardship because of inadequate income, poor households make a priority of paying

their rent in order to avoid the tragedy of homelessness. Yet they face widespread discrimination in the housing market because of the false association of rental default and poverty.

17. Attitudes toward poor people who become homeless are rarely informed by an adequate understanding of the plight of homeless people. Rather than understanding and addressing systemic causes of homelessness, discriminatory attitudes tend to blame the homeless for their plight. Young homeless people are often viewed as rebellious youth choosing to be homeless. In fact, young people face virtually insurmountable barriers in searching for adequate housing. Prospective landlords usually require a reference from a previous landlord, a favourable credit rating, first and last month's rent deposit and an employment reference. Young people, many of whom have fled from abusive households, usually have no references, no credit rating and often no employment reference. Those relying on social assistance are limited to a maximum shelter allowance that is so low that it is virtually impossible to find rental accommodation within the amount provided by social services, particularly in Toronto.

18. Waiting lists for subsidized housing in Toronto are so long that most applicants have no hope of being housed within a decade. Young people are not

allowed to apply for subsidized housing until they are sixteen years old, so young people are effectively shut out of most subsidized housing.

19. Discrimination against the poor is related to the demographic make-up of the poor. Economic and social trends such as the feminization of poverty, the breakup of the traditional family, increased poverty among female-led single parent families and among persons with disabilities, increased youth unemployment, widespread poverty among Aboriginal people, and changing refugee and immigration patterns all inform public attitudes toward those living in poverty. Discrimination against the poor often masks hostility toward those groups which are over-represented among the poor. Discriminatory attitudes and stereotypes about the poor frequently provide a more acceptable gloss on invidious discriminatory attitudes toward racialized minorities, youth, people with disabilities and women.

20. Many instances of discrimination against poor people are disturbingly reminiscent of the most destructive forms of racial discrimination. Theories of the genetic inferiority of the poor are not uncommon. Closely related to this is a widespread resentment against poor people for having children and the myth that they are procreating at a higher than normal rate.

21. While crass ideas of genetic inferiority may be rarely spoken in the more professional community, it is nevertheless common to hear that the problem of poverty is primarily a problem of people having children who shouldn't. One of the most dramatic changes in attitudes toward poor people in the last 20 years is the increasing acceptability of the idea that this group in society does not even have the right to procreate.

22. Low income parents are branded as irresponsible for having had children and then falsely labeled as inferior parents after they have children. Those trying to combat poverty in the 1990's learned that hostility adults living in poverty had become so widespread in Canada that one was best advised to talk exclusively about "child poverty" - never about single mothers or adults. As Rick Salutin asked so poignantly in the Globe and Mail a few years ago, "where are the parents of these poor children. Are they not also poor?" Problems encountered by children living in poverty which used to be attributed to the negative effects of living in poverty now are blamed on the parenting skills of low income parents and single mothers. This despite the fact that studies have shown that single mothers actually spend as much or more time doing things like reading with their children than other parents. Schools with a high proportion of children from low income households are now branded as undesirable or lower quality and more affluent families living in mixed income downtown neighbourhoods frequently drive their children to schools in other neighbourhoods with less poverty.

23. These types of discriminatory attitudes, of course, have had a profound effect on government policies. Provincial policies to attack "welfare fraud" and cut welfare rates in the mid-1990's were in large part responses to dramatic shifts in public opinion polls after the recession of early 1990's. While the rise in unemployment and poverty in the early 1990's was clearly the result of larger economic forces, low income people, particularly those on social assistance, became a target for scapegoating. As a confidential memorandum prepared by the public opinion firm EKOS for the federal government in 1997 explained, the more affluent tended increasingly to attribute poverty to moral failures. "Lack of responsibility, effort or family skills were universally cited explanations."

Welfare recipients are seen in unremittingly negative terms by the economically secure. Vivid stereotypes (bingo, booze, etc.) reveal a range of images of SARs from indolent and feeble to instrumental abusers of the system. Few seem to reconcile these hostile images of SARs as authors of their own misfortune with a parallel consensus that endemic structural unemployment will be a fixed feature of the new economy.⁶

24. Based on such discriminatory logic and theories, discriminatory behaviour toward poor people takes the same form as discrimination on analogous grounds such as race and sex. Poor people suffer everyday assaults on dignity and self-esteem. For

⁶Ekos Research Associates Inc., *Memorandum Concerning Child Poverty Focus Groups: Revised Conclusions* (February 4, 1997). Secured through a Freedom of Information Request.

example, social assistance recipients use drug benefit cards for purchasing prescription drugs and are therefore distinguishable from other customers. Several have reported to me that once it is known they are social assistance recipients, they are routinely made to wait until everyone else is served even when they were the first to request service. They are often treated rudely, with condescension or hostility.

25. Another familiar pattern is the paternalistic attitudes that are used to justify discrimination. Landlords and social housing providers frequently inform low income applicants that they are being refused the most affordable housing they can find "for their own good" so they do not find themselves in a situation of default. The assumption here is that poor people do not know how to manage their money when in fact, depriving them of their most affordable housing options makes things even more difficult to manage.

26. Stigmatization is another common feature of discrimination against low income individuals and households. Housing developments which are targeted to poor people invariably meet with community resistance. Concerns raised include all of those raised in racially discriminatory neighbourhood reactions in the past - declining property values, increased crime and violence, fear for the children, and concerns about "ghettoization". Negative assumptions are made about children when it is discovered they are living in a low income housing project or that their family relies on welfare.

27. Moral condemnation, excessive surveillance and scrutiny and negative assumptions about fiscal responsibility have devastating psychological impact on people who need support rather than condemnation and disparagement. The effects of discrimination against the poor are devastating in very tangible ways as well. Women may be forced to return to abusive partners because they are denied access to appropriate housing. Families have also been forced to relinquish their children to the Children's Aid Society because they have been repeatedly denied housing. I have witnessed both of these outcomes among clients of CERA. A study of admissions to foster care in Toronto found that in one in five admissions, housing problems or homelessness was a factor in the decision to place the children in foster care. Denial of access to adequate housing forces low income people into situations of severe overcrowding, inadequate heat and ventilation, malnutrition and other health problems, and increasingly leads to homelessness.

28. Discriminatory attitudes toward the poor have increasingly characterized government policies, which have been adopted with little concern for the tragic consequences they will have for poor people.

29. In October 1995, social assistance benefits were cut by 21.6% across the province, causing immense hardship for individuals and families already struggling to

make ends meet. The cuts to benefits had an immediate, staggering effect on the ability of households receiving social assistance to pay for shelter. Thousands were forced to move from their homes because they could no longer afford the rent. Many became homeless.

30. Professor Michael Ornstein, Co-director of the Institute for Social Research at York University, calculated that the welfare cuts in 1995 would force at least 116,000 households, including 67,000 single parents from their existing housing. At CERA I witnessed countless personal tragedies behind these statistics.

31. Compared to 1995 the situation for households receiving social assistance has become dramatically worse. In 1994, before the social assistance cuts, the shelter allowance for a woman with one child was \$652.00. The average rent for a two-bedroom in 1994 was \$784.00. The dollar gap between the shelter allowance and average rent in 1994 was \$132. Now the shelter allowance for a woman with one child is \$511 and the average rent for a two-bedroom is \$1,047. The shelter allowance is less than half the cost of the rent. The dollar gap between the shelter allowance and average rent in 2002 is \$536.

32. Those who are employed are also hard hit by housing costs in Ontario. If we consider median rents for 2002 and compare them with minimum wage, even

including tax credits, we find that a single parent making minimum wage will have to devote an inordinate amount of income to shelter. A single parent of one child over seven years of age, working at minimum wage makes approximately \$1,332 per month including child tax credits. The median monthly rent on a two bedroom apartment in Toronto is now \$1,049. This means that the person would pay 79% of income on rent and have only \$276 per month left over.

33. Unfortunately, the above calculations based on median rent underestimate the severity of the affordability problems facing low income households in Ontario, both employed and in receipt of public assistance. When searching for housing, low income applicants face a range of discriminatory and systemic barriers which keep them from renting the most affordable apartments they can find. As a result, low income households are pushed into undesirable and overpriced accommodation, where landlords are more desperate to rent. Census data shows that more than two thirds of low income single who have to move, for example, end up renting apartments that are more expensive than the median rent.

Discrimination and Criminality

34. Another common feature of discriminatory attitudes toward the poor and racialized minorities is false assumptions and exaggerations of criminality. Emerging patterns of systemic discrimination against the poor encourage assumptions that the poor tend to be criminals. Criminal activities of the poor tend to be considered more reprehensible than criminal activities of the rich. A failure to report income among social assistance recipients may be viewed as morally reprehensible and vigorously attacked, while under-reporting income for tax purposes or claiming employment insurance benefits without really being available for work is considered more acceptable. A welfare recipient who does not report baby-sitting income needed to buy food and other necessities is likely to be harshly condemned as a "welfare cheat" even by those who routinely arrange for cash-only work for a lower rate or who do not hide the fact that they will charge a social expenditure as a business expenses. This type of "double standard" is a key component of discriminatory thinking. Harsh penalties are accepted for poverty-related crime which would never be accepted elsewhere. An example of this is the lifetime ban on receiving welfare applied to anyone convicted of welfare fraud. Such a penalty, which may amount to a deprivation of basic requirements of life and health, would never be applied as a sanction for other crimes.

35. The term "ghettoization" is usually used in Canada to refer to concentrations of poor people, and it is frequently associated with assumptions that poor people are more likely to commit crimes. Low income schools are assumed to be prone to more crime

and violence, while similar phenomena in higher income schools is ignored or understood differently. When more affluent communities voice opposition to developments which would bring lower income people into their community, it is almost always argued that more poor people will mean increased crime in the community. In fact, studies have found no evidence of this being true.

36. Governments have played an important role in encouraging discriminatory assumptions about poverty and crime. With public opinion increasingly moulded by discriminatory attitudes toward the poor, governments tend to seek political advantage from the discriminatory criminalization of the poor by announcing that they will be tough on welfare fraud or on welfare recipients using drugs.

37. Governments exaggerate the extent of welfare fraud in comparison to fraud committed by the more affluent, such as income tax fraud, in order to win public support. The Ministry of Community, Family and Children's Services in Ontario, for example, produces a report on welfare fraud and a "welfare cheat sheet" and puts it up on its public website. Although there would be an obvious fiscal interest for the Ministry to portray social assistance recipients positively in order to combat discrimination which may deny recipients jobs or housing, the website does the opposite. It exaggerates the costs of welfare fraud by providing misleading information and selects case examples of

"welfare cheats" designed to increase public hostility to recipients and strengthen support for initiatives against welfare fraud.

38. Discriminatory attitudes are also fostered by the media, which is aware of the public appeal of stories which reinforce existing stereotypes and stigma. A story about a woman on welfare receiving benefits illegally in order to send her daughter to dance school will get more coverage than a similar tax evasion story. Peaceful anti-poverty marches receive little or no coverage compared to any alleged violence or illegal acts among demonstrators.

39. When discriminatory attitudes pervade government policy and media, they are likely to affect the criminal justice system as well. Welfare fraud is now prosecuted more aggressively in Ontario than other types of fraud, such as Employment Insurance or Income Tax fraud, where comparable offences are more likely to be dealt with non-criminally and where there are comparatively few prosecutions or convictions. In 2000-2001 there were three times as many convictions for welfare fraud in Ontario than for Employment Insurance and Income Tax fraud combined.

Rendering Poverty Less Visible: the loss of an effective voice

40. A secondary feature of discrimination against the poor is to increasingly criminalize the few ways in which poor people may become politically or socially "visible." Legislation and by-laws increasingly focus on keeping the poor out of sight and away from public places. This furthers the disappearance of the poor as a visible presence in society and increasingly supplants public concern about poverty itself.

41. Poor people in Canada have lost many of the traditional avenues through which to bring their concerns to the attention of the public and of governments. Whereas in the past, social policy related to poverty alleviation was a prominent feature of election campaigns, legislative debate and committee hearings, it has in recent years increasingly been shifted to the domain of closed-door inter-ministerial meetings or negotiations with trading partners and international financial institutions. Poor people are increasingly dependent on alternative institutional processes which may permit marginalized groups to get a hearing. Most of these, however, have either been removed or have been rendered ineffective.

42. I have assisted poor people to make use of political processes such as legislative and parliamentary hearings, human rights complaint processes, judicial processes such as challenges under the *Canadian Charter of Rights and Freedoms* and processes

available under international human rights law. In all of these areas, it has become increasingly difficult to ensure that poor people will achieve any kind of effective remedy to violations of their human rights.

43. Legislative and parliamentary hearings into poverty issues have become rare and ineffective. Most social policy affecting poor people is now put into effect by regulations rather than legislation, and not subject to hearings or public debate. Many of the most critical decisions about social policy related to poverty under the new Social Union Framework Agreement are made through inter-ministerial meetings. There are no opportunities for poor people to make submissions to these and no minutes of meetings.

44. Under the Canada Assistance Plan, in place from 1967 to 1996, provinces were required to ensure that anyone in need was provided with assistance to cover basic requirements such as food, clothing and housing. A person who felt that a provincial program or policy did not comply with this requirement could be granted "public interest standing" in court to provoke a review of the program for compliance with this requirement. This critical ability to gain "public interest standing", however, was lost when the Canada Assistance Plan was revoked by the Government of Canada, without any debate or discussion, by way of the *Budget Implementation Act* in 1995.

45. Poor people in Ontario sought unsuccessfully to challenge the effects of the welfare cuts as violations of their rights to security of the person and equality under the *Canadian Charter of Rights and Freedoms*.

46. Faced with an increasingly discriminatory environment at home, poor people in Canada have, like Aboriginal people and other disenfranchised groups in Canadian society, increasingly turned to international fora for consideration of their fundamental human rights and for human rights based review of government action in Canada. I have assisted poor people to attend and participate in United Nations human rights treaty monitoring bodies' reviews of Canadian governments' compliance with the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*, the two mainstays of international human rights law emerging from the *Universal Declaration of Human Rights*. Both of these Covenants were ratified by Canada in 1976.

47. U.N. Committee on Economic, Social and Cultural Rights and the U.N. Human Rights Committee have both reacted with an unprecedented degree of concern about evidence of increasing levels of poverty and homelessness in Canada. Both U.N. Committees have also expressed strong concern about emerging patterns of discrimination against the poor in Canada. The Province of Ontario has been singled out by both U.N. Committees for its drastic cutbacks to social assistance and for

discriminatory measures which criminalize social assistance recipients. However, neither the federal government nor the Government of Ontario has taken any measures to address any of the U.N. Committees' concerns.

48. These are examples of how, in part because of the rise of discriminatory attitudes toward the poor, poor people are facing an unprecedented problem in bringing their issues to the attention of governments and the public through established means within Canada's constitutional democracy.

Conclusion

49. Discriminatory prejudices against the poor in Ontario are widespread and may affect a significant number of potential jurors in their judgment of evidence about the actions of militant advocates for the poor. These prejudices would include:

- assumptions that the poor and their advocates are more likely to be engaged in criminal activity than are the more affluent;

- assumptions that illegal activity by or on behalf of poor people ought to be dealt with more harshly through criminal sanction compared to similar activity associated with issues affecting the more affluent;

- assumptions that violations of fundamental rights of the poor under international human rights law are not as serious or worthy of civil disobedience as violations of the rights of the more affluent;

- assumptions that poverty and homelessness are largely the result of personal moral failures and therefore an under-estimation of the serious consequences of government policies in these areas.

SWORN BEFORE ME at the Town of)
Huntsville in the Municipality of)
Muskoka this day)
of October, 2000.)
)
)
)
_____)

J. BRUCE PORTER

COMMISSIONER FOR TAKING AFFIDAVITS