

# *Canadian Association of Elizabeth Fry Societies*

*Annual General Meeting – Winnipeg, Manitoba – June 11, 2005*

## **Executive Director's Report**

### **Priority Issues and Law Reform Initiatives**

This year, as we move into the 10<sup>th</sup> anniversary of the regionalization of CAEFS, we are pleased to be in Winnipeg for our Annual General Meeting. Indeed, it is likely that this region has experienced some of the most profound changes in the past decade with respect to the provision of services to women serving sentences of two years or more. With only four Elizabeth Fry Societies to cover the largest geographic region and the greatest number of prisons and federally sentenced women, the membership in this region is to be commended for the diligence and tenacity with which they have tackled a trebling of the number of women, particularly Aboriginal women in the system, the creation of community release and support services from the ground up, where virtually none existed ten years ago, and the ability to ensure that women in each of the three prisons have access to CAEFS' regional advocacy via regular visits.

The work in this region is inspirational, especially in light of the many challenges that persist as we continue to see the exponential increase in the marginalization, criminalization and imprisonment of women throughout this country and globally. The following report will provide you with an overview of our challenges and achievements this past year, as well as some forecasting of the work that the membership projects for CAEFS.

#### **1. Challenges to Laws and Policies**

##### **a) Report of the Canadian Human Rights Commission**

Approximately one year after they received the report of the Canadian Human Rights Commission, on October 26 – 28, 2004, the Correctional Service of Canada (CSC) hosted a human rights consultation with a number of the groups who made submissions to Canadian Human Rights Commission. Unfortunately, most of the members of CAEFS' Human Rights

Working Group were not able to attend because the meeting took place mid-week. Many of our coalition partners were also unable to send the representatives who participated in our collective work over the past two years, for the same reason. We are, however, pleased that we were able to continue to work well together.

We commenced the meetings by urging the Acting Commissioner and Deputy Commissioner for Women [of the Correctional Service of Canada (CSC)], to acknowledge the reality that women serving federal prison sentences experience discriminatory treatment.

In addition, as a result of the immediate interventions of Strength in Sisterhood and Womyn 4 Justice, the coalition of equality-seeking groups asserted the urgent need for the closure of the maximum security units and the need to review all of the women's cases, but especially those who are classified as maximum security prisoners and are therefore living in segregated imprisonment. The warden of Nova and the acting commissioners agreed to at least review the cases of the four women then remaining in the maximum security unit in Nova.

The commissioners agreed that the cases of the two Aboriginal women who are currently regarded by CSC as the most dangerous and difficult to manage should also be reviewed, with a view to developing plans for the reduction of their security classification and increasing their community reinsertion potential. The warden at Nova also indicated that she would prefer to close the maximum security unit, so that she might unlock the doors and use the space as an orientation unit.

The Correctional Service of Canada (CSC) circulated their draft response to the recommendations of the human rights commission only a few days in advance of the meetings. Although this gave very little time for participants to read it before the meetings, all of the coalition partners did read it. The overwhelming response from the coalition partners was that CSC was not taking seriously the nature or extent of the recommendations that the Canadian Human Rights Commission made in their report, *Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*.

In addition, because the CSC chose to contract a very privileged white man to facilitate the consultation, there were added procedural issues which related to his apparent inability to recognize many issues and understand concerns expressed during the meetings. One key example, for instance, was his apparent lack of appreciation of the vast and distinct power differences between staff and women prisoners, particularly those with and about whom we were speaking (i.e. Aboriginal women, other racialized women, and women with mental and/or cognitive disabilities).

Central to the submissions that CAEFS made at the meeting, was the need to fundamentally address the discriminatory nature of the classification scheme, which could in turn result in a fundamental change in all other facets of the prison system as it is applied to women. In addition, another central theme for CAEFS and the other equality-seeking groups that attended was the clear and growing need for independent and external oversight mechanisms in order to ensure correctional authorities are held accountable to a standard that focuses on human rights and obligations pursuant to the *Canadian Charter of Rights and Freedoms*.

Perhaps most telling, in terms of the deep and burgeoning gulf between CSC and the “stakeholders”, was the response of the Service to the last issue on the agenda of the consultation. The last issue discussed was cross-gender staffing, specifically, the placement of male staff on the front lines in women’s prisons. Suffice it to say that CSC has not changed its opinion despite the recommendations of the Cross-Gender Monitor and Canadian Human Rights Commission. That is, the CSC believes that it is progressive in its decision making to allow men to work on the front lines with women. Moreover, those in attendance had the audacity to claim that there had been no concerns or issues with men working with women in the women’s prisons; and, furthermore, that the women like having the men working with them.

As we have pointed out, on far too many occasions, the fact that male guards cannot strip women prisoners, nor can the men undertake other invasive procedures in the women’s prisons, has resulted in a number of women indicating that they do prefer some of the men to the women staff. In addition, the first groups of men selected to fill the positions in the women’s prisons were, in fact, mostly very kind, considerate, and positive individuals. As we frequently reiterated, however, this appears to be one of the few, if only, circumstances where CSC has chosen to follow the views of some of the women with whom they have consulted.

We recognize that some women do indicate that they do not have difficulties with men working on the front lines in the prisons. And, some women do indicate that they prefer many of the men for the reasons stated above. It is also true, however, as we pointed out in our November 4, 2004 letter (Attachment #1 of this report), the issues regarding the number of women who have experienced abuse, predominately at the hands of men in positions of authority over them, is sufficient reason, in and of itself, to not allow the continuation of current hiring approaches.

In response to our rebuttal of CSC’s assertion that there has been no incidents of male harassment or other gendered discrimination by men against women, we were, for the first time during the consultation, asked for specifics regarding the names, locations, and circumstances of the “allegations of criminal activity” that we were making. It goes without saying perhaps, that when the Acting Commissioner of Corrections subsequently threatened to call the police to address the allegations, parallels between the experiences of the women prisoners and those of us working on their behalf were abundantly evident. Following the receipt of our letter, we have received no further response from the correctional service administration.

In February of this year, we received the final version of CSC’s response to the report of the Canadian Human Rights Commission. Suffice it to say that the entire Human Rights Working Group was disappointed, albeit not surprised, by the response of the Correctional Service of Canada. As we have unfortunately experienced far too many times, the response was primarily symbolic and inadequate.

What the coalition was not prepared for, however, was the alarming abdication of its role by the Canadian Human Rights Commission. CAEFS, Native Women’s Association of Canada (NWAC), and Strength in Sisterhood (SIS) publicly expressed our collective shock in relation to the response of the Canadian Human Rights Commission to the non-response of the Correctional Service of Canada to their recommendations with respect to the urgent remedial action required

to address the systemic discrimination experienced by women prisoners in Canada. As disability and other groups have also experienced of late, the CHRC seems to be currently more interested in appeasing the government than in fulfilling the Commission's mandate to protect Canadians from the discriminatory treatment of human rights violations.

On International Women's Day, March 8, 2005, CAEFS and NWAC, supported by more than 25 other national and international organizations, publicly urged the Canadian Human Rights Commission to fulfill their responsibility to follow up on the systemic review and recommendations in the special report they tabled last year regarding the discriminatory treatment of federally sentenced women at the hands of the Canadian government. We reminded the Canadian public and the Commission that the complaint was made on behalf of all women serving federal terms of imprisonment, on the grounds that the manner in which the women prisoners are treated is discriminatory, contravening s. 3(1) of the *Canadian Human Rights Act*.

We also reiterated our concerns that the discrimination experienced by all women prisoners on the basis of their sex, as well as the discrimination on the basis of race that is the particular experience of Aboriginal and other racialized women, especially those classified and segregated in maximum security units, must be remedied immediately. NWAC lamented the shameful legacy of the Canadian government as it continues to ignore the plight of too many Aboriginal women as they are victimized and criminalized. NWAC also pointed out that too many women are criminalized and further punished as a result of their resistance to the same authority that furthers their victimization.

We cannot imagine on what basis Mary Gusella determined that CSC was actually addressing the human rights violations chronicled in the CHRC report: ***Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women***. This time last year, we were still incredibly optimistic. We believed that the Commission clearly understood the urgency of the need to address the human rights violations experienced by women prisoners.

Nobody from the Commission has visited the women's prisons since they released their report publicly last January. Instead, they appear to have relied upon what the Correctional Service of Canada says they plan to do, even where CSC's response to the CHRC's recommendation for immediate action received a response that action would commence within 3 years of the publication of the recommendations. The coalition is of the view that there have been enough reports and enough inaction on the part of Corrections to date to explain why CSC's commitment may be considered somewhat suspect and why the working group was so insistent that the Commission fulfill its monitoring function in order to ensure that action flows from their review.

Equality-seeking groups within Canada and internationally anxiously awaited the Commission's report. We were heartened and held out hope last year when the Commission acknowledged the urgent need for fundamental changes to the way women prisoners are dealt with, especially Aboriginal women and women with mental health and /or cognitive disabilities. This year, we called on the Commission to go to each of the prisons for women and tell the women why they are now being abandoned to the whims of the CSC.

Our coalition partners have repeatedly reiterated their support and increased sensitivity and recognition of the extent to which the Correctional Service of Canada is displaying an intractable intransigence to addressing the very real and obvious degrees of discrimination experienced by federally sentenced women in Canada.

The inadequate and dismissive treatment by CSC of complaints raised by women at the Fraser Valley Institution (FVI) in British Columbia in November of 2004, have only reinforced these concerns. At FVI, approximately ten women reported to the warden that a male staff member, possibly a few, were intimidating women at the institution. One male staff member in particular was identified as particularly aggressive, especially in relation to several of the women who have experienced significant histories of sexual and/or physical abuse. The women are also of the opinion that this particular staff member seems to reserve his most avid dislike and abusive behaviour for the women who are lesbian.

CSC has indicated that the allegations have been deemed to be unfounded and that they were not “gender” issues. Rather, they see them as allegations of abuse of power, seemingly absent the context in which they are occurring. Their reaction to these issues is probably the most clear and cogent example of the unwillingness and/or inability of CSC to grasp the discriminatory nature of their very policies, practices, interpretations, and responses. Imagine how they must regard the complaints regarding issues that are of far more mundane a nature than abuse of power and harassment of women by men. Yet, as we are all too well aware, the situation must have been incredibly unbearable for it to be reported in the first place, especially by a number of women. So far, the national investigation appears to be yet another CSC whitewash.

CSC is currently in the process of contracting with the Inspector of Prisons in the United Kingdom to conduct a review of the Nova and Grand Valley Institutions. The ‘inspections’ of the two prisons are scheduled for the last two weeks of September 2005. CSC considers this its response to the CHRC recommendation for external oversight, in which, based in part upon the submissions of CAEFS and other coalition partners, they list the UK inspectorate model as one worthy of examination. After several unfruitful requests for information directly from CSC, we submitted a request for same via the Access to Information process. As is not uncommon in our experience, shortly thereafter, we started to receive some of the materials requested.

This is only underscoring the need for CAEFS to examine additional potential domestic and international avenues for addressing the discriminatory treatment of women in and from prison. Some of these will be discussed further below.

On a more positive note, the work we are doing with our international partners, to prepare for our ventures at the United Nations, have been progressing very well. At the end of June and beginning of July 2004, we had the privilege of contacting some of the groups in England and Ireland who are interested in utilizing our human rights review work in their countries. One group in particular, Women in Prison, felt that our work and the issues we raised resonated with their experiences as they work to achieve their objectives of addressing the discriminatory treatment of women prisoners in the United Kingdom. We look forward to continued interaction and contact with these women.

In September, we were asked by the groups in Australia who are working on their human rights reviews to assist them in their efforts to document the human rights abuses of women prisoners in Australian states. Accordingly, September 16 – 29, 2004, saw us working with the women in and from prison, as well as their coalition partners, in Victoria, Queensland and New South Wales. In addition to working on the actual processes of developing and documenting the human rights violations in each of the Australian states, we also had the opportunity to visit and meet with women in some of the prisons. We also organized meetings with members of the National Human Rights and Equal Opportunity Commissions (HEREOC).

The coalition members also utilized the visit as an opportunity to ensure that we participated in several conferences in the three states and that we spoke at the law schools in Brisbane and Sydney. The Sisters Inside group also was instrumental in organizing an Aboriginal Women's Forum, which included local, state, and national representation of Aboriginal Women in and from prison, as well as their service providers, advocates, academics and lawyers. Most notably, our discussion of the tragic and outrageous colonial legacy for Aboriginal women resonated with the Aboriginal women present. Indeed a number of Elders, serving and former prisoners, as well as academics and professionals working with and for marginalized Aboriginal women in Australia, indicated that the issues and theme about which we spoke were resonated with those experienced by Aboriginal women in Australia. Suffice it to say, it was quite wonderful to realize that in the next year or two, as we prepare to move our human rights work to the international stage, we will be continuing to work in coalition with our international sisters.

In addition to the foregoing, we have also continued to participate with the Native Women's Association of Canada (NWAC) and Amnesty International in their work on documenting and addressing the myriad issues related to the missing and murdered Aboriginal women throughout Canada and internationally. The Native Women's Association of Canada also maintains a keen interest in working with us to follow up the recommendations of the Canadian Human Rights Commission.

NWAC remains committed to pursuing our collective work in order to ensure that the recommendations are implemented and that the initiative continues on to the international level. Amnesty International is also being instrumental in ensuring that the issues pertaining to women prisoners are included in their submissions to the United Nations regarding Canada's reporting on its record in relation to international conventions. For instance, they have referenced our concerns in their most recent submission regarding Canada's record in relation to the convention against torture. We are also participating in Department of Foreign Affairs consultation meetings regarding the Convention against Torture. We are also commencing work on the process of obtaining non-governmental organization (NGO) consultative status for CAEFS at the United Nations.

#### **b) Human Rights in Action**

Further to our organizational conversations, as well as the work plans and strategic direction of the membership, CAEFS was granted resources to enable us to work collaboratively with the Native Women's Association of Canada (NWAC), and Strength in Sisterhood/Womyn 4 Justice over the coming 18 months. Our Human Rights in Action initiative is aimed at enhancing the

capacity of CAEFS to assist prisoners to address advocacy issues in the prisons for women, as well as the urgent need to develop community release options for Aboriginal women exiting federal prisons.

As we have outlined over the past two years, as this process has been developing, we plan to involve Elizabeth Fry prison workers, NWAC community workers, and women in and from prison in this initiative via the contacts of each of our organizations and particularly through the SIS Society. Indeed, SIS members have the experience of having already conducted the most pertinent housing strategy research project available to date. The report, entitled, ***Release Housing Program for Women: A Supportive Housing Strategy for Prisoners Released from the Burnaby Correctional Centre for Women to British Columbia Communities***, is available at the following electronic address: <http://www.elizabethfry.ca/housing/Housing.pdf>.

This initiative will build upon the work of all three of our national organizations, as well as the other equality-seeking groups who were involved in the coalition that developed following the 2001 ***Women's Resistance Conference*** and the 2002-2004 working group that made submissions to the Canadian Human Rights Commission regarding the systemic discrimination experienced by women imprisoned in federal prisons in Canada. Both of these phases of work were made possible in part as a result of Women's Program funding.

We look forward to further developing our partnerships and working relationships with NWAC, SIS/W4J via this project. It will also provide an opportunity to explore working with SIS and W4J and NWAC working in an advisory capacity with CAEFS. We are hopeful that this work will result in enhanced intervention strategies and policies. One of the ways we aim to accomplish this is by developing peer and prisoner advocacy training and support teams. We plan to design and distribute resources and make training available to women prisoners and to prison workers in each of the 8 federal prisons for women.

We also plan to identify specific decarceration strategies for individual women, especially for 2-4 Aboriginal women, ideally those serving life or long sentences and women with mental health issues. This will also involve the identification of 3 communities interested in developing or testing community approaches to supporting decarceration. We consider one of the keys to the successful implementation of these innovative possibilities will rely upon the authentic involvement of women who have lived the experience of marginalization, criminalization, and imprisonment.

In addition, we hope that this initiative will further enable each of the organizations involved to work towards influencing relevant policy decisions. One of the key means of achieving this is through external oversight and so we will also employ this opportunity to pursue the possibility of establishing an external oversight and governance body (pursuant to the Inquiries Act, sections 77 and 80 of *Corrections and Conditional Release Act* (CCRA) and further to the recommendations of Madam Justice Arbour, as well as the CHRC and the results of the 5 year review of the CCRA conducted by the then Standing Committee on Justice and Human Rights). This initiative will commence immediately and is funded for 18 months, so we look forward to having more to report at the end of this fiscal year.

**c) Fifteen Year Reviews**

This year, CAEFS continued work on the judicial reviews of the next two women whose cases will be examined pursuant to Section 745 of the *Criminal Code of Canada*. One is in Ontario, and the other is in the Prairies. The hearings for both of the women who have applied will occur within the coming months.

Unfortunately, another woman who is also eligible has decided that she will not pursue her review, as she does not wish her children and grandchildren to have to experience the media and other negative attention that has accompanied the reviews of some women and men. Although only approximately 39% of the men who are eligible for judicial review actually apply, to date, she is the first woman who has chosen to not apply for a judicial review.

**d) Case Interventions**

CAEFS has joined a number of other national organizations this year in order to work in coalition on a number of cases significant to and for the women with and on behalf of whom we work.

**(i) Staying Charges**

In collaboration with the Native Women's Association of Canada, we are intervening to prevent the criminalization of an Aboriginal woman in Manitoba. Originally charged with first degree murder, it now appears as though our investigations may result in a stay of the proceedings against this woman. In the interests of not prejudicing the case, we will reserve further comment for our next annual report, when we will hopefully be reporting on the termination of the criminalization process in relation to this woman who we believe was wrongfully charged.

**(ii) Habeas Corpus**

In coalition with the John Howard Society of Canada, we sought and were granted intervener status to appear before the Supreme Court of Canada in the case of *May et al.* This is a case involving prisoners who are challenging lower court decisions to deny prisoners facing involuntary transfers and security reclassification decisions with access to the remedial avenue of *habeas corpus*. The date for arguments is May 17<sup>th</sup>, 2005, so this is another one that we look forward to reporting on next year.

**(iii) Deterrence**

Another case in which CAEFS and the John Howard Society of Canada are collaborating is *B.V.N.*, the case of a young person. When the sentencing judge rendered the decision in this case, the judge imposed a severe sanction on the youth, citing deterrence as the rationale therefore. The drafters of the *Youth Criminal Justice Act* made the purposeful omission of the principle of deterrence, as they recognized the inapplicability of it in general and especially for young people. This is yet again a case that is currently unfolding.

(iv) Criminalization of Poverty

Coalitions headed by the African Canadian Legal Clinic and the Native Women's Association of Canada have also invited CAEFS and other national women's and criminal justice groups to consider seeking intervener status in the Hamilton case. This case deals with the criminalization of poor racialized women whose conditional sentences were overturned on appeal after the trial judge recognized that the desperation of poverty was the primary impetus, not criminal minds or motives, for the involvement of the women involved in transporting drugs into the country.

(v) Racial Discrimination

A number of clinics working principally with racialized groups in Ontario have also sought the involvement of CAEFS in the development of recommendations aimed at attempting to remedy human rights violations on the basis of racism within the provincial correctional system. This work emerged following the human rights tribunal ruling that a racialized man working as a correctional officer in one of the prisons was discriminated against on the basis of race.

(vi) Additional Cases

In addition to the cases discussed above, we are also working on several cases with the Innocence Project and are hopeful that the Association in Defence of the Wrongfully Convicted will soon complete their examination of cases of women who should not have been convicted of first or second degree murder.

**e) Inquests into Deaths in Custody**

(i) Thunder Bay Jail

The Elizabeth Fry Society of Northwestern Ontario wasted no time in becoming active in both the Thunder Bay District Jail and other community initiatives. As a result, the week following the Annual General Meeting, on June 14, 2004, our most recent member of CAEFS called us to assist in the provision of expert testimony in the Inquest into the Death of Martine Ladouceur in Thunder Bay. Ms Ladouceur died while she was remanded in custody in the Thunder Bay District Jail. The afternoon before she hung herself, she had "appeared" in 'bail' court via video conferencing. It was very clear from the transcripts of the "hearing", that Martine certainly could not hear much of what was happening during the proceedings, and clearly did not understand the significance or ramifications of the process.

This newest society is to be commended for providing such an admirable intervention with limited fiscal resources. It was a privilege to work with them and to also later visit the Thunder Bay District Jail with them, where we met with women who were shoehorned into the very cramped dormitory, as well as some who were confined in individual cells. The women reported that they were provided with new, clean clothing the day we visited, and that they had all been directed to clean the 'living' area well. Despite the cleanliness of the area, nothing could mask the incredibly cramped nature of the space, nor the stultifying stillness of the air and the evident

lack of access to programming or other services. In fact, the administration and other staff members confirmed that the women very rarely are able to access any programming or services, with the exception of a program offered by the local Catholic family services agency on contract with the prison.

The facilitator of the program was contracted to provide a group one afternoon per week. This meant minimal programming for the 5-6 women who are selected by the staff to attend the program each week. In addition, access to the concrete wall and razor wired very small yard was sporadic at best. The women further clarified that when the dormitory was overcrowded (i.e. more than eight women) women are forced to sleep on mattresses in the 18-22" high space under the bottom bunk of the four bunk beds that are in the dormitory room. The rationale for this anxiety producing reality is the need for staff to be able to move around the dormitory while women sleep. To make matters worse still, there is a table for six which is bolted in the middle of the dormitory floor. The entire dormitory space is approximately fifteen to twenty feet square.

The women involved with the Elizabeth Fry Society of Northwestern Ontario, in Thunder Bay, stressed their interest in the possibility of a working together on a provincial human rights complaint about the conditions of confinement for provincially sentenced women, and women who are remanded in custody awaiting plea and/or trial. In addition, they report that the Council of Elizabeth Fry Societies of Ontario has also offered much appreciated assistance and the expansion of the dormitory and potential contract with Elizabeth Fry for services in the prison will hopefully alleviate some of the worst conditions identified during the inquest.

#### (ii) Deaths of Criminalized Aboriginal Women with Mental Health Issues

The work we did for the inquest into the death of Martine Ladouceur, as well as the inquest into the death of Pamela Payette, underscored our concerns regarding the inappropriateness of criminalization and imprisonment of women with mental health issues. In the case of Martine Ladouceur, she committed suicide after being remanded in custody. In the case of Pamela Payette, she committed suicide in the special living environment (i.e. mental health unit) at Grand Valley Institution some six weeks prior to being eligible for parole.

Both Ms Payette and Ms Ladouceur were Aboriginal women. Ms Payette had, in fact, requested a federal sentence, in the apparent belief that she would be able to receive treatment in the federal system. This belief notwithstanding, she was moved several times during her period at the Grand Valley Institution. Documents released after her death indicated that she was moved several times at GVI because of conflicts she had with other women prisoners.

The material reviewed in preparation for the inquest revealed that Ms Payette's inability to navigate those and other challenges in the general population led to her being increasingly more isolated. Indeed, her placement in the special living environment underscored one of the significant criticisms of both prison staff and our organization. That is, that the units are increasingly being used more as protective custody types of settings for women who experience difficulties within the prison, women who are seeking to have a break from other women in the prison, as well as those with significant cognitive disabilities.

Unfortunately, following the intervention of the Correctional Service of Canada, the psychologist we planned to call as an expert witness advised that she could not speak to all of the issues outlined in her witness statement. Thus, on the eve of the commencement of the inquest, we were left with insufficient time to seek another expert witness. Given that our standing at the inquest was based upon our ability to provide expert testimony to critique the mental health services provided to Pam Payette and other federally sentenced women, our intervention was consequently compromised.

Without an expert witness, our ability to question the mental health policies and practices of CSC in Pam's life and death, as well as for other federally sentenced women in the future was compromised. We could not find another expert in time and therefore had to withdraw from the proceedings. We did ensure, however, that it was clearly placed on the record that we were in the position as a result of the intervention of corrections. It was also clear that the Coroner understood the significance of this issue, but less clear that the jury realized what it meant.

We continue to monitor these and other tragedies, in our attempts to prevent similar fates from befalling other women in and from prison. CAEFS also continues to participate in additional systemic challenges to laws and policies via involvement in discussions, consultations, presentations, planning sessions and the development of evidentiary bases for human rights complaints, court cases, inquests, grievances and complaints and other forms of submissions with or in support of individual or groups challenging laws and/or policies that negatively impact women and girls with and on behalf of whom we work.

#### **d) Regional and National Advocacy**

##### **a) Fraser Valley Institution (FVI)**

As the beginning of this fiscal year, the Burnaby Correctional Centre for Women (BCCW) closed. All federally sentenced women were consequently transferred from BCCW to the new federal prison for women, Fraser Valley Institution. Of the federally sentenced women classified as maximum-security prisoners at BCCW, one was subject to CSC's blanket policy of requiring all prisoners serving a minimum life sentence for murder to be classified as maximum security for at least the first two years of imprisonment.

Despite much bureaucratic nonsense and many interventions, she was eventually exempted from the policy at the eleventh hour and was moved to FVI. Like other regions, where the CSC-identified need for a maximum security unit seems to uncannily precede the actual numbers of women so classified, the numbers of women classified as maximum security prisoners remained consistently low over the approximately 13 years that BCCW housed federal and provincial women prisoners together. This reality notwithstanding, CSC chose to continue its cookie cutter approach to women's corrections by nevertheless constructing a massive security fence and a segregated maximum security unit.

In addition to the aforementioned complaint about male staff on the front line at FVI, lack of employment and programs are key concerns of the women imprisoned at FVI. Fortunately, there is a strong Program Advisory Committee at the prison, whose membership includes Elizabeth

Fry, Strength in Sisterhood, West Coast Prison Justice Society, Status of Women Canada, and other representatives of women's and community groups.

**b) Maximum Security Classification of Women Prisoners**

Via the Human Rights in Action initiative, CAEFS looks forward to continuing to work with the coalition of groups that worked on the human rights submissions, as well as our membership to counter the use and continued existence of the segregated maximum security units for women in both the men's and the women's prisons. The CAEFS' membership, as well as women and a number of staff in the prisons, are assisting these efforts, as it is well recognized that keeping women in those units is not assisting them in gaining the earliest access consistent with the least restrictive correctional interventions mandated by the *Corrections and Conditional Release Act*.

To this end, on October 26, 2004, CAEFS sought and obtained commitments from the Acting Commissioner of Corrections and the then Acting Deputy Commissioner for Women to immediately implement automatic reviews for exemption from the two years at maximum security rule implemented by the CSC for all women sentenced to life as a result of convictions for first or second degree murder. After being challenged in relation to the manner in which a number of Aboriginal women and women with mental health issues have been classified, CSC also agreed to review all of the cases of women classified as maximum security prisoners. The purpose of the reviews was to determine the steps required by each woman to reduce her security classification to medium and thereby enable her to exit the segregated maximum security units in the women's prisons.

In light of the issues that were underscored by the Canadian Human Rights Commission, the treatment of women classified as maximum security prisoners amplifies the vital role and urgent need for our Regional Advocates to assist women inside to challenge security classification, charges, punishments (especially the use of force and segregation) and transfers (especially involuntary and/or emergency transfers), the impact of CSC's policy regarding the placement of prisoners convicted of first and second degree murder in maximum security prisons for a minimum of two years, and any other matters involving the curtailing of women's liberty interests. The enhancement of this process via the Human Rights in Action project will provide a welcome addition to the resources and training opportunities currently available to women in prison and their advocates.

**c) Lack of Discernible Difference Between Medium and Minimum Security**

The Isabel McNeill Minimum Security House (IMH) remains open under the ever-present shadow of pending closure. As such, the uncertainty that this creates persists for women seeking transfers there from the regional prisons, those currently imprisoned at the house, as well as the staff upon whom they rely, and the Elizabeth Fry Society in Kingston. This year, however, with the inception of a new governing warden at the Grand Valley Institution, CSC accepted a number of applications from women seeking to transfer to IMH and therefore the numbers of women has started to increase and the staff anticipate that it will soon be at its institutional capacity of 10 women. As the CHRC report confirmed, it is simply indefensible to contemplate the closure of the only real minimum-security beds for federally sentenced women in Canada.

The women who are currently imprisoned at the Isabel McNeill Minimum Security House continue to be interested in filing a lawsuit to prevent the house from being closed. Since some of the women are serving life terms of imprisonment, the issue is very significant for them, as well as all other federally sentenced women classified as minimum-security prisoners across Canada. Accordingly, at the request of the women at the Minimum House, CAEFS will continue to support their bid to remain at the Minimum House as well as their position that all women require access to minimum security placements that are similarly small, provide opportunities for women to leave daily for work and other steps toward community release.

CAEFS also remains of the view that we do not wish to support or see the construction of additional prison beds. In fact, CAEFS supports the closure of prisons. However, the paucity of minimum security beds for federally sentenced women and the lack of a plan on the part of the Correctional Service of Canada to remove fences in order to ensure that the 50% of federally sentenced women who are minimum security prisoners are actually accommodated in lower security settings, means that we are loathe to see closed the only 10 beds currently available across the country. The suggestion that later bed times, greater access to a barbecue, blender or patio slab/deck [depending upon the prison] for after-hours smoking, somehow compensates for being subjected to medium+ security living conditions is deluding nobody, least of all the women who are living the experience.

#### **d) Community Release Options**

CAEFS continues to support all efforts to enhance the provisions of services to women exiting prison. Despite laudable goals in some areas, nearly another year has passed with little if any changes for the better, in terms of results from such initiatives. The Public Accounts Committee report, as well as that of the Auditor General focused upon the fiscal deficiencies of current approaches.

CAEFS is most concerned about the human costs of perpetuating current inadequacies. Accordingly, we continue to encourage CSC to re-examine this entire area in order to evaluate the manner in which too many community programs are currently conceived, as well as the manner in which they will be developed and delivered in the future. Rather than slavish adherence to the current “program approach”, CAEFS favours a more individualized and self-directed approach, whereby resources are allocated in direct proportion and relation to the needs identified by federally sentenced women and corrections.

Such a model would more likely increase the investment of federally sentenced women themselves in the services with which they engage, as they would be directing the application of resources to assist themselves. It would also be likely to improve CSC’s record in terms of human and fiscal reintegration success, a reality that would no doubt be of interest to the Auditor General and equality-seeking groups, as well as federally sentenced women and the Correctional Service of Canada as a whole. Resources would be much better spent if they were allocated according to the constellation of needs that CSC assesses or determines exist for each woman, so that each woman may develop and avail herself of the very individualized practical services and supports which she desires and requires in order to successfully integrate into her community of choice.

Particularly in light of the tremendous benefit that we have experienced from the rich exchange occasioned by the involvement of women's equality seeking, Aboriginal and social justice groups, including women with the lived experience of imprisonment, in our coalition work around the human rights review, CAEFS must continue to promote their full involvement in all future policy and program development activities. Our membership and these groups have worked collaboratively and they will continue to combine incredible enthusiasm, energy and very limited resources to achieve quite remarkable results. Since there remain insufficient community release options for women across the country, however, this continues to be a priority agenda item for the entire CAEFS' membership.

The community integration work of CSC continues to be somewhat fragmented and relatively uncoordinated. Moreover, since the efforts and interests of Aboriginal and other racialized groups, as well as the involvement of women with the lived experience, such as Strength in Sisterhood and Womyn 4 Justice would otherwise be virtually non-existent, we are extremely pleased to have the opportunity to work with them to try to begin to address this via the Human Rights in Action project. Our objectives in this process are as follows.

1. To increase by 10% the rate of releases of Aboriginal women from federal prisons.
2. To decrease to 0 days the time between eligibility and actual release of women serving life sentences.
3. To increase the responsiveness of CSC policies and programs to address issues that are specific to Aboriginal women and lifers.
4. To increase the capacity of Womyn 4 Justice (W4J) and Strength in Sisterhood (SIS) to advise CAEFS and NWAC on policy and programming issues for lifers and Aboriginal women in prison.
5. To ensure W4J and SIS assume responsibility related to ongoing implementation of peer advocacy training.

This initiative will also engage our membership and encourage collaborative and inclusive initiatives across the country.

There is an incredible gender gap between the amount of resources devoted to traditional model of corrections and those that are specifically designed with, by and/or for women prisoners. Although the Correctional Service of Canada maintains that they have spent an inordinate amount of resources, time and energy attempting to meet the needs of women prisoners, the reality is that much of this 'wheel spinning' – has occurred largely because they have persisted in trying to adapt male programs to women prisoners.

In addition, the practical realities of the limited number of community release options for women, combined to the seeming precedence given to avoiding any possible risk, rather than utilizing least restrictive approaches, as well as delays in paperwork in the prisons, are resulting in increased numbers of women exiting prison on statutory release. Moreover, too many of these also are exiting with residency requirements. Still others, especially those with mental health

issues, are being detained until warrant expiry largely as a result of a lack of adequate community release resources to support their integration. Furthermore, the statistical data with respect to the revocation and recidivism rates of women underscores the reality that the return of women to prison while they are on conditional release has much to do with the limited resources available to them and virtually no relation to recidivism, especially violent recidivating, which accounts for less than .5% of the revocations as a result of a new 'offence'.

Many academics and lawyers have reported that services need to be developed in conjunction with community-based, women-directed services, if there is to be any hope of them being successful. In addition, it is well recognized that a significant issue for women prisoners, and part of why they are one of the fastest growing prison populations in Canada (and around the globe), is that cuts to social programs and health care disproportionately impact women and children. As such, our organization and many others increasingly encourage Correctional Services to focus on the development of "capacity-based models of assessing the risk that community release poses to women prisoners".

The Canadian Human Rights Commission reiterated what many previous commentators have noted, namely, that women prisoners may have many needs, but it is rare that women pose a high risk to public safety. CSC has committed itself to the development of assessment and classification tools that are designed specifically for women. CAEFS is interested in ensuring that any such instruments address the need for accountability, while simultaneously ensuring that access to resources is recognized as the most potentially successful means of limiting any potential risks posed upon release. Such a capacity-building model of risk assessment would necessarily identify the need to develop adequate housing, educational and vocational opportunities, as well as other opportunities to generate income, as priorities for women being released from prison and would consequently be more likely to result in successful integration in the community.

**e) *Youth Criminal Justice Act (YCJA)***

CAEFS maintains that addressing service or programming deficits must be a priority if current successes of the YCJA are to be maintained. Additionally, provinces and territories must be encouraged to develop more gender-specific and culturally appropriate services and programs for young people. Too frequently, services and programs, which do exist, are ill equipped to deal with such intersecting issues as gender, race, class and sexual orientation. More community-based dispositional options and fewer custodial beds should exist throughout the country for all youth, but the need is particularly acute for young women.

CAEFS continues to support the development and enhancement of youth-positive community-based dispositional options, as well as the development of improved educational programs and services, particularly in community settings. For young women in particular, women-centred approaches are required. Because of their relatively low numbers in comparison to those of young men in the youth justice system, their specific needs are often ignored or at best subsumed by those of young men.

Finally, the youth justice system must not remain the catchall for other systemic inadequacies. Young people are best served by supportive and proactive interventions, as opposed to the

punitive and reactive types of approaches characterized by and endemic to criminal justice responses. Accordingly, CAEFS reiterates the need for cost-sharing agreements to prioritize the development of preventative and proactive approaches within the social service, child welfare, educational, medical and mental health systems as well as the youth justice system.

In addition to more traditional training approaches, CAEFS encourages the involvement of young people themselves, as well as front line workers in the development of professional and practical training programs as well as in the development of the services and programs. We endorse the efforts of groups such as Justice for Girls in Vancouver, the Youth Restorative Action Project in Edmonton and the National Youth in Care Network. Supporting the efforts of these and other young people to define issues and design youth-directed approaches to addressing their concerns are crucial to the success of any legislation, policies or services designed to address the needs of youth.

### **3. Submissions, Presentations, and Publications**

In addition to the following highlights, CAEFS was once again involved in a number of government and community-based meetings, presentations, consultations, conferences and media events this year. We continue to average 10-15 media calls per month and receive approximately 75-90 electronic, telephone or facsimile requests for information per month from students or members of the general public. Over the next several months, we anticipate a significant increase in this regard, due in large part to the anticipated July 2005 release of a particularly high profile woman from prison(er).

For the first time in CAEFS history, this year we made a submission to the Parliamentary Finance Committee with respect to our funding priorities. A copy of our submission is available on our web site, as is one presented to the Standing Committee on the Status of Women. The Status of Women committee was newly formed with the minority Parliament, and we are hopeful that they will recognize the importance of ensuring a legacy and a mandate beyond merely the tenure of this minority government.

In addition to a number of presentations and speeches delivered in universities, conferences, and other fora over the past few months the Executive Director published a review of Angela Davis' latest book, *Are Prisons Obsolete?*, in the Journal of Law and Social Policy, vol. 9, Fall 2004. She also co-authored with Lisa Neve a chapter in Julia Sudbury's latest book entitled *Global Lockdown: Race, Gender, and the Prison – Industrial Complex*.

CAEFS also continued to develop national inter-linkages with the Canadian Mental Health Association and the Canadian Public Health Association. This national partnership, aimed at broadening the cross-fertilization of health, criminal and social organizations, was spawned by the participation of a number of our members in a series of similar locally-based initiatives.

As a result of our participation with the Canadian Mental Health Association and the Canadian Public Health Association, July 7 – 10, 2004, a number of the Elizabeth Fry members in the Atlantic Region and I attended a conference jointly hosted by the Canadian Mental Health Association and the Schizophrenia Society of Canada in Saint John, New Brunswick. In addition to having a display table at the conference, we were also able to present the documentary film,

*Sentenced to Life*, regarding the criminalization and lengthy incarceration of women with significant mental health issues. The film and discussion were well received by all that attended. Indeed a number of the participants have maintained contact with us since then,

CAEFS also participated in several Public Safety and Emergency Preparedness and Correctional Service of Canada issue committees with respect to the use of non-intrusive search techniques, access to computers, community correctional strategies, conditional release options, as well as a number of fora organized between the National Associations Active in Criminal Justice and the Departments of Justice and Public Safety and Emergency Preparedness.

On October 1 – 2, 2004, CAEFS participated in a working consultation, hosted by the Minority Advocacy Rights Centre (MARC) and funded by a number of labour groups and academic institutions, to discuss the results of the implementation of section 15 of the *Canadian Charter of Rights and Freedoms*. April 17, 2005, marked the 20<sup>th</sup> anniversary of the implementation of section 15 of the *Charter*. Predictably, we were able to chronicle the notable reality of the extremely limited access to equality and the rule of law experienced by women prisoners.

We view the documentation of such realities as integral to this process, in order to truly capture an accurate documentation of the results and impact in Canada of 20 years of s. 15. Via our involvement in the sub-committee established to help organize the event(s), we will be able to further develop and analyze documentation of the lack of application of section 15 to all women, especially those who are racialized, and/or disabled throughout Canada. We look forward to the continued work that will be completed over the next year in this regard.

#### **4. Elizabeth Fry Week**

In addition to an updated posting on our home page, the CAEFS' membership received copies of the updated facts sheets and material introducing National Elizabeth Fry Week. The week was announced by the Correctional Service of Canada on their web site. In addition, copies of the introductory information and fact sheets were sent to Members of Parliament, the Senate of Canada, as well as members of the media, social and criminal justice partner organizations and women in prison in Canada and internationally. Our Executive Director was pleased to join and contribute to the Elizabeth Fry Week celebrations organized by our membership in Kamloops, Kelowna and Ottawa this year.

CAEFS continues to challenge Canadians to reach behind the walls and welcome women into our, and their, communities, so that they may take responsibility and account for their actions in ways that enhance our national, provincial and local commitment and adherence to fundamental principles of equality and justice. Increasingly, we are also extending our influence and work into the international arena.

#### **5. International Linkages**

In the summer and autumn of 2004, CAEFS enjoyed several opportunities to develop linkages with groups in the United Kingdom, especially in England and Ireland, as the Executive Director was invited to attend and deliver papers and presentations at several conferences, consultations

and other human rights, law reform and public education initiatives. She also spoke at law schools in Australia and was contracted to assist groups in Australia to document human rights abuses and the discriminatory treatment of women prisoners there.

This work served to further strengthen and develop our linkages with a number of groups in Australia, as well as several anti-discrimination bodies and the national Human Rights and Equal Opportunities Commission. Accordingly, CAEFS ably contributed to the academic documentation of our work, as well as the lived experiences of women in and from prison.

We were also very pleased in January to be part of a delegation that met, at the offices of the Elizabeth Fry Society of Ottawa, with representatives from Chile who are involved in the development of a defence counsel service, as well as other criminal and social justice initiatives in their country. The lawyers who visited Ottawa were very interested in the relationship between the programming work of local societies, as well as the advocacy with respect to policy and legislative issues at the national level. The delegation continued on to Montreal, where they had the opportunity to meet with the chair of our social action committee, Lucie Joncas, who also represented the Criminal Lawyers Association of Québec.

In December and January, a number of our Regional Advocates hosted Professor Amanda George, when she visited Canada. Professor George was touring Canada on a Churchill Fellowship. Her research focus related to the manner in which prisoners and prison administrators organize and utilize prisoner (inmate) committees. As such, she visited jurisdictions where prisoner committees have been legislated. These included, California in the United States, all of the federal prisons for women in Canada, and women's prisons in South Africa.

Amanda is a Professor of Law at Deakin University in the state of Victoria in Australia. Prior to becoming a full time professor, Professor George was a lawyer in a community legal centre, where she led the Australian fight against the development of private prisons and led the campaign that resulted in the closure of the only private prison for women outside of the United States. She was also involved in actions that successfully thwarted an attempt to move women into a segregated maximum security men's prison.

Amanda was very appreciative of the hospitality and she was impressed with the collective support and assistance provided by the CAEFS network. She was especially pleased to participate in the anti-private prison work with which Ruth Gagnon and others in Quebec were engaged.<sup>1</sup> Indeed, although she departed for South Africa the same day she met with those involved in the anti private prison campaign in Montreal, she wrote an article for them immediately, while she was en route to South Africa. The article was published in the Spring 2005 newsletter of the provincial Association of Rehabilitation Services of Quebec.

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<sup>1</sup> Significantly, as a result of the efforts of the Quebec coalition, the provincial government has apparently abandoned its decision to open a new private super-jail style prison in Quebec. We congratulate and thank EFS du Quebec and their coalition partners for this phenomenal success.

Because of CAEFS' work with respect to the discriminatory treatment of women prisoners and the need to ensure human rights protections, In addition, the Executive Director was invited to participate with groups in the European Union, New Zealand, and the United States. She was also invited to present at several international conferences: one in Spain, hosted by the European Union, where the issues of the need for human rights protections in women's prisons were discussed; another in Italy scheduled for June 19-22, 2005, where the issue of the appropriate means of developing workable programming and services for women prisoners will be discussed; the International Conference on Penal Abolitionism originally scheduled to be held in Ireland and now to be hosted in Tasmania; and the Sisters Inside conference scheduled for July 2005 in Melbourne.

In addition, the Department of Justice invited our Executive Director to participate in the 11<sup>th</sup> United Nations Congress on Crime and the Treatment of Prisoners. By participating as a member of the official delegation, CAEFS was able to participate in planning and preparatory meetings, as well as all of the proceedings in Bangkok. In addition, CAEFS was instrumental in assisting the efforts of Penal Reform International to introduce a new Charter of Rights for Prisoners. She also organized a panel and presented in other sessions of the auxiliary (non-governmental) forum. As an invited expert to the United Nations meetings, our Executive Director also co-presented a submission that was accepted by the UN for distribution to member states. A copy of the statement is attached. It is also available on the CAEFS' web site.<sup>2</sup> As a result, the work of CAEFS in Canada is being widely circulated and our international linkages with respect to our work on the need to protect the human rights of women prisoners expanded significantly.

CAEFS was also asked to participate in the development of submissions to the United Nations Working Group on Arbitrary Detention. The national office hosted a meeting with the delegation on June 1<sup>st</sup>, 2005. CAEFS is also preparing questions for the Human Rights Commission and a response to the 4<sup>th</sup> and 5<sup>th</sup> Canadian reports in relation to Canada's record regarding the provisions of the UN Convention Against Torture. Preparation for such United Nations work is also resulting in the enhancement and further development of international partnerships with women's and justice groups internationally.

### **Looking Ahead**

As we commence this new fiscal year, CAEFS is extremely excited about the prospects and opportunities ahead. Our Human Rights in Action partnership with the Native Women's Association of Canada, Strength in Sisterhood and Womyn 4 Justice holds great promise for a wonderfully innovative and interactive partnership with our the Regional Advocates, front-line prison workers, prisoners and coalition partners.

Our interventions in individual women's judicial reviews and several key appeals related to principles of justice and fairness before the courts, as well as inquests into deaths in custody

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<sup>2</sup> For copies of CAEFS' speeches, submissions, position papers or additional information, please visit the CAEFS' web site at [www.elizabethfry.ca](http://www.elizabethfry.ca), call us at 1-800-637-4606 or 613-238-2422, or fax us at 613- 232-7130.

provide additional opportunities to further the interests of marginalized, criminalized, and imprisoned women and girls.

The burgeoning nature of our international work and reputation can only further enhance the ability of our entire organization to fulfill our mandate and achieve our aims.

Thank you to all of the membership who work diligently in communities across our country to ensure that the association continues to meet the needs of the women and girls with, and on behalf of whom, we exist. Your contributions are many and too often you do not receive the appreciation deserved as you continue in sisterhood and solidarity to struggle for just and fair treatment for all.