

President's Report
CAEFS AGM
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First, I want to thank the planners of this Conference. Thank you to the Manitoba Elizabeth Fry Society!

I also want to thank all of you – volunteers on Boards across the country and those of you who work in the prisons and more directly with criminalized women.

Thank you also to Kim Pate our Executive Director for all her hard work. She is an invaluable source of information to me and I know she is for many of you as well. Thanks to Leah for the work she has done in bringing us all together this weekend as well as the support she provides us all in the CAEFS office.

This has been an especially trying couple of weeks for many of you in your societies. And thank you all for the manner in which you have dealt with these inquiries.

When I accepted the position of President of CAEFS at the 2002 AGM in Calgary I did so for a number of reasons. First I am committed to the work of Elizabeth Fry. I did not come to this volunteer work from any personal experience but became involved when a colleague of mine asked me to become a Board member. I have been a Board member longer than I went to Sunday school! As a lifelong minister's daughter that's quite a record to break. The longer I have been here the more meaningful the work has become. I was also interested in working with Kim Pate our executive director. Her passion, knowledge and ways of thinking have been inspiring and mind

expanding. At the time I joined the Board of Elizabeth Fry Saskatchewan I was working with the Saskatchewan Human Rights Commission and my work in the area of human rights continues in the work I do today. I wanted to work more closely within our human rights commitments and tie them more closely in the work we do through CAEFS. Finally, I was focused on the tensions that existed at the time and vowed to do whatever I could to resolve them.

Yesterday Deb Parkes talked to us about using the human rights process as one means of bringing about change. I want to continue in that theme. I want to talk about the rights of prisoners. And to advocate for all of us to use various means – legal means – to protect and promote the rights of criminalized women. I want to urge all of us to be more proactive. Use the law. In particular, use human rights laws as well as the government’s own *Correctional and Conditional Release Act*.

As we all know, CAEFS along with NWAC, NAWL, LEAF, Amnesty International and other equality seeking groups asked the Canadian Human Rights Commission to undertake a systemic review of the situation facing federally sentenced women.

Chapter 3 of the Canadian Human Rights Commission’s final Report, *Protecting Their Rights*¹ begins:

A prison sentence deprives an inmate of her . . . right to liberty, but it should not deprive an inmate of other rights, infringements of other rights, including human rights, can be justified only if they are necessary to give effect to the sentence. This principle is reflected in section 4(e) of the *Corrections and Conditional Release Act*, which states: “offenders (sic) retain the rights and

¹ Canadian Human Rights Commission (2003) *Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*. Ottawa: C.H.R.C. Available at www.chrc-ccdp.ca

privileges of all member of society, except those rights and privileges that are necessarily removed or restricted as a consequence of the sentence.”²

I want us all to remember this: but above all I want us to ensure the women in federal and provincial prisons understand this as well.

Louise Arbour was also very clear on this point. She said “When a right has been granted by law, it is no less important that such right be respected because the person entitled to it is a prisoner”.³

In 2001 we, along with other equality seeking groups, launched a complaint with the Canadian Human Rights Commission under the *Canadian Human Rights Act* alleging that certain practices and procedures employed by Corrections Services Canada violated the rights of women prisoners and particularly Aboriginal women and women with disabilities. The complaint was subsequently changed from focusing on the individual complaint process to a systemic review of Corrections Services Canada. As we all know, the final Report was issued in 2004.

As a result of the review we have a document that shines a light on institutional discrimination. It calls for an understanding of the impact of intersectionality – that is the unique manner in which women experience discrimination due to the confluence of many factors – their sex, their ancestry, their mental health, their economic status.

There are other human rights tools at our disposal to use for purposes of advocacy and the assurance of prisoner’s rights. In 2004 prisoner used the *Canadian Charter of Rights and Freedoms* to win back their right vote.⁴ CAEFS was one of the

² *Ibid.*, at 15 citing *Corrections and Conditional Release Act* (1992, c. 20).

³ Louise Arbour, *Commission of Inquiry into Certain Events at the Prison for Women in Kingston*, Ottawa, Public Works and Government Services Canada, 1996 at xi. Available at <http://www.sgc.gc.ca/> and cited in CHRC, *supra*, note 1 at 13.

⁴ *Sauve v. Canada (Chief Electoral Officer)* [2002] 3 S.C.R. 519.

interveners in this case. The Supreme Court reiterated the fact that prisoners are individuals with rights - and these rights cannot be taken away as a further means of punishment. The Court said “[t]he record does not disclose precisely why Parliament felt that more punishment was required for this particular class of prisoner [federally sentenced prisoners], or what additional objective Parliament hoped to achieve by this punishment that were not accomplished by the sentences already imposed.”⁵ In other words, since the government could not explain why being a prisoner justified the government or its agent adding other restrictions, at will, to a sentence the restrictions on their right to vote was unconstitutional. Just because someone is in prison does not mean they can be treated with any less respect for their dignity which is as important to prisoners as it is to any other human.

Each province and territory has its own human rights law. The Manitoba E. Fry Society has used the *Manitoba Human Rights Act* to challenge the very existence of the rodent infested women’s jail in Portage. Deb again made this point yesterday and provided us all with some very useful resources.

Another source of support in the area of human rights challenges is international human rights law. While they are not enforceable, they are looked to more and more by our courts in their interpretation of local human rights documents.

It is the 50th anniversary of the *Standard Minimum Rules for the Treatment of Prisoners* but the standards are as relevant today as they were in 1955.

For example: Article 20 calls for the provision of nutritional food . . . of wholesome quality. . . ; Article 21 states “every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits”; Article 25(2) states: The medical officer shall

⁵ Sauve, supra, note ? at 25.

report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by a condition of imprisonment"; Article 31 prohibits "corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishment . . ."

Many of the *Standards* support the rights of prisoners as stated in the *Corrections and Conditional Release Act (CCRA)*, the regulations and the Commissioner's Directive. For example, Articles 35-36 confirm that all prisoners are to be informed of the means to make complaints and "other matters as are necessary to enable him (sic) to understand . . . his (sic) rights . . ." and "every prisoner shall be allowed to make a request or complaint, without censorship as to substance . . .to the . . . proper authorities . . ." (36(3)) and ". . . every request or complaint shall be promptly deal with and replied to without undue delay." (36(4)).

If you are not familiar with this document I urge you to review it. In addition become familiar with the Convention on the Elimination of all Forms of Torture – another international human rights document – one that was referred to yesterday by Kim.

Chris Jochnick states that the language of human rights can turn an "inevitable problems" into "right" with legal recourse.⁶ The ideology has been described as "a philosophy that draws on the best from democracy and socialism to proclaim an ideology of hope."⁷ It is "a viable political framework and tool for analysis."⁸

The gathering of information on violations of the rights of the women we work with, either with the women affected or as a third party advocate, is extremely important for a number of

⁶ Chris Jochnick (1999) "Confronting the Impunity of Non-State Actors: New fields for the Promotion of Human Rights." (1999) 21 *Human Rights Quarterly* 56 at 60.

⁷ Shulamith Koenig, "The Birth of a Political Ideology for the Twenty First Century" paper presented at the European Human Rights Education Conference, 1997, at 6.

⁸ *Ibid.*, at 4

reasons. First, it is a means of documenting the wrongs suffered by each woman and it is important evidence should her requests for leaves, for example, be denied later on. It is important for the other women who may face similar situations so that it can be shown that there is a “pattern” to the inequality. Also, it is important in CAEFS work in attempting to bring these inequalities and the resultant distress they cause to the attention of the international community.

I want to end this talk by quoting from the Quebec E Fry report:

I believe that we must allow ourselves to be guided by our heart and our good sense. We are women with values and we believe in our societal commitment. There are moments in a life and in a career that we are confronted with difficult choices. This is where we are at present. I wish for you to have the courage to remain at the height of our mission.

The realization of our mission must remain at the heart of our priorities despite the conservative social current. We must remember that we are here because we chose to help the most diminished; that we do the work we do because we believe in social justice; that our work must be done with professionalism and compassion because we believe in social reintegration of people who have lived incarceration.