



Canadian Association of Elizabeth Fry Societies™  
Association canadienne des sociétés Elizabeth Fry  
701-151 Slater Street, Ottawa, Ontario K1P5H3  
Telephone : (613) 238-2422  
Facsimile : (613) 232-7130  
e-mail : caefs@web.ca  
Home Page : www.elizabethfry.ca

## *Canadian Association of Elizabeth Fry Societies*

*Annual General Meeting – Kelowna, B.C. - May 27, 2006*

### **Executive Director's Report**

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

Returning to Kelowna for our Annual General Meeting reminds us that it was here that we took the important decision to refocus our policy and law reform energies on preventing women from going to prison and working to decarcerate those whose imprisonment we could not prevent. That decision 13 years ago to no longer support the burgeoning prison industry was one of the most hopeful decisions an organization like ours could take. At a time when we are experiencing the retreat of the social, health and educational supports of the state and the increased incursion of the state in the form of regressive criminal justice and prison reforms, there is much to discourage us. We see too many others shrinking from grasping the nettle, at precisely the time that individual and systemic advocacy are most needed.

We are most fortunate, however, to have an organization of many committed women who are to be commended for the diligence and tenacity with which we continue to work to address and alleviate the many issues related to the burgeoning prison population, particularly in relation to the exponentially criminalized groups of Aboriginal and other racialized women and women with disabling mental health issues. At the local level, our 25 members have breathed life into our mission by developing increasingly innovative and responsive services and programs for marginalized, victimized, criminalized and imprisoned women and girls.

Coalitions have been forged and bonds strengthened between our members and those of affiliated organizations working to increase access to equality and justice via strategies aimed at ending oppressive and discriminatory practices and policies, especially those that marginalize and discriminate on the basis of sex, class, race, culture, ability, sexual orientation and geographic location. The exciting prospects of the Human Rights in Action project, combined with the creation of some innovative community release and support services will also increase

our ability to ensure that women in each of the federal prisons for women have increased access to advocacy aimed at furthering their movement through and out of prison.

Today's challenges inspire us to continue our struggles against injustice and strive for substantive equality in increasingly creative and far-reaching ways. The work of our organization 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. CAEFS has earned a position of leadership nationally and internationally amongst women's, equality and justice groups.

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. Human Rights in Action**

Immediately following last year's AGM, we had a meeting to further develop our partnerships and working relationships with NWAC and SIS/W4J for this project. During the meeting, the members of the Steering Committee developed the following '**Human Rights in Action Vision Statement**':

This project is about strengthening women and creating self reliance to survive the CSC experience. We want to increase the abilities of individual women in prison and the organizations involved to work within the spirit of resistance to achieve realistic goals to name and rectify injustices and create a legacy of permanent change.

The three groups also agreed to the following principles of operation:

1. The project is penal abolitionist in nature (i.e. keeping women in community and/or working on decarceration strategies to return women in/from prison to the community, linkages to other social change initiatives).
2. All work will be aimed at achieving substantive equality of/for women in and from prison (i.e. addressing inter-sectional, multi-dimensional oppression of women, Aboriginal women).
3. The initiative will be inclusiveness. The members of the Steering Committee will search out individuals if we find we have a gap and need someone else to assist us. For example, the group has already agreed that there should be at least one Elder on the committee to help guide our work.
4. The initiative must be independent of CSC.

The Steering Committee consists of ten (10) members. Of these, one will be an Elder for the Steering Committee and three (3) representatives from each organization (SIS/W4J, CAEFS, and NWAC) will make the total membership of 10.

In addition to developing peer advocates and advocacy support teams in the prisons for women, via the HRIA we are also working on specific decarceration strategies for 4 individual Aboriginal women who also have mental health issues and are serving life or long sentences.

During January, February and March 2006, orientation sessions were conducted at the eight federal prisons where women are currently imprisoned. The turn out of the women at all of the prisons was very good, ranging from 60-90+% participation rates. We also appreciated all of the support, assistance, and involvement of the regional advocates and prison workers from our membership. The results of the sessions are attached. Some of the HRIA Steering Committee members are working on an introductory memorandum to include and send in to all of the women in the prisons in order to permit any additional feedback desired.

The women in all five of the regional prisons and the Okimaw Ohci Healing Lodge indicated a keen interest in having peer advocates. There was also consensus that they would like to have a broad based training program for all women to educate them about their rights, relevant policies and how to advocate on their own behalves. As such, it looks as though the next stage of the HRIA training for peer advocates will be a two part process: 1) 1-2 days of general training for all who wish to participate; and 2) 3-4 days of training for the peer advocates.

The women at the Isabel McNeill Minimum Security House (IMH) as well as those in the segregated Churchill Unit in the Regional Psychiatric Centre (for men) (RPC) indicated that they did not wish to have peer advocates. The women who attended the orientation session at RPC advised that they would like our 'outside' group(s) (CAEFS/SIS/NWAC) to monitor women who go there for 'treatment'. The women don't tend to stay there long enough to do the training and peer advocacy. The women at IMH want SIS/W4J to do the advocacy. They want the broader advocacy of CAEFS, NWAC and SIS to focus on assisting women to get to the house and on keeping the house open.

The key issue raised by the participants in the other six prisons and which we (CAEFS/NWAC and SIS) will need to address before we proceed relates to who should be the Peer Advocates. As the attached document reveals, there were many good recommendations about who should do the advocacy and the sorts of training women would like to receive. Across the prisons, most agreed that the role of the peer advocate(s) should be:

- To participate in training to familiarize self with relevant law, policy and procedures;
- To assist women in prison to identify their rights, entitlements, application eligibility dates, et cetera;
- To assist women to advocate for and access services and supports to facilitate successful return to the community;
- To assist with resolution and/or grievance of issues;

- To call upon and seek the collaboration of local advocacy team members and CAEFS, NWAC, SIS, Correctional Investigator and/or lawyers to address breaches of the law, systemic issues, et cetera;
- To monitor and document ongoing issues, especially unresolved concerns and/or repeat problems;
- To advocate creative responses to uphold/promote the rights, address the needs, and remedy the concerns of women in and from prison;
- To seek, incorporate and continue training of peer advocates and peer advocacy process.

In addition, although the responses varied somewhat between prisons, most women felt that the peer advocates should be either part or full time positions within the prison (i.e. institutional work placement(s)) but not report to the prison administration. Rather, the clear direction from all prisons was that the advocates should have an externally-located support team to whom they would account. The team would be independent of CSC but collaborate with CAEFS' Regional Advocates. We would also like to see NWAC's justice workers and SIS members involved in each region.

We are currently working on the development of the training materials for the project. We are also discussing the need to develop a protocol or memorandum of understanding with CSC to address how issues such as disclosure of self-injury, illegal activity, et cetera would be addressed. We look forward to the next stages of this important project.

## **2. Fifteen Year Reviews**

This past year we were involved in two successful judicial reviews pursuant to section 745 of the *Criminal Code of Canada*. The first review this year was heard in September 2005 and the second was heard in November and into December 2005.

The first, an Aboriginal woman in the Prairies, was deemed eligible for full parole on her 44<sup>th</sup> birthday. She has now served 16.5 years and is commencing her conditional release with escorted and unescorted temporary absences. The second woman, who is in Ontario, was granted eligibility for full parole as of her 20<sup>th</sup> anniversary, and has also commenced her conditional release with escorted temporary absences. Both reviews posed some unique challenges related to issues of victim involvement and other case-specific challenges.

The legal teams who worked on the cases reinforced the importance of our involvement with respect to the overall understanding of the process and the likelihood of increasing positive outcomes due to our accumulated expertise from being involved in the seven reviews for women.

We commenced discussions with the next three women who will be eligible for their judicial reviews. The next one to be heard is a woman in Quebec. We also continue to remind the one

woman who has thus far refused to apply for a review of her 25 year parole ineligibility that we would also support her application.

### 3. Case Interventions

#### a) Staying Charges

Although CAEFS and NWAC were not granted intervener status for the trial, our involvement in collaboration with the Native Women's Association of Canada has resulted in a new police investigation, so we are still aiming for a withdrawal of charges or at least the staying of proceedings against this Aboriginal woman in Manitoba. Once this is done, we will focus on the development of a discussion paper on the topic, with a view to disseminating the information in order to permit early interventions in other cases.

#### b) Habeas Corpus

On December 23<sup>rd</sup>, 2005, the Supreme Court of Canada released its decision in the case of *May et al.* This is the case we intervened in with the John Howard Society of Canada involving prisoners who challenged lower court decisions denying them access to the remedial avenue of *habeas corpus*. The Supreme Court held that prisoners must have access to *habeas corpus*, and that such access is important because “[t]imely judicial oversight ...is ...necessary to safeguard the human rights and civil liberties of [prisoners], and to ensure that the rule of law applies within penitentiary walls.” We appreciated the overview and analysis that Debra Parkes circulated in relation to the decision.

#### c) Racial Discrimination

Along with the African Canadian Legal Clinic, Aboriginal Legal Services, South Asian Legal Clinic, CAEFS continues as a member of the McKinnon Anti-Racism Advisory Committee established to develop recommendations aimed at attempting to remedy human rights violations on the basis of racism within the provincial correctional system. This Committee, an autonomous group representing diverse Aboriginal and racialized communities and organizations, was established 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.

#### d) Application by CSC of their ‘Management Protocol’

The management protocol is currently being applied to four women, two of whom are the same young Aboriginal women we discussed last year. Both have now spent the majority of their prison terms isolated in segregation. In addition, two more women were placed on the ‘protocol’ this past year. One of these young women is also Aboriginal. We continue to document the disastrous results of isolating these women and are working with counsel and an Aboriginal psychiatrist to examine options for challenging the entire regime. In addition, we ensured that

details regarding the application of the protocol were included in our submissions to the United Nations Human Rights Committee.

#### **4. Inquests**

At the request of the Elizabeth Fry Society of Saskatoon, I will assist them with their intervention and testify at the inquest into the death of a woman in custody there. In addition, we are working on a resource manual to assist the membership in intervening in such matters in the future.

#### **5. United Nations**

##### a) Consultative Status

CAEFS has been recommended for Special Consultative Status at the United Nations. This status will be confirmed by the United Nations Economic and Social Council by July 21, 2006. As a non-governmental organization (NGO) with consultative status, we will enjoy the right to be present, accredited and heard when we file shadow reports to those of the Canadian government, as well at international conferences convened by the United Nations. We will also be welcome at meetings of the preparatory bodies and meetings for international conferences convened by the United Nations.

##### b) International Covenant on Civil and Political Rights

CAEFS submitted a shadow report to the United Nations Human Rights Committee and presented directly to the members of the Committee in October 2005 in relation to their review of Canada's 5<sup>th</sup> report vis-à-vis our record on implementing the provisions of the International Covenant on Civil and Political Rights. A copy was previously circulated electronically and is also posted on the CAEFS web site, along with the UN Human Rights Committee's concluding observations. The links to these are <http://www.elizabethfry.ca/un/canrep5.pdf> and [http://www.ohchr.org/english/bodies/hrc/docs/CCPR\\_C\\_CAN\\_CO\\_5.doc](http://www.ohchr.org/english/bodies/hrc/docs/CCPR_C_CAN_CO_5.doc) respectively.

CAEFS also contributed to the development of the shadow report of the Feminist Alliance for International Action (FAFIA) and we have been invited to meet with the members of the Human Rights Committee in Geneva in October.

##### c) Convention Against Torture

CAEFS submitted a shadow report to the United Nations Human Rights Committee in relation to their review of Canada's 4<sup>th</sup> and 5<sup>th</sup> reports regarding the Canadian record concerning the UN Convention Against Torture. A copy of this submission was also previously circulated and is available on line at <http://www.elizabethfry.ca/un/torture.pdf>.

CAEFS also worked with Amnesty International and other national and international non-governmental organizations to advocate the ratification of the Optional Protocol in relation to the UN Convention Against Torture. In December 2002 the United Nations adopted the OPCAT, a new international instrument that stands to make an important contribution to preventing torture and ill-treatment worldwide. It lays out a framework for regular national and international level inspections of detention centres – from federal and provincial prisons, police lock-ups, forensic and immigration detention centres -- with an eye to identifying and remedying the conditions that encourage and allow torture and ill treatment to take place.

d) Commission on Crime Prevention and Criminal Justice

As a result of being invited by the Canadian Government to join the government delegation to the 11<sup>th</sup> UN Congress on Crime Prevention and Criminal Justice in Bangkok, Thailand, from April 18-25, 2005, CAEFS filed an individual expert report entitled, *Developing International Norms and Standards to Meet the Needs of Criminalized and Imprisoned Women*. The report is available on line at <http://www.elizabethfry.ca/pubs/agenda7.pdf>.

In this report, we encourage the UN Congress on Crime Prevention and Criminal Justice to take note and further study the myriad issues related to the burgeoning population of women prisoners in Canada and world wide. We also encouraged them to consider these issues in light of its review of the relevant international standards and norms, including a proposed Charter of Prisoners' Rights. We also urge them to encourage member countries to address the growing issues arising as a result of the increased marginalization, victimization, criminalization, and imprisonment of women and report regularly with separate data on women and girls in their criminal justice systems.

During the Congress, we also made two presentations at the Ancillary NGO Forum regarding our human rights work in Canada and international progress.

## **6. Criminal Justice Reforms on the Horizon**

The coming year will see us developing submissions with respect to the new legislative reforms proposed regarding conditional and mandatory minimum sentences. We have conducted in excess of 20 media interviews since the bills were tabled in early May 2006.

The regressive criminal justice platforms of three of the four major political parties during the election were extremely discouraging. Updated materials for the membership to utilize in questioning candidates running for election were circulated to the membership. In addition, we provided updated fact sheets for the membership to utilize during National Elizabeth Fry Week in May 2006. Both resources are available on our web site via the following links:

<http://www.elizabethfry.ca/election/question.html> and  
<http://www.elizabethfry.ca/eweek06/factsht.htm>

In addition, National Elizabeth Fry Week was announced in the House of Commons, and we helped to organize and participated in a reception for senior bureaucrats and politicians on Parliament Hill on May 8<sup>th</sup>, 2006. We also circulated the fact sheets and related information developed to our affiliated justice, anti-discrimination and other groups, as well as all Members of Parliament and Senators.

We have received many requests for information from politicians, bureaucrats, media, and members of the general public. In addition, in the nine months since we added a counter to our web site, it has been visited more than 33,000 times. Also, the CAEFS web site was picked as one of three favourites by *Herizons* Magazine this year.

## **7. 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 currently average 15-20 media calls per month and receive approximately 125-150 electronic, telephone or facsimile requests for information per month from politicians, bureaucrats, other professionals, students and members of the general public.

Over the months surrounding the July 2005 release of a particularly high profile woman from prison, we received more than 200 media and approximately 90 messages and calls from members of the general public. We maintained a principled stance and adhered to our mandate. Interestingly, this led to the receipt of a number of cash donations from members of the community, as well as appreciations for our willingness to withstand the forces from government to take an alternative course of action.

We have also made the following submissions and presentations since the last Annual General Meeting of CAEFS:

### **May 19-21, 2006 – Brisbane Social Forum, Australia**

- Address regarding the Canadian experience of 20 years of constitutionally-enshrined equality provisions

### **May 17-19, 2006 – Lock ‘Them’ Up? Disability and Mental Illness Aren’t Crimes Conference – Brisbane, Australia**

- Keynote Address and Workshops on Mental Health Issues for Women in Prison and the women-blaming nature of fetal alcohol-related neurological ‘disorders’

### **May 15, 2006 – The Crime of Punishment Forum – Supreme Court, Queensland, Australia**

- Forum on the risks to the removal of judicial review for prisoners
- Sponsored by the Queensland Law Society, Centre for Public, International and Comparative Law and a coalition of criminal justice groups and law firms

### **March 30, 2006 – Law Hour Presentation – Dalhousie Law School, Halifax, N.S.**

- Address regarding the rhetoric vs. reality of policy and law reform initiatives for women's equality, with a particular focus on the experiences of women prisoners

**March 23, 2006 – Youth Restorative Action Project – Ottawa, Ontario**

- Presentation to criminal defence bar regarding dispositional options available for accused and convicted youth

**March 8, 2006 – International Women's Day Presentation – Moncton, New Brunswick**

- Keynote address sponsored by the United Way regarding International Women's Day and the implications of the increased criminalization of women, especially those with mental health issues and racialized women

**February 14, 2006 – Human Rights of Women in Prison – Perth, Australia**

- Panel discussion hosted by Curtin University Centre for Aboriginal Studies, Centre for Human Rights Education and Office of Ethics, Equity and Social Justice

**February 10-12, 2006 – International Conference on Penal Abolition – Hobart, Australia**

- Keynote address and workshops

**February 7-10, 2006 – Australia New Zealand Society of Criminology – Hobart, Australia**

- Keynote address and workshop regarding CAEFS' work in Canada and internationally, with a particular focus on CAEFS/NWAC/SIS Human Rights in Action Project

**September 14, 2005 – Penal Reform International – Washington D.C.**

- Presentation to Washington Bureau staff regarding the CAEFS/NWAC/SIS/W4J Human Rights in action partnership and project.

**September 11-14, 2005 – *Discrimination Against Women with Disabilities*-Ottawa, Ontario**

- Presented at the 2005 International Conference on Special Needs Offenders (sic) '*Beyond the Next Horizon — Partnership in Action*'

**August 10, 2005 – 30<sup>th</sup> Prison Justice Day and 20<sup>th</sup> Anniversary of Prison Legal Services – Brisbane, Australia**

**August 4, 2005 – Presentation to the Australian Senate Select Committee on Mental Health—Brisbane, Australia**

- Testimony to their national hearings throughout each of the Australian states – Parliament House

**August 1-11, 2005 - Presentations to the Equal Opportunities Commission – Queensland, Australia**

- Presentation to the newly appointed Inspector General of Prisons, academics, criminal justice and Indigenous groups regarding human rights violations of women and youth.

**July 29-31, 2005 – Presentations at the Brisbane Social Forum – Brisbane, Australia**

**July 25-29, 2005 – Presentations to the National Human Rights and Equal Opportunity Commission (HREOC)—New South Wales, Australia**

- Meetings with academics and groups working on the documentation of human rights violations.

**July 20-22, 2005 - *Prison Industrial Complex: Advocacy, Activism and Social Change*-Melbourne, Australia**

- Presented at the Sisters Inside Conference – *Is Prison Obsolete?*

**June 19-22, 2005 - *Prisons: The International Response to Poverty, Abuse & Mental Illness*—Prato, Italy**

- Presented at the Monash University Conference – *What Works for Women Offenders* (sic)

We have also participated in the development of the following publications:

**Journal Articles**

- Parkes, D. and K. Pate “Time for Accountability: Effective Oversight of Women’s Prisons” (2006) 48 *Canadian Journal of Criminology* 251-285.
- Pate, K., “Elizabeth Fry Advocacy, Activism and Social Change” *Canadian Dimension* (2006).

**Chapters in Books**

- Pate, K., "Looking in the Mirror: Women, Lawyers, and Prisoners" in Elizabeth Sheehy and Sheila McIntyre, eds., *Calling for Change: Women, Law and the Legal Profession* (Ottawa: University of Ottawa Press, 2006) 393-403.
- Horii, G., D. Parkes and K. Pate, “Are Women’s Rights Worth the Paper They’re Written On? Collaborating to Enforce the Human Rights of Criminalized Women” in Gillian Balfour and Elizabeth Comack, eds., *Criminalizing Women: Gender and (In)justice in Neo-Liberal Times* (Halifax: Fernwood, 2006).
- Neve, Lisa and K. Pate, “Challenging the Criminalization of Women Who Resist” in Julia Sudbury, ed., *Global Lockdown: Race, Gender, and the Prison Industrial Complex* (New York: Routledge Press, 2005) 19-34.

**Looking Ahead**

As we commence this new fiscal year, we remain optimistic and hopeful 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 cases and several key appeals related to principles of justice and fairness before the courts, as well as inquests into deaths in custody 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.