



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 – Montreal - May 26, 2007*

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

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

As we end another year, we have many reasons to pause and celebrate the manner in which we have triumphed in the face of mounting fiscal, political and social hurdles. The challenges of the current environment inspire us to continue our struggles against injustice and to strive for substantive equality in increasingly creative and far-reaching ways. The work of our organization continues to inspire others to challenge the status quo and has resulted in the recognition of our leadership, nationally and internationally, by 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. We are at an exciting, albeit somewhat daunting juncture as an organization. Without a doubt, we will continue to learn and grow from our collective efforts and I am looking forward to the strength of the network that we will see evolve as a result.

#### **1. Federally Sentenced Women**

##### **a. Community Release**

July 17-19, 2006, I attended the meeting organized by Shawn Bayes and Trish Crawford, and hosted by Joan Winchell, regarding the community-based residential facilities for women. We look forward to further developments as a result of such collaboration by our members. Further to the July meeting, Shawn Bayes and Trish Crawford met with the acting Deputy Commissioner for Women (a/DCW). They then drafted a letter to the a/DCW, requesting that the Correctional Service Canada provide resources to allow us to host a broader gathering of those who currently run, as well as those who plan to explore the possibility of running community-based residential

facilities for women. We look forward to further developments as a result of such collaboration by our members.

The directive from the Commissioner of Corrections to cut discretionary spending appears to be having a very direct and profound impact on the already limited number of escorted temporary absences (ETAs) for women. Given the vital importance of ETAs as part of the process whereby women, commence their community integration process, this budgetary decision poses especially challenging hurdles for those serving life and long sentences. Although CSC advises that volunteer citizen escorts will be recruited and trained to assist this process, the reality is that there are relatively few who might assist in this manner. Life Line In-Reach workers have been able to provide some assistance in parts of the country, and because I have been a CSC citizen escort for more than 20 years, I took a few days off and escorted two different lifers on family contact and reintegration ETAs. This is one of a number of issues I suggest that we (Regional Advocate and CAEFS) monitor and challenge when we hear that women's passes are not being facilitated.

As directed by the Board in October 2006, CAEFS submitted a proposal to the CSC regarding their proposed program for lifers. The contract was awarded to the group that currently develops curricula for the CSC in the Pacific Region. We are advised that the company had obtained confirmation from a number of our membership that they would assist if the company was successful in their bid. We had hoped to involve LifeLine workers in the initiative, but this group does not appear to have the same plans. We have requested details as to the reasons the contract was awarded and a review of the process, but no satisfactory response has been received to date.

b. Prison Visits

1. Fraser Valley Institution (FVI)

On August 23, 2006, Mollie Both (CAEFS' Regional Advocate in the Pacific Region) and I visited the Fraser Valley Institution (FVI). We met with the Prisoner Committee members and attended their meeting with the Warden and management team, the women in segregation, the segregated maximum security unit, as well as the Human Rights in Action group. Working with Mollie Both, Regional Advocate in the Pacific Region, other Elizabeth Fry members in the region and the Human Rights in Action group in the Fraser Valley Institution, we completed the second phase of the Human Rights in Action orientation and training session on October 27, 2006. The FVI group is very active there and will no doubt continue to develop accordingly.

Mollie and I also took the opportunity to visit with other women in the prison. In the process of the visit, we were advised of the fact that the entire maximum security unit had been strip searched the week prior as a result of allegations that a knife might be missing on the unit. The women did not realize that this was illegal and that they each might only be strip searched if there were reasonable grounds to believe that she, in particular, might have taken the allegedly missing knife. A missing knife on a unit does not provide reasonable grounds to strip search everyone. Some of the women expressed an interest in and filed a grievance, but most expressed fear of repercussions if they 'complained'. Although retaliatory treatment of a prisoner following the filing of a complaint or grievance contravenes the *Corrections and Conditional*

*Release Act*, women remain fearful of exercising their rights. This underscores the importance and value of having our Regional Advocates to follow up such matters, as well as the HRIA peer advocacy training and peer advocacy support teams to maintain a focus on what is and is not legitimate use of power in the prison setting.

## 2. Regional Psychiatric Centre (RPC)

While in Saskatoon for a Prairie Regional Meeting, we took the opportunity to also visit the women in the segregated unit in the Regional Psychiatric Centre. In addition to a meeting with all of the women, on a second occasion, I went to RPC with the two lawyers representing a woman there. Unfortunately, despite having pre-arranged the visit with the unit and prison administration, when we arrived at the institution, we were advised that we could not see the woman unless the institutional psychiatrist authorized us to see her. It appears that the staff on the day previous had not advised those on duty that we would be meeting with the woman and that she was heavily sedated shortly after our visit on the previous day. We have since received an apology, but suffice it to say that we are continuing to pursue this denial of the woman's right to counsel.

## 3. Edmonton Institution for Women (EIFW)

On December 6, 2006, Caroleen Wright, Regional Advocate in the Prairie Region, and I had an opportunity to meet with staff at EFS Calgary. I was escorting a woman serving a life sentence to Calgary from EIFW. Her ETA was designed to help introduce her to a number of community groups and to finalize her release plans, so we met with staff at Berkana House, EFS Calgary office downtown, a number of Aboriginal organizations, her Elder, an independent therapist and she completed her orientation and registration at the local community college.

On December 7, 2006, I was in Edmonton as a result of another meeting, so Caroleen, Jacqueline Biollo, the Executive Director of EFS Edmonton, Amanda Brunke, the Private Home Placement Coordinator, and I met with the women and administration at EIFW. The overcrowding issues remain one of the most significant concerns at EIFW and are now shared across the country. In addition, on any given day, anywhere from 50-70% of the women in the prison are Aboriginal. After a significant period of time where very few of the women were willing to grieve for fear of retaliatory treatment by the administration, a core group of women on the Prisoners' Committee have undertaken to support other in putting forth individual, but especially group grievances to raise concerns that have not been otherwise resolved.

We were also in EIFW in March and May of this year, as a result of a training session and the HRIA orientation sessions, both of which are discussed further below.

## 4. Isabel McNeill Minimum Security House (IMH)

Prior to a speaking engagement at Queen's University in November, our placement students and I visited with staff at EFS Kingston and Detweiller House, as well as women at the Isabel McNeill Minimum Security House. I also saw some of the women briefly on December 26<sup>th</sup>, 2006, when I escorted a woman to visit with her children and grandchild. Especially at that time of year, it certainly tugs at the heart to walk this path with women like this woman serving life.

In this situation, we have experienced her transition from the mother of pre-teens to a grandmother over the period of her time in prison.

In February 19, 2007, the Correctional Service of Canada announced their decision to close the only minimum security prison for federally sentenced women, the Isabel McNeill Minimum Security House (IMH) in Kingston. Immediately following the announcement, Anne Tilley (Ontario Regional Advocate) and I visited Grand Valley Institution (GVI) and observed first-hand the overcrowding and related tension in the prison. The capacity of GVI is listed by CSC as 103, although there were 133 women at GVI on February 24<sup>th</sup> when we were there. All of the dens in the units have been converted to double bedrooms, and the segregation unit and one of two Private Family Visiting were also being used as 'living units' in order to accommodate all of the women.

In support of the application of the women to keep IMH open, I have sworn an affidavit regarding the conditions of confinement and related issues for women who are classified as minimum security prisoners. The women have thus far been successful in their bid to remain at IMH. Members of Parliament and others continue to send letters in support of the women. Also, George Caron, a former warden at the Prison for Women in Kingston, has made himself heard on the issue, arguing in the media against the closure and transfer of women out of IMH.

The Ontario Court of Appeal overturned the lower court's decision and October 9th is the date set for the habeas corpus hearing to commence in the Superior Court of Justice in Kingston. The judge ruled that the women must not be moved until the legality of the proposed transfer is argued in court. The Crown confirmed that, pursuant to the Court of Appeal's decision, CSC would not be moving the women pending the hearing. The decision of the court is available at: <http://www.ontariocourts.on.ca/decisions/2007/april/2007ONCA0250.htm>

Since the commencement of these proceedings, we have also heard from other women who would like to transfer to IMH from across the country. We are collecting the information on these cases and thank the membership for their assistance in this regard.

#### 5. Grand Valley Institution (GVI)

On August 10, 2006, Prisoner Justice Day, Anne Tilley and I visited the Grand Valley Institution (GVI). We met with the Acting Warden, the women in the segregated maximum security unit, segregation, the structured living environment (SLE), the rest of the living units, and the woman who was temporarily in the private family visiting (PFV) unit with her 4 day old baby [to whom we also sent a gift on behalf of the network]. Anne and I also both spoke at a Prisoner Justice Day observance organized by the women at GVI.

We were saddened by the death on January 6<sup>th</sup> of one of the women at GVI. Although her death was deemed to be from natural causes, there is a suggestion that it was a condition that more comprehensive health care might have discovered and treated had it been diagnosed. The woman was past her full parole eligibility dates which also raises additional questions as to why she was still inside at the time she died.

## 6. Joliette

On December 16<sup>th</sup>, 2006, I visited the women imprisoned at Joliette with Ruth Gagnon, the Regional Advocate for Quebec, and Daniel Benson, the LifeLine In-Reach worker for women serving long/life sentences in Quebec. We were there for the seasonal social, but also took the opportunity to meet with a number of women and to visit the mental health unit to meet with women who did not attend the social.

## 7. Nova Institution

At the tail end of my mid-summer vacation (August 2006), I visited the women at Nova with Nicole Farmer, the prison worker for the Elizabeth Fry Society of Mainland Nova Scotia. On May 9, 2007, I also visited Nova, while en route to testify in the court case referred to below. The numbers at Nova of women have exploded again and they are now up to 68 and increasing.

### c. Application by CSC of their 'Management Protocol'

The management protocol is currently still being applied to five women, three of whom are the same young Aboriginal women we discussed last year. They have now spent the majority of their prison terms isolated in segregation. Along with the Native Women's Association of Canada, 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 will once again ensure that details regarding the application of the protocol are included in our submissions to the United Nations Human Rights Committee.

### d. Employment Strategy

We welcomed and congratulated the Correctional Service of Canada (CSC) on their efforts to improve the training and employment opportunities for women. Unfortunately, we do not see a great deal that is new in the draft strategy. In addition to a continued focus on work placements that remain predominantly of the cooking and cleaning variety, specific time frames and financial resource allocations are not evident. Moreover, it was disconcerting to note that on the very day that this strategy was issued, staff at the Grand Valley Institution confirmed that the promising computer initiative planned for that prison had, in fact, been cancelled before it had even commenced.

### e. UK Inspectorate

In response to the report of the United Kingdom (UK) Inspectorate [of prisons], CSC chose to focus on the issues they raised with respect to tensions and bullying in the prisons. Despite the spin placed on the information by CSC whereby they focus primarily upon the behaviour of the women – absent the context of the prison setting and role of staff, most of what the Inspectorate reported was not new. In fact, they reiterate a number of the key concerns made by previous investigations, commissions and audits. Unfortunately, they tend to gloss over or not address at all those issues that would require an understanding of the context, legislative framework and history of involvement of groups like ours, the Native Women's Association of Canada (NWAC) and the Office of the Correctional Investigator. In addition, their focus on some of the safety

issues raised by the women is not contextualized in terms of the significance of the impact and interplay of the prison environment, staff attitudes and practices and other situational factors, such as the timing of the visits.

The Inspectorate itself acknowledges that their work did not constitute a response to the Canadian Human Rights Commission (CHRC) recommendations. In addition, their findings echo the feedback received from the Arbour Commission, the Auditor General, the Public Accounts Committee, the CHRC, CAEFS, and the Correctional Investigator. They also acknowledge that they have no expertise to assess the situation of 1/3 of the federally sentenced women; namely, the Aboriginal women. Accordingly, these issues raises additional questions as to the rationale for CSC expending in excess of half a million dollars to engage their services.

f. Classification Tools

We continue to discuss the development of a new classification instrument with those contracted by CSC to develop it. Suffice it to say that there is growing recognition that the entire process is flawed and that the given the lack of risk to public safety posed by women, especially at the initial stage of intake, the manner in which CSC is focusing on the translation of the needs of the women into factors indicative of risk is increasingly recognized as fundamentally flawed. In addition to the documentation of individual cases via the Human Rights in Action and ongoing advocacy work, we are also working on a more comprehensive analysis of current security classification approaches and the impact of the maximum security and management protocol designations utilized by CSC.

g. Report of the Correctional Investigator

On November 21, 2006, I was invited to a follow-up meeting and debrief by the national Aboriginal groups who participated in the launch of this year's Annual Report of the Office of the Correctional Investigator. We are discussing ways in which the findings and recommendations of the Correctional Investigator might be furthered in the future.

h. Deputy Commissioner for Women

In March, we had the privilege of welcoming and congratulating Johanne Vallée upon the occasion of her appointment as the Deputy Commissioner for Women. Johanne has a long history of working as a much valued colleague in the community. She and I also sat on the National Crime Prevention Council together for three years. We look forward to forging a new and undoubtedly very productive working relationship with Johanne in her new capacity.

i. Human Rights in Action

In the Pacific Region, a sub-group of Strength in Sisterhood (SIS) and our Regional Advocate, Mollie Both, are coordinating monthly meetings of the Human Rights in Action (HRIA) group in FVI. National and regional representatives of SIS, NWAC and CAEFS participated in a training session at FVI in October 2006, at the Okimaw Ohci Healing Lodge (OOHL) on April 28 and 29, 2007, and at the Edmonton Institution for Women (EIFW) on May 1 and 2, 2007. Of the 28 women at the Lodge, 17 participated in the training sessions. Of the 138 women in Edmonton,

approximately 75-80 (76 registered, but some dropped in, bypassing the registration process) minimum and medium security prisoners participated. CSC) would not allow the 20 women in maximum security and segregation to attend, so we visited those women and provided a précis of the training program to them at the end of each of the two training days.

The HRIA training sessions in the Prairie Region consisted of ten modules related to human rights issues: including, the history of the human rights complaint and the resulting review and recommendations; an introduction to the Human Rights in Action project; an overview of the place and use of the law and the role of the government in developing policy; a session on the history and impact of colonization on all women – especially Aboriginal women and women in prison; discussion regarding the importance and value of peer support and mentoring; identification of the issues of importance to prisoners and the rights of prisoners; the assessment and classification process; the legal parameters regarding use of searches, transfers and segregation; complaints and grievances and other remedial options.

The women who participated in the training sessions are now providing us with feedback on the first draft of the training material. Caroleen Wright, the Regional Advocate in the Prairie Region, and the rest of the Executive Directors in the Prairies are also following up and there has already been a follow-up meeting of the potential peer advocacy support teams in the Prairie region.

We are in the process of incorporating the feedback of our networks, as well as the women in and from prison who participated in the last two training sessions. In addition, the three University of Ottawa law students who were part of the HRIA training team have been nominated for a human rights prize and they are exploring the option of creating a conviction review initiative specifically for women in addition to remaining committed to the development of the telephone information line. They are also being invited to publish the results of their academic and personal analyses of the HRIA initiative.

We look forward to continuing the HRIA sessions in the remaining regions over the coming year.

## **2. Remanded and Provincially Sentenced Women**

### **a. Alouette Correctional Centre for Women**

On August 22, 2006, Marni Ziegler, manager with the Elizabeth Fry Society of Greater Vancouver) and I visited the Alouette Correctional Centre for Women to meet with some of the women whose cases are of national concern. We also attended one of Dr. Ruth Martin's UBC (University of British Columbia) Division of Prison Health and Education monthly conferences in the prison.

### **b. Thunder Bay Jail**

Thanks to the invitation of the EFS of North Western Ontario, I attended and spoke at their Annual General Meeting on November 7, 2006. We also took the opportunity to meet with women inside while I was there. Visiting the Thunder Bay Jail with members of our newest

Elizabeth Fry society, provided a stark reminder of the disturbing rate and increase at which women are being imprisoned before they have actually been ‘criminalized’. The explosion in the number of women being remanded in custody is yet another issue with which our network is rightfully alarmed. At the Thunder Bay Jail, even after renovations made as a result of the recommendations of the inquest into the death of a woman, women were still crowded into a space that was far too small for them. The vast majority of the women in the dormitory were Aboriginal and indigent. Our colleagues in Australia have included women on remand in their human rights complaint; our membership may wish to do likewise as they proceed with local and provincial human rights complaints.

c. Central East Correctional Centre (CECC)

Thanks to the leadership of Gillian Balfour, EFS Peterborough has commenced the process for launching a provincial human rights complaint. As such, on December 12, 2006, I accompanied Lesley Hamilton, the Interim Executive Director, and Ruth Schaeffer, the EFS Peterborough Prison Worker, met with women and the administration at CECC to discuss the human rights complaint.

On the day we visited the jail, we were advised that approximately 70% of the women held there were remanded in custody. When we visited the men’s segregation unit where women are also isolated – although there were predictably none there the day we visited – in response to a query as to how the women signal their desire to speak to staff, one of the staff advised that they had to wait for the officers’ rounds, as all of the call buttons in the prison have been disconnected so that the staff are not bothered by prisoners “buzzing all the time.”

In addition, the crisis of inadequate mental health resources was underscored by the work Gillian was doing the same day we were in CECC. She was working on release options for a woman with significant mental health issues who was about to be released into the Peterborough community with no place to live and no supports. The woman had been raped by a man whom the provincial probation and parole services were supporting, but they refused to assist the woman who he raped and whom was subsequently imprisoned for hitting a mental health worker at some point after the rape. Because the incident with the mental health worker resulted in assault charges being laid against her the mental health services also refused to assist her. Thanks to the support of EFS Peterborough and Gillian’s advocacy, the woman may receive less brutalizing treatment when she is released.

The reasons why this society wishes to engage the Ombud’s office and the Ontario Human Rights Commission are clear. As requested by this member society, CAEFS will provide whatever support is requested to assist their efforts. Accordingly, as an initial step, on January 26, 2007, Gillian and I delivered an orientation session for the Board and volunteers of EFS Peterborough regarding the HRIA and application of our work at the national level to the local or provincial human rights complaints. Also, since a number of the volunteers plan to do Court Support work, we discussed the range, depth and breadth, of the court support programs offered by the CAEFS’ membership. Lesley may be in touch with some of the membership in the future in order to glean additional information to assist the manner in which they re-develop their court program.

d. Portage Jail

Debra Parkes and Margaret Marin, Executive Director of EFS Manitoba, continue to work on negotiations with corrections officials in Manitoba as they work toward the closure and replacement of the Portage Jail. Because I was in Winnipeg January 10-12, 2007, facilitating an advocacy skills training program with the EFS staff, I had the privilege of joining Margaret and Debra for one of their mediation meetings with Manitoba corrections. They are doing an incredible job of trying to ensure that more resources are moved into the community and that monies are not sucked into the sink hole of a big new replacement prison. The leadership of the EFS Manitoba Board, guided by the human rights expertise of Debra Parkes, is well complemented by the community knowledge and expertise of Margaret Marin, so we look forward to updates on the results of their human rights process in Manitoba for the overwhelming numbers of women – mostly Aboriginal – who are remanded in custody, as well as those who are subject to provincial sentences.

**3. Case Interventions**

a) Prison as a Risk Factor

On May 10, 2007, I testified on behalf of a woman whom we have known for approximately 15 years. Like so many of the women currently isolated in the segregated maximum security units, she served many more years inside than the relatively short penitentiary term to which she was initially sentenced. She was abused in custody as a child, and the treatment of her by the CSC when she was at the Prison for Women – chained to chairs and beds, among other human rights and Charter abuses – contributed to the assessment by Madam Justice Arbour of the need for independent and judicial oversight of CSC.

After being released at warrant expiry, this woman lived in the community for more than two years. Contrary to the predictions of CSC, she did not commit a serious violent offence upon her release. In fact, she had her own apartment, a community of support and a part-time job. So well was she feeling, that she attempted to abandon her medication. Unfortunately, this led to her experiencing some paranoid delusions that resulted in several suicidal situations and self-initiated police intervention. When, on one particular occasion, the psychiatric unit would not admit her, the police reluctantly charged her with possession of a weapon for a dangerous purpose.

On the basis of her record and CSC's previous assessment of her risk, the Crown argued that she should be given a federal term of imprisonment. We worked with those conducting the psychiatric and psychological assessment. In his assessment for the court, the psychiatrist identified prison as the most significant risk factor for this woman. Similarly, my testimony reinforced the reality that none of the incidents involving violence were committed outside of prison. Although she also breached her bail conditions twice, this woman was sentenced to a 6 month conditional sentence and 12 months probation.

b) 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.

c) Abused Women and Self Defence

We continue to work with the legal counsel of four women charged with murder as a result of their involvement in the deaths of abusive partners. One woman, a mail-order bride from South Asia is being tried in Ottawa. Two Aboriginal women are being tried in Winnipeg and the fourth woman, also of Aboriginal ancestry, is being tried in Prince George.

d) Inquest

In June of 2006, at the request of the Elizabeth Fry Society of Saskatchewan, we collaborated with them in relation to their intervention regarding the death of an Aboriginal woman in police custody in city cells in Saskatoon. I also testified at the inquest into her death. The family was very happy to have had the support and validation of the value and contribution of their mother/daughter/sister/auntie.

As a result of the interest of the membership, at this Annual General Meeting, we are distributing information regarding provincial procedure with respect to inquests, access to information and privacy, Ombud's office functions, human rights and mental health legislation.

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

On October 16, 2006, Lucie Joncas and I appeared before the Standing Committee on Justice and Human Rights to discuss Bill C-9, proposed changes to conditional sentences. On November 20, 2006, Debra Parkes and I appeared before the Standing Committee on Justice and Human Rights to discuss Bill C-10, the government's proposals for more mandatory minimum sentences. Many thanks to those of you who provided feedback regarding our briefs during the drafting stages.

In addition to the briefs previously circulated regarding changes to conditional sentences (Bill C-9) and proposed new mandatory minimum sentences (Bill C-10), we are also working on a brief on Bill C-27, which proposes, among other things, that there should be a reverse onus and presumptive 'dangerous offender' designation for some. We will likely circulate a draft of that brief within the next week or two. As we did with Bills C-9 and C-10, we also continue to work with NWAC, LEAF (Women's Legal Education and Action Fund), the African Canadian Legal Clinic, and other women's, Aboriginal, criminal and social justice groups when developing our

briefs. We have registered our interest in appearing before the Parliamentary Justice and Human Rights Committee on Bills C-27 if the government does not fall before the Committee reaches that stage of their current law reform agenda.

The new Minister of Justice, the Honourable Robert Nicholson, although previously worked in close partnership with the last Minister, has a more progressive history and reputation. For our membership, his most relevant experience and understanding of issues of concern to our membership dates back almost two decades. In 1988 he was also the Vice-Chair of the Standing Committee on Justice and Solicitor General (as it then was) when they issued the ground-breaking *Daubney Report*, which concluded that there was a critical need for remedial action vis-à-vis the treatment of women prisoners. Further, one of the significant recommendations of the Daubney Committee was that CSC conduct a review of women's corrections. This resulted in the creation of the Task Force on Federally Sentenced Women, whose report, *Creating Choices*, ultimately led to the closure of the Prison for Women (P4W) in Kingston and the opening of the new regional prisons and the Okimaw Ohci Healing Lodge. Accordingly, we are hopeful that he will be a little less zealous than his predecessor in the pursuit of more regressive law and order agenda

In addition to the passage of the changes to conditional sentences (Bill C-9) and mandatory minimum sentences (Bill C-10), the Minister of Justice has also suggested that such further law and policy reforms should be introduced and implemented:

- section 745 fifteen year reviews should be scrapped,
- changes to conditional release to make it more difficult for some to get out of prison,
- that there should be a reverse onus and presumptive 'dangerous offender' designation for some,
- that the age of criminal responsibility should be lowered to 10 years for youth.

We also appeared before the Parliamentary Justice and Human Rights Committee on Bill C-22, and we are working with other criminal and social justice groups to develop additional briefs as needed. We will seek to appear on any other proposed legislation that may emerge.

We look forward to hearing from our membership as to how the updated fact sheets and key messages were utilized in local and /or regional initiatives since the Annual General Meeting (AGM). We also plan to develop a new set of questions for all to utilize in the next election period.

## 5. United Nations

### a) Special Consultative Status

Special Consultative Status was conferred on CAEFS by the United Nations Economic and Social Council in July. As a non-governmental organization (NGO) with consultative status, we will now 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. This is timely in light of our current work to prepare a shadow report for the Human Rights Committee regarding the concluding observations they made about the need to ensure that the CHRC report recommendations were responded to by Canada, especially in relation to the situation of Aboriginal women who are federally sentenced.

Since ‘special consultative status’ was conferred on CAEFS by the United Nations Economic and Social Council in July 2006, we have received a number of invitations to attend United Nations meetings and hearings. At the request of the national Aboriginal groups and Amnesty International, we presented at a meeting with the UN Special Rapporteur on Racism when he was visiting Canada this autumn. We have also been invited to contribute to upcoming deliberations on the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW). Amnesty International and Native Women’s Association of Canada (NWAC) are interested in continuing to work with us on CERD and NWAC and FAFIA (Feminist Alliance for International Action) is also interested in collaborating on submissions to the UN regarding CEDAW.

#### b) Convention Against Torture

Last year, 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>.

On December 18, 2006, as a result of the adoption of the OPCAT by 29 countries, the United Nations established the new International Subcommittee for the Prevention of Torture. This Subcommittee will visit and monitor all places where persons are deprived to their liberty (including prisons, police stations, psychiatric institutions, juvenile and migrant centres) in the countries that have ratified the Protocol. It will work together with non-governmental organizations (NGOs) like ours, governmental representatives, representatives of civil society, as well as Louise Arbour’s Office of the High Commissioner for Human Rights towards the thorough implementation of this new instrument both at the national and international levels.

The International Subcommittee will start its visits and other prevention activities this year. The United Nations has adopted the OPCAT, and many other countries have 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 such conditions as the use and abuse of isolation or segregation, involuntary transfers, et cetera.

This year, CAEFS continued our work with Amnesty International, the Association for the Prevention of Torture (APT), and other national and international non-governmental organizations to advocate the ratification of the Optional Protocol in relation to the UN

Convention Against Torture. Prior to the election, Stephen Harper wrote to Amnesty, APT and CAEFS and indicated that his party was favourably inclined with respect to the adoption of the OPCAT, yet his Minister of Foreign Affairs advised us last September that the Government does not see a need for Canada to adopt the OPCAT. Despite the Government's demolition of the Law Commission and the Court Challenges Program, Minister MacKay asserted that the reason the Government did not see a need for Canada to continue in its plan to ratify and adopt the OPCAT was that we currently have sufficient oversight and monitoring mechanisms. These he listed as including the various police oversight and investigative bodies, the courts, ombuds offices and the Office of the Correctional Investigator, as well as provincial human rights bodies and the Canadian Human Rights Commission.

On December 13, 2006, CAEFS and Amnesty International were invited to participate in a press conference and round table with Members of Parliament. The purpose of this meeting on the Hill was to urge the Subcommittee on International Human Rights, and subsequently Parliament, to adopt and ratify Canada's adherence to the Optional Protocol to the United Nations Convention Against Torture. Many thanks to the CAEFS network for your work in encouraging your Members of Parliament to support this important step.

c) 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. CAEFS' Planning Activities**

In light of the new strategic plan and current work on the structural review, the Board may want to take this opportunity to look at the committee structure of CAEFS. Approximately seven years ago, the Board made the decision to consolidate the committees to the existing ones: Executive, Social Action, Regionalization, Diversity Concerns, and Membership, AGM & Bursary. In addition, the committees started to meet as committees of the whole at national Board meetings, as some people wished to work on more than one committee and the Board wished the Executive Director and the President to not only sit as ex officio members of all of

the committees, but also to attend all of the meetings of the committees. This structural review may provide and opportune time to re-examine the current approach.

In terms of our sustaining funding, although we do not anticipate any immediate cuts to the sustaining funding we receive from Public Safety and Emergency Preparedness Canada, we would be remiss if we did not start to plan for that eventuality. Accordingly, we have been examining options in terms of administrative approaches that might permit the national office to continue to exist and fulfill CAEFS mandate, without drifting away from the vital policy and law reform work.

We remain excited about the partnership with NWAC and SIS that is enabling us to further the empowerment of criminalized and imprisoned women via the HRIA. In addition, we look forward to the opportunities that the Justice Fellowship will provide in terms of the access to justice initiatives and the initiation of advocacy support initiative through law schools and *pro bono* networks, not to mention the opportunity to train current and prospective lawyers how to better represent women who are facing criminalization.

We also look forward to determining how best we may work to support regional planning as well and we are heartened by the increased interest in provincial human rights and other advocacy initiatives by our membership.

## **7. Public Education Events and Activities**

### **a. University and other Educational Institutions**

#### **i. Fellowship**

The Prison Law Manual is not fully completed yet, but we anticipate that it will be done within the next month or so. In addition to providing this resource for federally sentenced women, we are working on some sections for women in provincial and territorial jails. We will then complete the final training phase of the HRIA project by conducting workshops for EFS prison workers, as well as others in our network and partners, as well as the women in/from prison who wish to join advocacy teams in their areas. We are very excited about the next phase of this process.

This past university term, Dr. Elizabeth Sheehy and I co-taught a course we have developed entitled, *Women and the Legal Profession: Defending Battered Women Who Kill*. Many thanks to those of you who provided feedback regarding the syllabus and readings for the course. Students in the course had the opportunity to work on legal issues related to four cases where women have been charged with murder in relation to the deaths of their abusive partners. One is a south Asian woman who is here in Ottawa; two are Aboriginal women in Manitoba and the fourth woman, referred by EFS Prince George, is also a woman of Aboriginal ancestry.

Educators of judges and other law professors have also requested copies of our materials, so we are hopeful that we may actually succeed in starting to influence some of the lawyers who represent women in such circumstances.

## ii. Other Presentations

Some of the other presentations over the past year included:

- ▶ May 15, 2006 – The Crime of Punishment Forum – Supreme Court, Queensland, Australia
- ▶ May 17-19, 2006 – Lock ‘Them’ Up? Disability and Mental Illness Aren’t Crimes Conference – Brisbane, Australia
- ▶ May 19-21, 2006 – Brisbane Social Forum, Australia
- ▶ June 1, 2007 -- Criminalizing Women in Neo-liberal Times III - Making Change -- Congress of Humanities and Social Sciences – Osgoode Hall Law School, York University -- Toronto
- ▶ August 10, 2006 – Prisoner Justice Day
- ▶ August 24, 2007 – Consultation re: Preparation of Legal Resources for Battered Women on Trial – University of British Columbia (Law)
- ▶ October 2, 2006 – Access to Justice – Assembly of First Nations, the Native Women's Association of Canada, the Grand Council of the Crees, the Canadian Friends Service Committee and University of Ottawa -- Expert panelist at a forum with the UN Special Rapporteur on Indigenous Peoples – University of Ottawa
- ▶ October 3, 2006 – *Not Throwing Away the Key...* Public Forum – St. Paul’s University and the Canadian Church Council on Justice and Corrections
- ▶ October 4, 2006 – Shirley Greenberg Human Rights Lecture Series - 'Why Women are the Fastest Growing Prison Population in Canada and Internationally'? – University of Ottawa (Law)
- ▶ October 24, 2006 – Screening of *Life Inside Out* with Lisa Neve – Ryerson
- ▶ October 25, 2006 – Social Justice Forum – University of Ottawa (Law)
- ▶ October 26, 2006 – Human Rights in Prisons – Carleton University (Law)
- ▶ November 14, 2006 – Implications of Current Law & Order Agenda - Books to Prisoners (Ottawa Public Library)
- ▶ November 16, 2006 – Legal Framework Applicable to Prisons – University of Ottawa (Law)
- ▶ November 17, 2006 – Prison and Poverty – Queen’s University (Women’s Studies and Sociology)
- ▶ November 19, 2006 – Canada’s Record on Human Rights Protections for Women and Update on the HRIA Project – International Association of Women in Prison Network (Internet Teleconference)

- ▶ November 21, 2006 – From Victimization to Criminalization – Carleton University (Sociology/Law)
- ▶ November 28, 2006 – NGO Involvement in Justice Issues – Department of Justice – Bangladeshi Delegation – Ottawa
- ▶ November 29, 2006 – Bills C-10 & C-27 – Issues for the Justice System - PSEPC Policy Directorate – Ottawa
- ▶ November 29, 2006 – Why Women Are the Fastest Growing Prison Population – Historical Encounters – Ottawa (High School Students from Across Canada)
- ▶ November 29, 2006 – Transcarceration of Prisoners with Mental Health Labels – University of Ottawa (Criminology)
- ▶ December 13, 2006 – Optional Protocol on the Convention Against Torture – Panel Presentation by Alex Neve, Abdullah Amalki and Kim Pate to Members of Parliament – Centre Block - Ottawa
- ▶ December 15, 2006 – The Law and You – Ottawa – Glebe Collegiate Institute
- ▶ January 11, 2007 – Poverty Law - University of Manitoba (Law)
- ▶ January 18, 2007 – Human Rights and Women’s Prisons – Carleton University (Law)
- ▶ February 1, 2007 – Meeting with Delegation from Ethiopia re: the Role of NGOs in Policy and Law Reform
- ▶ February 3, 2007 – Mental Health Fundraiser and Meeting with new Chief of Police for Saskatoon, Saskatchewan
- ▶ February 5, 2007 – Why Women are the Fastest Growing Prison Population – University of Saskatchewan (Law)
- ▶ February 5, 2007 – Town Hall Forum: ‘If Prison is the Answer, Then What was the Question, and Who Answered It?’ – St. Thomas More College of the University of Saskatchewan
- ▶ February 11, 2007 – Prison Film Festival – Prison Justice Action Committee – University of Toronto
- ▶ February 12, 2007 – Criminality Versus Reality: Uncovering the Myths of C-10 and C-27 – University of Ottawa (Criminology)
- ▶ February 13, 2007 – International Women in Prison Network – Human Rights in Action

- ▶ March 7, 2007 – Prison Community and the Deprivation of Liberty - University of Ottawa (Criminology)
- ▶ March 9, 2007 – Women in and from Prison – Feminist Alliance for International Action
- ▶ March 20, 2007 – Sentencing and Conditions of Confinement – Carleton University (Law)
- ▶ March 25, 2007 – Access to Justice Issues Due to the Termination of the Court Challenges Program – University of Ottawa (Law)
- ▶ March 29, 2007 – Bill C-22: Raising the Age of Consent – University of Ottawa (Law)
- ▶ April 12, 2007 – Non-Practicing Careers After Law School
- ▶ May 4, 2007 – Rebels for a Cause – Saskatoon
- ▶ May 11, 2007 – ‘Defending Battered Women’ – EFS Kamloops Community Allies Conference – Kamloops, B.C

b. New Networks and On-Going Advisory Committees

i. Poverty Law Advocacy Network of Canada

November 23-25, 2006, I participated in meetings to advise and recommend action for the development of a poverty law network that would promote advocacy activities across the country. Representatives from across the country strategized as to how best to assist the poor to survive the current onslaught of regressive law and policy reforms, as well as how to best challenge such measures. Sub-groups are working on components of the initiative and I will continue to work on the development of messages and other media tools. For more information, please visit the web site at <http://planc.povnet.org/>

ii. Big Brothers and Big Sisters Mentoring Advisory Committee

December 5, 2006, I attended a meeting of the Big Brothers and Big Sisters Mentoring Advisory Committee. After many years of many of us at the local, regional and national level working to encourage groups such as these to extend their training so as to ensure that participants are aware of the issues that children of criminalized and imprisoned parents might face, Big Brothers and Big Sisters of Canada initiated this project.

We are encouraging them to provide a universal harm reduction approach of training all adults who are matched with children, so that they are aware of some of the issues that some of their Little Brothers and Sisters might be experiencing if one or both prisons is institutionalized. The benefits of this approach is a general raising of the level of awareness of all who participate in the program, without the risk of stigmatizing the children by identifying or targeting them and putting them all into a separate program.

Some of our membership is working in conjunction with their local Big Sisters groups already to help provide additional supports for women in and from prison who would like additional supports for their children.

iii. McKinnon Advisory Committee

The Committee met on December 11, 2006 and we continue to contribute material regarding the importance of human rights protections for prisoners and staff in provincial and local jail settings.

iv. Legal Aid Ontario Prison Law Advisory Committee

The Committee met on December 13, 2006. There was significant interest in our submissions to the United Nations on the ongoing need for correctional accountability and all have an interest in seeing more test-case litigation.

c. Media

We continue to receive 15-20 media calls per month for backgrounders and interview requests at the rate of 2-3 per month. We are also frequently consulted by producers to discuss story ideas and possible documentary topics, such as APTN's recent social justice series and several 5<sup>th</sup> Estate programs.

### **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, and Strength in Sisterhood continues to be a wonderfully innovative and interactive partnership for our the Regional Advocates, front-line prison workers, women inside (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. With the additional resource of the province-specific material circulated to the membership at this annual meeting, we hope to further assist our membership to intervene in the cases of women with whom they are currently working.

Once again, this year, we thank all of the membership who labour diligently in communities across our country to ensure that CAEFS continues to meet the needs of the women and girls with, and on behalf of whom, we work.