

President's Report

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Submitted by

Ailsa M. Watkinson, Ph.D.

Thank you to Elizabeth Fry Quebec, and in particular Ruth, for hosting the 2007 Annual General Meeting of the Canadian Association of Elizabeth Fry Societies! We know it involves a great deal of work and we sincerely appreciate what you have done and are doing to make our time in Montreal a memorable one.

With this AGM my tenure as the President of CAEFS comes to an end. I have held this position for five years. Throughout my time with CAEFS I have grown into an ardent supporter of our abolitionist position. It strikes me as completely unjust to watch our prison system grow while we are well aware of the incredible harm it inflicts on every one of us. Michelle Foucault, in his book *Discipline and Punish: The Birth of the Prison System* describes in detail that despite the documentation provided to us for over 200 years illustrating the failure of the prison system, the prison system continues to fail and to exist and to grow.¹

Prisons, Foucault says, do not diminish the crime rate, "[prisons] can be extended, multiplied or transformed, [but] the quantity of crime and criminals remains stable or, worse, increases."² Foucault documents discussions in the parliament of France during the end of the 1700s when the idea of prisons was being vigorously opposed by reformers on the basis that:

[prison] is incapable of corresponding to the specificity of crimes. Because it has no effect on the public. Because it is useless, even harmful to society: it is costly, it maintains convicts in idleness, it multiplies their vices the execution of such a penalty is difficult to supervise and because there is a risk of exposing prisoners to the arbitrary will of their guards. Because the job of depriving a man (sic) of his liberty and of supervising him is an exercise of tyranny.³

¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*. (Toronto: Vintage Books, 1975).

² Ibid. As evidence of their continued expansion see: *RPP 2006-2007: The Changing Federal Offender Population, Profiles and Forecasts, 2005*, CSC Research, October 2005. The statistics available through CSC show that women are the fastest growing prison population in Canada. Since 1997, the population of women in federal prisons increased by 6% while it decreased in the men population by 12%. However, statistics concerning Aboriginal people differs significantly during the same time period. The Aboriginal male prisoner population increased by 11% and increased 85% for Aboriginal women.

³ Ibid., at 114 citing from the Archives parlementaires, XXVI, 712 which appear to represent discussions that took place June 1791.

Foucault continues his historical critique of prisons and punishment by citing an 1842 document in which the writer laments the fact that despite various means of repression including the scaffold, the iron-collar, three convict ships, and over 5,000 places of detention, "The number of crimes is not diminishing . . . the number of recidivism is increasing, rather than declining."⁴ Foucault continues his discussion of the failure of the prison system by pulling on documents outlining debates held in France during the mid 1800's. The arguments are all too familiar: detention causes recidivism,⁵ prisons breed 'delinquents'. On this later point he says, "The prison also produces delinquents by imposing violent constraints on its inmates; it is supposed to apply the law, and to teach respect for it; but all its functioning operates in the form of an abuse of power."⁶ And then, once released - former prisoners are condemned to recidivism "they are under the surveillance of the police; they are assigned to a particular residence, or forbidden others. . . . Being on the loose, being unable to find work, leading the life of a vagabond are the most frequent factors in recidivism."⁷ And of course, prisons fail families and relationships.⁸

Despite the well documented failure of the prison system over the last 200 years it continues and it continues to fail. Foucault lists the reforms needed to improve the prison system – the same ones have been listed for well over 200 years.⁹ Prisons also fail at self evaluation, there is no accountability, there are no consequences for the failings of the system. Foucault notes that:

In a very strange way, the history of imprisonment does not obey a chronology in which one sees, in orderly succession, the establishment of a penalty of detention, then the recognition of its failure; then the slow rise of projects of reform, seeming to culminate in the more or less coherent definition of penitentiary technique, then the implementation of this project; lastly, the recognition of its successes or its failure.¹⁰

Strange indeed, what is it about our willingness to accept the failed experiment of prisons so readily? Foucault answers this in part by saying prisons have become an inevitability – something we simply

⁴ Ibid., at 265.

⁵ Ibid.

⁶ Ibid, at 266. Twenty years later Madam Justice Arbour echoed the same fact in regards to the investigation into the incident at P4W. See, *Commission of Inquiry into Certain Events at the Prison for Women in Kingston*, (Ottawa, Public Works and Government Services Canada, 1996).

⁷ Ibid at 267.

⁸ Ibid at 268.

⁹ Ibid, see pp. 269-70.

¹⁰ Ibid at 265.

take for granted without question because, for all of us, it has always been there.

But the situation is desperate. According to CSC's own statistics women are the fastest growing prison population in Canada. Since 1997, the population of women in federal prisons increased by 6% while it decreased in the men population by 12%. However, statistics concerning Aboriginal people differs significantly during the same time period. The Aboriginal male prisoner population increased by 11% and for Aboriginal women the population increased by 85%.¹¹

The failure of the system and its continued existence and expansion has given us cause to try other means to work with women who are criminalized. One area that I have been involved in from the beginning is our human rights review in which the Canadian Human Rights Commission undertook a systemic review of the discrimination women face within an extremely faulty system designed by and for men.

Human Rights in Action

In 2004 the Canadian Human Rights Commission issued its report, *Protecting Their Rights*,¹² in which the Commission found that Corrections Services Canada discriminates against women prisoners on the basis of sex, race and disability. For example the CHRC found CSC's risk assessment tools used for security classification and the programming they deemed necessary for the rehabilitation of women prisoners, discriminates against women on various grounds including sex, disability, religion and ethnicity. Their recommendations, directed at Corrections Services Canada, recommended, among others, revisions to the assessment tools, an independent adjudication for decisions concerning the use of segregation, more minimum security options, more programming and employment training opportunities that recognize the unique needs of women, more release options, working more closely with Aboriginal communities to better facilitate the release of women into their communities, an evaluation of their own work culture to determine if it is working optimally to ensure a climate of respect for human rights and the establishment of an independent external redress body for prisoners.¹³

¹¹ *The Changing Federal Offender Population, Profiles and Forecasts*, 2005, CSC Research, October 2005.

¹² Canadian Human Rights Commission, *Protecting Their Rights: A Systemic Review of Human Rights on Correctional Services for Federally Sentenced Women* (Ottawa, 2004).

¹³ See also, Debra Parkes & Kim Pate, "Time for Accountability: Effective Oversight for Women's Prison" (April, 2006) *Canadian Journal of Criminology and Criminal Justice*. 251.

Rather than sit and wait for CSC to take up the challenge (which they are yet to do in any concrete way) we established our own undertaking in partnership with the Native Women's Association of Canada (NWAC) and Strength in Sisterhood. One of the goals of the 'Human Rights in Action' initiative is to provide women who are or were prisoners with knowledge on their rights and legal entitlements. It is little wonder that our material references the words of Madam Justice Arbour when she said:

One must resist the temptation to trivialize the infringement of prisoner's rights as either an insignificant infringement of rights, or as an infringement of the rights of people who do not deserve any better. When a right has been granted by law, it is not less important that such right be respected because the person entitled to it is a prisoner.¹⁴

And so we have undertaken an ambitious project that takes us into prisons for women across Canada to provide training and resources to women. The project, I believe, fits within the model of adult education envisioned by Paulo Friere in his treatise *Pedagogy of the Oppressed*.¹⁵ HRIA was designed with input from women with the lived experience;¹⁶ its aim is to transform the current situation of women in prison through informed action or praxis.

Over the April 28-29 weekend I was part of the HRIA working session held at Okimaw Ohci Healing Lodge in south western Saskatchewan. We held a two day session with 17 women prisoners and 25 representatives of CAEFS, NWAC, SIS, Nekaneet and Prairie-based resources. The workshop moved from Maple Creek to the Edmonton Institution for Women for a repeat of the workshop later in the week. Approximately 75-80 women prisoners took part in the general population and 20 in the maximum and segregation units at EIFW. Beverley Jacobs, President of NWAC, Judy Hughes, President of the Saskatchewan Aboriginal Women's Circle Corporation and Christine Lamont from Strength in Sisterhood were with us also. It was an amazing and exhilarating experience.

I have mentioned before and it warrants repeating – one of the most satisfying outcomes of the entire process of the human rights

¹⁴ Madam Justice Arbour, *Commission of Inquiry into Certain Events at the Prison for Women in Kingston*, (Ottawa, Public Works and Government Services Canada, 1996).

¹⁵ Paulo Friere, *Pedagogy of the Oppressed* (London: Penguin Books, 1972).

¹⁶ My own notes from one of our meetings (June 12/05) with Strength in Sisterhood members illustrate many of the issues they see as priorities and which I think we have attempted to incorporate. My notes record such needs as: structural change to bring women out, empowerment of women inside consistent with adult education principles, building an advocacy process, quicker releases, pre-release & pro release planning, peer support inside and out, collecting data, transitional housing, bringing about a serious redress mechanism – oversight/Court Challenges process.

initiative was the building of connections among groups that, in some cases did not identify with us as having a common goal. We have used this process to build stronger ties with Aboriginal organizations, women with the lived experience of imprisonment, women's groups, those who represent persons with disabilities and other social justice seeking groups. The HRIA project is not over. The goals of HRIA include other projects yet to be completed and others that are still underway.

Of further interest is the fact that NWAC and CAEFS have been invited to take part in an international conference in Darwin this June to speak about the HRIA project and provide leadership workshops to assist others in developing similar HRIA initiatives internationally. In addition, Kim and I were invited to speak to the John Howard Society's National Annual General Meeting in Ottawa October 21st about our work using human rights documents and processes to promote substantive equality for women prisoners.

Law and Order

During the past year, CAEFS has made two presentations to the Parliamentary Committee on Justice and Human Rights regarding Bills C-10 & C-9. Kim, along with Debra Parkes (Bill C-10) and Lucie Joncas and NWAC (Bill C-9) presented our submissions to the Committee. I hope you have all had a chance to review them as I think they are excellent submissions.

As a follow up to the direction from our AGM last spring to continue the 'talk back' to the law and order agenda, we in Saskatchewan put together a public Town Hall Forum to discuss the proposed changes to the Criminal Code. The event was held in February. Our Executive Director, Kim Pate, presented on our behalf along with others including representation from the Anti Poverty Coalition, professors (law and sociology), Aboriginal people, Legal Aid, and the Criminal Defence Lawyers.

Government Meetings

On October 12, 2006, Kim Pate and I attended a National Stakeholders Consultation with the Expert Committee reviewing the progress in women's corrections. The purpose of the meeting was to discuss with the Expert Panel our comments regarding what progress, if any, had been made by CSC since the Arbour Report of 1996. The Expert Committee was formed on the recommendation of the Office of the Correctional Investigator. The panel members were: Contance Glube (retired judge from Nova Scotia), Michele Audette (First Nations of Quebec and Labrador), Sheila Henriksen

(retired National Parole Board member) and Ben Stobbe (retired Executive Director of Adult custody in B.C.). Their final report has been published and provides some insights that may be of interest and perhaps helpful but offers little substantive transformational initiatives.¹⁷

Kim Pate, Caroleen Wright, Yvonne Wesley and I meet with the Chair of the National Parole Board, Mario Dion, on Oct 20. He asked us about issues of importance to us. We discussed the letter sent by us to the NPB, two years ago, in regards to the appointment of Dave Scott, former Saskatoon Police Chief to the NPB. In that letter we expressed concern that an individual with the history of Dave Scott had been appointed to the Board. We expressed our concerns over the number of former police officers appointed to the NPB; a phenomenon that was just repeated this last week. We also discussed the changed environment within the women's prisons across the country, the delays brought about by CSC in matters concerning a woman's chances of parole. He informed us that 28% of eligible prisoners do not apply for parole when they are eligible for it.

In early May of this year, CSC held a meeting designed by them to develop anti-bullying strategies in the prisons. We have enormous concerns with their understanding and interpretation of these events. Kim Pate was invited to attend but when we requested more than one seat at these discussions so that I could attend, we were advised that there were other E Fry representatives attending. We were not consulted on this matter. We consider this to be contrary to our protocol as established in 1996.

*CAEFS is the main liaison with Government officials at the national level, however any level may communicate with officials as needed. All levels should keep one another informed when contact occurs.*¹⁸

This will be a matter for further discussion at this AGM as it falls in to our Structural Review process.

The Minister of Public Safety announced the establishment of an independent review panel to look into the operations of CSC. Part of their mandate is to provide the Minister with advice on the "recommendations made in the report on *Moving Forward with Women's Corrections*" (mentioned above). In addition they are to report on "CSC's ability to deal with parole violations, and with frivolous and vexatious grievances by offenders (sic)."¹⁹ The Panel

¹⁷ See "Moving Forward with Women's Corrections" retrieved at: http://www.csc-scc.gc.ca/text/prgrm/fsw/wos29/wos29_e.shtml#_ftnl

¹⁸ Regionalization Review Report adopted by CAEFS in 1996, p. 7.

¹⁹ See Correctional Service Canada Review Panel Terms of Reference at <http://www.publicsafety.gc.ca>

has invited CAEFS to make a submission. Written submissions are requested by June 4, 2007. There has been no confirmation of a date for the 'in-person' meeting.

Structural Review

Over the past two years we have spent a great deal of our time, energy and expense reviewing and revising our Strategic Plan and our structure. With this AGM we plan to complete these initiatives, both of which will guide our work and advocacy in the years to come. Thank you all for your work and attention to these matters.

Thank you!

It has been an honour to represent you as the President of CAEFS over these past five years. I would be lying if I said 'it's been a piece of cake.' It has not! But it has been mind growing and at times mind blowing. I have gained a great deal in my understanding of the issues criminalized women know all too well. I have benefited from the capacity building that we have undertaken as part of our advocacy work. And I have had the joy and challenges of working with Kim Pate, our Executive Director. I love the way she thinks! Her energy does wear me out. But I do declare it has been an unforgettable time and one I will cherish for ever.

Beginning in September 2006 Kim was awarded the Visiting Professor and Ontario Law Foundation Community Leadership in Justice Fellowship. This prestigious honour is further recognition of her valuable and credible public record. While fulfilling her obligations to the Fellowship and the University of Ottawa she incorporated, as part of the Fellowship, the development of the Prison Law Manual, a resource for federally sentenced women (one that could be easily adapted for provincially sentenced women as well), and central to the Human Rights in Action Project. In addition I want to congratulate Kim on the completion of the course work for a Master's in Science in Forensic Mental Health which will expand into a PhD in forensic Mental Health (Medical Services and Law).

And I want to thank all of you for your dedication, commitment, insight, help, encouragement, diligence, critique and support. It's been one helluva educational and emotional journey!

Respectfully submitted by:
Ailsa M. Watkinson, President CAEFS 2006-07.
