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## *Canadian Association of Elizabeth Fry Societies*

*Annual General Meeting – Ottawa -- May 24, 2008*

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

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

This fiscal year started with more resource cuts and unfair philosophical attacks on equality-seeking social justice voices, especially those who work in support of some of the poorest, racialized and otherwise most marginalized groups. We recognize that there will continue to be many challenges and precious little promise of progress on the horizon. However, we are also aware that the public is not being fooled by the hypocrisy of current regressive law reform initiatives.

Canadians are increasingly concerned about the mounting proof that pushes for longer and more mandatory minimum sentences are not grounded in research or any sort of reliable evidence. Moreover, the evidence that does exist, much of which is generated by the Canadian government itself, points directly to the need to stem the lurch toward longer and more punitive sentences. It also reveals that there is mounting concern regarding the long-term devastation occasioned by the evisceration of social, health, educational and fiscal resources.

As each new revelation regarding political and bureaucratic hypocrisy and corruption surfaces, we experience further limitations to human rights thinly cloaked in demands for more transparency and public accountability. As the year ends, it is also becoming very clear that many Canadians are keen to question the rush to accept prisons as the default for a lack of housing for the homeless, or shelter for those escaping violence. Nor are people willing to accept prisons as a substitute for community-based treatment for those with disabling mental health issues. In addition, there is mounting support for those reeling from the generational devastation of genocidal *Indian Act* policies, too many of whom have also ended up criminalized and imprisoned.

The following report will provide you with an overview of our challenges and achievements this year. It will also give voice to and promote the rights and entitlements of women with the lived

experience of criminalization and/or imprisonment. We will also forecast upcoming membership projects for CAEFS. Suffice it to say that CAEFS is at an exciting, if somewhat daunting, juncture as an organization. As we continue to learn and grow via our collective and collaborative efforts, we look forward to also celebrating the strength, flexibility, tenacity and evolution of the network.

#### 1. Human Rights in Action (HRIA)

On March 8, 2001, the Canadian Association of Elizabeth Fry Societies (CAEFS), the Native Women's Association of Canada (NWAC), Strength in Sisterhood (SIS) and 24 other national and international women's, Aboriginal and justice groups, urged the Canadian Human Rights Commission (CHRC) to conduct a broad-based systemic review of the federal government's discriminatory treatment of women prisoners.

Nearly three years later, the Commission issued a special report entitled, *Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*. The CHRC Report made nineteen recommendations calling for far-reaching changes with respect to the manner in which the Correctional Service of Canada (CSC) might work to alleviate the systemic discrimination experienced by women serving sentences of two years or more.

CAEFS and other coalition partners continued to collaborate on efforts to ensure the implementation of the CHRC recommendations and on longer term commitments to social justice, decarceration, and deinstitutionalization. CAEFS also sought and obtained resources that enabled us to work collaboratively with NWAC and SIS to further the human rights of women prisoners. The Human Rights in Action Project was developed to provide practical tools and training for women inside to work with the support of allies on the outside to address advocacy issues in the prisons for women. It also serves to address the urgent need to develop community release options for all women, especially Aboriginal women exiting federal prisons.

The HRIA project is dedicated to ensuring that the human rights of all prisoners are protected, especially those who are racialized and those with disabling mental health issues. The HRIA project vision is to increase our success in keeping and returning women to the community. The three groups involved in developing the project are also committed to working to decrease the use of prison and to developing release strategies for those who are currently incarcerated. All of the project's work is aimed at achieving substantive equality of/for women in and from prison. We work to address the inter-sectional, multi-dimensional oppression of women, and specific issues relevant to Aboriginal women.

The project aims to enable women to survive prison and parole by reinforcing their own, pre-existing capacities and strengths. Our aim is to support individual women in and from prison to:

- create advocacy teams made up of current prisoners, ex-prisoners, and members of the community;
- have Federally Sentenced Women out of prison by their eligibility dates;
- reduce the number of Aboriginal women in the federal system by 10%;

- enable all women to stay out of prison once they are released;
- participate in coalitions that support human rights principles and goals at the local, regional, and national levels.

As part of the project, we have developed HRIA training modules and a *Human Rights Training Manual* for women in or from prison, as well as their supporters. The first draft of the manual was prepared by a group of law students at the University of Ottawa and was commenced as part of my visiting professor work sponsored by the Ontario Law Foundation Community Justice Fellowship. The various drafts and the final version are edited by women in and from prison who are part of the Human Rights in Action initiative and who are interested in self and peer advocacy.

The three sponsoring groups hope that the HRIA project idea will help to ensure that those whose rights are interfered with have support to address any discriminatory treatment. We also hope to work with women in and from prison to identify and address areas that require systemic advocacy. In an attempt to assist individual women to exit prison at their earliest opportunity, the human rights advocacy training also includes very explicit and practical information on how to work toward and prepare for early release and parole.

We continue to work with our membership, via our regional advocates, to tailor the HRIA to meet regional needs and requests. To this end, this year, the HRIA training team experienced a series of challenges in delivering the final national training agenda. In the autumn, our team and the 40+ Ontario members were scheduled to deliver the training workshops in the Grand Valley prison for women October 22-24, 2007. Sadly, due to the tragedy of the death of Ashley Smith, the training sessions were postponed until January 2008. Then, the training in Nova Institution, which was scheduled for December 3-5, 2007, was also postponed until January due to a lengthy lockdown occasioned by a staff mistake. Both of these situations are discussed further below, but suffice it to say here that the CSC reaction to both situations epitomized the necessity of the HRIA project.

As indicated above, the CAEFS, NWAC and SIS HRIA training in Nova Institution was postponed until January 9-11, 2008 as a result of an institutional lockdown. Despite the aftermath from the 12 day unnecessary lockdown, the death of Ashley Smith and the death of Nora Bernard, a key Aboriginal activist at Millbrook, the HRIA training went very well at Nova.

In addition to the human rights training, on the evening of January 9th, the women and the Elder at Nova invited us to join their Sweat, so the law students received the unexpected but much appreciated privilege and educational opportunity to participate in a Sweat Lodge Ceremony. We were also joined at Nova by two members of Ashley's family, both of whom are now volunteers with E. Fry in the Atlantic Region.

One of the most significant developments as a result of the HRIA training was the formation of the women's Sisters in Action (SIA) group at Nova. The first meeting of the SIA Committee was initially scheduled for January 15, 2008, but was delayed one week as a result of a snowstorm that prevented the Elizabeth Fry supporters from joining the women. Sixteen women signed up for and attended their inaugural SIA meeting on January 19<sup>th</sup>, a week after the completion of the HRIA training.

The SIA committee is trying to create solidarity among the prisoners and other committees at

Nova. As a means of working to encourage women to get involved, they are operating with rotating co-chairs. They are also working on an alliance with the Prisoners and Native Sisterhood Committees and are currently working on issues of concern to all or most of the women at Nova.

Within Nova, SIA has researched, documented and filed a number of group grievances related to their concerns about the lack of progress to date on the implementation of their proposals for such groups as a Black Sisterhood for African Nova Scotian women and a Lesbian Support Group. The SIA was also able to assist the development of the Black Focus group and are on their second level grievance regarding an institutional decision to ban the wearing of hooded sweatshirts. The SIA has also been in contact with other HRIA and Prisoner committees across the country, via letters and the CAEFS' Regional Advocates.

The HRIA training at the Grand Valley prison for women, which was originally scheduled for October 22-24, 2007, occurred January 23-25, 2008. The atmosphere at GVI was tense as a result of Ashley's death and the ensuing staff unrest. Women imprisoned at GVI have expressed concern that they have been encouraged to speak out in support of staff. Other than gossip or innuendo, the women could not have access to any specific information as to what actually occurred in relation to Ashley's death, including the resulting CSC disciplinary action or the criminal charges laid against staff.

Furthermore, women expressed significant consternation about the seemingly myopic focus on the needs of staff and the intimidating demonstrations of staff solidarity. Some women even expressed fear of repercussions if they were to pursue their legitimate complaint mechanisms in circumstances where they are experiencing the unlawful lack of completion of their paperwork and consequent delays in the security classification, correctional treatment plans, medical escorts or even applications for conditional release. We were made aware of far too many instances of this following Ashley's death and again when we were there for the HRIA training.

Two of our members were denied access to GVI for the second day of the training, after the ion scanner apparently indicated that their identification and wristwatch revealed traces of drugs. The day before, we had corrected staff regarding the appropriate procedure, yet it was still not followed on the second day. Despite one of the staff assuring the women not to worry, explaining that the machine routinely provided false positives and that there were no concerns that any of our group was actually transporting drugs, both women were denied access.

Although the supervisor indicated a risk-threat assessment was conducted, when the women requested the documentation of same, they were only provided with a paper indicating that they had tested positive for drugs. Since then, women who have since been released have advised E. Fry staff that the rumour inside is that CSC staff have indicated that one or more E. Fry staff have been denied access to GVI because of the ion scanner. When we raised this with the administration, we were advised that the acting warden supported the decision of his correctional manager. We are seeking details of the current policies and procedures and will pursue this matter further.

In terms of the rest of the training at GVI, although there were rumours of some sort of labour unrest, aside from an information picket staged for the 24th and 25th of January by some of the UCCO representatives, and the commencement of an unsubstantiated rumour that the Elder and I were taken hostage Friday night after the training, all went smoothly. We were very pleased that

so many of our membership, members of the community, and the majority of the women, participated in the training. The women at GVI have also formed an HRIA group. Supported by the Ontario Regional Advocates, the GVI HRIA group commenced meetings in February 2008.

The final HRIA training session was conducted at Joliette on April 30<sup>th</sup> and May 1<sup>st</sup>, 2008. Ruth Gagnon, Daniel Benson and Lida Nouraie provided the training en français and I delivered it in English. In addition, we were very grateful to Lida for her excellent translation of the manual. Unfortunately, we were unable to provide any HRIA training for the women in the maximum security unit at Joliette.

In both Nova and GVI, the women in the segregated maximum security units expressed appreciation for the Thursday evening summary sessions. However they also reiterated their interest in having further training that focuses on issues that they face in the maximum security and segregation units in each of the prisons for women. Women on the management protocol made similar requests.

Overall, the excellent turnout of women inside and supporters outside the prison in each of the locations was awe-inspiring. The ongoing interest in further upgrading or other training augmentation from each of the HRIA inspired groups across the country, although a bit daunting, is very exciting. Thanks to the frugality of most everyone involved in the process, we succeeded in stretching our resources well beyond the few pilot training sessions initially anticipated. In fact, the HRIA initiative involved the training of 297 women in general population, 31 women in maximum security, and 139 Elizabeth Fry, NWAC, SIS and other externally based support people. In addition, 24 CSC staff participated in the orientation sessions offered for staff in each of the prisons.

We have also now received additional funding to provide similar training for those working on human rights issues in six pilot sites in 5 provinces and one territory, so we look forward to reporting further on our HRIA work next year.

## 2. Federally Sentenced Women

### a. Regional Advocacy and Prison Visits

#### i) Pacific Region and Fraser Valley Institution (FVI)

Mollie Both is continuing on as the Regional Advocate in the Pacific Region.

Mollie and I visited FVI on Saturday, June 16<sup>th</sup> and Friday, September 28<sup>th</sup>, 2007. Overcrowding and over-classification issues persist. We also received minutes of the FVI Program Advisory Committee and are pleased to hear that the Human Rights in Action group continues to meet and monitor release preparation matters for women in and from FVI.

On August 9, 2007, I met with a woman and her lawyer at the Fraser Valley Institution in order to assist her to challenge CSC's illegal involuntary transfer from another federal prison for women to FVI. CSC characterized the transfer as an emergency one week after the incident occurred, which they claimed gave rise to the need for an 'emergency involuntary transfer'.

On September 10 and 11, 2007, we had the pleasure of celebrating the launch of our newest Elizabeth Fry Society in Whitehorse, in the Yukon Territory. The launch was held in the local Potlatch House and was attended by a number of Elders, Chiefs, the local Member of Parliament, Minister of Justice and many more from the community. We are excited to see yet another group of amazingly enthusiastic, energetic and committed women join our network. We look forward to seeing them at future regional meetings and at the CAEFS' Conference and Annual General Meeting in May 2008.

On September 27<sup>th</sup>, it was wonderful to attend the 35<sup>th</sup> Anniversary celebrations of the Elizabeth Fry Society of Central Okanagan in Kelowna. We had the opportunity to meet with the Board of Directors, as well as with many supporters of E Fry in the community, including governmental and police representatives. In the evening, we spoke at the launch and marched with other women in the local 'Take Back the Night' march.

On December 8<sup>th</sup> I had the privilege and pleasure of participating in the regional human rights training session held in Kamloops and facilitated by Debra Parkes for the Elizabeth Fry societies in British Columbia. The training was followed by the regional meeting.

The HRIA collective at Fraser Valley was the first to form in the country. Since their focus is on release planning, they did not initially feel that the legal training was of interest to them. After hearing about the reception the training has received throughout the rest of the country, however, the group has requested that we also now provide them with the training. Although we do not have sufficient resources to provide the same extensive training team, we have committed to conduct an additional training session at FVI later this year.

- ii) Prairie Region, Regional Psychiatric Centre (RPC), Edmonton Institution for Women (EIFW) and Okimaw Ohci Healing Lodge (OOHL)

My August advocacy visit to the Prairies had to be postponed as a result of an emergency health situation in my family. As such, the regional visits to EIFW and OOHL were initially postponed for a few months. Because I was in Saskatoon for a human rights conference, I was able to go to RPC with Caroleen Wright, Regional Advocate in the Prairie Region, on November 2, 2007. Things were quite tense there in light of the several allegations of assault that emanated from Ashley Smith's stay there. These allegations have thus far resulted in one assault charge being laid against one staff member, although other staff indicate he was responsible for more than one assault. This staff member has apparently also been let go from RPC. The second male staff member has not been charged and no police investigation was initiated by CSC.

Caroleen and I made our advocacy visits to the Regional Psychiatric Centre and the Okimaw Ohci Healing Lodge on February 7<sup>th</sup> and 8<sup>th</sup> respectively. The timing of the visit was planned around the EFS Saskatchewan Public Forum. Although there was no snow storm this year, it was a sub-zero degree evening, yet their event was another full house turnout for the community.

I also attended the Prairie Regional Meeting in Calgary on October 11-13, 2007. In addition to productive meetings and an advocacy training session, Elena Schacherl, Executive Director of the Elizabeth Fry Society of Calgary had us all over for a lovely dinner and evening. While in Calgary for the regional meeting, we also met with women and staff at the halfway house, Berkana House, as well as at the EFS Calgary office downtown. We were also privileged to meet with

women at the Calgary Remand Centre (CRC) and the Calgary Young Offender (sic) Centre (CYOC). It was a shock to see the overcrowding at CRC and the numbers of women remanded in custody there. Although it was difficult to see how isolated the young women and girls are at CYOC, it was somewhat heartening to see first hand the impact of the *Youth Criminal Justice Act*, in terms of the reduced numbers of youth in custody, both remanded and sentenced.

I spent most of International Women's Day, March 8<sup>th</sup>, and on March 9<sup>th</sup>, 2008, in the maximum security and segregation units at the Edmonton Institution for Women. I was there reviewing legal materials with one of the three young Aboriginal women who are subject to the CSC's 'management protocol'. Despite the fact that she was subject to fewer mechanical restraints during medical temporary absences, a cross-Canada transfer and provincial court appearances, and regardless of support from many staff and the prison administration for a more lawful administration of this woman's confinement, national headquarters staff refuse to authorize such a change as handcuffing her to the front, rather than behind her back during movement within the segregated maximum security area of the prison. Consequently, in order to access her files using her own hands, I had to sit at her meal slot in segregation and review her files with her. She was thus forced to forego a significant amount of privacy and legal confidentiality.

We are advised that the person making these decisions is the former warden of a prison where the woman accrued charges that are currently before the courts. In fact they are the charges to which the documents I was reviewing with her relate. The former warden is one of the CSC witnesses testifying against the woman in this matter. Although most lay people and certainly most correctional lawyers apparently recognize that this is a conflict of interest at best, CSC national management does not seem sufficiently troubled by these facts to change this situation. When I related this situation to a number of my prison law students, they wrongly believed that it was a rather fantastical hypothetical made up by me to test their knowledge of the relevant law and policy impacting women in prison.

In terms of visits to and with our membership, on Wednesday, September 26<sup>th</sup>, 2007, I was very pleased to attend the Annual General Meeting and Celebration of the Elizabeth Fry Society of Manitoba. In addition to having the opportunity to meet many members of the Society, including family members of a couple of the women inside, and to being present for and participating in the traditional dance celebrations too, it was wonderful to be part of the commemoration of Debra Parkes' many contributions to the Manitoba E. Fry over the past six years.

During National Elizabeth Fry Week, I had the privilege and pleasure of participating in public fora in Calgary and Winnipeg. In Calgary, I joined a professor, a parole officer and a woman on parole to discuss the challenges of community integration after prison. In Winnipeg, Bev Jacobs, President of the Native Women's Association of Canada, a police supervisor and the director of a women's shelter and I discussed the genocidal devastation occasioned by colonization and epitomized by the reality of more than 500 Aboriginal women missing and murdered in Canada.

- iii) Ontario Region, Grand Valley Institution (GVI) and Isabel McNeill Minimum Security House (IMH)

May 30 and 31, 2007, saw Anne Tilley, Regional Advocate for the Ontario Region, and I conducting advocacy visits at GVI and at IMH on June 1<sup>st</sup>. The women were happy to meet Anne and were eager to hear from her that regional advocacy would be increasing in the Ontario region.

On August 15, I was in Toronto to meet with lawyers for some of the women inside. This provided a welcome opportunity to meet Michelle Coombs, Executive Director of the Elizabeth Fry Society of Toronto. Michelle brings a welcome wealth of experience working in the area of mental health. We look forward to opportunities to learn more about and from her expertise in this most significantly related field.

On September 13, 2007, I had the pleasure of meeting another new Executive Director in Ontario, Kelly Anderson, at the Elizabeth Fry Society of Sudbury. Kelly has extensive communications, fundraising and administrative experience that will also benefit the entire network. The trip to Sudbury and Dana Hickey's wonderful hospitality also provided a welcome opportunity to reconnect with Elder Liza Mosher, one of the guiding lights for women in and from prison in Kingston and the Okimaw Ohci Healing Lodge.

The Sudbury visit immediately preceded the CEFSO meeting, so Kelly and I travelled to Toronto together. The training session went well and we are very excited about working with the newly formed advocacy team in Ontario.

On September 24, 2007, along with Leanne Kilby and Judy Garneau, representing the regional advocacy team in Ontario, I visited GVI. We were there the same day as the 10<sup>th</sup> Anniversary of the opening of GVI. Accordingly, we took the opportunity to raise concerns regarding the conditions of confinement to which Ashley Smith was subject. She was in a stripped, camera cell, with nothing but a suicide gown on at that time. Suffice it to say, that it was undoubtedly the clearest example as to the importance of documenting the conditions of confinement experienced by women inside, especially those in the segregated maximum security and the segregation cells.

Unfortunately, Ashley died on October 19, 2007, so we were left to conduct healing circles with the women in general population, the maximum security and segregation units when we arrived on October 22<sup>nd</sup> for the Human Rights in Action training. Suffice it to say that the charging of five staff as a result of their involvement with Ashley tells an important story, but the worst is yet to come.

Leanne and Judy have made a number of advocacy visits to the prison in the intervening month, and we are pleased that the issues of concern have also been documented and clearly communicated to the various (and changing) members of the GVI administration. This will be of significance and great value as matters proceed at GVI, so we commend these efforts.

On October 25, 2007, I was pleased to attend the Annual General Meeting of the Elizabeth Fry Society of Ottawa. The society's theme of mental health issues for women was both interesting and timely. The following day, I was in Kingston for the parole hearing of one of the women at IMH, which provided a welcome opportunity to meet up with the other women at the House.

Just prior to the Board meeting, as I was en route to a speaking engagement at Queen's University on November 16<sup>th</sup>, 2007, I intercepted Leanne Kilby's train as she was travelling from Hamilton to Ottawa for the CAEFS' Board meeting and she accompanied me to the class at Queen's, as well as to IMH. Trish Crawford, the Executive Director of EFS Kingston was away, so we were unfortunately not able to meet up with her, but we had a great meeting with the women at IMH.

The visit was timely indeed, as the women had just been encouraged yet again to voluntarily transfer to GVI, as the staff were expressing the view that the move was inevitable. In fact, all indications are that the case the women have launched seems to be progressing very well, so it is perhaps not surprising that they are again receiving this sort of pressure from CSC. It was interesting to see how surprised Leanne was to see that the IMH was not, in fact, in the level of disrepair described by CSC as they have been advocating the closure.

February 11-15, 2008 saw the lawyer for the women at IMH once again in court arguing for their right to substantive equality as women classified as minimum security prisoners. Although the judge decided against the women, they remain at IMH pending the hearing of their appeal. A number of CSC staff have confirmed that they know many women would like to transfer to IMH, but they are being actively discouraged from doing so. In light of the incredible overcrowding at GVI, they would like to be able to transfer women to IMH. They are not permitted to do so, however, as to do so would be seen as contrary to the position taken by the previous warden of GVI: namely, that nobody wants to go there.

February 22 and 23, 2008, I attended the meetings of the Council of Elizabeth Fry Societies of Ontario. Later that week, Leanne Kilby and Judy Garneau attended the Emancipation Day celebrations at GVI and kindly read out a message from CAEFS for the members of the Black Inmates and Friends Assembly, their families, friends and supporters.

During national Elizabeth Fry Week, Leanne Kilby and I had the privilege of meeting with the Board of Directors and staff of the Elizabeth Fry Society of Waterloo on May 8, 2008. The following day, we also conducted an advocacy visit at GVI. In the afternoon, at the request of the Member of Parliament, Andrew Telegdi, we joined him, his assistant and the head of the local Crime Prevention Council for a visit to follow up their November visit with M.P. Karen Redman.

Unlike the autumn visit, during which the Members of Parliament asked me to join them and introduce them to women in the segregation and maximum security units where Ashley died, this visit to GVI was very tightly scripted. For example, although the six women who were housed in half of the private family visiting unit (PFV) invited the MP in to see their over-crowded living circumstances, he was advised that time did not allow such a visit. Similarly, although women in the maximum security and segregation unit wished to speak to him, the agenda did not include sufficient time for a visit to that part of the prison.

During this visit, Brenda Martin, a woman who one week earlier had been returned from Mexico to GVI, was in the process of being released from GVI, following a special sitting of the National Parole Board (NPB). We were all pleased for Ms Martin that the Canadian government acted so quickly once Ms Martin was returned to Canada. Indeed, we have never seen the CSC or the NPB act so quickly, especially on an international transfer.

We hope that the speed and efficiency demonstrated in the completion of Ms Martin's paper work will be replicated for the many other women who await completion of their correctional paper work. A number of the women at GVI expressed frustration with the length of time and the multiple delays that they are experiencing. More than one woman advised Mr. Telegdi that they were experiencing significant months of delay in terms of case management, access to programs and preparation/application for conditional release. He also heard that this is a major preoccupation of ours, the women at GVI and other prisons, as well as many of the staff at GVI.

Mr. Telegdi also asked us about the manner in which we have been treated by CSC since exposing the conditions of confinement experienced by Ashley prior to her death at GVI. He was concerned to learn of the impact of staff shows of solidarity on the women, as well as the failure of senior bureaucrats to respond to our concerns and recommendations.

As a Member of Parliament, he was especially concerned to learn that we have received notice from the deputy warden at GVI regarding the curtailing of our access to the women. We advised him that we have expressed our concern to the current warden and the Deputy Commissioner for Women regarding the decision taken by the deputy to no longer permit us to access living units in the general population or in the maximum security unit at GVI. The fact that he is also suggesting that this should be the case in other prisons underscores the crux of this decision as one designed to interfere with CAEFS' mandate.

It certainly came as no surprise to any of us that this decision was taken at the very prison where Ashley Smith died, after repeated appeals to senior staff to alleviate the illegal conditions of her confinement and following requests for such information from the local police force investigating the circumstances of Ashley's death.

iv) Quebec Region and Joliette

On June 4, 2007, Ruth Gagnon, Regional Advocate for the Quebec Region, and I visited the women imprisoned at Joliette. We had also hoped to get to Pinel to see the federally sentenced women being held there, but we were unable to do so, as I had to return to Ottawa the next day for a Parliamentary Committee hearing.

On June 13, 2007, I was very pleased to accept the invitation of EFS Quebec, and attended their Annual General Meeting. It was wonderful to be present for the recognition by the Board and membership of the invaluable contributions of Ruth Gagnon, Lida Nouraie and all of the other staff and volunteers.

On November 20, 2007, after an initial postponement and four years worth of effort, our President, Lucie Joncas, Ruth Gagnon, Regional Advocate for the Quebec Region, and I met with the Executive Director, President, Media Liaison and Joliette/Quebec Regional Representative of the Union of Canadian Correctional Officers (UCCO) at their UCCO/SACC Headquarters in Montreal. The meeting provided a very good opportunity for some much needed dialogue with the Union.

It was clear that the UCCO representatives do not fully appreciate the nature, nor the extent, of the disabling mental health issues faced by women in prison. They were quite clearly of the view that the behaviour that is symptomatic of the mental health issues of the women is, in fact, purposeful and criminally motivated. Accordingly, we worked intensively to try to deconstruct their problematic interpretations. We did not succeed in shaking their commitment to the notion that CSC should undergo yet another construction exercise, this time to build a special handling style unit for the women on the CSC 'management protocol'.

From January 29th through the 31st, 2008, Ruth Gagnon, Daniel Benson and I conducted advocacy visits at Joliette and Pinel. We also visited the SHU (Special Handling Unit) at Ste.

Annes des Plaines, where 57 high profile men are imprisoned (.004% of federally sentenced men). The men are confined in one of nine units and have virtually no human contact. They are at the SHU because of violence actions in other prisons. Most of them have been convicted as a result of their perpetration of a number of very violent attacks on other prisoners and/or staff.

The men in the SHU were confined in cages for all interaction with security and programming staff, and, even with the chaplain or the Elder. In short, it should come as no surprise that the men often have difficulty integrating back into a regular prison population after extended stays in the SHU. The visit reinforced our pre-existing opposition to any possibility of CSC constructing a SHU for women.

Regrettably, while we were at Joliette for the Human Rights in Action training (April 29 through May 2, 2008), we were also denied access to the young Aboriginal woman who is isolated in segregation there pursuant to CSC's unlawful 'management protocol'. This young woman who has been in a near constant state of emotional and psychological distress since being in a neighbouring cell to Ashley at GVI, is still being denied access to us, other counsel, her family, the Chaplain and other women who are seeking to provide her with personal, peer and/or legal support.

In response to concerns being raised even by government lawyers, we were advised that the warden and other CSC staff are describing such access as a privilege akin to giving the woman 'bon bons' and that they will not reward her bad (i.e. self harming) behaviour in this way. As we have indicated to CSC and senior Public Safety staff, we regard this behaviour as unlawful, in contravention of her Charter and human rights, not to mention the provisions of the *Corrections and Conditional Release Act* (CCRA). Apparently the Commissioner is of the view that regardless of what legal counsel say, he will not interfere unless ordered to do so by a court.

This attitude appears to be consistent with the position taken in other matters, including the IMH case. Moreover, it is indeed a convenient position in light such other government decisions limiting prisoners' access to justice, be it reduced access to telephones in the most segregated areas of the prisons for women, cuts to advocacy and support groups, or limitations on access to legal aid and the elimination of the Court Challenges Program. One would be hard pressed to think of a more clear exemplification of the reason so many have recommended the kind of correctional oversight advocated by Louise Arbour, the Canadian Human Rights Commission, and the United Nations Human Rights Committee.

v) Atlantic Region and Nova Institution

September 21<sup>st</sup> and 22<sup>nd</sup>, 2007 saw the Elizabeth Fry Societies in the Atlantic Region gathered in Truro for their regional meeting. We also met with women in the prison and I conducted an in-service training related to assisting women to prepare for and attend their parole hearings. The Atlantic Region also decided to develop a team approach to providing regional advocacy, so we were able to do our first regional/national advocacy visit while we were in Truro that trip. We were scheduled to deliver the Human Rights in Action training at Nova on December 3-5, 2007.

The women at Nova were also very sad to hear of Ashley's death. The women in segregation had raised concerns in the media over the last few months regarding the manner in which Ashley and

other women with mental health issues were being dealt with by the staff in the segregated maximum security unit, as well as the segregation unit itself.

On a much happier note, I was very pleased to be able to participate in the 25<sup>th</sup> Anniversary Celebrations of the Elizabeth Fry Society of Mainland Nova Scotia in Halifax on November 1, 2007. The luncheon was very well attended and it was fantastic to hear from the women who have enjoyed the support of the Society over the years. A copy of my comments is attached for your information. It was also wonderful to finally have the opportunity to see Holly House and the new Elizabeth Fry offices there.

Unfortunately, the happy times were followed rather quickly by less convivial ones. In December, the women at Nova suffered a twelve day lock down because a cutting tool allegedly was missing at the institution. The lock down was terminated only after we, the Regional Advocate with the Atlantic Advocacy Committee (AAC) and I, did house-to-house visits. The AAC had to leave early because of a snow storm, but my travel schedule allowed me to stay on. We assured the administration that we did not believe there was a tool in the prison. When the administration finally agreed to lift the lockdown, they indicated that they did not have sufficient staff to advise the women that evening, so I returned to the houses to advise the women of the decision. Since the lockdown had interfered with the planning for the 'Christmas' family social, that visit also saw me purchasing all of the supplies so that the social could proceed without further incident. A few days later, the maintenance person found the missing tool in the maintenance shed, a location to which the woman had no access.

We urged Nova to ensure that there is an acknowledgment of the incredible restraint and cooperation that was exhibited by the women throughout the 12 days they were locked down at Nova. In addition, we urged that the women who were wrongly accused, segregated and interrogated, receive written apologies and acknowledgment of the erroneous nature of the accusations that were leveled against them. These acknowledgements should also be included in upcoming progress reports and any future psychological and all pre-release paperwork, especially any material that is being forwarded to the National Parole Board in respect of their bids for conditional release. The Sisters in Action group are also pursuing a group grievance regarding this matter.

We also urged Nova to provide additional in-service information for staff regarding the rights of women prisoners as well as their respective responsibilities in terms of the lawful execution of their sentences. We encourage them to focus on their rights to recreation, access to programs, peer support, personal property and pre-release planning. We know that the administration and many of the Nova staff share our concerns that the lock down resulted in significant disruption in the school and other programs, as well as the challenge of organizing Family Day. We join the women in thanking all who tried to rectify this as quickly as possible following the lifting of the lock down at Nova.

b. Application by CSC of their 'Management Protocol' Regime

The 'management protocol' is currently still being applied to three women, all of whom are the same young Aboriginal women we discussed last year. One woman was taken off the protocol earlier this year and a fifth was released from prison in February. She went from being locked in the isolation of a stripped segregation cell, clothed only in a security 'gown' that did not fully

cover her otherwise naked body, cuffed behind her back and escorted by 3-5 security guards any time she left her cell, to a release directly into the community with minimal community-based support and no gradual reintegrative supervision from CSC.

She emerged from prison, at warrant expiry a free woman?! She was terrified and has since attempted suicide and been charged as she tried to break into a security shed when she felt she had nowhere else to go one day. EFS New Brunswick had a contract to assist her to try to find release options in Nova Scotia, but nothing was in place until virtually the day she walked out of prison. She was also subject to an s. 810 peace bond when she exited prison.

CSC made the task all the more difficult by notifying child welfare authorities and police of her pending release. She has a sister who wished to provide support, but as a result of CSC's breach of the woman's privacy and their decision to share their files on children's aide authorities, the woman's sister was advised that child welfare would intervene and seize her children if she permits her sister to stay with her and her children. Her sister has to retain child care and fund travel expenses in order for them to visit. Despite these odds, this woman is still in the community and is looking forward to working with EFS Mainland Nova Scotia women, in addition to her EFS NB and social services support people. She has also invited me to visit when I am in Nova Scotia at the end of the month.

This situation clearly underscores the outrageous inappropriateness of this unlawful policy.

The three women left on the 'protocol' 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 continuing to work with counsel to examine options for challenging the entire regime. In addition, we will continue to ensure that details regarding the application of the protocol are included in our submissions to the United Nations Human Rights Committee and the committee examining Canada's country report regarding the implementation of the UN Convention on the Elimination of all forms of Discrimination Against Women.

Earlier this year, national headquarters tasked a small group of CSC and UCCO representatives with reviewing and making recommendations regarding the 'management protocol'. We have requested and await the results of this review.

c. Report of the Correctional Investigator

Almost four months prior to the death of Ashley Smith, on June 27, 2007, the Correctional Investigator of Canada released the findings of a study that they commissioned regarding deaths in federal custody, due to factors other than natural causes, from 2001 to 2005. The Correctional Investigator found that too many such fatalities could and should have been averted. The *Deaths in Custody Study* examined 82 reported suicides, homicides, and accidental deaths of prisoners while in custody of the Correctional Service during the five year period.

The report indicated that CSC needs to improve risk assessments, that they need more vigorous implementation of preventive measures, and that they must provide more competent and timely responses to prisoners. The findings also indicate that the Correctional Service has not rigorously fulfilled its mandate to keep all prisoners safe, nor has it acted upon recommendations made

following the deaths of prisoners. Moreover, the report found that CSC has failed to incorporate lessons learned, nor has it implemented corrective action over time and across regions, with too many of the same errors and observations being made time after time. Worse still, the study found that CSC resists or fails to reasonably act on a large proportion of Coroners' and Medical Examiners' findings and recommendations.

The Correctional Investigator also indicated that, in order to reduce the number of fatalities, a timely and systematic follow-up and corrective action is required of CSC if they are to ensure that preventive measures are implemented.

We currently await the release of the report of the Office of the Correctional Investigator (OCI) into the death of Ashley Smith. Additionally, in another report due to be released May 21, 2008, the OCI chronicles the death of an Aboriginal man whom Correctional Service of Canada apparently watched die, in what prisoners and staff clearly identified as a racist failure to respond to the man's requests for assistance as he bled to death waiting for medical attention.

As we also experienced in our requests for CSC to investigate the conditions of confinement experienced by Ashley and other women currently subjected to CSC's unlawful 'management protocol', the OCI also chronicles the repeated failures of CSC to properly investigate such allegations.

### 3. Criminal Justice Reforms

#### a. Optional Protocol

On June 5, 2007, along with Amnesty International and the Association for the Prevention of Torture, Dominique Larochelle and I appeared before the Parliamentary Subcommittee on International Human Rights in relation to the possible ratification by Canada of the Optional Protocol to the Convention Against Torture. We received extremely short notice, shortly after the Annual General Meeting, so it was fortunate that we already had a previous submission to the United Nations addressing this issue.

During the hearing, we pointed out that 34 States were parties to the Optional Protocol and 31 others have signed it. After the Optional Protocol came into force on June 22, 2006, a United Nations Subcommittee on Prevention of Torture (SPT) was elected, in December 2006, by the first 20 States Parties to the Protocol. The Subcommittee is composed of 10 independent experts. The SPT intends to make its first inspections at the end of this year. Its methods, which are limited for the moment, will expand once 50 States have ratified the Protocol. At that point, the number of experts on the SPT will be increased to 25.

Most of the States Parties are actively working to implement the OP at the internal level. The OP provides that States Parties undertake to designate or establish "one or several preventive mechanisms" (art. 17). The Protocol gives States the latitude they need to determine for themselves what form these national prevention mechanisms (NPM) will take.

Combating torture and other cruel, inhuman or degrading treatment has been one of the priorities of the foreign policy of the Canadian government in the field of human rights. Canada was a member of the Working Group that worked to prepare the draft Protocol, between 1992 and 2001,

at the request of the Commission on Human Rights. Canada voted for the Optional Protocol at the Commission on Human Rights on April 11, 2002, and subsequently at the General Assembly on December 18, 2002.

Canada has always had an enviable reputation when it comes to protecting and promoting human rights throughout the world. Furthermore, when Canada put its name forward for a seat on the new United Nations Human Rights Council in May 2006, Canada pledged "to consider signing or ratifying other human rights instruments, such as the Optional Protocol to the CAT". Since Canada was elected and will sit until 2009, it should act on its promises.

Regrettably, incidents such as the Maher Arar case and allegations of mistreatment of prisoners captured by the Canadian Forces in southern Afghanistan and turned over to the Afghan authorities have further blemished Canada's reputation, by giving international observers the impression that Canada is not taking these extremely sensitive matters as seriously as they should.

Canada has never publicly backed away from its support for the Optional Protocol. Indeed, even the current government has expressed support for the form of oversight of detention envisioned by the OP. Given the importance of combating such forms of torture as extended retention of prisoners in segregation, and the fact that Canada already has independent monitoring mechanisms, including the Office of the Correctional Investigator, whose expertise could be used in the internal implementation of the OP, this government's resistance is not easy to comprehend. Accordingly, we continue to recommend that the Government of Canada sign the Optional Protocol in the near future and thus indicate to the international community that it intends to complete the process of ratification.

b. Bill C-2

On February 28, 2008, this bill was passed. Lucie Joncas and I submitted our brief to the members of the Standing Committee on Justice and Human Rights (Second Session - 39th Parliament) regarding Bill C-2: An Act to amend the Criminal Code and to make consequential amendments to other Acts. On February 13, 2008, we also presented our brief to the Standing Senate Committee on Legal and Constitutional Affairs. A copy of our submissions is available on our web site dans les deux langues official.

c. Other Bills

In addition to other public and private members bills, we will also provide input on the following pending pieces of proposed legislation: Bill C-25 – An Act to amend the Youth Criminal Justice Act; Bill C-53 – An Act to amend the Criminal Code (auto theft & trafficking in property obtained by crime); Bill C-13 – An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments); and Bill C-484 – Unborn Victims of Crime Act.

#### 4. Public Education Events and Activities

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

In addition to regular public education events and presentations in law, criminology, sociology, psychology and social work classes, our team of four law students continued to work on updating the Prison Law Manual and the final training phases of the HRIA project. They also assisted in conducting the workshops for EFS prison workers, others in our network and partners, as well as the women in/from the GVI, Nova and Joliette prisons.

Another law student has developed a short photo montage set to the music of Tracy Chapman's song, *Tin Man*. All who have viewed the three-minute clip find it a very moving production. The Board will have an opportunity to view it at the meeting.

In addition to continuing to supervise directed research projects of law students during the January and winter terms at the University of Ottawa, this term, Dr. Elizabeth Sheehy and I again co-taught the course we developed last year, *Women and the Legal Profession: Defending Battered Women Who Kill*. Students in the course once again had an opportunity to work on legal issues related to current cases involving women who have been charged with murder in relation to the deaths of their abusive partners. In addition, one of the students is working with us this summer. Anne-Marie McElroy is developing training materials for the provincial Human Rights in Action pilot training sites.

##### b. Other Events and Presentations

Some of the other presentations made and events attended since my last report include:

- ▶ May 28, 2007 – Crime Prevention Dialogue – Canadian Association of Chiefs of Police
- ▶ May 29, 2007 – Briefing regarding Human Rights in Prisons and the CSC Review Panel - Assembly of First Nations
- ▶ May 29, 2007 – Current Issues Regarding Criminalized Women – National Judicial Institute staff
- ▶ May 29, 2007 – McKinnon Advisory Committee Meeting
- ▶ June 5, 2007 – Presentation to the Parliamentary Subcommittee on International Human Rights in relation to the possible ratification by Canada of the Optional Protocol to the Convention Against Torture
- ▶ June 12, 2007 – Legal Aid Ontario Prison Law Advisory Committee
- ▶ June 13, 2007 – Attended the Annual General Meeting of the Elizabeth Fry Society of Quebec
- ▶ June 14, 2007 - Attended the 'Art in the Garden' fundraiser hosted annually by the Elizabeth Fry Society of Ottawa

- ▶ June 14, 2007 – Participated in the Strategic Directions Session with and for the National Crime Prevention Centre
- ▶ June 27, 2007 – Participated in the Indigenous Women’s Leadership Training in Darwin, Australia
- ▶ June 28-30, 2007 – Presentations at the Sisters Inside Conference in Darwin, Australia
- ▶ July 25-28, 2007 – Participation in the "Roundtable on Human Rights and Access to Justice for Women Prisoners" at Human Rights 2007 Berlin Conference – Law and Society in the 21<sup>st</sup> Century
- ▶ August 7, 2007 – Presentation to CSC Review Panel (Submission attached and on CAEFS web site)
- ▶ August 10, 2007 – Prison Justice Day Presentation at Claire Culhane’s Bench in East Vancouver
- ▶ August 16, 2007 – Meeting with CORCAN regarding training and employment needs and interests of women prisoners.
- ▶ September 4, 2007 – Presentation to First Year Law Students at Osgoode Hall Law School in Toronto
- ▶ September 18-19, 2007 – National Associations Active in Criminal Justice (NAACJ) Meetings with the Correctional Service of Canada (CSC)
- ▶ September 20, 2007 – Press Conference and Lunch in the Senate Chambers in Support of the National Association of Women and the Law (NAWL)
- ▶ September 26, 2007 – Annual General Meeting of the Elizabeth Fry Society of Manitoba and Farewell for Debra Parkes
- ▶ September 27, 2007 – Keynote Speaker at the Take Back the Night March in Kelowna and attended the Annual General Meeting of the Elizabeth Fry Society of Central Okanagan
- ▶ October 1, 2007 – Meeting with INAC (Indian and Northern Affairs Canada) regarding support for residential school survivors in prison
- ▶ October 1, 2007 – Meeting with Public Safety and Emergency Preparedness staff regarding CAEFS funding
- ▶ October 3, 2007 – Bills C-27 & C-2 – Issues for the Justice System – Round Table Discussion of National Organizations and PSEPC Policy Directorate – Ottawa
- ▶ October 3, 2007 – Meeting with Native Women’s Association of Canada (NWAC) regarding their Aboriginal Women’s Defence Fund

- ▶ October 9, 2007 – Presentation Regarding the Victimization and Criminalization of Women – Carleton University (Sociology/Law)
- ▶ October 10, 2007 – Presentation Regarding the Socio-Politics of Incarceration - University of Ottawa (Criminology)
- ▶ October 14, 2007 – Annual General Meeting of the Native Women’s Association of Canada (NWAC) – Ottawa
- ▶ October 16, 2007 – Presentation Regarding Women’s Experiences with Criminal and Penal Law – University of Ottawa (Law)
- ▶ October 17, 2007 – Governor General’s Presentation of the Person’s Day Awards – Ottawa
- ▶ October 18, 2007 – Person’s Day Breakfast – Women’s Legal Education and Action Fund (Ottawa Chapter)
- ▶ October 21, 2007 – Meeting with United Nations (UN) Special Rapporteur on Housing - Hosted by Amnesty International – Ottawa
- ▶ October 25, 2007 – Annual General Meeting of the Elizabeth Fry Society of Ottawa
- ▶ October 27, 2007 – Presentation at the *On the Identity Trail: “The Revealed I”* Conference regarding issues pertaining to the ‘Surveillance of Marginalized Persons’ – University of Ottawa
- ▶ October 31, 2007 – Meetings with Opposition Critic Members of Parliament – Parliament Hill, Ottawa
- ▶ November 1, 2007 – Presentation for the 25<sup>th</sup> Anniversary Celebrations of the Elizabeth Fry Society of Mainland Nova Scotia - Halifax
- ▶ November 2, 2007 – Presentation at the *Chains and Links: Human Rights Activism Conference* – University of Saskatchewan (College of Law) - Saskatoon
- ▶ November 3-4, 2007 – Women’s Legal Education and Action Fund (LEAF) and Human Rights Centre Legal Strategies Session – University of Ottawa (Law School)
- ▶ November 5, 2007 – Presentation re: Social Justice and the Criminalization and Imprisonment of Women – University of Ottawa (Law)
- ▶ November 7, 2007 – Social Justice Lecture – *What’s wrong with getting (even tougher on crime?* - University of Ottawa (Law)
- ▶ November 8, 2007 – Legal Aid Ontario – Prison Law Advisory Committee Meeting
- ▶ November 12, 2006 – Presentation re: Issues for Mothers in Prison – University of Ottawa (Law)

- ▶ November 13, 2007 – Submission of the Canadian Association of Elizabeth Fry Societies to the Standing Committee on Justice and Human Rights (Second Session - 39th Parliament) Regarding Bill C-2: An Act to amend the Criminal Code and to make consequential amendments to other Acts - Centre Block, Parliament – Ottawa
- ▶ November 15, 2007 - Training Session for New Brunswick Department of Public Safety – Saint John, New Brunswick
- ▶ November 16, 2007 – Presentation on the Criminalization of Women, Especially Poor and Racialized Women and those Escaping Violence and/or Dealing with Mental Health Issues – Queen’s University (Women’s Studies)
- ▶ November 22, 2007 – Current Criminal Law Issues – Panel Presentation organized by University of Ottawa Law Students
- ▶ November 26-27, 2007 – Violence Prevention Program for Women National Advisory Committee Meeting - Ottawa
- ▶ November 27-29, 2007 – *Why Gender Equality Still Matters* - Presentation to Judges at National Judicial Institute Training Program - Toronto
- ▶ November 29, 2007 – *Politics and Punishment* – Presentation to Professor Gillian Balfour’s class at Trent University, Peterborough
- ▶ November 30, 2007 – Meeting with Associate Deputy Minister of Public Safety and staff of the Directorate regarding the need for external oversight of CSC
- ▶ November 30-December 1, 2007 - Feminist Alliance for International Action (FAFIA) Arts Court Presentation and Meeting - Ottawa
- ▶ December 1-5, 2007 – Participated in Planning Meetings re: Follow Up to the Death of Ashley Smith, hospitalization of woman with mental health issues, Truro Police investigations
- ▶ December 10-13, 2007 – Assembly of First Nations Annual General Assembly
- ▶ December 14-15, 2007 – Annual General Assembly of the Native Women’s Association of Canada
- ▶ January 3, 2008 – Mentoring Children of Prisoners – Big Sisters and Big Brothers of Canada
- ▶ January 14, 2008 – Briefings of Opposition Critics - Parliament Hill – Ottawa
- ▶ January 21, 2008 – Presentation re: Human Rights in Canadian Prisons – Carleton University (Sociology and Law)
- ▶ January 22, 2008 – Visit to Bridge House and Presentation re: *Prisoner Parenting and the Best Interests of the Child* – Children Visiting Parents Inc., Kingston

- ▶ January 26, 2008 – Native Sisterhood Pow Wow at Grand Valley Institution – Kitchener
- ▶ February 13, 2008 – Presentation to the Standing Senate Committee on Legal and Constitutional Affairs regarding Bill C-2, the proposed ‘Tackling Violent Crime Act’ – Ottawa
- ▶ February 19-21, 2008 – Meetings of the National Associations Active in Criminal Justice, CSC and Public Safety staff – Ottawa
- ▶ February 29-30, 2008 – Meetings with representatives of the Native Women’s Association of Canada regarding the hyper-responsibilization of Aboriginal women who experience, survive and attempt to escape violence
- ▶ March 5-7, 2008 – International Women’s Week public lecture and speaking events with the Women’s Centre, at a local high school and in St. Francis Xavier University social work and nursing classes - Antigonish, Nova Scotia
- ▶ March 15, 2008 – Panel Presentation on Prisoners’ Rights and Advocacy Issues – SpinLaw Conference – Sponsored by the University of Toronto and Osgoode Hall Law School
- ▶ March 18, 2008 – Meeting with Chair of Mental Health Sub-Committee on Criminalized Populations – Ottawa
- ▶ April 2, 2008 – Testimony at YCJA review in case of C.K. – Brampton
- ▶ April 11-13, 2008 – Presentation and Participation in Think Tank - Prisons Policy: Rehabilitation, Health and Drugs – Ditchley Foundation – Oxford, United Kingdom
- ▶ April 17, 2008 – Criminalization of Women with Mental Health Issues – EFS Saint John, N.B.
- ▶ April 30, 2008 – Historica Law Week Presentations – Ottawa
- ▶ May 10, 2008 – Marlene Memorial Tree Ceremony – EFS Hamilton

c. Media

We continue to average 7-10 media calls per week and we are receiving an average of 75-80 calls from the prisons per week. We have been consulted by television and radio producers to discuss story ideas and possible in depth and/or documentary topics by CBC, CTV, Global and APTN.

Up until the death of Ashley Smith, we continued to receive approximately 20-25 media calls per month for backgrounders and interview requests at the rate of 2-3 per month. Since Ashley’s death, we have averaged at least 2-3 calls per day and we received 112 calls from the prisons in the past two weeks. We have been consulted by producers to discuss story ideas and possible in depth and/or documentary topics by CBC, CTV, Global and APTN.