

## Community Options Required

“It is important to understand that the context in which many women are increasingly being criminalized is one of poverty, racism, addiction, lack of supports and violence against women.”<sup>1</sup>

- Criminal justice and correctional systems are increasingly the only system in Canada that cannot turn away those in need; they are consequently becoming a “repository for the mentally ill, drug addicts, and poor, sick people for whom the depleted social services no longer provide adequate accommodation”.<sup>2</sup>
- Women are the fastest growing prison population worldwide, especially poor women, Aboriginal women and women with disabling mental health issues. This dramatic growth of women prisoners can largely be attributed to such global phenomena as the retreat of the state and Canada’s social safety net occasioned by the evisceration of affordable health care, child care, social assistance, and other community supports and educational opportunities combined with a simultaneous intrusion of the state in terms of surveillance, monitoring, criminalization, and institutionalization.<sup>3</sup>
- Regardless of their educational attainment, women are still less likely than men to be employed, although gaps are narrowest between women and men with higher education. There still are gaps even though young women today are better educated than their male peers. In 2001, 21% of women aged 20 – 29 were university graduates, compared with 15% of their male counterparts.<sup>4</sup>
- There has been particularly sharp growth in the employment rate of women with children in the past quarter century. In 2006, 73% of all women with children under the age of 16 living at home were part of the paid work force. However, women with children are still less likely to be employed than women without children.<sup>5</sup> Women have accounted for about 70% of all part-time employees since the late 1970s.<sup>6</sup>
- Historically, the majority to employed women continue to work in occupations in which women have been concentrated. In 2003, 70% of all employed women were working in teaching,

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<sup>1</sup> Pollack, Shoshana. *Locked in Locked Out: Imprisoning Women in the Shrinking and Punitive Welfare State*. Waterloo: Wilfred Laurier University: 2008.

<sup>2</sup> Garland, David. *Culture of Control*. Toronto: Oxford University Press, 2001 at 179, as quoted in Shoshana Pollack, “You Can’t Have It Both Ways”: *Punishment and Treatment of Imprisoned Women*”. Kitchener: Journal of Progressive Human Services, 2009 at 114.

<sup>3</sup> Canadian Association of Elizabeth Fry Societies. *Submission of the Canadian Association of Elizabeth Fry Societies to the CSC Review Panel*. 2007 at 6.

<sup>4</sup> Lindsay, Colin and Marcia Almey. *A Quarter Century of Change: Young Women in Canada in the 1970’s and Today*. 2004 at 6.

<sup>5</sup> Almey, Marcia. *Women in Canada: Work Chapter Updates*. Ottawa: Statistics Canada, 2007.

<sup>6</sup> Canadian Research Institute for the Advancement of Women. *CRIAW Fact Sheet: Women and Poverty Third Edition*. 2005 at 3.

nursing or related occupations, clerical or other administrative positions, or sales and service occupations.<sup>7</sup>

- Gaining work skills is considered an important factor in successful community reintegration for women prisoners. However, women have little access to meaningful work opportunities and employment programs while they are incarcerated.<sup>8</sup>
- Women in prison are often given jobs to gain work experience that contribute to the running of the prison itself, such as cooking, cleaning, and hairdressing. These skills are not only feminized and add to the increased inequality of women, but are often skills that are not marketable to the community.<sup>9</sup> There are other opportunities, but they are often either not well advertised or are limited. These include CORCAN (which hires mostly men), and community work releases (which many women benefit from, but few have a chance to partake in).<sup>10</sup>
- The current classification system used by Correctional Services Canada is based upon risk factors that are associated with men and are therefore, not applicable to women. As a result, women are over-classified as high-security risks. This prevents women from being able to access reintegration tools such as temporary absences passes, work release programs, and other privileges.<sup>11</sup>
- On October 22, 2003, 373 service agencies in Canada reported serving 4,358 clients that day: 77% were female and 23% were male.
- Women who are facing provincial jail sentences sometimes request to do their time in federal prisons in the hopes that they will then receive therapeutic treatment. In her 2009 study, Shoshana Pollack discovered, after interviewing women who have been criminalized, that 66 out of the 68 women admitted to having drug or alcohol dependencies. Lack of community based addictions programs (because of lack of government financial support to the programs, waiting lists, lack of child care, or high fees) contributed to the criminalization of these women.<sup>12</sup>
- In October 2007, Ashley Smith died while incarcerated in a segregation cell at Grand Valley Institution for Women. Four Correctional Service of Canada employees have been fired and four others have been suspended. All are criminally charged in relation to her death and

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<sup>7</sup> Almey, Marcia. *Women in Canada: Work Chapter Updates*. Ottawa: Statistics Canada, 2007.

<sup>8</sup> Canadian Human Rights Commission. *Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*. 2004 at 53.

<sup>9</sup> Pollack, Shoshana. "You Can't Have It Both Ways": *Punishment and Treatment of Imprisoned Women*". Kitchener: Journal of Progressive Human Services, 2009 at 125.

<sup>10</sup> Canadian Human Rights Commission. *Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*. 2004 at 6.1.5.

<sup>11</sup> Pollack, Shoshana. *Locked in Locked Out: Imprisoning Women in the Shrinking and Punitive Welfare State*. Waterloo: Wilfred Laurier University: 2008 at 7.

<sup>12</sup> Pollack, Shoshana. "You Can't Have It Both Ways": *Punishment and Treatment of Imprisoned Women*". Kitchener: Journal of Progressive Human Services, 2009 at 119.

another stands charged for assault. This tragically underscores the need for correctional accountability and judicial oversight of Canadian prisons.<sup>13</sup>

- Many women classified as maximum security will reach their warrant expiry (end of prison sentence) without having participated in gradual release programs, thereby increasing the likelihood they will find themselves in the same situations that led to their initial criminalization.<sup>14</sup>
- Even for those with university degrees, immigrant women are less likely to have paid employment than immigrant men. A high number of immigrant and refugee women are only able to work as domestic workers; too many also are forced to live in the homes of their employers, which can put them at great risk of financial, physical and sexual abuse.<sup>15</sup>
- While more than 80% of women in the general population have progressed beyond Grade 9, only about 50% of women in prison have the same educational attainment.<sup>16</sup>
- In 1996, there were just over 300,000 child care spaces available to preschool children in Canada. At the same time, there were 900,000 families in Canada with at least one preschool aged child living with two working parents or a lone parent who was employed.<sup>17</sup>
- A little known decision of Nelson Mandela when he was elected President of South Africa was that he freed the women in prison who were mothers, rather than allow their continued imprisonment to negatively impact generations to come.
- Because of the lack of child care and women's relatively unequal access to housing, income, et cetera, women are less likely to be given conditional sentences, also known as 'house arrest'.

## Remand Crisis

- "Pre-trial detention is... a punishment without a finding of guilt." In Canada, the presumption of innocence is fundamental to the justice system, yet remand practices fly in the face of that rule.<sup>18</sup>
- The current chance of women being remanded in custody awaiting trial has doubled in Manitoba over the past 20 years.<sup>19</sup>

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<sup>13</sup> Ibid at 14.

<sup>14</sup> Ibid at 7.

<sup>15</sup> Canadian Research Institute for the Advancement of Women. *Fact Sheet: Immigrant and Refugee Women*. Canadian Research Institute for the Advancement of Women, 2003. On line: [http://www.criaw-icref.ca/indexFrame\\_e.htm](http://www.criaw-icref.ca/indexFrame_e.htm) at 2.

<sup>16</sup> Canadian Human Rights Commission. *Protecting Their Rights A Systematic Review of Human Rights in Correctional Services for Federally Sentenced Women*. 2004 at 7.

<sup>17</sup> Lindsay, Colin and Marcia Almay. *A Quarter Century of Change: Young Women in the 1970's and Today*. 2004 at 11.

<sup>18</sup> Weinrath, Michael. *Inmate Perspectives on the Remand Crisis in Canada*. Winnipeg, Canadian Journal of Criminology and Criminal Justice, 2009 at 356.

<sup>19</sup> Ibid at 365.

- Between 1986 and 2006, the over-all crime rate dropped 25%, yet the incarceration rate increased 23%.<sup>20</sup>
- Just under 10% of inmates felt more community-based programming would assist inmates in avoiding problems, either while awaiting trial or when on bail. These inmates stressed drug and alcohol addictions programs as the most key.<sup>21</sup>
- The option of a community-based sentence with treatment support offers a much more constructive alternative in the view of inmates.<sup>22</sup>

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid at 371.

<sup>22</sup> Ibid at 374.

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