

## Issues Associated with Increased Criminalization of Women

“It is the everyday contexts in which these women [live and] work that provide the high propensity for violence, not the women themselves.’ (Goldstein et.al., 1991, p.161)”<sup>1</sup>

- Women are generally involved in the criminal justice system as victims of crime, not as individuals charged with criminal offences. They make up a greater share of those charged with property offences rather than violent offences, such as homicide, assault, sexual assault or robbery.<sup>2</sup>
- Women are too often criminalized for activities they regard as necessary for their economic survival, such that 80% of women are imprisoned for economic related crimes and the vast majority of property crimes for which women are charged involve either fraud or theft under \$5,000.<sup>3</sup>
- In 2005, social assistance rates for single parent families in Canada ranged anywhere from 52% below the poverty line in Alberta, to 27% below the poverty line in Newfoundland and Labrador. For single employable people the rates were even lower, from 81% below the poverty line in New Brunswick, to 54% below the poverty line in Newfoundland and Labrador.<sup>4</sup>
- Women account for 70% of all part-time employees and two-thirds of women employed within traditionally women-dominated occupations.<sup>5</sup> Women are also more likely to be multiple-job holders, accounting for 55% of multiple-job holders in 2004, rising from 42% in 1987.
- One of the clearest indicators of the inadequacy of social assistance to support families in need is the Statistics Canada report of an increase in the employment of single mothers from below 50% in 1976 to 70% in 2006.<sup>6</sup>
- The 1,132,290 single mothers in Canada<sup>7</sup> have the most unstable earnings and are among the most

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<sup>1</sup> Correctional Service of Canada. *Understanding Violence by Women: A Review of the Literature*. On line: <http://www.csc.scc.gc.ca/text/prgrm/fsw/fsw23/fsw23e04-eng.shtml>

<sup>2</sup> Pollock, Shoshana. *Locked In, Locked Out: Imprisoning Women in the Shrinking and Punitive Welfare State*. Waterloo: Wilfred Laurier University, 2008 at 6.

<sup>3</sup> Ibid.

<sup>4</sup> National Council of Welfare. *Welfare Incomes 2005*. Ottawa: Minister of Public Works and Government Services Canada 2006 at 3.

<sup>5</sup> Canadian Institute for the Advancement of Women. *CRIAW Fact Sheet Women and Poverty Third Edition*. Ottawa: CRIAW, 2005. On line: [http://www.criaw-icref.ca/indexFrame\\_e.htm](http://www.criaw-icref.ca/indexFrame_e.htm) at 3.

<sup>6</sup> Statistics Canada. *Women in Canada: Work Chapter Updates*. Ottawa: Statistics Canada, 2006.

<sup>7</sup> Statistics Canada. *Census Family Status (6), Age Groups (20) and Sex (3) for the Population in Private Households of Canada, Provinces, Territories, Census Divisions and Census Subdivisions, 2006 Census - 20% Sample Data*. Ottawa: Statistics Canada, 2006.

impoverished in Canada.<sup>8</sup>

- In 2003, the National Council of Welfare stated that 48.9% of children living with single-parent mothers live in poverty compared to 20% who live with single-parent fathers.<sup>9</sup>
- Traditionally, women have higher poverty rates than men. In 2005, the poverty rate for women and girls was 16.2%, and the comparable rate for men was 14.4%. Elderly women in particular are effected with 18.6% of women 65 and over living in poverty compared to 9.4% of there male counterparts. Since the 1980s, this pattern of poverty among women has been longstanding.<sup>10</sup>
- Women and girls account for 70% of people who live in absolute poverty.<sup>11</sup>
- The United Nations has said that the cuts made to Canada's social programs are inconsistent with the International Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), to which Canada is a signatory.<sup>12</sup>
- In 2003, the earnings of women who worked full-time for a full year averaged 71% of the average earnings of men working full-time for a full year and were as low as 62.4% in Newfoundland and Labrador.<sup>13</sup>
- Men receive more income than women from all sources, including wages and salaries, investment, retirement, and other income. For example, women receive on average \$13,873 less than men in wages and salaries, and an average of \$7,463 less in retirement income per year.<sup>14</sup>
- Three main factors have been identified as an explanation to the lower wage and rates of paid work for women:<sup>15</sup>
  - Discrimination against women in gaining access to paid work and a fair income;
  - The sex-role stereotypes about women's involvement in paid work; and

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<sup>8</sup> Morissette, René and Yuri Ostrovsky. *Income Instability of Lone Parents, Singles and Two-Parent Families in Canada, 1984 to 2004*. Ottawa: Statistics Canada, 2007 at 11.

<sup>9</sup> National Council of Welfare. *Poverty Profile, 2002 and 2003*. Ottawa: Minister of Public Works and Government Services Canada 2006 at 4.

<sup>10</sup> Statistics Canada. *Persons in low income before taxes, by prevalence in percent (2001-2005)*. Ottawa: Statistics Canada, 2007.

<sup>11</sup> Canadian Centre for Policy Alternatives. *The CPPA Monitor Social Injustice Index*. Ottawa: CCPA, 2007, v.14, n.5 at 3.

<sup>12</sup> Canadian Research Institute for the Advancement of Women. *Women's experiences of social programs for low incomes*. Ottawa: Canadian Research Institute for the Advancement of Women, 2007. On line: [http://www.criaw-icref.ca/indexFrame\\_e.htm](http://www.criaw-icref.ca/indexFrame_e.htm) at 2.

<sup>13</sup> Canadian Canadian Institute for the Advancement of Women. *CRIAW Fact Sheet Women and Poverty Third Edition*. Ottawa: CRIAW, 2005. On line: [http://www.criaw-icref.ca/indexFrame\\_e.htm](http://www.criaw-icref.ca/indexFrame_e.htm) at 8.

<sup>14</sup> Canadian Centre for Policy Alternatives. *The CPPA Monitor Women's Income and Poverty Index*. (Ottawa: CCPA, 2004, v.1, n.2 at 29.

<sup>15</sup> Status of Women Canada. *Women and Employment: Removing Fiscal Barriers to Women's Labour Force Participation*. Ottawa: Status of Women Canada, 2005 at 4 -10.

- Women’s high elasticity of attachment to the labour force renders them susceptible to government policies that foster fiscal incentives to unpaid work and hidden penalties to paid work. These hidden fiscal incentives and penalties can be found in tax laws and other fiscal policies such as social assistance guidelines, pension policies, child-care rules and unemployment insurance schemes.
- The 2003 Federal Budget provided the Department of National Defense with 1.6 billion in new funding for 2003-2005. At the same time in Canada, 41% of single women, 49% of unattached older women, 43% of Aboriginal women, and 37% of women of colour live in poverty.
- In the 2001 Census, more than 36% of Aboriginal women, compared to 17% of non-Aboriginal women, were living in poverty.<sup>16</sup>
- In 2003, 1.5 million Canadian adult women were living in poverty. Women aged 18 and over accounted for 54% of persons in low income.<sup>17</sup>
- In the 2001 Census, 29% of visible minority women were living in poverty. Among these minority groups, the poverty rate for foreign-born women was 23% and 35% for immigrant women.<sup>18</sup>
- In the 2001 Census, 26% of women with disabilities were living in poverty.<sup>19</sup>
- Only 40% of Canada’s unemployed people receive employment insurance, compared with 80% in 1990.<sup>20</sup>

## Grievances

- Each federal prison has a legal requirement to establish a complaint/grievance system for prisoners as outlined in section 74 of the Corrections and Conditional Release Act.<sup>21</sup>
  - “74 (1) Where an offender is dissatisfied with an action or a decision by a staff member, the offender may submit a written complaint, preferably in the form provided by the Service, to the supervisor of that staff member.
  - 74 (2) Where a complaint is submitted pursuant to subsection (1), every effort shall be made by staff members and the offender to resolve the matter informally through discussion.
  - 74 (3) Subject to subsection (4) and (5), a supervisor shall review a complaint and

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<sup>16</sup> Townson, Monica. *Poverty Issues for Canadian Women Background Paper*. Ottawa: Status of Women Canada, 2005 at 2.

<sup>17</sup> Ibid at 2.

<sup>18</sup> Ibid at 2.

<sup>19</sup> Ibid at 3.

<sup>20</sup> National Council on Welfare. *Solving Poverty: Four Cornerstones of a Workable National Strategy for Canada*. Ottawa: Minister of Public Works and Government Services Canada, 2007.

<sup>21</sup> “Grievance Procedure.” *Canadian Prison Law*. On line: <http://www.canadianprisonlaw.com/ccrr/offender.htm>

- give the offender a copy of the supervisor's decision as soon as practicable after the offender submits the complaint.
- 74 (4) A supervisor may refuse to review a complaint submitted pursuant to subsection (1) where, in the opinion of the supervisor, the complaint is frivolous or vexatious or is not made in good faith.
  - 74 (5) Where a supervisor refuses to review a complaint pursuant to subsection (4), the supervisor shall give the offender a copy of the supervisor's decision, including the reasons for the decision, as soon as practicable after the offender submits the complaint.<sup>22</sup>
- In response to complaints from prisoners who were concerned that their grievances were never answered by the Correctional Service of Canada (CSC), the Correctional Investigator reviewed CSC's performance in this regard. They found instances of grievance receptacles not being emptied for months; that is, longer than the longest response period allowed by the grievance procedures. This is also a significant concern in light of the reality that the issues often grieved by prisoners relate to health care, transfers (usually involuntary), and administrative segregation.<sup>23</sup>

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<sup>22</sup> Ibid

<sup>23</sup> Sapers, Howard. "Annual Report of the Officer of the Correctional Investigator 2007-2008." Annual Report of the Office of the Correctional Investigator at 51

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