

*Compliance with the law ultimately depends upon an interdependent trust --trust in the rightness of the law and in the right enforcement of that law which "reflects ideals of liberty, equality and fairness (nullum crimen sine lege, nulla poena sine lege - there can be no crime, nor punishment, without law)"(Arbour 1996:179).*

One who seeks justice for women in the area of  
**Legal & Equality Issues may advocate for**

- (a) a complete law referencing library as a distinct but separate part of the library facility which is available to all incarcerated women in that facility on a daily basis regardless of the security level of the woman (To offset the costs of this facility, it could also be open to members of the community who need access to similar materials)
- (b) prisoner training for a paid legal clerk's position:
- . to assist First Nations' women in their legal applications for status and with other legal matters unique to First Nations' women
  - . to assist those women who are not Canadian citizens to search out the applicable immigration laws, parole-by-exception applications and other specialty legal matters
  - . to file updates on family law, criminal law and prison law matters
  - . to assist women to locate particular legislation and case law and
  - . to act as a liaison to organize legal workshops
- This position could be open to women serving lengthy sentences and who may be interested in pursuing a career in computers, administration, law, education, social services etc.
- (c) access to free semi-annual legal workshops as could be coordinated by the provincial legal services societies, the prison legal services societies and/or the community law colleges and universities.
- (d) training for the paid position of a grievance consultant in order to assist those women unable to understand the complaint and grievance process. The woman occupying this position would also be responsible for record keeping of all complaints and grievances filed and their disposition and would complete a semi-annual statistical report, which while protecting the identities of all involved could assist to measure any difficulties encountered and flag areas where these difficulties are not meeting with satisfying resolutions for all concerned. This report would be automatically copied to advocacy groups who request it as well as to the Commissioner of Corrections and the Correctional Investigator on FSW matters.
- (e) the right of regular conciliation in unresolved grievance and legal areas

### Why Grievance Advocacy?

The grievance procedure was implemented as a method to reduce tensions in prisons by offering the prisoner an opportunity to make written responses to perceived wrongs done. It may have also been an effort to make penal authorities accountable to the law, a more ideal interpretation of the old Charter of Rights that could suggest that both rights and responsibilities attached to the laws of this country are applicable whether one is a prisoner or whether one is employed as part of the prison industry.

To **assist** a woman in writing an effective grievance is to enable her to cope within the prison environment with a sense of self-respect. The process helps her to understand what her rights are and how to access them. If she is confined in segregation writing the grievance for her (upon her request) may be the only way to help. In most cases, however, it is more productive to assist the woman so that she does not become entirely dependent on you. Offer only to help her write her own grievance and to follow it up with her each step of the process. Help her to understand that the grievance system was mandated under law nearly 30 years ago.

Many women in prison do not know how to challenge unfair practices and many become frustrated, angered and sometimes violent because they feel victimized, fearful and helpless. This state of mind is a form of ongoing depression. It disables the woman from benefiting from any program offered, it severely impairs her ability to make sound choices and it drastically decreases her chances for survival inside or outside of prison.

Some prisoners will say, "Why file a grievance – it doesn't get you anywhere!" Tell these very frustrated prisoners who have filed grievance upon grievance only to be denied relief - that it is important to frame one's desires under rules of negotiation--*ask for everything, expect nothing and settle on something*. But in every case where one believes one's rights are being denied, refer to the applicable CD and file the grievance. Grievances can serve the purpose of a peaceful protest to a situation found distasteful or intolerable. If every prisoner filed a grievance every time they believed that their rights were violated, the system would clog up and many matters might be resolved in favour of prisoners. In the least the prisoner should understand that though their keepers hate dealing with grievances they also know that every prisoner has a right to do so.

Keep the grievance and the response(s) for future reference or to send to a central advocates location. By filing grievances the prisoner exercises her/his legal rights to do so. The process aids the prisoner in learning patience, coherence of thought, reading and writing effectively and understanding that they can have some control over their existence.

The building of an outside "grievance library" would be of tremendous benefit. Often a grievance may be "won" by a prisoner, but only a few prisoners will know it. The consequences are that the same issue may be grieved by many other prisoners in many other locations. With no "precedent" to refer to, the matter may be ineffectively grieved and subsequently lost. This is a time issue. No one, not even a lifer, has time to waste. It is important to always stress that one must make good use of time, rather than have time make use of you.

Examples of Events which justify grievance relief:
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**Event:**

A woman is denied private family visits because she was convicted of an infraction such as “disobeys a justifiable order of a staff member” [40.(a)]

**Rationale for Grievance**

In most prisons, the only infraction which justifies denial of private family visits is when the prisoner or prisoner’s visitors are convicted of contraband infractions so that the conviction above should not be justifiably used to deny private family visiting “privileges.” See also the many references in the “Mission Statement” to “honouring family bonds, etc.”

**Event:**

A woman is placed in Involuntary Segregation and is denied her radio though there are power receptacles in her segregation cell.

**Rationale**

This is contrary to CCRA 37.

**The Office of the Correctional Investigator – See Part III CCRA**

**Information**

In 1994-1995 Annual General Report, it was noted that there were 6,799 grievances filed to this final stage. The total prisoner population for that period was noted at 13,312.

The categories which received in excess of 300 grievances to the Correctional Investigator level were:

Administrative Segregation:	504
Cell Effects	339
Healthcare	620
Parole Case Preparation	339
Requests for Information	368
Transfers both Voluntary (759) & Involuntary(268)	1027