

March 7, 2005

Ms Mary Gusella
Chief Commissioner
Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa, Ontario
K1A 1E1

Dear Mary:

Re: Chief Commissioner's Press Response to the Correctional Service of Canada Response

On behalf of the Canadian Association of Elizabeth Fry Societies (CAEFS), I am once again writing you to advise that we are extremely disheartened to hear that you are, "pleased with the work undertaken by the CSC to respond to the recommendations made in [your] January 2004 report", *Protecting Their Rights: A Systemic Review of Human rights in Correctional Services for Federally Sentenced Women*. We find your decision to congratulate the Correctional Service of Canada on the "positive step of committing itself to reporting publicly on an annual basis on the implementation of the recommendations and the progress of their action plan," in light of their record of inaction to date as an odd step.

We are all the more concerned in light of your decision to not even seek the input of the equality-seeking organizations and women in and from prison who launched the complaint against the Canadian government in the first place. Moreover, given the inaction of the CSC and the Minister in relation to Madam Justice Arbour's report of nine years ago, your report, and the most recent Annual Report of the Correctional Investigator, we are all the more surprised at your apparent decision to abandon your responsibility to monitor the response of the Department.

Given the overwhelming need for oversight mechanisms reinforced and recommended by your report, we find it somewhat inconsistent that you would accept that CSC might monitor itself and report on its progress. With respect, if CSC had demonstrated any verifiable willingness to do so, we would not have felt the need to launch the complaint with the Commission four years ago. Especially in light of their track record to date – no Ministerial response to the Arbour Report, ongoing concerns regarding human rights and Charter violations in women's prisons, overwhelming dissatisfaction expressed by all equality-seeking and most governmental (privately from CSC and rather publicly from most non-CSC) participants in the CSC October 2004 consultation -- we consider this tantamount to abandoning the women whom you last year confirmed were the subject and object of human rights violations and discriminatory treatment at the hands of their jailers. On what basis have you made the assessment that you are "pleased with the work undertaken by the CSC"?

As you know, our organization applauded your decision to undertake the systemic review and issue the special report that we suggested be completed by you. We were also congratulatory of you and your staff when you issued your report publicly on January 28, 2004. One of the most significant facets of the investigation from our perspective was the decision by the Commission to visit the women's prisons and review the materials and many specific case files of women

under the jurisdiction of the Correctional Service of Canada, including those segregated in maximum security units in men's and women's prisons. The thorough reviews of several women's individual and collective complaints about the actions, inaction, and allegations of illegal activity on the part of the Correctional Service of Canada were also vitally important to providing the Commission with insight into the manner in which CSC culture encourages denial of rights, defensive responses and difficulty in acknowledging mistakes and remedying misdeeds.

You can no doubt therefore appreciate our concern and frustration upon learning that you accepted, seemingly without question, the report that was tabled by CSC on February 17, 2005. It would appear that you and other members of the Commission have concluded that all is in order based solely upon representations of the Correctional Service of Canada. To our knowledge, and we will happily hear if we need to be corrected, none of the members of the staff, nor the Commissioners yourselves, have actually visited any of the women's prisons, nor spoken to the women currently subjected to the discriminatory treatment of corrections, since the completion of the investigation which forms the basis of your special report.

Accordingly, we find it perplexing at best, that you have apparently succumbed to the opinions, assertions, and promises of the Correctional Service of Canada. Despite their multi-decade history of denial, deception and unwillingness to even acknowledge their discriminatory treatment of women prisoners, you appear have handed them carte blanche to continue business as usual. We trust that this is not your intention.

In order to develop strategies for remedying the current atmosphere of impunity within which CSC seems to believe they may now operate, we urge you to convene a meeting of the equality-seeking groups as soon as possible to report on your decisions and advise us at to how you plan to report back to us and how you plan to monitor CSC's response to your report. Please contact our Executive Director, Kim Pate, at 298-2422 or kpate@web.ca to arrange a meeting at your earliest convenience.

Sincerely,

Dr. Ailsa M. Watkinson
President

c. Equality-Seeking Groups

Office of the Correctional Investigator

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