

## CAEFS Annual Report 2000-2001

### President's Report

On behalf of CAEFS, the President thanked the staff and volunteers of Elizabeth Fry Society of Ottawa for hosting this year's Annual General Meeting and for their assistance with the Canadian Association of Elizabeth Fry Societies' and Canadian Association of Sexual Assault Centre's conference, ***Women's Resistance: From Victimization to Criminalization***.

Dawn reported that the focus of 2000-2001 were important social justice issues. She reported that the women of the Board of Directors assisted in this aspect. The President also recognized and thanked the Executive Director for her invaluable contribution, describing Kim as instrumental in bringing social justice issues to the forefront for the network, other women's and justice groups, and the public. She also thanked Kim for her tireless energy and commitment to the enhancement of CAEFS. Dawn also highlighted Kim's role in co-coordinating as well as participating in the ***Colloquium on Mandatory Minimum Sentences***, co-sponsored by CAEFS and Osgoode Hall Law School at York University on March 9, 2001.

In her capacity as the President of the National Associations Active in Criminal Justice (NAACJ), Kim also chaired an NAACJ ***Annual Forum and Conference on Implementation of the Youth Criminal Justice Act***, March 26-27, 2001. Similarly, along with representatives for the Minister of Justice and the Solicitor General, Kim co-chaired a forum designed to examine the implications of mandatory minimum sentences. The forum was co-sponsored by the NAACJ, the Department of Justice and the Department of the Solicitor General on May 7, 2001.

Dawn also reported that her interests this past year have focussed on regional and national advocacy issues, as well as preparation for the CAEFS/CASAC conference. She also applauded the efforts of the membership to strengthen regional cooperation and communication in ways that are supportive of new and developing, as well as struggling sister societies.

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### Treasurer's Report

Mollie Both, Treasurer

Although we continue to pursue funding options for the CAEFS network, the main sources of revenue remain the Solicitor General's Sustaining Grant and corporate donations.

The grant was cut by 5% in the 1995/96 fiscal year, and by the same amount in 1996/97. It has remained static since then, but expenses have increased substantially, particularly

in travel and accommodation for meetings. This has been in part because of three new societies and in part because of rising prices. In spite of this, we finished the past fiscal year with a deficit of less than three thousand dollars.

In these times of economic restraint, we are determined not to lessen our efforts on behalf of the women we serve, so our challenge will be to reduce the amount spent on board meetings and the Annual General Meeting.

We look forward once again to fulfilling our mandate to work with and on behalf of women who come in conflict with the law.

For a more detailed report, please see the audited financial statement.

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STATEMENT OF OPERATIONS FOR THE YEAR ENDED MARCH 31, 2001

	<b>2001</b>
Revenue	
Solicitor General of Canada (Schedule 1)	\$ 451,807
Donations	20,713
Interest and miscellaneous	7,670
Dues and registrations	6,452
Expense reimbursement	17,299
	<u>503,941</u>
Expenditures	
Grants to societies - current year (Schedule 1)	170,000
Salaries and benefits	94,647
Travel and meetings	126,329
Professional fees	1,397
Reproduction	9,218
Telephone	13,910
Rent	16,413
Office and postage	3,438
Office maintenance	11,341
Amortization	2,033
Insurance	2,931
Subscriptions and memberships	1,763
Translation	2,902
Healing Lodge allocation	11,177
NGO and government liaison	285
Consulting fees	28,174
Reimbursable expenses	10,092
	<u>506,050</u>
Excess of expenditures over revenue (expenditures over revenue)	\$ (2,109)

## **CANADIAN ASSOCIATION OF ELIZABETH FRY SOCIETIES Annual General Meeting - Hull, Quebec –**

**September 30, 2001**

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

We end this year and start anew with the hope and clear desire that we are collectively striving to achieve our vision and to fulfill our mandate. In many respects the gains and challenges have been no more daunting or unexpected than other years, but in other ways, especially because it is the dawn of a century, this has been a year for reflection, growth and building excitement regarding the possibilities that lie ahead of us. We enter the coming year wearing the wisdom of past work and fuelled by the excitement of the forthcoming possibilities. In this report, I will attempt to provide you with an overview of our challenges and achievements of the past and a glimpse into the future as we see it.

#### **1. Legal Challenges**

##### **a) Prisoner Voting Case**

In keeping with CAEFS' ongoing support for prisoner enfranchisement, including previous interventions in prisoner voting cases, CAEFS and the John Howard Society of Canada sought and obtained intervener status at the Supreme Court of Canada, in the prisoner voting case, *R. v. Sauve*. Historically, federal prisoners have fought for and been granted the franchise by the courts. Following such legal successes, however, the government has subsequently amended the *Canada Elections Act* so as to re-remove the right of federally sentenced prisoners to vote. We expect the case to be heard by the Supreme Court of Canada within the coming year.

##### **b) Complaint to the Canadian Human Rights Commission**

CAEFS was extremely heartened by the decision of the Elizabeth Fry Society of Saskatchewan to file a complaint with the Canadian Human Rights Commission. As a result of their initiative, CAEFS and several other national women's, Aboriginal and justice groups filed additional supporting documentation and several more expansive complaints to the Canadian Human Rights Commission on International Women's Day, March 8, 2001.

Over the years, we have seen many calls for reform of women's corrections, in particular, it has been 11 years since the government tabled *Creating Choices*, the report of the task force for federally sentenced women, and five years since they released Madam Justice Arbour's report . following the *Commission of Inquiry into Certain Events at the Prison*

*for Women in Kingston.*

After years of discussions attempting to negotiate with Corrections to implement all of the recommendations of both, as well as legal actions and representations to the Standing Committee on Justice and Human Rights, we are now seeking the assistance of the Canadian Human Rights Commission.

On March 8, 2001, the Canadian Association of Elizabeth Fry Societies and the Native Women's Association of Canada are filing a complaint to the Canadian Human Rights Commission, and requesting that the Commission conduct a broad-systemic review. In addition, we have asked the CHRC to use its authority pursuant to s.61(2) of the **Canadian Human Rights Act** to report on the manner in which the Government of Canada is discriminating against women serving two years or more, breaching their human rights. We are alleging that the discrimination is on the basis of sex, race and disability.

As Gayle Horii's 13 year old Canadian Human Rights Commission complaint and ongoing law suit exemplify, unlike their male counterparts, with the exception of 13 beds that have been slated for closure, women who are classified as minimum security prisoners do not have access to minimum security prisons. Furthermore, there are insufficient community based releasing options for women, especially Aboriginal women. Similarly, in addition to being subjected to a discriminatory classification scheme, women classified as maximum security prisoners and those identified as having cognitive and mental disabilities are not provided with adequate or appropriate carceral placement options.

Aboriginal women represent 1-2% of the population but 23% of the federally sentenced women population. Of these located in the Prairie region, in particular, approximately half are languishing in segregated maximum security units in men's prisons. Women identified as having mental and cognitive disabilities face a similar plight. In addition to being subjected to a classification scheme that results in too many maximum security designations for these women, they are increasingly isolated in what the Correctional Investigator has referred to as brutal and discriminatory environments.

Moreover, although the Correctional Service of Canada and the Solicitor General have committed to the closure of the segregated maximum security units in men's prisons by the end of September this year, the Correctional Service of Canada plans are to replicate these isolating units in the new regional prisons. We are concerned that these proposed maximum security units which cause conditions which mirror the isolation of segregation units but do not respect the specific rights of segregated prisoners under Canadian law. The isolation of women causes us concern because it is damaging and dangerous to those women and is contrary to principles of fundamental justice.

CAEFS' complaint is also being supported by the Aboriginal Women's Action Network, Assembly of First Nations, National Association of Friendship Centres, Federation of

Saskatchewan Indian , Nations, Strength In SISTERhood, DIsAbled Women's Network Canada, National Action Committee on the Status of Women, National Association of Women and the Law, Canadian Association of Sexual Assault Centres, Canadian Research Institute for the Advancement of Women, Canadian Bar Association and Amnesty International and many local members, as well as the Canadian Association of Elizabeth Fry Societies' membership. Human Rights and Prison Watch International as well as Amnesty International have already indicated their concern regarding the human rights abuses in Canadian prisons for women.

Canada prides itself on its international human rights reputation. When it comes to the manner in which we treat our most marginalized, that reputation is too often not warranted. The Canadian government has refused to implement repeated recommendations by the Correctional Service of Canada's own task forces on federally sentenced women and segregation for external oversight, as well as it's own commission's recommendations for judicial oversight. Canada has even rejected the recommendations of the *Parliamentary Standing Committee on Justice and Human Rights* on this point.

### **c) Police Brutality**

CAEFS is extremely concerned about the reaction of the police to several recent highly publicized incidents involving women alleging mistreatment by police. Although it is not surprising that the official reactions had been to minimize and present the incidents as anomalies, we all know the realities of the nature and extent of abuse experienced by victimized and criminalized women. Unfortunately yet understandably, most of these women are not willing to lay complaints against the police. As such, CAEFS believes it is our obligation and duty to document as much information about the these sorts of matters as possible.

Staff Accordingly, the membership continues to be encouraged to document women's stories (ie. number of incidents, nature (harassment, assault, rape) of incidents, demographic information (race, occupation, sexual orientation, et cetera), name/badge #/police officer and which police force is involved, whether a complaint or other action was taken (not likely in most cases), rationale for not reporting (fear of reprisal, explicit threats, lack of faith in follow-up by the . system), whether the woman contacted a lawyer and, if so, what action if any has been or will be undertaken involved.

For women who may have civil claims against the police, it is important that they act quickly to pursue any legal actions, as there are usually relatively short statute of limitation periods on claims against the police and other agents of the Crown/state. In Ontario, for example, individuals only have six months following an incident in which to launch a law suit.

### **d) 12 Year Old Girl Convicted of Sexual Assault**

In April 2001, a 12 year old girl was convicted of sexual assault in relation to

experimentation activities that occurred between her and two of her close friends. The young woman who was charged and convicted of sexual assault, had just turned 12 years of age, whereas her two friends were still 11 years old, not having achieved their 12th birthdays at the time of the incidents. The conviction surprised many, as the behaviour which resulted in her being labelled a "sex offender" has been described by many as within the bounds of juvenile experimentation. This young woman's appeal of her conviction for sexual assault is currently still pending.

### **e) Lauzon Inquest**

CAEFS' Executive Director testified as an expert witness in the Lauzon inquest. The Council of Elizabeth Fry Societies of Ontario (CEFSO) had standing at the inquest and it was via their involvement that both Dr. Jan Heney, a psychologist who previously worked at the Prison for Women in Kingston and who specializes in women's self-injurious and suicidal behaviours, and the Executive Director of CAEFS testified regarding systemic issues that contributed to the death of a 21 year old young woman who had been charged and remanded in custody for the first time in her life. The entire matter exemplified so many of the issues that we have to address in terms of correctional dysfunction.

## **2. Regional and National Advocacy**

### **a) Cross-Gender Staffing**

The Correctional Service of Canada recently released the final report of the Cross Gender Monitors' Report. Based upon their three years of examining the situation of men working in the federal women's prisons, the Monitors made a number of recommendations in their final report, including that men should not be employed to work in a front-line capacity with women in prison.

The position of the Canadian Association of Elizabeth Fry Societies is very clearly that there are legitimate reasons to require that only women be employed as primary workers in women's prisons. It is CAEFS' view that the United Nations Minimum Standard Rules on the Treatment of Prisoners represent a minimum standard to which Canada must comply. It is also the view of CAEFS that the rationale of the Correctional Service of Canada that placing man in these positions provides a normative environment for women in prison is ridiculous in the extreme.

It has long been recognized that, given the long histories of physical and/or sexual abuse, as well as the reality that women prisoners are subject to conditions of confinement that do not represent community norms or standards of living prior to or upon their release from incarceration. As such, the normalizing arguments fail to take into account the severe limitations on freedom that occasion a prison sentence and plus the absence of opportunities for women who are at risk to access formal assistance. Barring other economic, social and fear limitations, women in the community who are not subject to

judicial sanction are able to choose whether to stay or leave a battering or abusive relationship.

In addition, we feel that there is already evidence that the stringent training and selection criteria which were initially employed by the Correctional Service of Canada have not been continued with the same rigour as they were when men were first being hired in the regional prisons. Indeed, we are hearing from staff, as well as from women prisoners, that some of the men who have most recently been hired to work in the prisons are not well suited to their positions and that they have clearly not undergone the same screening and selection process as those who were hired within the first year or two of the operations of the new prisons.

For the reasons articulated above, it is the view of CAEFS that there is not a reasonable alternative to imposing a blanket requirement that no men work on the front lines with women prisoners. Consequently, it is our view that the exemption which currently exists for the Edmonton Institution for Women should be expanded and become the policy norm for all women's prisons.

CAEFS believes there are indeed legitimate reasons for restricting the duties of male workers in women's prisons. In fact, the affirmative action provisions of the Canadian Charter of Rights and Freedoms permits, and Canada's International obligations require, such restrictions. Furthermore, it is the contention of CAEFS that the current restriction of duties for men who work as Primary Workers reveal that CSC is implicitly agreeing with the position taken by CAEFS. By limiting the responsibilities of male Primary Workers to non-invasive security practices, CSC has changed the job description for men and disproportionately created a situation where women Primary Workers have to perform all invasive security procedures.

It is our view, that this situation disproportionately disadvantages women Primary Workers and results in a significant difference in both the nature of the work and the manner in which women prisoners regard the different genders of staff who are referred to as "Primary Workers". Those staff; in this case the women who have the responsibility of counselling and supporting women, also have the obligation to perform such security duties as stripping and searching prisoners.

Given the reality that most prisoners, especially women who have endured histories of physical and/or sexual abuse, describe strip searches as akin to being sexually assaulted, and they frequently experience flash backs to previous abuse in such circumstances, it should come as no surprise that women prefer to work with men who cannot subject them to such degradation. Moreover, as we have discussed, some of the men who were initially hired by CSC to fill the primary worker positions are very sensitive, warm, kind men.

These men have the privileged position of utilizing their skills to benefit the women, women primary workers, on the other hand, frequently complain that they are custodians alone, and that they are not able to utilize their skills to assist the women because they are

expected to do what one worker described as the "dirty work". Some of the staff have worked for years with women, as rape crisis and transition house counsellors, social workers, Elizabeth Fry service providers, et cetera. It is a tragic and outrageous irony that such staff are not being permitted to utilize their skills fully to assist women as a result of the presence of male co-workers.

CAEFS' supports the training model that was developed by Aboriginal women and implemented with and for the first set of staff who worked at the Okimaw Ohci Healing Lodge. We believe that all CSC staff who work with women prisoners would undoubtedly benefit from participation in such a training program. Moreover, as Madam Justice Arbour and the CSC's own Task Force on Segregation revealed most recently, too many staff violate prisoners' rights and entitlements out of ignorance not malice. As such, we believe that all staff should receive initial and ongoing professional training regarding relevant legislation and policy, particularly the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Code* and the *Corrections and Conditional Release Act*, appropriate interpersonal communication skills, personal relationships and conflict resolution skills.

We do not feel that women should ever have to deal with male Primary Workers in their living units. Indeed, we believe that there is no question that the law supports the notion that women should not be forced to have men working in their living units. In addition, we already know that there have been abuses of current protocols and policies regarding men entering the living units of women prisoners. We are also aware, as were the Cross Gender Monitors, that most women refuse to officially report these incidents for fear of reprisal. In addition, the very closed nature of CSC and the intransigence of CSC to address problems which arise internally, create significant concern for CAEFS regarding the ability of women to access assistance, much less justice, when such transgressions occur.

It is clear to those of us who work in and around the women's prisons, that women are increasingly fearful of making complaints or filing grievances regarding the behaviour of CSC staff within the prisons where they reside. Women describe overt and subtle threats as the primary reasons for their reluctance to avail themselves of the legitimate and legislated complaint and grievance mechanisms available to them.

Typically, women who are currently housed in the regional prisons for women and/or the Okimaw Ohci Healing Lodge will indicate that they are fearful, based on clear or implied threats from staff that if they choose to pursue grievances, it may be an indication that they are either unhappy or otherwise not suited to the regional prisons. A corollary of such comments, is the assertion/threat that if women are unhappy in the regional prisons or the Lodge, then they do have the option of moving to one of the segregated maximum security units in the men's prisons.

The converse is true for those women who are imprisoned in the segregated maximum security units in men's prisons. They typically report that they are discouraged from pursuing complaints and/or grievances by staff who remind them that in order to achieve

medium security status and therefore the potential to apply for a transfer to one of the regional prisons or the Okimaw Ohci Healing Lodge, women need to demonstrate that they wish to "get along" and demonstrate that their priority is to work towards their eventual integration into the regional prisons.

In addition, women frequently relate examples to us of situations where, when they have pursued a complaint or a grievance, they are generally confronted by the staff involved, and "encouraged" to engage in a "mediation" process rather than pursue the complaint or grievance. Women report feeling intense pressure to withdraw any written documentation at this stage. In addition, although we frequently report matters to the Office of the Correctional Investigator and they undertake thorough investigations, whom are also often discouraged from pursuing complaints with that office.

It is our view, that rather than rely on the current complaint and grievance mechanisms alone, a monitoring mechanism is required to ensure that CSC adheres to legislative, regulatory and policy framework. Furthermore, we believe that the CCRA should be amended so as to require Correctional Service of Canada to act upon any documentation of breaches of the law that are pointed out to it by the Office of the Correctional Investigator. We also believe that the Office of the Correctional Investigator should report directly to Parliament, and that section 77(b) of the CCRA should be amended to require that the Solicitor General establish a National Women's Advisory Committee, chaired by CAEFS, to provide advice to CSC and monitor the provision of correction services to federally sentenced women in accordance with domestic law and international agreements.

CAEFS is firmly of the view that there should indeed be a formal sexual harassment policy covering the behaviour of staff towards prisoners. In addition, CAEFS is of the view that while there is already a separate policy covering sexual harassment between staff, that there are generally particular fiduciary, trust and power relationships between prisoners and staff which necessitate specific harassment policies. CAEFS also believes that particular policies are required to address racism and harassment of racialized women. Finally, CAEFS is also firmly of the view that sexual relations between and staff and women prisoners can never be anything but coercive, as opposed to "consensual".

CAEFS recommended that the Cross-Gender Monitors work with and provide support for the recommendations of non-governmental Aboriginal women, particularly those who were involved with the Planning and Vision Circles and have thereby demonstrated leadership with the respect to the Okimaw Ohci Healing Lodge. In addition, CAEFS advocated the development of a self- defined monitoring and support mechanism for First Nations and Aboriginal women prisoners.

CAEFS also urged the development of a national legislated body, whose monitoring function would include follow-up to the Cross Gender Monitor report and recommendations. It is our view that such a monitoring function, could be sub-divided into separate, but inter-related areas, ranging from such issues as community integration planning, institutional programming, sexual harassment and monitoring cross-gender staffing, complaint and grievance mechanisms, et cetera. In addition, as we have also

mentioned above, we would recommend the addition of a legislative amendment whereby the responsibility for legal transgressions would fall squarely upon the Correctional Service of Canada. CSC should be required to rectify all legal transgressions identified by the Correctional Investigator, ourselves, et cetera.

Prior to the expiration of the contract of the Cross Gender Monitors, CAEFS expressed the concern that CSC may not be amenable to input regarding the issue of cross gender monitoring following the expiration of their mandate. Unfortunately, that was CAEFS' experience following the *Commission of Inquiry Into Certain Events at the prison for Women in Kingston*. Similarly, it is as a result of their experiences of CSC intransigence that judges in the Proctor, Gentles and other cases have clearly documented the need for CSC to be monitored on an ongoing basis. To quote Madam Justice Arbour,

*"In terms of general correctional issues, the facts of this inquiry have revealed a disturbing lack of commitment to the ideals of justice on the part of the Correctional Service. I firmly believe that increased judicial supervision is required. The two administration of the grievance process, In both areas, the deficiencies that the facts have revealed were serious and detrimental to prisoners in every respect, including in undermining their rehabilitative prospects. There is nothing to suggest that the Service is either willing or able to reform without judicial guidance and control. "*

(page 198 of the Arbour Commission Report)

#### **b) Office of the Correctional Investigator**

Nearly ten months after the Solicitor General received the annual report of the Correctional Investigator, he tabled it in Parliament on Friday, February 9, 2001. It contains documentation of many of the same issues that CAEFS continues to raise regarding the use and abuse of force, segregation, classification and penitentiary placement, community release, et cetera with respect to all federal prisoners, including federally sentenced women.

#### **c) Exchange of Services Agreement (ESA)**

The ESA between the governments of Canada and British Columbia, which specifies that federally sentenced women from B.C. be imprisoned in the Burnaby Correctional Centre for Women (BCCW), is currently under review. CAEFS, represented by the Executive Director and Board member Mollie Both, attended a meeting hosted by CSC regarding the planned renewal of the ESA. In addition to clearly signalling that the CSC plans to renew the ESA without significant changes in terms of Charter protections for women or increased accountability, there were significant gaps in the information provided to participants regarding the financial and monitoring components of the Agreement.

#### **d) Closure of the Minimum House**

The Isobel McNeill House was scheduled to close on April 1, 2001. At the request of the women at the Minimum House, CAEFS will continue to support their request to be able to remain at the Minimum House as well as their position that all women require access to minimum security placements that are similarly small, provide opportunities for women to leave daily for work and other steps toward community release.

CAEFS remains of the view that we do not wish to support or see the construction of additional prison beds. In fact, CAEFS supports the closure of prisons. However, the paucity of minimum security beds for federally sentenced women and the lack of a plan on the part of the Correctional Service of Canada to remove fences in order to ensure that the 50% of federally sentenced women who are minimum security prisoners are actually accommodated in lower security settings, means that we are loathe to see closed the only 13 beds currently available across the country. CAEFS also remains focussed upon the importance of ensuring that the principles and recommendations of the Task Force on Federally Sentenced Women are met before any alternative be considered as a replacement.

#### **e) Regressive Practices and Policies at the Provincial Level**

Nowhere more than in Ontario, do we see the importance of challenging what is happening at the provincial level. The entire CAEFS' membership needs to think seriously about how we may best challenge the proliferation of misinformation and the development of ever more regressive practices and policies with respect women and girls who are criminalized in Ontario.

Other provinces are observing the manner in which Ontario is developing it's criminal justice system and will undoubtedly soon follow suit. Indeed, several have already started their own regressive forms of reform and we had seen considerable loss of ground in such provinces as Alberta, New Brunswick and Nova Scotia. CAEFS must seriously examine the manner in which they may best support the local societies in each region to challenge provincial practices, policies and legislation.

Perhaps the best, and certainly the most tragic, exemplification of the intersection of federal and regional, economic, social, financial, health, and education issues, occurred in the death of Kim Rogers, a 40 year old woman with whom the Elizabeth Fry Society of Sudbury worked. Kim was under house arrest for 'welfare fraud'. In the interests of interfering in other similar situations -- before others die -- CAEFS urges all of the membership to examine the broader issues regarding the context in which Kim was set up to fail in the first place.

Kim was criminalized in the first place because of "welfare fraud". This label and resulting punishment were applied because Kim attempted to get an education while still on welfare. As part of the process, she also sought and received student loans. Although everyone knows that it is impossible to live on welfare without some supplemental income/support, to be caught doing so means an almost certainty of criminal prosecution.

Because Kim received student loans while she was receiving social assistance (misnomer of course), the same province that created the criminally irresponsible welfare rates, chose to prosecute her for receiving \$13,300 in welfare payments. She entered a guilty plea, and was consequently convicted of welfare fraud. She was then sentenced to a 6 month conditional sentence [which is supposed to have been an alternative to imprisonment -- and we should all continue to question why a jail sentence should be attached to this "offence" in the first place] and a restitution order to repay the provincial government the full \$13,300 in welfare that she had received.

Knowing she would be unable to seek any employment, not only because she was pregnant, but, most significantly, because one of the conditions of her sentence was that she could not leave her house -- Ontario then also terminated her welfare payments. Although a legal challenge resulted in the reinstatement of her welfare "benefits", the Ontario government continues to enforce its policy to terminate benefits and permanently disentitle from receiving welfare anyone convicted of welfare fraud. In fact, other provinces are now also following suit. In fact, just last week -- before Kim's death -- the media profiled similar problems in Nova Scotia, after a woman there was similarly convicted of welfare fraud and sentenced to house arrest and then had her social assistance terminated. Other provinces are apparently following suit.

We all must act to interfere with these draconian, destructive and illegal practices. These approaches are not only criminalizing the poor, but are sentencing them to destruction. Just exactly how does anybody think that someone sentenced to a jail sentence in their own home can support themselves [and their children, in the case of many single and sole support Moms] after they are permanently barred from obtaining social assistance. It is a complete and utter set up. If they leave their homes to obtain work or any other means of support, they may be subject to a further criminal charge of breaching the conditions (ie. the confinement part of the house arrest) of the conditional sentence. Such a breach will automatically result in a jail sentence. The logic is stunningly absent and the stupidity abundantly clear. Who says there is no war against the most dispossessed, especially the poor?

Increasingly, we are seeing a direct relationship between such policies and the increased criminalization of the most marginalized, especially young, racialized and poor women. This is a significant part of the reason that we, the Canadian Association of Elizabeth Fry Societies, have joined with the Canadian Association of Sexual Assault Centres to host the October 1-3, 2001 conference, Women's Resistance: From Victimization to Criminalization.

These issues and welfare policies will be part of the overall conference agenda. More info is available via our website and although we are organizing with virtually no resources, what we do have, we are using to subsidize the most dispossessed to participate -- starting with women in and from prisons and shelters. Come join us in the struggle against the attacks on the poor and criminalization of the most dispossessed!

### **3. General Advocacy Issues**

### **a) Classification and Penitentiary Placement**

CAEFS has seen some excellent cooperation between Regional Advocates and the National Office, most notably with respect the new Correctional Service of Canada (CSC) policy regarding the placement of prisoners convicted of first and second degree murder in maximum security prisons for a minimum of two years. It is undoubtedly in part a result of the legal actions that were commenced by 4 of the 5 women who were directly affected, that the policy was recently changed for the second time following its implementation. It now is deemed not to apply to any women who were in federal prisons at the time of the inception of the policy - whether or not they were already classified.

As the policy now stands, all prisoners convicted of first or second degree murder will be assessed in the provincial institutions and will therefore be penitentiary placed directly into the segregated . maximum security units in men's prisons. As such, in order to prevent such placements, we will need lawyers to assist in bringing habeas corpus applications **in advance** of the penitentiary placement process being completed. (ie. before the women are transferred to the segregated maximum security units in the men's prisons). For the past several cases The Executive Director have worked very closely with the Regional Advocates in order to determine who the best individuals may be to provide legal assistance to the women. CAEFS encourages the continuation of such collaboration. .

### **b) Dialectical Behaviour Therapy at Its Worst**

As the members in the Atlantic Region are well aware, there has been significant time and energy devoted to intervening in a particularly odious situation involving the a federally sentenced woman who was segregated for most of her time within the segregated maximum security unit in the Springhill Institution, Extensive periods of time in segregation and the resulting isolation that she has endured over the past seven to eight years, combined with CSC's experimentation with Dialectical Behaviour Therapy (DBT) [please refer to the excellent critical analysis of DBT provided by Dr. Shoshana Pollack and Kathy Kendall] has taken their toll on this woman.

When the Executive Director visited with this woman on March 1 SI, 2001, her alarm was so great that the Executive Director was immediately in contact with several lawyers in the Atlantic Region. The result was that the woman .was removed from the segregated maximum security unit in Springhill Institution and placed at the Nova Scotia Hospital, a forensic/psychiatric unit, where she remains for an assessment. Despite her own repeated requests to see a psychiatrist, the resident psychologist had apparently not passed on her request. Indeed, his repeated responses to her were to advise her that she should 'eat, sleep and do her DBT [exercises]'. Several staff spoke with me anonymously and confirmed that the psychologist was blocking any attempts to intervene.

During one of a number of reported incidents of staff provoking this woman, she hit a male officer and was consequently charged with assaulting a guard. We saw this charge

as an opportunity to get her out of the prison and into a psychiatric facility for a professional assessment. When the woman advised the psychologist that we had indicated that we would seek a court order to have her removed from Springhill for an assessment, he told the woman that nobody but he could authorize her being sent out of the prison for an assessment. Needless to say, he is now asserting that he felt she needed to be in a psychiatric setting.

The woman is currently being assessed as to her fitness to stand trial on the assault charge. Throughout the period she has been in the psychiatric hospital, she has been in daily contact with us. Indeed, we speak to her anywhere from 5 to 10 times daily. She has also been in regular contact with her psychiatrist and her lawyer. In addition, the staff at the Elizabeth Fry Society of Mainland Nova Scotia in Halifax, have provided personal on-site support for this woman. It has been a very good example of a well coordinated strategy to remove her from a very desperate and deleterious situation.

At present, CSC has served the woman with a notice that, upon her return to the prison system, she will be involuntarily transferred to the Regional Psychiatric Centre (RPC) in Saskatoon. We are concerned that she will be housed in the segregated area of the segregated maximum security unit at RPC, despite the fact that she has been housed on an open ward, in a room with two other room-mates, and has been taken out into the community and to a hospital for medical tests on two occasions.

Not only has she not been involved in any incidents since her removal from Springhill, but she has resisted offers of drugs, opportunities to self injure or react to several actions taken against her by other' patients'. Moreover, no restraints of any kind were used during her trips into the community - despite the fact that CSC was putting her in full restraints (ie. hand cuffs, shackles and body belt) on the rare occasions that she was allowed out of her cell; namely, for showers (2-3 times per week) or recreation (one hour per day in the caged segregation yard).

We currently await the results of the assessment and anticipate that it will result in a recommendation that this particular woman not be returned to the segregated maximum security unit at Springhill Institution, that she not be segregated in the future and that if CSC is unable to provide her with adequate care, that she be returned to the psychiatric hospital in Halifax.

#### **4. Research Support**

##### **a) Young Women Who Use Violence**

Given the reintroduction of the **Youth Criminal Justice Act** by the Minister of Justice, we anticipate that the research will take on even greater importance for those within the government, as well as those in the community who are providing services and programs with and for young women and girls.

## **b) AIDS Study**

As a result of funding provided to PASAN to research the needs of women in prison who are diagnosed with Hepatitis C, HIV and AIDS, The Executive Director had been asked to participate in an advisory committee for the project. PASAN will be examining the health and harm reduction practices in federal and provincial jails and the experiences of women in prison across the country.

## **5. Judicial and Public Education**

### **a) Media - The Big Picture: Inside Canada's Prisons**

The overwhelming response to the April 2nd and 3rd, 2001, CBC series on Canadian prisons, entitled *The Big Picture: Inside Canada's Prisons*, aired on The National has been extremely positive and supportive to the message that was attributed to Elizabeth Fry and the prisoners on the show.

### **b) The Voice Set Free: The Writings of Jo-Ann Mayhew**

The video entitled, *The Voice Set Free: The Writings of Jo-Ann Mayhew*, was debuted on television on December 26, 2000. The film was awarded a Gemini for production, and has received very positive reviews.

### **c) KINESIS - Women in Prison Issue**

An entire issue of Kinesis focussed on the issues and writings of women in prison. The edition included writings from provincially as well as federally sentenced women.

### **d) Canadian Press - In Depth Series on Women in Prison**

Two Canadian Press reporters produced an in-depth series on women in prison. Sue Bailey and Nahlah Ayed have visited the Okimaw Ohci Healing Lodge, the Saskatchewan Penitentiary Segregated Maximum Security Unit for Women, Joliette Prison and the Segregated Maximum Unit for Federally Sentenced Women in Springhill Institution. They also visited the Prison for Women in Kingston. Sue and Nahlah have interviewed federally sentenced women, wardens and the Deputy Commissioner for Women, Nancy Stableforth, Ed McIssac, the Executive Director of the Office Correctional Investigator, Trish Jackson, Commission Counsel for Madam Justice Arbour during the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, and several Elizabeth Fry staff, including me. We are hopeful that this series will produce a positive and insightful look into women's corrections in Canada.

### **e) National Elizabeth Fry Week**

In addition to an updated posting on our home page, the CAEFS' membership received

copies of the updated facts sheets and material introducing National Elizabeth Fry Week. The week was announced in the House of Commons on May 8, 2001, and copies of the introductory information and fact sheets were sent to all Members of Parliament.

## **6. Conferences and Public Speaking**

### **a) Australian Institute of Criminology Conference**

October 31, 2000, after flying to Adelaide, South Australia, the CAEFS' Executive Director participated in the opening plenary and presented the keynote address at the Australian Institute of Criminology Conference on *Women in Corrections*. Nancy Stableforth and one other Correctional Service of Canada (CSC) employee also attended the conference from Canada. In addition, there were participants from Hong Kong, Papua New Guinea, Japan: China, Singapore, Thailand, the United Kingdom and European Union, the United States, New Zealand and Australia. The talk will be published as part of the proceedings of the conference and is also available on the Australian Institute of Criminology and CAEFS' home page.

Immediately following the conference, The Executive Director participated in a meeting of women who are working as advocates with and for women in the justice system throughout Australia. The Executive Director also had the opportunity to visit some local services, in South Australia, New South Wales, and the Australian Capital Territory. Finally, as a result of the exposure received during the conference in Adelaide, the Executive Director has been invited to be a keynote presenter at a conference that is being organized by and for women prisoners in Queensland, Australia, November 28-30, 2001. A number of women from Australia also hope to participate in our conference in the fall.

### **b) Osgoode Hall Law School**

During the latter half of November 2000, the Executive Director spoke at the Osgoode Hall Law School at York University, regarding the issue of mandatory minimum sentences and the need for reform to the law of self-defence. Sadly, while The Executive Director was in Toronto for that speaking engagement, she also attended a memorial for Katie Baird, a young woman who she first met at the Prison for Women in Kingston. Since her release from prison, Katie worked for PASAN (Prisoners Aid Support and Action Network).

### **c) American Society of Criminology Conference**

In November 2000, the Executive Director travelled to San Francisco, where she spoke at the American Society of Criminology Conference. Margaret Shaw and Shoshana Pollack also presented and made excellent contributions to the conference. The Executive Director strongly encourage all of the CAEFS' membership to obtain copies of their remarks.

#### **d) CASAC Speaking Engagements**

Also in November 2000, the Executive Director travelled to Vancouver, to speak to the Canadian of Association of Sexual Assault Centres" Vancouver Rape Relief and Women's Shelter regarding the issue of prison abolition. This speaking engagement also provided an opportunity to meet with members of DAARE (Direct Action Against Refugee Exploitation) and to meet the women who are currently detained pursuant to the *Immigration Act* at the Burnaby Correctional Centre for Women.

#### **e) Colloquium on Mandatory Minimum Sentences**

On March 9, 2001, CAEFS and Osgoode Hall Law School coordinated a *Colloquium on Minimum Sentences*. A number of the bureaucrats who work within the Department of Justice and the Solicitor General have spoken very highly of our partnership with Osgoode Hall Law School and our courage in taking on this particular issue.

The upcoming edition of *The Osgoode Hall Law Journal*, will feature the papers featured at the Colloquium. In addition, the National Associations Active in Criminal Justice (NAACJ), the Department of Justice, and the Department of the Solicitor General also focussed on the issue of mandatory minimum sentencing during our most recent tripartite forum.

#### **f) NAACJ - Annual Forum and Conference on Implementation of the Youth . Criminal Justice Act**

In the Executive Director's capacity as the President of the National Associations Active in Criminal Justice (NAACJ), she helped organize and host two national meetings. On March 26-27, 2001, the meetings focussed on issues pertaining to the implementation of the proposed *Youth Criminal Justice Act*. Ailsa Watkinson attended the meetings and presented regarding the implications of the Act with respect to its intersection with educational issues.

On May 7, 2001, Dawn McBride attended another session hosted by NAACJ, the Department of Justice and the Department of the Solicitor General. This NAACJ/Justice/Solicitor General Forum focussed on mandatory minimum sentences and the implication of getting rid of such sentences on the current sentencing realities in Canada.

#### **g) CCJA Congress 2001**

The Canadian Criminal Justice Association (CCJA) Congress was held in June 2001 in Halifax. The Executive Director presented on two panels, one with CSC and other community groups regarding community integration needs of women, the other regarding the defence of provocation, during which mandatory minimum sentences were also discussed.

## **h) Women's Resistance: From Victimization to Criminalization**

Much of the past year has also involved the planning and development for our upcoming conference. Organized by the Canadian Association of Elizabeth Fry Societies (CAEFS) and Canadian Association of Sexual Assault Centres (CASAC), **Women's Resistance: From Victimization to Criminalization**, will be held in Ottawa, October 1-3, 2001. We are extremely excited about the potential for this conference to really set the agenda for visionary, legislative, policy and services in this area for coming years.

## **7. Elizabeth Fry Week - Challenging Stereotypes and Encouraging Proactive Action**

The Canadian Association of Elizabeth Fry Societies celebrates National Elizabeth Fry Week annually. Elizabeth Fry Societies across the country organize public events in their communities throughout the week.

Our goal is to enhance public awareness and education regarding the circumstances of women involved in the criminal justice system. We hope to challenge and gradually break down the . negative stereotypes that exist about women who come into conflict with the law.

National Elizabeth Fry Week is always the week preceding Mother's Day. The majority of women who come into conflict with the law are mothers. Most of them were the sole supporters of their families at the time they were incarcerated. When mothers are sentenced to prison, their children are sentenced to separation. We try to draw attention to this reality by ending Elizabeth Fry Week on Mother's Day each year.

By focussing on initiatives to keep women in the community and facilitate their integration after prison, our 24 member societies hope to encourage the Canadian public to examine some productive and responsible means of encouraging community responses to addressing criminal justice matters from coast to coast. Particularly in this time of fiscal restraint, our aim is to retain a proactive focus in order to encourage the development of, and support for, community-based alternatives to human and fiscal expenses of our increasing reliance on incarceration. We focus on increasing public awareness of the myriad issues facing women in prison and gradually break down the stereotypes of women in conflict with the law. In addition, CAEFS initiates and responds to media awareness and coverage of the myriad relevant issues on an ongoing basis.

CAEFS continues to challenge Canadians to reach behind the walls and welcome women into our, and their, communities, so that they may take responsibility and account for their actions in ways that enhance our national, provincial and local commitment and adherence .to fundamental principles of equality and justice.

For copies of CAEFS' position papers or additional information, please contact Kim Pate directly at [kpate@web.net](mailto:kpate@web.net), visit the CAEFS' home page at <http://www.caefs.ca>, telephone us at (613) 238-2422, or fax US at (613) 232-7130.