

The Canadian Association of Elizabeth Fry Societies

The Annual Report, 1997

PRESIDENT'S REPORT

This year was another one of many challenges and some successes for CAEFS. We are very pleased with the results of our regionalization process. With regional representatives and advocates, we hope to see a regionalized continuation of the excellent advocacy that federally sentenced women at the Prison for Women have enjoyed with and from CAEFS.

The regional advocates have picked up the monthly visits with women and wardens of the regional prisons. Their regular reports to the Executive Director of CAEFS and their regional Elizabeth Fry colleagues help to ensure that the CAEFS' office and membership are kept up to date on emerging issues for federally sentenced women throughout the country. In addition, our Executive Director visited each of the regional prisons, the Okimaw Ohci Healing Lodge and the Prison for Women several times during the year.

I also visit the prisons as time permits and I am currently filling CAEFS' position on the Kekuwemkunawuk, the Keepers of the Vision Circle at Okimaw Ohci Healing Lodge. CAEFS continues to promote the successes and lessons being learned by and via the elders, women, staff and Nekaneet community members who support the Lodge. We also continue to encourage the Correctional Service of Canada to learn from and follow the leadership, staff training and humane intervention approaches modelled and exemplified by the Okimaw Ohci Healing Lodge.

This year also saw us continuing to push for the full implementation of Madam Justice Arbour's recommendations following the release on April 1, 1996 of her report of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston. Aside from the resignation of the Commissioner of Corrections following the release of the report, the Correctional Service of Canada has not seen fit to acknowledge responsibility, much less be held accountable, for its actions and inaction at the Prison for Women.

In fact, we have seen a replication at the Edmonton Institution for Women, and to a lesser degree, at the Nova Institution for Women, of the multitude of problems that were chronicled by Madam Justice Arbour in relation to the 1994 events at the Prison for Women. Regrettably, we close this year still awaiting the government's response and implementation plan with respect to the Arbour Commission recommendations. And, now, with an election in the offing, we fear that it will be some time yet before we will see in any progress on this front.

As this fiscal year draws to a close, we also await the government's response to Judge Ratushny's recommendations for relief for six women whose cases she reviewed pursuant to her mandate to conduct a review of the cases of women jailed for defending themselves from attacks by their batterers. The six women were selected from fifty-five

applicants who were in prison when they applied to have Judge Ratushny review their cases.

Ninety-eight women applied to the Self Defence Review. Judge Ratushny first reviewed and made recommendations in relation to the cases of women who were still in prison when they applied. She is currently reviewing the cases of the forty-three women who were in the community on conditional release when they applied to the review. We look forward to the results of that portion of the review, as well as her final report in which she will make recommendations for law reform. Again, we fear that the impending federal election will result in a delay to this process.

These are but a few of the issues we have worked on this year. Our Executive Director has provided additional details of the year's activities in her report, so I will not repeat them here. Instead, I will close by commending the CAEFS staff and network for another year of tremendous work and diligent commitment to our work.

The women with and for whom we work enjoy the support of a rich and varied network of women working to provide services and programs with and for them in community and institutional settings -- all with the aim of integrating women into the community as quickly and safely as possible. It is a pleasure to serve as the President of such an association of dedicated staff and volunteers.

Susan Hendricks
President

TREASURER'S REPORT 1995-1996

In these times of economic challenges, we are happy to report that CAEFS ends this year financially within the budget approved by the Board of Directors. While we are most appreciative of the financial support provided by the Ministry of the Solicitor General, throughout this past year, staff continued to seek alternative sources of funding in order to diversify our financial resource base. Please refer to the copy of CAEFS' audited financial statements below, for more specific information regarding CAEFS' financial picture.

This year saw CAEFS finalize and implement a regionalized budget allocation process for the sustaining funding grant received from the Ministry of the Solicitor General. Historically, these grants were provided to individual, community-based service providers, such as Elizabeth Fry and John Howard societies. At that time, the monies were received as "no strings attached" grants. The purpose of the grant program was essentially to ensure that such organizations existed and could keep their doors open, so that they might provide assistance to women and men in the community, especially those leaving prison.

**INCOME & EXPENDITURES
FINANCIAL SUMMARY 1996/97
for year ending March 31, 1997**

INCOME

Solicitor General Canada Grant:	
CAEFS	\$265,455
Societies	186,352
Donations	12,655
Interest & Miscellaneous	5,009
Dues and Registration	5,867
Consulting	3,250
	\$478,588

EXPENDITURES

Grants to Societies	\$186,351
Salaries & Benefits	97,780
Travel & Meetings	91,127
Consulting & Professional Fees	24,713
Reproduction	14,764
Telephone	16,125
Rent	14,497
Office and Postage	12,032
Office furniture & equipment maintenance	6,067
Insurance	2,809
Subscriptions & Membership	1,669
Translation	788
Bursary fund contribution	246
	\$468,968

Excess of Revenue over Expenditure for the year	\$ 9,620
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BALANCE SHEET AS AT MARCH 31, 1997

	ASSETS	LIABILITIES & EQUITY
Operating Fund	\$149,806	\$110,339
Designated Funds	10,654	10,654
Deferred revenue		39,467
	\$160,460	\$160,460

Eventually, rather than continue the grant program in a piecemeal manner, the Ministry of the Solicitor General sought to consolidate the grants and administer them via national organizations whose mandate included responsibility for contributing to and commenting upon legislative and policy initiatives within the mandate of the Ministry of the Solicitor

AUDITOR'S NOTE

This is to confirm that we have examined the information contained in the foregoing 1996/97 financial summary. We are satisfied that the information presented is prepared directly from the audited financial statements on which we reported, and it fairly represents the position and the results of operations for the year.

McKechnie Moore

June 1997

Executive Director's Report in the Annual Report, 1997

PRIORITY ISSUES AND LAW REFORM

We ended last year with tremendous optimism, as we awaited the reports of both the **Commission of Inquiry into events at the Prison for Women** and the **review by Judge Ratushny** of the cases of women jailed for defending themselves against abusive partners. Unfortunately, this year we again faced issues that challenge the very nature and mandate of our association. We emerge with much concern about the future and fate of women subjected to our corrections, criminal and social justice systems in Canada.

The April 1, 1996 release of Madam Justice Arbour's recommendations following the **Commission of Inquiry into Certain Events at the Prison for Women in Kingston**, combined with the **Report of the Royal Commission on Aboriginal People and Criminal Justice in Canada**, particularly justice report, **Bridging the Cultural Divide**, inspired optimism as to what could be, should logic, good sense and political will favour positive and proactive criminal and social justice reform. In these times of increasing political and socio-economic polarization and given the manner in which flagrant disregard for the law seems to be routinely sanctioned by the government, we anticipate even greater difficulty gaining full public exposure of past, current and future crises for federally sentenced women behind prison walls.

The manner in which CAEFS will need to proceed to fulfil our mandate, given the specifics of issues faced these past years are highlighted in the following activity and issue summaries.

Supporting Federally Sentenced Women

- **a) After Arbour and Closing the Prison for Women (P4W)** The ever anticipated closure of P4W and the spotlight of the Commission of Inquiry did nothing to ameliorate conditions and tension at the Prison for Women. Regrettably, since the release of the **Arbour Report**, the Correctional Service of Canada (CSC) has continued to deny that it has engaged in any further illegal activities.

Further attempts to cover-up legal and policy transgressions persist, despite mounting evidence to the contrary. We continue to see an organization focused upon maintaining an image of righteous indignation in the face of evidence of significant wrongdoing and blatant disregard for the law.

CAEFS continues to play a key role in the forewarning, monitoring and exposure of procedural and policy problems highlighted and exemplified by the manner in which the Correctional Service of Canada chooses to address problems which emanate from or have been visited upon P4W and the new regional women's prisons.

In addition to wishing to assist in elucidating the particular facts specific to incidents or events, CAEFS is also committed to ensuring that relevant policy issues are fully examined and addressed.

Regrettably, as the Prison for Women sits poised to close during the summer of 1997, and as the new prisons commence operation in earnest, CSC is reluctant to relinquish the vestiges of models designed to deal predominantly with the men in their prisons.

As we approach the first anniversary of the release of the Arbour Commission report, CSC is still a very insular, insecure yet self-righteously arrogant governmental department, where prisoners and anyone who questions CSC's actions are similarly relegated to the margins and classified as unimportant and misinformed, regardless of the seriousness and implications of the matters raised.

All energies seemed to be focused upon efforts to obfuscate the issues, discredit any perceived detractors and continue on with business as usual.

The manner in which the federally sentenced women's initiative continued to unfold this year , particularly in the Prairies and at the Edmonton Institution for Women (EIFW), where prisoners continued to be subjected to strip searches and excessive use of force which are clearly in violation of the provisions of the Corrections and Conditional Release Act and the Charter of Rights and Freedoms.

For example, strip searches continued to be conducted in a routine manner and without any just, reasonable or even a suspicion that might create some semblance of "cause".

In addition, some minimum security women who were being escorted into the community were being handcuffed and shackled.

Other examples of inappropriate use and abuse of power at EIFW include the use of the "cage" to transport a minimum security woman from her private family visit at a men's prison -- this, despite the fact that she was transported to the same visit without restraints, by one officer, with whom she shared the front seat of a car.

Other issues related to the new federal prisons for women in Canada pertain to the lack of national leadership in the area of women's corrections. Although the Correctional Service of Canada appointed a Deputy Commissioner for Women following Madam Justice Arbour's recommendation for same, they have unfortunately chosen to not implement the bulk of the recommendations related to the position.

Not only does this result in significant limitations to the authority of the position, but it also means that there continues to be a leadership vacuum, where the wardens of the new women's prisons and the Okimaw Ohci Healing Lodge report to regional Deputy Commissioners responsible for the men's prisons and community corrections in their respective regions.

The Deputy Commissioner for Women currently has no ability to veto decisions made by the regional Deputy Commissioners, nor any separate authority to decide the manner in which the federally sentenced women's prison and community programs are implemented.

Women at the new regional prisons in Edmonton, Alberta and Truro, Nova Scotia, were subjected to excessive and/or illegal use of force and detention, illegal involuntary transfers and denial of due process rights on a number of occasions.

Moreover, the former Solicitor General sanctioned these actions as well as the decision of the Commissioner of Corrections to segregate women classified as maximum security prisoners, as well as those with significant "mental health" concerns in isolated maximum security units in men's penitentiaries.

These realities illustrate some of the reasons that we continue to have significant concerns regarding the future for federally sentenced women in Canada.

We are apprehensive about the willingness and ability of the Correctional Service of Canada to institute the necessary reforms to address the needs and challenges of federally sentenced women.

The projected image of a criminal justice system whose personnel promote the utmost respect for the law by modelling humane and just exercise of power is a stark contrast to the reality that the women and CAEFS have experienced.

This sort of inconsistent and misguided application of the "new philosophy" articulated in the 1990 Report of the Task Force on Federally Sentenced Women that has allowed problems such as those that have unfolded at the new prisons in Edmonton, Alberta and Truro, Nova Scotia to mushroom and explode, as well as the regression of women's imprisonment occasioned by the decision to move women into men's prisons.

Given the existing stress and anxiety experienced by the women who are in the midst of the uncertainty both in the new prisons or as they await transfer to same, the myriad transitional issues require CSC to ensure that clear policy direction, experienced and prepared staff and supportive programming are provided for the women prisoners.

In addition, CAEFS has experienced a repeat of the difficulties we had in 1994-1995 trying to obtain copies of investigative and videotape reports directly from CSC.

The result has been that this year we sought the assistance of the Information Commissioner to facilitate CAEFS access to information requests for copies of CSC reports. This situation is uncannily reminiscent of our experiences following the April 1994 incidents at the Prison for Women in Kingston.

After much delay, the Solicitor General and Commissioner of Corrections decided to open the Ontario and Quebec regional prisons in January of 1997. We hope that the learning from the experiences at the Edmonton and Nova prisons will positively influence the two new prisons.

Furthermore, we do hope that CSC decides to try to emulate more of the practices and approaches utilized at the Okimaw Ohci Healing Lodge. The success of the Healing Lodge should inform and

lead the development of correctional policy, program design and staff training for all of women's corrections.

The principles and approaches utilized at and by the Lodge have universal applicability.

One year after the release of Madam Justice Arbour's recommendations, Canada remained without an articulated national strategy for the provision of community release or supervision options for federally sentenced women.

With the exception of a halfway house in the Greater Vancouver area, and the option for the CSC to purchase beds in provincially funded houses there are no other halfway houses for federally sentenced women west of central Ontario.

There are four in Ontario and one in Quebec and none in Eastern Canada. CAEFS continues to urge CSC to develop a clear national community integration strategy and standards for the FSW initiative.

Accordingly, in addition to continuing to seek strategies for protecting the equality interests of women prisoners, we ended this year still calling upon

- **1)** the Solicitor General, Herb Gray, and in turn, the Correctional Service of Canada (CSC), to respond to the recommendations of Madam Justice Arbour following the Commission of Inquiry into Certain Events at the Prison for Women at Kingston;
- 2)** the Commissioner of Corrections, Ole Ingstrup, to revisit decisions:
 - **a)** to spend millions of dollars to install heightened security in the new regional prisons for women, and subsequently to prohibit the placement in the new prisons of women with mental health concerns, as well as those classified as maximum security prisoners;
 - b)** to move the women classified as maximum security, as well as those identified as having mental health issues, into segregated maximum security units in men's prisons, at yet further additional expenditures of millions of dollars to renovate, staff and service the new isolated units;
- 3)** since the Arbour Commission report, rather than address the clear problems of systemic disregard for the law and a culture of mismanagement, the CSC has persisted in their one-sided scapegoating of women prisoners, in at least two of the new regional prisons for women, illegal strip searches, no access to counsel, excessive use of force and segregation, illegal involuntary transfers and generally oppressive conditions have occurred within the past year;
- 4)** the government to stop taking women's corrections in Canada back to the turn of the century.

The experiences of women prisoners has tended to involve too many profoundly disturbing examples of oppression and abuse of power, as well as arbitrary decision making.

In our view, this year the Correctional Service of Canada again exhibited callous indifference to prisoners, flagrant disregard for its own policies, and disrespect for the very legislation pursuant to which it operates.

It remains a concern of CAEFS that, seemingly as result of the lack of acknowledgement by the Correctional Service of Canada of its responsibility in the April 1994 and subsequent events at the Prison for Women, far too much energy is being devoted to reinforcing a notion of imprisoned women as difficult to manage prisoners who pose significant risks to institutional security and public safety.

CAEFS would rather see CSC developing clear plans to meet the needs of the few women still currently imprisoned at the Prison for Women, as well as of those who have been moved to the new prisons, the Okimaw Ohci Healing Lodge and the segregated maximum security units in men's prisons. Much more emphasis is needed on the development of community supports for women prisoners.

b) Replications of Old Problems in New Prisons

We continue to fear the impact of the punitive and reactive nature of the drug strategy.

Rather than reducing the harm caused by drug use, we believe that current policies and practices aimed at detecting, apprehending and punishing prisoners who use drugs are increasing the harm to those particular prisoners in particular and all prisoners more generally.

We are encouraging CSC to follow their own research findings and focus upon more progressive and proactive approaches in order to address concerns about drugs in P4W.

We have encouraged CSC to utilize more supportive and constructive interventions aimed at encouraging those with addiction issues to self identify and seek assistance, rather than a continuation of what seem to be current punitive practices of immediately removing all privileges and entitlements if and when drug use is suspected and/or detected.

In addition to regarding this practice as potentially in contravention of prisoners' Charter rights, we are particularly concerned that visits with family members, especially children, are being impacted despite the fact that there is no concern that such visitors are in any way involved with the introduction of contraband into the prison.

While prohibitions may assist or encourage the cessation of the prohibited behaviour among those individuals for or to whom the prohibited behaviour is somewhat inconsequential, it is well recognized that rather than deterring prohibited activities, increasingly punitive responses generally only serve to encourage greater efforts and risk taking in attempts to avoid detection.

If we look at drug use for example, we know that the greater the potential punishment, the greater the lengths to which those with significant addictions, for whom cessation seems impossible, will go to address their addictions in ways that avoid detection.

We do not want to see further increases of punitive responses, as we only see this as leading to ever more women facing failure and hopelessness in this area. The consequences of this have been and would continue to be tragic.

CAEFS has suggested that CSC focus upon drug use prevention as well as relapse prevention work, following the recommendations of such authorities as the Expert Committee on AIDS Prevention (ECAP), as well as the work of Dr. Diane Riley which was commissioned by CSC.

Dr. Riley and the ECAP have recommended harm reduction approaches to managing drug problems in prison.

With the regionalizing of CAEFS, our advocacy efforts with and on behalf of federally sentenced women in the new prisons continues. Local societies closest to the new prisons visit and provide services to women in the institutions on a weekly or daily basis, depending upon resources.

The Executive Director of CAEFS now visits the new prisons two to three times per year, and the CAEFS regional representatives are responsible for monthly visits to the new prisons. Such visits include meetings with the organized prisoners' groups, as well as meetings with the prison administration.

The regional representatives keep both the Elizabeth Fry societies in their region and CAEFS advised of issues, needs, concerns, etc. arising in the regions. The Executive Director of CAEFS continues to coordinate national policy and law reform efforts, and assists local and regional representatives as required.

CAEFS has obligations to federally sentenced women who look to us to speak with and on their behalf.

Where and whenever possible, CAEFS encourages women in prison to utilize the internal complaint and grievance procedures, as well as the assistance of the Office of the Correctional Investigator and legal counsel.

We also tend to coordinate efforts in order to ensure the most effective means of intervening are utilized and to avoid unnecessary duplicitous action.

The perennial issue of limited resources, as well as access thereto, combined with a high need for support of the women has also meant that at times CAEFS has assisted women with issues when they are unable to obtain counsel or other(s) to assist them. Humanitarian passes and national parole board matters are prime examples of these.

Following the release of **Creating Choices**, the Task Force Steering Committee and Working Groups were disbanded. They were then replaced by a National Implementation Committee (NIC), which, despite the recommendations of the Task Force, was devoid of federally sentenced women, CAEFS or other community representation.

Moreover, even since the promulgation of the Corrections and Conditional Release Act, with its s. 77 provision of a duty to consult with groups such as ours, the Commissioner of Corrections, as well as members of his staff at national and regional headquarters and the Federally Sentenced Women's Program have resisted involving CAEFS directly in policy development work for FSW.

In the new regional prisons, CAEFS and its membership continue to discharge our monitoring function in efforts to ensure that women's rights and entitlements are being provided and that CSC is adhering to the law governing its activities.

CAEFS' preference is to not be involved in purely "operational" matters at P4W or the new prisons.

Consequently, CAEFS continues to assert the need for regional governance bodies for the new prisons and a national advisory body for the area of federally sentenced women's corrections as a whole.

Unless truly effective and representative independent mandatory advisory bodies are constituted, CAEFS will undoubtedly continue to be expected to intervene on behalf of the women.

c) Repetition of CSC Mismanagement and Scapegoating of Prisoners in New Prisons

CAEFS continues to focus on issues related to the implementation of the recommendations of the **Task Force on Federally Sentenced Women**. Our aim is to assist and support women during the transition between the closure of the Prison for Women (P4W) in Kingston, the moves to the new prisons, and the Okimaw Ohci Healing Lodge. To this end, CAEFS continues to average at least one visit to the Kingston prison per month.

CAEFS has also visited women imprisoned in the new Prairie prison, the Edmonton Institution for Women (EIFW), the national Okimaw Ohci Healing Lodge for First Nations women, located in Maple Creek, Saskatchewan on the Nekaneet Reserve, the segregated maximum security units at the Saskatchewan Penitentiary in Prince Albert and the Regional Psychiatric Centre in Saskatoon, the Grand Valley Institution in Kitchener for the Ontario region, the Joliette prison for the Quebec region and the segregated maximum security unit in Ste. Annes des Plaines, which is also the location of the men's maximum security Special Handling Unit, as well as the segregated maximum security unit in Springhill Institution in Nova Scotia, the Atlantic region's Nova Institution for Women, and the Burnaby Correctional Centre for Women, which is designated as the prison for federally sentenced women in the Pacific region.

Despite the objections and interventions of CAEFS and other national women's groups, the Correctional Services of Canada continues to classify far too many women as high security risks.

Rather than seek the input and expertise of the women themselves and those of us who are invested in the **Creating Choices** vision, principles and model for women's corrections, the Correctional Service continues to repeat its history of resorting primarily to static inhumane security mechanisms in the face of its own inability to implement innovative dynamic new correctional philosophy and approaches.

This has resulted in the addition of massive new security measures at all of the new prisons. Yet again, fences, razor wire, sensors, 360 degree, zoom lens, infrared cameras and other assorted electronic devices have been installed essentially because of the inability of the Correctional Service to address the very real needs and issues of the women who were moved to the Edmonton prison over the past year.

The Elizabeth Fry societies in the regions are working to build the links for women into their respective communities in order to facilitate planning for community-based integration services for the women in the regions.

CAEFS continues to work to help counter the decision to isolate federally sentenced women classified as maximum security prisoners in the segregated units established in men's prisons.

CAEFS also continues to try to determine what exactly occurred at Nova and Edmonton over the past year and a half.

With the exception of the involvement of men in the strip searching and shackling, we are led to understand that the events parallel those of three years ago at P4W.

Indeed, we likely have a repeat, probably twice over, of the P4W problems -- all of it despite and post Arbour.

d) Criminalization of Women Labelled as Having Mental Health Concerns

CAEFS will continue to focus upon an examination of the mental health needs of federally sentenced women, as well as the increasing tendency to criminalize women who have traditionally been pathologized and labelled with some psychological or psychiatric "illness" as well as those who have been identified as having mental disabilities. The need in this area was first felt most acutely in the Atlantic provinces.

Women have historically been over-represented in psychiatric settings, as opposed to their under-representation in the prison systems. With the closure of psychiatric hospital wards and termination of community-based services, however, Canada is witnessing a marked increase in the number of women who are being criminalized within a very short period of their release from or rejection by increasingly overtaxed and under-resourced mental health services.

CSC has now developed a mental health strategy which is being piloted at the Regional Psychiatric Centre in Saskatoon. CAEFS critiqued the first draft of the strategy this year and awaits the re-draft and/or CSC update on this project. What we have observed at the Regional Psychiatric Centre in Saskatoon is not reflective of the sort of healing environment CSC has indicated will exist there.

It is our view that any mental health strategy for federally sentenced women must start with a clear recognition and acknowledgement of the manner in which the prison environment as a whole, particularly staff interactions and prisoner isolation, creates and exacerbates women's mental health concerns.

CSC has failed to focus upon the contribution of the prison culture to the generation of personal difficulties among prisoners. We feel that the mental health strategy must commence with an examination of these issues in the context of the overall prison climate.

CSC's model places great emphasis on the responsibility of the women to change and little upon the provision of opportunities for them to be encouraged and empowered to make choices in a supportive environment.

It has an overall emphasis on control and upon a cognitive skills style of approach --even within the context of individual therapy. CAEFS is concerned with the apparent contingency of the provision of therapy on demonstrated change on the part of the women.

We also have particular concerns about the overall focus of the strategy on the women's behaviour. For example, the stress seems to be on immediately observable behaviour and qualitative assessment thereof without including a contextual analysis, assessment or discussion of the factors that have contributed to presenting behaviours or events.

We feel that a corresponding strategy paper and plan must be developed relating to the role of staff, their selection, training, ongoing professional development and working practices.

CAEFS would also like CSC to articulate the parameters of the use of medication, given the history of excessive reliance upon medication as means of controlling the behaviour of women, both in the community and prison settings.

In addition, CAEFS envisions a model that is much more focused upon meeting the needs of the women rather than the needs of the institution, staff or program and which could benefit from the experiences of the models utilized at the Okimaw Ohci Healing Lodge.

We would especially like to see greater emphasis on women-directed approaches and less focus upon program and institution driven strategies. The goals pursued by the women should be those

that they have identified for themselves and the overall strategy needs to be developed around the creation of incentives for women to "heal".

We also feel that within the context of the program strategy, multi-disciplinary external supports need to be encouraged, both therapeutic and personal.

In order to facilitate a continuum of care for federally sentenced women, externally-located counselling, therapeutic and spiritual supports must also be respected and regarded as integral to the overall strategy by institutional partners.

Rather than see CSC isolate the women in segregated maximum security units, CAEFS would prefer the notion of small centres within the regional prisons. We would like to see women who are engaged in "treatment" being able to maintain their relationships with their personal community supports and to assist them in building and maintaining bridges to their communities of origin and/or support.

We also remain concerned about the ability of the regional prisons as they are currently managed to accommodate a therapeutic milieu, whereby women-centred, holistic and intensive therapy or treatment would be the focus and opportunities would be provided to inspire women to create choices in a manner that does not infantilize or scapegoat them.

We continue to encourage CSC to focus upon the development of institutional atmosphere where staff model, support and reinforce positive attitudes and relationships and where trust is earned. In short, CSC management and staff must move away from power and control models and work on instilling hope and encouraging women.

Furthermore, they must recognize that the responsibility for healing and growth does not rest solely with the women and that they must be able to model behaviours and be mentors to the women.

We have also urged CSC not to treat women with mental health needs as though they are a homogenous group. The characteristics of the "treatment population" outlined by CSC are incredibly diverse and therefore the focus must be individualized.

In addition, CSC has mixed issues of mental health and violence in a manner that could promote and/or perpetuate the pathologizing of some women.

Government Again Refuses to Assist Battered Women Who Defend Themselves

After approximately four years of intensive and extensive work in this area, last year CAEFS celebrated the appointment by Ministers Gray and Rock of Judge Lynn Ratushny to undertake a review of the cases of women currently serving federal sentences of up to life imprisonment for having defended themselves and/or their children against abusive partners.

CAEFS and other national women's groups applauded the announcement and look forward to participating in discussions regarding longer term law reform and systemic changes required to address the systemic barriers typified by the inability of women to avail themselves of legal protection when they are experiencing, responding to and defending against abuse.

After receiving 98 applications for review, Judge Ratushny was instructed by the Minister of Justice to commence her review by examining the cases of women who were still imprisoned when they submitted their applications. On February 6, 1997, Judge Ratushny recommended to the Minister of Justice and Solicitor General that relief be granted to six women, three of whom had been recently released from prison, but remain under sentence.

Of the 55 applicants who were in custody when they applied for the review, Judge Ratushny has recommended that six women be granted the royal prerogative of mercy.

She has recommended that two, both of whom are now in the community on parole, be granted free pardons; that three, one of whom is in the community, have their life sentences commuted, to time served plus three years for one woman and to time served for the other two women -- Judge Ratushny also recommended that aftercare support be provided to assist their integration into the community; that one woman's case be referred to the Court of Appeal for a determination "of whether the killing of the victim was planned and deliberate on the part of the applicant".

In addition, Judge Ratushny referred three women's cases to the Department of Justice on February 22, 1996, March 19, 1996 and March 22, 1996, for reviews pursuant to s. 690 of the Criminal Code of Canada. All three of these women indicated that they did not actually kill, so the self defence option was not seen as relevant or applicable to their cases. In total, 15 of the 55 women made this assertion. Judge Ratushny and her counsel nevertheless reviewed their cases and where they felt there was a miscarriage of justice, they recommended that the women apply to the Minister of Justice for a s. 690 review and offered to facilitate such a referral.

Regrettably, concerns about bureaucratic interference with Judge Ratushny's recommendations persist.

The same bureaucrats who blocked our efforts and had great scepticism about the veracity of the review in the first place, are now unwilling or unable to consider the sorts of remedial options being proposed by Judge Ratushny.

CAEFS is firmly of the view that if the Ministers do not respect the legal opinions of Judge Ratushny with respect to the six women for whom she has recommended relief, then they must also question her decisions in the cases of the 49 women for whom she did not recommend relief. Accordingly, they must review all of these cases, as well as the 34 women whose circumstances remain to be reviewed.

CAEFS is firmly of the view that Judge Ratushny's recommendations should have been immediately implemented by Ministers Rock and Gray.

Their failure to do so has resulted in a discrediting of them and their commitment to the very review they commissioned.

Moreover, given that Judge Ratushny's process has involved full disclosure to the applicant women throughout the process of the review, the very few women for whom remedial action was recommended are well aware of the recommendations and we are already very cognizant of the potential devastation that might be caused by the current cynical trivializing of the process or the resultant recommendations.

We never anticipated the extent of the resistance that Judge Ratushny's recommendations have elicited.

Countering Push for Regressive Law and Order Types of Responses - Working Against the Backlash

As is regrettably the situation around the globe, social, economic and criminal justice reform tends to be growing increasingly regressive and punitive in nature in Canada.

In efforts to counter this trend, CAEFS continues to facilitate, participate in and develop, coalitions with other women's, social and criminal justice groups, with a view to strengthening our perspectives and voice with and on behalf of women who come into conflict with the law.

In addition, thanks to some of the incredible international contacts made by CAEFS' Executive Director during her visit to Australia and New Zealand in January and February of 1997, particularly at the International Conference on Penal Abolition, CAEFS is increasingly tied in to international coalitions.

- **a) Judicial Review**

In coalition with other justice groups, including the Canadian Bar Association, CAEFS repeatedly urged the Honourable Allan Rock, Minister of Justice, not to amend or repeal the judicial review provisions of s. 745 of the Criminal Code of Canada.

These amendments were proposed in an extremely misguided attempt to quell calls for the repeal of s. 745.

Rather, the passage of the bill has only served to fan the flames of discontent and has provided additional fodder for right wing police lobbyists and other fringe groups.

Rather than address the very real fears and concerns of families of victims, the government continues to take regressive action which only serves to exacerbate and exaggerate concerns by increasing the nature and degree of misinformation to the Canadian public.

Limiting the opportunity for prisoners serving life sentences of fifteen years or more to apply for a judicial review of their parole eligibility will likely only serve to increase both the human and economic costs of the criminal justice system and increase public fear and misperceptions about crime amongst the Canadian public.

The needs and concerns of victims of crime must be addressed, but the record is clear that of the men and the three women who have thus far had their parole eligibility reviewed and reduced from twenty-five years, only one has been reconvicted of any criminal offences. Contrary to the public misconceptions, none have murdered following their return to the community.

This reality notwithstanding, there is a continued push from the fringes for the repeal of s. 745 altogether, and the return of the death penalty.

- **b) Young Offenders Act (YOA)**

On April 30, 1996, CAEFS again appeared before the Standing Committee on Justice and Legal Affairs to speak to the Phase II Review of the YOA to discuss the impact of the Act upon juvenile justice for young women.

CAEFS continues to have grave concerns with respect to the increasing numbers of younger women in the provincial and federal prison systems. We anticipate ever increasing calls for more punitive and regressive scapegoating of Canadian youth.

c) Privatization

CAEFS has decided to position privatization as one of our social action priorities for the coming year.

We are increasingly concerned that some of the provincial governments may soon try to privatize prisons for women in the adult and youth correctional systems.

CAEFS is extremely concerned about the prospect of our governments developing this sort of trade in human services. We are also concerned that current moves also seem to focus upon co-locating women with men in order to maximize economic efficiencies.

In addition, our Executive Director visited a private prison for women in Victoria, Australia.

None of the institutional policies for the prison were accessible, even via access to information routes, to anyone other than the contracting parties, namely, the Corrections Corporation of Australia (CCA) and the state correctional authorities. Consequently, those working on the outside cannot get access to anything but the standards of service to which the CCA must adhere.

Other than via direct discussions with the women imprisoned in the prison, they have no right of access to any of the evaluative or monitoring reports which are presumably kept by the correctional authorities.

In addition, it was clear that the correctional folk do not have sufficient resources to actually monitor what is going on in the prison. Kim also met with many people working in and around other private men's prisons throughout Australia.

The prospect of some of the horrors that prisoners have experienced down under, as well as the difficulties they face attempting to lift the cloak of commercial law secrecy under which private prisons are operating, has rendered chills to our collective spines here.

GLOBAL ISSUES FOR WOMEN IN PRISON AND THEIR ADVOCATES

The visit of CAEFS Executive Director to Australia and New Zealand in January and February of 1997, reminded us of the reality that so many of the issues that we are struggling with here for and with women imprisoned in Canada are issues for women prisoners world wide.

Ironically, on the day that the Canadian government was announcing its decision to move women into segregated maximum security units in men's prisons, Kim was visiting prisons in New South Wales, wherein the very types of initiatives, ideas and principles currently being scrapped in Canada, were being successfully implemented.

That announcement was just another example of why we continue to be extremely concerned about the future of correctional programming for women and how it is being managed in Canada.

This announcement came within a little over a year since the opening of four new regional women's prisons and a national Healing Lodge. These new prisons were supposed to accommodate all of the women sentenced to prison terms of two years or more.

Canada has traipsed around the globe selling its technology, training, security and programmes internationally, pretending that they are on the vanguard of progressive correctional reform. Meanwhile, the situations of our prisoners domestically is absolutely appalling.

Few correctional authorities internationally were aware of the Arbour Report chronicling the results of the Commission of Inquiry into Certain Events in the Prison for Women in Kingston.

Moreover, a number of Australian states are purchasing programmes and following invalidated "research" conducted by the Correctional Service of Canada, without any apparent knowledge of the findings of Madam Justice Arbour during the Commission of Inquiry.

CSC is distributing its own self-aggrandizing publications and opinions as "research" and "documentation" of its supposed success -- telling the world about all the wonderful things it is apparently doing.

Obviously, back home here on the farm, the reality is vastly different. The international community must be provided with Madam Justice Arbour's extensive documentation of the extent to which the Correctional Service has shown blatant disregard and disdain for the law, let alone its own policies, particularly the reality that we face an overall situation of women's corrections being taken back to the turn of the century.

Finally, the prospect of private prisons, like strip searches and the use and abuse of segregation and other forms of abuse of power and excessive use of force, are issues for women [and men] prisoners around the globe.