



Canadian Association of Elizabeth Fry Societies™
Association canadienne des sociétés Elizabeth Fry
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Canadian Association of Elizabeth Fry Societies

Annual General Meeting - 2012

President's Report

Thanks to all of you for welcoming me into the position of President of this great Association. I am pleased to report that this has been another busy year. Our work has included:

- Continuing preparation for the Inquest into the death of Ashley Smith;
- Complaint to the Canadian Human Rights Commission regarding CSC's classification process, especially for Indigenous women and women with mental health issues;
- Complaint to the Canadian Human Rights Commission regarding CSC's discriminatory treatment of Indigenous women vis-à-vis their access to relevant and appropriate religious/cultural services and programs;
- Providing expert testimony during sentencing procedures, including challenging the discriminatory lack of access of women in remote and rural communities to intermittent and other sentencing options, as a result of limited access to provincial places of detention;
- Assessing cases for potential conviction reviews;
- Assisting defence counsel to challenge the charging and prosecuting of women who use lethal force to defend themselves and/or their children;

- Intervening in the Ryan case at the Supreme Court of Canada, a case that raises fundamental questions about the availability of defences to abused women who take action to protect themselves and their children.
- Presenting evidence to counter the regressive law and order agenda outlined in successive new legislative reforms tabled in Parliament.

Over the next year, in addition to looking forward to continuing on the CAEFS' Board, I will continue to ensure that we update CAEFS' by-laws and constitution.

On behalf of the entire network, we thank all of the members of the Board of Directors and our membership for your continued efforts to maintain CAEFS' stellar reputation and steadfast determination to fulfill our mandate without compromising fairness, humanity or equality. We owe a debt of tremendous gratitude to all who have helped to build and shape CAEFS for the women and girls with and on behalf of whom we work.

Sue Dunlop
President
Canadian Association of Elizabeth Fry Societies



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Treasurer's Report

Fiscal Year: April 1, 2011 – March 31, 2012

It is with pleasure that I am able to report to our membership that the fiscal situation of the Canadian Association of Elizabeth Fry Societies (CAEFS) continues to remain positive and stable.

Once again, particularly in these times of economic, social and personal restraint, we are proud that we have ensured that the CAEFS' membership is well represented by our national office. Fiscal constraints have not diminished our efforts on behalf of the victimized, marginalized, criminalized and institutionalized women with and on behalf of whom we exist. Our Executive Director has continued to offset some of these expenses by donating to CAEFS the resources she raises via her speaking engagements, awards and her teaching at the University of Ottawa, Faculty of Law.

We look forward to continuing to fulfill the mandate of CAEFS. A detailed accounting of our expenditures is available in our audited financial statements. You will note that we have a surplus this year due to a large donation to the education fund by Coralee Smith, Ashley Smith's mother, as well as a reversal of several years worth of stale dated cheques. All financial commitments have been met and CAEFS has operated in accordance with the direction of the Board throughout the past year. On behalf of the Board of Directors, I thank all of the membership for your continued efforts to maintain CAEFS' fiscal stability.

Cathie Penny
Treasurer
Canadian Association of Elizabeth Fry Societies



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Executive Director's Report

...may I be directed what to do and what to leave undone - Elizabeth Fry

Despite increasingly challenging legislative reforms, this year has provided many wonderful opportunities for strengthening old and building new coalitions. It continues to be an honour and profound privilege to working with all of you, especially our membership, Board of Directors, and the women whose lived experience drives and informs our work. Thank you once again to each and every one of you for your ongoing commitment, care, compassion, strength, resilience and tenacity.

In terms of our activities, during the past year, we were invited by individual Members of Parliament, Senators, Parliamentary and Senate Committees to meet with and/or appear before them to comment on current legislative and policy reform issues on 45 occasions. Furthermore, we had 352 meetings with political staff and bureaucrats.

We spoke at 156 individual events, from public talks, recognition ceremonies, conference presentations to media events. I also attended regional meetings, either in person or via teleconference, and provided accompanied Regional Advocates to the federal prisons, in addition to having the opportunity to meet with Board members, staff and/or volunteers and clientele of 18 of our 25 members.

We contributed to media stories on 159 occasions and wrote 6 reports, articles or papers for presentation or publication, as well as 410 letters. This does not include the volume of additional information influx that the CAEFS office receives. For instance, we also dealt with 52,610 emails, 5,650 telephone calls, and 327 faxes.

The figures I just listed do not reflect the additional work contributed by our amazingly enthusiastic and creative membership across Canada. Regardless of resource limitations, our network of local Elizabeth Fry Society offices make a significant and enduring impact in their respective communities, regions, and for the country as a whole. This reality notwithstanding, this year we experienced, for the first time, the closure of two of our offices, due to inadequate resources. We fear more such challenging times for our membership, as these are challenging times and there is still much work to be done by our wonderful network of phenomenal women.

The remainder of this report will provide you with an overview of our work to promote the rights and entitlements of women with the lived experience of marginalization, victimization, criminalization and/or institutionalization. As we continue to learn and grow via our collective and collaborative efforts, we look forward to also celebrating the strength, flexibility, tenacity and evolution of the network and the amazingly courageous and resilient women and girls with whom we walk and work.

Priority Issues and Law Reform Initiatives

Although we continue to see a proliferation of proposed new criminal and penal laws and policies (an updated list follows this report), we know that Canadians are smart, concerned and compassionate people. Despite misleading titles, inflammatory rhetoric and baseless allegations that punishment is an effective remedy to crime and a viable means of promoting public safety, there is mounting proof that the citizenry is increasingly skeptical. In fact, there is growing recognition in public discussion that pushes for longer, more punitive, and mandatory minimum sentences are not widely supported and are recognized as actually likely to promote fear and ignorance, rather than increase community security and personal safety. Moreover, it is clear that austere and isolating prison conditions are at best debilitating, and, at worst, brutalizing. The case for progressive sentencing and community integration policies is grounded in research and reliable evidence.

Canadian taxpayers are increasingly frustrated by the government's lurch toward longer and more punitive sentences. They are also fundamentally opposed to the long-term devastation occasioned by the evisceration of social, health, educational and fiscal resources. Likewise, as we heard first hand during the *Expanding the Space* event, co-hosted by the CAEFS Housing Committee and the YWCA on Parliament Hill, March 13, 2012, it is very clear that social and fiscal reinvestment ideas abound and many question the rush to accept prisons as the default for a lack of housing for the homeless, or shelter for those escaping violence. In addition, people are not willing to accept prisons as a substitute for community-based treatment for those with disabling mental health issues or childhood institutional abuse.

The Regional Advocate Teams in each of the regions continue to be a tremendous credit to CAEFS. Despite some challenges in the Prairies, where staff turnover and financial challenges have limited the availability of the team to conduct regular advocacy visits, the Region was assisted by the Pacific team and is rallying. Access to women in institutional living units, segregation and maximum security units, continues to be an issue on occasion, but the Advocates continue to do an excellent job of ensuring that they are as accessible as possible to imprisoned federally sentenced women. They give voice to the women inside and facilitate linkages

between women and our membership, as well as other community supports and resources. Overcrowding and the current legislative and policy climate, as well as the myriad issues related to these growing problems, continue to pose the most significant obstacles to our progress.

Our work with the International Human Rights Program, University of Toronto, Faculty of Law, regarding international human rights protections and enforcement mechanisms for prisoners with disabling mental health issues, resulted in the release of their preliminary assessment. Entitled, *Cruel, Inhuman and Degrading? Canada's treatment of federally-sentenced women with mental health issues*, the report was submitted to the Canadian Human Rights Commission in support of the outstanding complaints of women, as well as to the United Nations for consideration in their review of Canada's record vis-à-vis the Convention Against Torture. In addition to the other conventions which CAEFS has invoked to argue for greater accountability and appropriate interventions for women, we are also examining the manner in which we might utilize the Convention on the Rights of Persons with Disabilities. We may wish to submit a Shadow Report to the UN Committee on the Rights of Persons with Disabilities when Canada reports in 2013. The Native Women's Association of Canada and the DisAbled Women's Network of Canada have indicated that, in addition to supporting the complaints of the women and CAEFS to the Canadian Human Rights Commission, they also wish to continue to collaborate with us on the UN matters.

We will also continue our work, in coalition and collaboration with other equality seeking groups, to approach the United Nations with concerns about the manner in which Canada is increasingly making legislative, policy and fiscal decisions that are exacerbating the marginalization, victimization, criminalization and imprisonment of women, poor people, racialized people – especially our Indigenous sisters, and those with disabling mental health issues. We have also reiterated our requests to the UN to call upon Canada to establish external, independent correctional oversight and redress mechanisms that are comprehensive and accessible.

Committees examining Canada's record with respect to human rights, women's rights, prisoners' rights, civil and political rights, as well as disability, torture and children's rights, have already voiced their clear and cogent denunciation of the policies and procedures in the federal and youth prison systems which results in the over-classification, segregation and disciplining of women and girls, as well as the discriminatory treatment of racialized and disabled women.

Canada used to have an enviable reputation when it came to protecting and promoting human rights throughout the world. We will continue to encourage the Canadian public to ensure that our Government works to regain that reputation, starting with a renewed commitment to respecting and upholding human and Charter protected rights for all Canadians, regardless of their sex, race, ability, sexual orientation or politics.

Concluding Comments

The rise of the Occupy movement and of young people, and so many others in solidarity, help us commence this year with great hope. Although our trepidation persists, knowing that the prisons for women are over-crowded – visiting and interview rooms are being used to house women,

maximum security cells are being double bunked – and we face the implementation of the omnibus crime bill and all the other regressive policy and legislative reforms looms, we remain optimistically committed to working on an ever-evolving agenda for equality and justice.

We also remain in awe of the courage, tenacity and resilience of the marginalized, victimized, criminalized and institutionalized women with and on behalf of whom we work. In addition, despite the many challenges of these times, we continue to enjoy what must be some of the most committed, creative and amazingly enthusiastic staff, volunteers and Boards of Directors amongst our membership. Thank you for continuing to enliven my interest and enthusiasm for this work. I remain in awe of your incredible compassion, energy and resourcefulness.

I am especially appreciative of the wonderful team of women from across the country, who volunteer their valuable expertise, energy and time to lead this organization and form the Board of Directors of the Canadian Association of Elizabeth Fry Societies. Your opinions, expertise and experience are invaluable; and you provide visionary, compassionate and intelligent leadership for our organization.

It remains my tremendous privilege to work with and for all of you.

A handwritten signature in blue ink that reads "Kim Pate". The signature is fluid and cursive, with the first name "Kim" being more prominent than the last name "Pate".

Kim Pate
Executive Director
Canadian Association of Elizabeth Fry Societies

UPDATE: FEDERAL CRIMINAL JUSTICE LEGISLATION

Friday, May 18, 2012

In Order of Latest Activity Date

S-9 - An Act to amend the Criminal Code (Nuclear Terrorism Act)

Sponsor: Leader of the Government in the Senate

Last Stage Completed: Second Reading in the Senate and referral to the Special Senate Committee on Anti-terrorism (2012-05-17)

This enactment amends the *Criminal Code* to create four new offences relating to nuclear terrorism in order to implement the Amendment to the Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism.

C-316 - An Act to amend the Employment Insurance Act (incarceration)

Sponsor: Richard Harris (CPC, Cariboo—Prince George)

Last Stage Completed: First Reading in the Senate (2012-05-17)

This enactment repeals the provisions of the *Employment Insurance Act* that allow for qualifying periods and benefit periods to be extended as the result of time spent by the claimant in a jail, penitentiary or other similar institution.

C-310 - An Act to amend the Criminal Code (trafficking in persons)

Sponsor: Joy Smith (CPC, Kildonan—St. Paul)

Last Stage Completed: Second Reading in the Senate and referral to the Standing Committee on Legal and Constitutional Affairs (2012-05-15)

This enactment amends the *Criminal Code* to add the offence of trafficking in persons to the offences committed outside Canada for which Canadian citizens or permanent residents may be prosecuted in Canada. It also amends the Act to add factors that the Court may consider when determining what constitutes exploitation.

C-350 - An Act to amend the Corrections and Conditional Release Act (accountability of offenders)

Sponsor: Guy Lauzon (CPC, Stormont—Dundas—South Glengarry)

Last Stage Completed: Second Reading and Referral to Committee in the House of Commons (2012-03-28), Committee report presented (2012-05-14).

Placed in the order of precedence in substitution of C-292 — November 17, 2011

This enactment amends the *Corrections and Conditional Release Act* to provide that any monetary amount awarded to an offender pursuant to a legal action or proceeding against Her Majesty in right of Canada be paid to victims and other designated beneficiaries.

C-309 - An Act to amend the Criminal Code (concealment of identity) (Preventing Persons from Concealing Their Identity during Riots and Unlawful Assemblies Act)

Sponsor: Blake Richards (CPC, Wild Rose)

Last Stage Completed: Second Reading and Referral to Committee in the House of Commons (2012-02-15), Committee report presented (2012-05-14).

This enactment amends the *Criminal Code* to make it an offence to wear a mask or other disguise to conceal one's identity while taking part in a riot or an unlawful assembly (5-year maximum).

C-394 - An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment)

Sponsor: Parm Gill (CPC, Brampton—Springdale)

Last Stage Completed: Second Reading, 2012-05-01.

This enactment amends the *Criminal Code* to make it an offence to recruit, solicit, encourage or invite a person to join a criminal organization. It establishes a penalty for that offence and a more severe penalty for the recruitment of persons who are under 18 years of age. This enactment also makes a related amendment to the *National Defence Act*.

C-293 - An Act to amend the Corrections and Conditional Release Act (vexatious complainants)

Sponsor: Roxanne James (CPC, Scarborough Centre)

Last Stage Completed: Committee Report (House of Commons) presented (2012-04-30)

This enactment amends the *Corrections and Conditional Release Act* to allow the Commissioner to designate an offender as a "vexatious complainant" when the offender files multiple complaints or grievances that are ordinarily of a vexatious or frivolous nature or not made in good faith.

C-36 - An Act to amend the Criminal Code (elder abuse) (Protecting Canada's Seniors Act)

Sponsor: Minister of Justice

Last Stage Completed: Second Reading, Chamber Sitting: 112, 2012-04-27

This enactment amends the *Criminal Code* to add vulnerability due to age as an aggravating circumstance for sentencing purposes.

C-37 - An Act to amend the Criminal Code (Increasing Offenders' Accountability for Victims Act)

Sponsor: Minister of Justice

Last Stage Completed: Introduction and First Reading in the House of Commons (2012-04-24)

This enactment amends the *Criminal Code* to change the rules concerning victim surcharges.

C-217 - An Act to amend the Criminal Code (mischief relating to war memorials)

Sponsor: David Tilson (CPC, Dufferin—Caledon)

Last Stage Completed: Committee Report (House of Commons) presented (2012-04-04)

This enactment amends the *Criminal Code* to provide for the offence of committing mischief in relation to a war memorial or cenotaph (5-year maximum).

C-299 - An Act to amend the Criminal Code (kidnapping of young person)

Sponsor: David Wilks (CPC, Kootenay—Columbia)

Last Stage Completed: Second Reading and Referral to Committee in the House of Commons (2012-02-29)

This enactment amends the *Criminal Code* to prescribe a minimum punishment of five years when a kidnap victim is under sixteen years of age.

C-10 Safe Streets and Communities Act

[Coming into Force](#)

51. The provisions of this Part, other than subsection 32(2) and section 48, come into force on a day or days to be fixed by order of the Governor in Council.

166. (1) The provisions of this Part, other than sections 108 to 146, 148 to 159 and 161 to 165, come into force on a day or days to be fixed by order of the Governor in Council.

(2) Sections 135 and 136 come into force on a day to be fixed by order of the Governor in Council.

204. The provisions of this Part come into force on a day or days to be fixed by order of the Governor in Council.

208. This Part comes into force on a day to be fixed by order of the Governor in Council.

His Excellency the Governor General in Council hereby fixes May 3, 2012 as the day on which sections 135 and 136 of that Act come into force. [*re: International Transfers of Offenders Act*]
SI/2012-0031