

Women & Girls in Prison:
Canada's Alternative to Equality & Justice
Winnipeg LEAF Breakfast - October 24, 2002

Presented by

Kim Pate, B.A., B.Ed. (P.D.P.P.), LL.B.

Executive Director of the Canadian Association of Elizabeth Fry Societies

President of the Canadian National Associations Active in Criminal Justice

*A feminist lawyer and teacher by training, Kim is an advocate,
activist ally of women and girls in prison in Canada. She has worked with and
on behalf of criminalized youth, men and women for the past two decades.*

Abstract: Women are the fastest growing prison population worldwide. Recent global trends are seeing the increased Criminalization of women and girls, especially those who are poor and racialized. The factors that are contributing to women and girls being characterized as becoming more violent will be explored.

By looking at the issues through the perspectives of those with the lived experiences, Kim will focus attention upon the nature and circumstances under which women are criminalized. She will also encourage others to examine their own perspectives as to the manner in which women should be dealt with by the criminal justice system.

First of all, I would like to acknowledge the traditional First Nations inhabitants of this occupied territory. It is a privilege to be on your land. Thank you.

I also want to thank the Winnipeg Branch of the Women's Legal Education and Action Fund for inviting me here to speak with you this morning.

I especially want to thank the women in and from prison, some of whom are with us here today, as well as their families, friends and other supporters, and all of the front-line workers who advocate - you know who you are. Your courage, strength and brilliance inspires and encourages me. Thank you for being my mentors, my guides and my conscience. I also want to acknowledge the important work done by our local Elizabeth Fry and LEAF and many other women's, Aboriginal and social justice equality-seeking groups to launch a human rights complaint regarding the Portage Jail. It was wonderful news to hear the announcement that Manitoba will finally close the Portage Jail. Thank you Minister Mackintosh for this most important announcement. We now need to talk about not replacing it. We need to welcome the women there here and provide opportunities in the community. Most women in prison pose the greatest risk to themselves not others. - the best jail in the world is no jail! I will talk more about that in a minute.

It is always a tremendous privilege and weighty responsibility to be among such dedicated and accomplished women as those of you gathered here, and even more so in light of the pressure to ably and adequately represent the views and interests of the women with and on behalf of who I have the tremendous pleasure and daunting responsibility to work. I join you today in the spirit of extending equality to all women.

This year we celebrated the 73rd anniversary of the Person's case and the 20th anniversary of the *Canadian Charter of Rights and Freedoms* -- although we all know

that we women did not enjoy full legal equality for another couple of years thereafter. It is no accident that many women, especially working class and Aboriginal women, did not enjoy legal entitlement to personhood for many more years. Indeed, we know that all women still do not enjoy equality - certainly too many women in prison do not even know that they are supposed to have equal protection and access to the law and equality.

Nor is it any accident that Person's Day on the 18th of October is immediately preceded by the International Day for the Elimination of Poverty on October 17th. Both were last week, and coincidentally, also fell during the first week of the Inquest into the Death of Kim Rogers, the 40 year old, 8 months pregnant, poor woman with disabilities who died last August at the height of a heat wave in Sudbury. She was imprisoned in her house because she dared to try to escape poverty by getting an education with the assistance of state resources. An "A" student, described as an excellent advocate with a bright future, she came up against the sledgehammer of the state... and she died...

In the interests of interfering in other similar situations -- before others die -- we need to discuss the broader issues here regarding the context in which Kim was set up to fail, regardless of her tragic and absolutely avoidable death ... She was essentially sentenced to death for welfare fraud ...

I am referring of course to the fact that she 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. The appeal of her conviction and sentence had not been heard before she died.

We all must act to interfere with these draconian, destructive and -- we argue -- 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?

To make it worse, Kim Rogers was subjected to a set-up to which the judge, prosecutor and defence counsel were all privy in Kim's case. As the transcript of her sentencing reveals, all three not only knew she would be cut off welfare, but they also did the calculations and asserted that even if she did receive welfare, after she paid her rent and mandatory repayment, she would be left with \$18 per month with which to feed, clothe and otherwise support herself.

Again, the judge and lawyers recognized this impossible task and essentially concluded that she would have to obtain resources elsewhere - the perfect set-up to ensure that she could again be criminalized for welfare fraud since any monies she might receive would have to be claimed and likely deducted from her welfare payment. If she did not so declare any income and it was otherwise discovered, she would again be subject to charges for welfare fraud. Moreover, anyone placed under house and arrest who leaves home to obtain work or any other means of support, they may be subject to a further criminal charge of breaching the conditions (i.e. the confinement part of 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? We need to push for the development of resources for women in the community.

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 LEAF, NAPO, and NAWL to intervene in the Inquest. We know that the situation Kim faced is faced by many other women and that the situation is exponentially worse for the most marginalized and dispossessed, especially Aboriginal and other racialized women.

Here in the Prairies, and in Winnipeg in particular, we have seen some of the worst examples of the increasing trends to criminalize women and girls. Aboriginal women continue to suffer the shameful and devastating impact of colonization. From residential school, to child welfare seizure, to juvenile and adult detention; Aboriginal women and girls are vastly over-represented in institutions under state control. Indeed, even as we work to deinstitutionalize and decarcerate, we are fearful that "treatment" will be the next colonial control of choice. Indeed, we are already seeing this, as exemplified by what happened in the case of G, the pregnant young woman who was institutionalised for forced treatment. The focus on FAS/FAE is a gendered, classed and racist in approach and we must venture forth very carefully.

The reality is, however, that the fastest growing prison population worldwide is women, and in particular, racialized, young and poor women. In the Prairie Region most of the women are Aboriginal, contributing to a situation where they represent

the majority of the women's jail population. We know the increasing numbers of women in prison is clearly linked to the evisceration of health, education and social services. We also know that the cycle intensifies in times of economic downturn. It is very clear where we are sending the people who are experiencing the worst in the downturn in the economy and social trends. Jails are our most comprehensive homelessness initiative.

In terms of the rate at which women are charged, however, there has been a 7% decrease overall in the number of women charged with criminal offences. In particular, we are seeing a decrease in the number of violent crimes committed by women. It must also be borne in mind that all these increases have occurred within the context of increased cuts to expenditures for social services, health and education throughout the country. The result has been that women prisoners in Canada, like women prisoners worldwide, are the fastest growing prison population.

We also know that increased numbers of young women with mental and cognitive disabilities, women who used to fill psychiatric and mental health facilities, are now increasingly being criminalized. Progressive trends of the past to de-institutionalize those with cognitive and mental disabilities have been subverted by resource depletion, attitudes and policies occasioned by the deficit dementia of the last decade. The result is that more and more people are literally being dumped into the streets.

Their attempts to survive, their attempts to self-medicate, their attempts to cope with their situations as well as the behavior that then evolves from being in a situation where they are increasingly disenfranchised, have led to their increased criminalization and imprisonment. Once in prison, these women are considered difficult to manage and consequently spend a disproportionate amount of their time classified as maximum-security prisoners. This means that in addition to serving most of their sentence in the segregated maximum-security units in men's prisons, they are also most likely to be placed in segregation. They also tend to attract a number of psychiatric labels, and tend to be characterized by the Correctional Service of Canada as among the most difficult prisoners to manage by Correctional Services Canada.

The reflex of corrections to develop mental health service in prisons, is only serving to exacerbate the trend to increasingly criminalize women with mental and cognitive disabilities. Developing such services in prisons at a time when they are increasingly non-existent in the community is resulting in more women receiving federal sentences because there will be a presumption that there is an ability to access services in prison that are not available in community settings. Prisons are not and cannot be treatment centres.

Particular Problems for Young Women and Girls

The increasing numbers of younger women in the provincial and federal prison systems are of particular concern to CAEFS. Unfortunately, unless we resist the calls for more punitive and regressive scapegoating of Canadian youth, and, instead, embark upon a public education campaign to inform Canadians about the excessive penalizing and incarcerating of youth in Canada, we are not likely to see much change in the current slide away from justice for young people.

Manitoba transfers young people into the adult system at the highest rate of all the provinces and territories in Canada. Furthermore, it is First Nations/Aboriginal youth who are disproportionately jailed in youth centres and transferred to adult jails. For eight of the nine most common offences, youth serve longer prison sentences than do adults in Canada. In addition, we jail youth at four times the rate we jail adults, 5-7 times the rate in most states in the U.S., and 15-20 times the rate of most European countries.

To make things worse, young women usually end up being jailed in mixed youth centres. One of the results of this is that there are many incidents of sexual harassment and rape, most of which go unreported. When we conducted some research on young women in custody, we found two rather shocking results. First, we found that many young women do not define what they experience as sexual harassment or rape. Instead, they talk about it being flirting or fooling around, or their "turn in the closet". Secondly, for those who do identify what they experience as sexual harassment or rape, most claim that they would not report such assaults.

Too many young women described their reluctance to report sexual and non-sexual assaults as being borne out of the fear that the reporting would result in young women being held in more isolated conditions. This fear has been reinforced by experience. Not only are young women and girls often mixed together, whether they are remanded in custody, or serving a disposition of open or secure custody, they are often isolated and have more limited access to services and programs than their male counterparts. When a young woman reports a rape; or, as has suddenly ended up impregnated while in custody, the institutional response is rarely to address the issues. Instead, what generally happens is that the young women are subjected to more restrictive and isolated conditions of confinement. This just reinforces the adage that young women are too few to count.

In an effort to encourage the Parliamentary Standing Committee to seriously examine the disastrous impact and untold human costs of jettisoning more young people into the adult system, CAEFS facilitated a presentation by a young woman who had first hand experience in and with the system. The following section is a summary of her story.

A Young Woman's Nightmare: K's Story

K. is a young Aboriginal woman from Manitoba - the province that has the highest rate of transferring young people from the juvenile into the adult system. (Saskatchewan jails youth at the highest rate in Canada, and most are Aboriginal youth.) K was arrested when she was 16 years old. She was driving in a car from which a young man shot another youth. She was taken into custody and immediately sent to the Portage Jail, a provincial jail for women. As a result of her age, as well as the high profile nature of her case in the province, K was segregated in one of the worst segregation units in the country for almost the entire time that she was remanded in custody awaiting her transfer hearing.

K was initially charged with first degree murder. It is common that the police usually charge with the most serious offence supported by their version of the facts, those young people who they wish to see transferred up to the ordinary or adult court. Evidence that is presented at a transfer hearing is not subject to the same rigorous examination as when it is raised at trial. K was transferred up essentially on the

basis of that charge. She was one of seven youth who were involved, and, ultimately, the only young woman charged. Two young men were also charged and the remaining four youth gave evidence against their "friends" in exchange for their freedom.

Once K was transferred to the adult court, the Crown Prosecutor immediately offered her a deal: a recommendation for 3-4 years in prison if she entered a guilty plea to a reduced charge of manslaughter. As is too often the case, although K's lawyer felt that she had a chance of acquittal, she was not willing to risk going to trial on the first degree murder charge because of the potential that she might end up convicted and therefore subject to a mandatory minimum sentence of life in prison with no parole eligibility for 25 years.

K consequently pleaded guilty and was convicted of manslaughter. Although the Crown argued that K should be sentenced to 3-4 years in prison, the judge decided to give her a sentence of one year. When K realized that this would mean that she would have to return to the same prison where she had spent the previous two years of remand, her lawyer was instructed to try to get her sent somewhere else. The result was a request for a prison sentence of two years so that she might be incarcerated in the new regional women's prison in Edmonton or the Okimaw Ohci Healing Lodge for Aboriginal women prisoners.

Unfortunately, the Correctional Service of Canada classified K as a maximum security prisoner and shipped her off to the segregated maximum security unit in the Saskatchewan Penitentiary. I met K there, just after she had tried, for the second time, to kill herself. She was 18 years old. She was later transferred to the Regional Psychiatric Centre. CSC staff also recommended that she be detained in prison until the expiration of her warrant of committal thereto.

When K's grandfather died, her request for a compassionate temporary absence pass to allow her to attend his funeral was refused. When a Winnipeg police officer exaggerated and misstated the reality of the risk posed by K, CSC and the Solicitor General refused to allow her to pay her respects to the man who had raised her and who she had known more as a father than as a grandfather.

At the age of 19 years, K was released on statutory release. Although her grandmother requested that K be permitted to live with her, CSC chose instead to force her to go to a men's halfway house. K was the only woman in the house and she became the focal point of more than one resident's advances. Consequently, it was not surprising that she tried to use any means available to avoid being at the house. As a result, she was deemed to have breached the conditions of her parole and was twice put back into the Portage jail.

When K's two-year jail sentence expired, she was still not free to move on with her life. She is now subject to a sentence which we consider excessive. When her prison sentence expired, K commenced three years of probation, the conditions which are more stringent than her parole conditions. In addition to a 7:00 p.m. to 7:00 a.m. curfew, she has to complete 400 hours of community service work. These conditions preclude her being able to continue the work she was doing in the evenings while on parole, which means she cannot afford to support herself nor is she able to continue in her educational endeavours. After spending time at her mother's beyond her curfew, as well as because of difficulties she is experiencing in trying to complete her

community service work hours, K has now been charged with breaches of her probation order.

As K has so articulately challenged us and the members of the Parliamentary Standing Committee on Justice and Human Rights, where does she go for help and support now? K was in the care of the child welfare authorities at the time of her arrest. The State was therefore her "parents". Five years later, however, at the age of 21 years, K was "released to freedom" without resources, familial support and now further beaten down by the system. K learned to slash and self-medicate as a means of coping with life in prison. It is all she sometimes feels she has left when she is overcome by the bleak reality of her life - no family, no money, and no job, but quick action to charge and jail her when she finds she cannot cope and fails to adhere to all of her conditions of probation.

The Labelling of Lisa Neve

Another illustration of the discriminatory aspects of the application of law and policy against young women is Lisa Neve's case - a case, incidentally, which LEAF, CAEFS, NWAC (Native Women's Association of Canada) and DAWN (DisAbled Women's Action Network) were not granted intervener status.

Lisa Neve, the 21-year-old, young Aboriginal woman who was the second woman in Canada to be designated a dangerous offender, is another woman whose future was nearly irreversibly destroyed. As it is, by the time the Alberta Court of Appeal released its decision to overturn the November 17, 1994 designation of Lisa Neve as a dangerous offender, Lisa had spent 6 ½ years in prison, most of it in segregated maximum security units in different men's prisons.

When Lisa was 12 years old, she was dragged into secure "treatment", followed fairly quickly by secure custody. The system was not impressed by her assertive and confident manner. Unlike so many other young women her age, she was clearly a respected and undisputed leader. These qualities are not ones that are generally accepted, much less encouraged or nurtured, in our social control systems - be they child welfare or criminal justice in orientation. They are seen as particularly unacceptable when embodied by a young woman. Sexism, racism, heterosexism and class biases intersect to provide an incredibly discriminatory lens through which women like Lisa are viewed and judged.

As a result, it did not take long for the adults in authority to label Lisa as a "problem" in need of "correction". Once the labels were applied, they not only stuck, but they also attracted other labels which built upon and expanded those prior. Consequently, Lisa started as "mischievous", "a brat", then she was called an instigator, negative and eventually, aggressive, sociopathic, and then a dangerous offender. Largely based upon accounts of her institutional behaviour in young offender centres, as well as her "unfeminine" renegade behaviour while working the street, Lisa was characterized as the most dangerous woman in Canada by Justice Murray in 1994 and then as a maximum security prisoner by the Correctional Service of Canada for more than four years.

Including her pre-trial detention, Lisa spent approximately six years in jail for an offence which the Court of Appeal eventually determined warranted a three year sentence, as opposed to the indeterminate one imposed by Justice Murray. To make

matters worse, she also spent most of her time living in some of the most severe and limiting prison conditions in Canada. Nobody should ever have to face the sort of tortuous ordeal that Lisa was forced to endure.

Hopefully the decision of the Alberta Court of Appeal in Lisa's case will result in broader systemic changes to the administration of justice for women in Alberta and across Canada. To start with, the Court reaffirmed the decision of the Supreme Court of Canada in the Lyons case by indicating that the dangerous offender provision, "applies to "...a small group of highly dangerous criminals ...and that "the court must be satisfied that the pattern of conduct is substantially or pathologically intractable". They also challenged the acceptance in the lower courts of a psychological assessment of Lisa that "effectively implies ...that a woman's thoughts about murder can somehow be equated with a man's commission of a murder..."

The Court also pointed out that "dangerous offender legislation is targeting that small group of recalcitrant offenders whose past behaviour is sufficiently entrenched that future risks to public safety warrant preventative detention" and noted that "every offence which Neve committed was entangled in some way with her life as a prostitute." They also pointed out that while it was not to be condoned, Lisa's violent offences were generally characterized as attempts to avenge wrongs done to others. Furthermore, they characterized Lisa as "a young woman with a relatively short criminal record for violence, (who was) disposed to telling shocking stories of violence."

Finally, in determining if and when the dangerous offender provisions should apply, the Court of Appeal determined that, "the question is whether, relatively speaking compared to all other offenders in Canada -male and female, young and old, advantaged and disadvantaged - Neve falls into that small group of offenders clustered at or near the extreme end of offenders in this country." They also found that Lisa Neve did not fit into that group at all, overturned her dangerous offender designation and substituted a penitentiary term of three years as a "fit and proper sentence for the robbery".

Within two days, Lisa went from facing the rest of her life in prison to be released from prison. While CAEFS and other women's and Aboriginal groups have applauded the decision of the Alberta Court of Appeal because of the very real and tangible benefit it provided to and for Lisa, there is considerable regret that the Court did not allow CAEFS, the Native Women's Association of Canada, the DisAbled Women's Network and the Women's Legal Education and Action Fund to intervene in support of Lisa's case. We argued that it was important for the Court to examine the overriding *Charter* equality implications of Justice Murray's decision.

The Court of Appeal did not permit our coalition to intervene as they determined that Lisa's lawyer could canvass any equality arguments. Then, they declined to address the equality arguments because they found it unnecessary once they had decided that the dangerous offender label was wrongly applied to Lisa. Fortunately, however, the very thorough analyses of the facts and the law by Honourable Chief Justice Fraser, Madam Justice Conrad and Madam Justice Picard, provide a viable basis for us to extract the implications for future equality arguments. Most significantly, it will assist others, especially men, who have been labelled as dangerous offenders.

In the meantime, with a great deal of support from her family, Lisa is working on adjusting to being out of prison. She was on parole until her warrant expiry date at the end of November 1999. Lisa continues to work hard at her plans for the future. The biggest danger for Lisa now is that the reaction of others to her infamy will hinder her ability to make her own way.

Here in Saskatchewan, I think of tragic similarities between the circumstances of K. and Lisa when I think of Serena Nicotine. Serena lives most of her life in virtual isolation in the same segregated maximum security units in men's prisons that K. lived in.

In addition, we are seeing the so called "war on drugs" really becoming a war on the most dispossessed, especially women, as we see increased numbers of women resorting to using, selling, or otherwise dealing in legal or illegal drugs, in order to cope with everyday life and/or to allow them to gain extra financial resources in order to cope and survive. We are also seeing the increased feminization and criminalization of poverty.

We are also seeing the increased likelihood that progressive trends that were developed by women to address misogynist violence by men, have increasingly been used against women. At the same time as we are seeing decreases in the number of women who are actually willing to seek protection from the system, we are also seeing a backlash in the form of so-called gender neutral, zero tolerance policies. As a result, battered women, most of whom have called the police themselves after being battered, are increasingly being counter-charged. This is especially true in circumstances where women have defended themselves against the abuse. In too many such situations, both are charged with assault and in the worse situations, both the abusive man and the abused women are ending up in the same anger management programs.

We are also seeing increased numbers of women who have used lethal force pleading guilty to manslaughter or second-degree murder. In most such cases, the women were charged with first-degree murder despite the fact that they were responding defensively. Most women are counseled to plead guilty to either second degree or manslaughter, so women experience that backlash as well. In fact, when she conducted the Self Defence Review, Judge Ratushny found that approximately 20-30 of the women serving federal sentences in relation to the deaths of abusive partners had entered guilty pleas and therefore she could not review their cases.

Despite all of these grim realities, those of us who work with and are allied with women prisoners, know very well that those women continue to call upon all of us to do our utmost to ensure that their voices are brought out from behind the walls. It is as a result of their continued perseverance, that the rest of us are afforded the privilege of also being able to continue to walk with them as they challenge the manner in which they are held captive and imprisoned in Canada.

Over the next several years, we anticipate further regressive policy and law reform and initiatives to be undertaken by the Government of Canada under the guise of meting out decisions that meet their perceptions of what will be acceptable to public opinion. CAEFS and many other national organizations, on the other hand, have had to resort to filing a complaint with the Canadian Human Rights Commission regarding

the systemic discrimination and violation of women prisoners' human rights in Canada.

National Human Rights Complaint

On International Women's Day, March 8, 2001, 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, the Canadian Association of Elizabeth Fry Societies and the Native Women's Association of Canada filed a complaint with the Canadian Human Rights Commission. As a result, the Commission has decided to conduct a broad-systemic review of the situation experienced by federally sentenced women, utilizing 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.

We are alleging that the breaching of their human rights is occasioned by discrimination on the basis of sex, race and disability. In the 1980s, a group that called itself, Justice for Women, and Gayle Horii, a woman serving a life sentence, filed human rights complaints based upon substantially the same concerns as those that we are raising. When the earlier complaints were filed, there was only one federal penitentiary for women, in which women's needs were not met and compared to which men enjoyed substantially more programs and services. Gayle Horii's Canadian Human Rights Commission complaints and ongoing lawsuit are approximately 15 years old now.

The CAEFS complaint articulates among other issues, that, 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, despite the promises of Creating Choices and the Corrections and Community Release Act (CCRA), 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 24% 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 to replicate these isolating units in the new regional prisons. Not only will the new maximum-security units mirror the isolation of segregation units, without respecting

the specific rights of segregated prisoners under Canadian law, but also CSC plans to incorporate secure officer posts within the units.

Furthermore, CSC has developed a new "Management Protocol" for women classified as maximum security prisoners, which will result in CSC-sanctioned violation of women's Charter and human rights, not to mention the rights and protections embodied in the CCRA. In addition to being contrary to principles of fundamental justice, these realities will only serve to further heighten the isolation of women that already causes us concern because of the clear and demonstrated damage and danger caused to women prisoners.

One of the main concerns of the members of the Task Force on Federally Sentenced Women was that their work might lead to the creation of five mini-Prisons for Women. The new Management Protocol and the plans for the Secure Units for women classified as maximum security prisoners in the regional prisons are clear indications that for too many women, the new prisons are progressing from bad to worse.

CAEFS' human rights complaint is also being supported by 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 individual members of the Canadian Association of Elizabeth Fry Societies. 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 its own commission's recommendations for judicial oversight. CSC has even rejected the recommendations of the *Parliamentary Standing Committee on Justice and Human Rights* on this point.

We are hopeful that the Canadian Human Rights Commission will look at the systemic issues that contribute to a correctional context for federally sentenced women for which Canada must be held to account. The human rights abuses experienced by federally sentenced women create a situation which is shameful for all of us, as Canadians. In addition, many joined our developing coalition of women in Canada and internationally who are committed to eliminating the use of imprisonment for women. The commitment of women working in developing and western countries continues to strengthen and grow as we join forces to develop workable decarceration strategies.

But then there is the future. Try not to think that in Canada there is any chance that we might face the prospect of a government comprised of vicious little misogynist white supremacists. Yet, although we are in this time of right wing sentiments and

neo-conservative social, economic and political war on the poor, women, children, racialized - and especially those who are criminalized, we also have courageous women like yourselves who are challenging the status quo.

Now is not the time to compromise our values, our principles or beliefs. If we do, we will be the easiest to steam roll over --- when we don't, we will stand strong, united with our sisters and brothers in the demands for equality, our wall of solidarity may get alternately picked at, rammed and an occasional brick may be wiggled loose and removed, but if the mortar of our values, our beliefs, our principles, is strong, we will stand for a very long time and will have a greater likelihood of protecting our children and grandchildren and their children and grandchildren from the forces that stand poised ready for almost certain attack.

Indeed, as a lifer named Gayle Horii often reminds me, "There is strength in sisterhood." As she advised me the first time we met in 1992, the words of an Australian Aboriginal woman named Lilla Watson best encapsulate and convey the message of our work:

If you have come here to help me,
you are wasting your time.
If you have come here because
your liberation is bound up with mine,
then let us work together.

This talk is dedicated to Kami, Pat, Sherrie, Adele, Lisa, Darlene and many, many more amazingly courageous and inspirational women... Thank you.

For copies of CAEFS' position papers or additional information, please contact Kim Pate directly at kpate@web.ca, visit the CAEFS' home page at <http://www.caefs.ca> telephone us at (613) 298-2422, or fax us at (613) 232-7130.