

BACKGROUNDER 1

Release of the Special Report

Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women

The report, *Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*, looks at the systemic human rights issues facing federally sentenced women.

Background

In March 2001, the Canadian Human Rights Commission was approached by the Canadian Association of Elizabeth Fry Societies (CAEFS), supported by other human rights organizations, including the Native Women's Association of Canada (NWAC), the Canadian Bar Association (CBA), the National Association of Women and the Law and others. Their focus was the human rights situation of federally sentenced women, particularly Aboriginal women and women with disabilities.

An agreement was reached in late 2001 between CHRC and CAEFS to proceed with a special report instead of various separate, individual complaints, enabling the Commission to take a broad perspective and to make recommendations to address systemic human rights challenges.

The Commission then took a number of steps to gather information on the human rights situation of federally sentenced women.

How information was obtained

The Commission obtained information in a variety of ways. They included:

- interviews with staff, inmates and union representatives at all six correctional facilities for federally sentenced women and at three facilities for men where women were collocated;
- interviews at a range of community release facilities;
- ongoing meetings, workshops and roundtables with key stakeholders such as the Canadian Association of Elizabeth Fry Societies, the Office of the Correctional Investigator and the Correctional Service of Canada (CSC) and bilateral meetings with experts;
- distribution of a consultation paper and receipt of submissions from a variety of organizations in May 2003.

Key findings of the report

- The Commission found that, while CSC has made some progress in developing a system specifically for women offenders, systemic human rights problems remain, particularly with regard to Aboriginal women, racialized women and women with disabilities.
- The report sets out the following guiding principles to ensure that the treatment of federally sentenced women is consistent with human rights laws:
 - federal women prisoners have a right not to be discriminated against and a right to correctional services as effective as those received by men;
 - equality must be based on the real needs and identities of women inmates, not on stereotypes or generalizations; and
 - the duty of CSC is to promote and protect the human rights of women and means that they must take into account the fact that some of the reasons women offend, their life experiences and their rehabilitation needs are unique.
- The report identifies systemic barriers to full equality and puts forward 19 recommendations for action (see Backgrounder 2 for a complete list) related to:
 - risk and need assessment;
 - safe and humane custody and supervision;
 - rehabilitation and reintegration programming; and
 - mechanisms for redress.
- The most disturbing statistic is the over-representation of Aboriginal women in maximum security. Although Aboriginal women account for only 3% of the female population of Canada, they represent 29% of the women incarcerated in federal prisons and account for fully 46% of the women classified as maximum security.

Summary

The report sets out guiding principles that CSC can apply to ensure the treatment of federally sentenced women is consistent with human rights laws.

The report also provides a human rights analysis of CSC directives, programs and policies which affect women in federal institutions.

The report focuses on the discriminatory impact of some CSC policies and programs, particularly on Aboriginal women, racialized women and women with disabilities.

The report makes recommendations to address systemic barriers to equality.