

Election 2011: Questions for Candidates

1. More Jail, Longer Sentences: at the Cost of Housing and Health Care

Background: Recent increases in sentence lengths and severity are funded by cuts to social services, health care, as well as ever decreasing access to affordable and safe housing. In most provinces in Canada, child care and other social services, as well as health care -- especially mental health services -- and education have been slashed. The results are that increasing numbers of people are plummeting through an increasingly drafty social safety net, while others, in their attempts to survive, are being scooped up and criminalized. Longer and more severe sentences mean that when such people finally re-enter the community, they are even less likely to be able to support themselves or their families.

At the same time as we have experienced the retreat of the state, in terms of the provision of support services, we witness an increased intrusion of the state in terms of security and control interventions. The result is the increased criminalization of those who are most marginalized. This has a profound impact upon the inherent inequalities of women and girls, especially those who have been victimized, those who are poor, racialized and who have mental health issues.

Prisons are not the shelters homeless people, nor battered women, need. Nor are they treatment or healing centres. They are the most expensive and punitive, yet least effective, means of addressing social issues.

Accordingly, our question to each candidate is:

- a. **Canada now has over 5 million poor people, 70% of whom are women and children. More and more are failing to thrive and end up on the streets, in jail or dead. Are you and your Party prepared to adopt national standards that guarantee the right to adequate income assistance, such as welfare, for all who need it?**
- b. **Further, if you are elected, what are the concrete action steps you will immediately implement to ensure national standards for appropriate and adequate social services, health care and educational programs in Canada?**

Supplementary Questions:

Given that you have indicated a will to act upon this; will you and your Party be speaking out immediately against the inadequacy of social assistance for poor Canadians?

When can we expect this statement to be produced?

Are you saying it now?

2. Women's Equality

Background: Women make up the majority (52%) of our population, yet women continue to be vulnerable and marginalized in Canada. While wealth is steadily accumulating, 2/3 of people live in poverty, 70% of them are women and children. International financial and commercial globalization also import patriarchal and capitalist systems of power, control, and commodification.

There has been much written about the increased poverty, violence and marginalization of women over the past two decades in Canada. In 2000, the Canadian Women's World March Committee, of which CAEFS was a part, and in 2003, the Canadian Association of Sexual Assault Centres (CASAC), documented a number of steps and made very concrete recommendations as to how women's equality could be achieved in Canada. The Women's World March Committee recommended www.marchemondiale.org/en/charter.html a series of steps to reverse current systems of patriarchal, capitalist, and racist domination and ensure equitable distribution of wealth, employment, access to housing, education, justice, democratic representation, energy, transportation, health, leisure and cultural services and activities.

The CASAC report, *Canada's Promises to Keep: The Charter and Violence Against Women*, focuses upon the manner in which political and economic decisions impact violence against women. This report identifies the indivisibility of women's rights and equality, while also examining the issues of women's victimization and criminalization.

The elimination of the Court Challenges Program and cuts to legal aid, have significantly interfered with the ability of those whose Charter rights are most likely to be violated to have such breaches remedied.

Accordingly, my questions to you are:

- a. **Do you and your Party plan to reinstate the Court Challenges program and improve access to legal assistance for women who are marginalized and victimized? If so, how? If not, why?**
- b. **Do you and your Party support the recommendations of national women's groups regarding the economic and social policy steps required to end violence against women and poverty?**
- c. **How will you and your Party ensure that the equality guarantees in s. 15 of the Canadian Charter of Rights and Freedoms are honoured and upheld?**
- d. **Is your Party prepared to reinstate core funding for women's equality-seeking groups?**

Supplementary Question(s):

If so, how do you plan to ensure that there are concrete action steps implemented in order to ensure the recommendations are realized?

If not, please explain why you do not support women's equality in Canada?

3. Increased Criminalization of Women and Girls

Background: The vast majority of people living below the poverty line are women and children. Cuts to social services, health services, educational services and vocational training programs, combined with increasingly globalized economies and the current backlash against women, have all contributed to increased vulnerability of women, especially those who have been victimized and those who are poor, racialized, as well as those with significant mental health issues.

The renewed focus on the so-called ‘war on drugs’ continues to result in the disproportionate marginalization, victimization, criminalization and institutionalization of women, especially poor and racialized women. In the United States, where this approach is increasingly recognized as wrongheaded in terms of any decrease in the drug state, it is usually described as having resulted in a war on women.

Although women are seen as far less likely to pose much of a risk or danger to the public, they are one of the fastest growing prison populations. The increase imprisonment of women is directly related to the decreases in social services and health services, such as public housing, welfare, child care supports, and inpatient and outpatient mental health services. In fact, the inadequacy of welfare and homelessness are at crisis proportions in Canada.

Accordingly my questions to you are:

Do you and your Party support the recommendations of the Canadian Human Rights Commission, especially those regarding the need for a complete review of the manner in which women are assessed, classified and what services and programs are provided in prison and in the community?

Supplementary Question(s):

If so, what concrete action steps are you taking to ensure its full implementation?

If not, on what basis are you not supporting the protection of the Human Rights of all women in Canada?

4. Community-Based Sentencing and Release Options for Women

Background: Currently, there are approximately 1070 women serving federal sentences (2 years or more). Of these, half are incarcerated and half are serving the remainder of their sentences in the community under various forms of conditional release (day parole, full parole or statutory release). However, with respect to the Indigenous women population (270), further challenges remain as almost 62% (164) of Indigenous women are incarcerated compared to just over 38% (99) who are in the community. In the Prairies, 65% of federally sentenced Indigenous women are in prison, with 35% in the community, compared to 46% of non-Indigenous women in prison and 54% in the community. There has been a 28% increase

in the number of federally sentenced Indigenous women in the past 5 years. 34% of all federally sentenced women are Indigenous. As such, gross over-representation of Indigenous women in prison necessitates the sorts of changes CAEFS has been advocating and that the CAEFS' network has been working to provide.

In addition, too many women stay in prison long past all their eligibility dates. Moreover, the prisons are ill-equipped to deal with the many challenges of reintegrating women into their communities after imprisonment. More often, they actually make such pre-existing challenges worse. Poverty, as well as the compounding discriminatory factors of racism, class bias and the stigma of being labelled a "criminal", makes it increasingly difficult for women to integrate into the community. **Furthermore, the Correctional Service of Canada estimates that the passage of Bill C-59 on March 23, 2011, will increase jail time for 20% of the women currently serving federal sentences – all of whom are first time federal prisoners, in jail for non-violent offences.**

Funding is overwhelmingly devoted to the use of imprisonment. In 2004, the Canadian Human Rights Commission issued a report calling for significant changes within the criminal justice system, particularly as they impact women, especially Indigenous women and women with mental health issues. In addition, as the Auditor General, the all-party Parliamentary Public Accounts Committee, the Canadian Human Rights Commission, and the Parliamentary Budget Officer pointed out, the Correctional Service of Canada spends many millions of dollars to operate the women's prisons, and a comparable pittance funding releasing options for women exiting prison.

Accordingly, my questions to you are:

- a. **Would you and your Party repeal all of the legislation increasing penalties, creating mandatory minimum sentences and lengths of sentences in favour of more effective community-based options that would benefit victims for the future?**
- b. **What concrete actions would you and your Party take to ensure that community-based sentencing and release options exist for people who are criminalized and/or exiting prison?**
- c. **Would you and your Party support the implementation of charging, prosecutorial and sentencing guidelines that, like the provisions under the *Youth Criminal Justice Act* for young people, required the criminal justice system to focus on non-carceral responses to women's criminalization?**
- d. **Would you and your Party support the use of non-prison sentencing options for the 80% of women convicted of poverty-related offences?**

5. How Programming in Canada's Prisons Fails Women

Background: Training, educational and therapeutic programs do not meet the needs of the women in Canada's prisons. Although it is clear the programs are not comparable in quantity, quality or variety to those provided to sentenced men, it is not useful to make simple comparisons between programs for men and programs for women. Instead, the particular

needs and interests of women prisoners must be examined to ensure substantial equality, and allow women prisoners to progress toward a successful re-integration into society.

Programs that should prepare women for meaningful work are virtually non-existent. In many cases, the emphasis is on stereotypical “female” skills, such as cooking, cleaning, and sewing. Where promising programs do exist, enrolment is often very limited or the equipment and training skills taught are outdated. Limited access to job training and educational programs directly interferes with the ability of women to meet the terms of their “Correctional Treatment Plan”. As a result, they frequently experience delays in obtaining all forms of conditional supervised and structured release into the community on parole.

For women with disabilities, there are even fewer training programs geared to their needs. Access to therapeutic counselling is very limited, especially for those with the greatest need, most of whom spend most their time in virtual isolation in the segregated maximum security units. Moreover, there is a coercive nature to the therapeutic treatment offered. Indigenous women have limited access to programs and services of any kind, let alone programs that meet their cultural needs.

Historically, women have been over-represented in psychiatric facilities and under-represented in the prison system. However, with the closure of psychiatric institutions and increasingly overtaxed and under-resourced community-based services, Canada is now witnessing a marked increase in the number of women with disabling intellectual mental health concerns being criminalized. In fact, correctional research about women in prison indicates that women prisoners have significantly higher incidence of mental health issues, including schizophrenia, major depression, substance use disorders, psychosexual dysfunction, and antisocial personality disorder, than the general population.

In addition, incarcerated women have a much higher incidence of a history of childhood sexual abuse and severe physical abuse than women in the general population. Among incarcerated Indigenous women, who are disproportionately represented in the federal prison system, 90% reported physical abuse and 61% reported sexual abuse.

Accordingly, my questions to you are:

Will you and your Party call for the immediate implementation of the recommendations of the Parliamentary Budget Officer, Mental Health Commission, Correctional Investigator, Canadian Human Rights Commission, the Arbour Commission report and the Royal Commission on Aboriginal Peoples?

Supplementary Questions:

If so, what concrete action steps are you taking to ensure full implementation of these reports?

If not, what are you doing to support the protection of the human rights of all women in Canada?

6. Need for Oversight of Corrections

Background: There have been repeated calls for correctional accountability that have gone unheeded. These calls for accountability were reinforced by Madame Justice Louise Arbour in her 1996 report and by the Canadian Human Rights Commission in 2004. Indeed, the Office of Correctional Investigator, the Task Force on Federally Sentenced Women and many other previous reports and Commissions of Inquiry, not to mention the reports of the Auditor General and the Parliamentary Accounts Committee, the United Nations Human Rights Committee and the Supreme Court of Canada, have called for increased accountability within corrections and between the Correctional Service of Canada and other external bodies.

Moreover, allegations of inappropriate sexual behaviour between staff and women prisoners, as well as the criminal charged pending against staff as a result of the death of Ashley Smith, and current attempts to interfere with the access of our organization to monitor conditions of confinement for women prisoners, severely underscore the need for independent and external oversight of women's corrections in Canada.

Accordingly, my questions to you are:

- a. **Do you and your Party support the implementation of court oversight of corrections, especially in situations such as the denial of the right to counsel, the use of long term segregation, and other treatment that interferes with human and Charter protected rights of prisoners?**
- b. **Do you and your Party support the implementation of an external, independent governance body, mandated and resourced to conduct annual audits of adherence to legislation and policy within each of the public prisons, such as audits to be submitted to the Minister of Public Safety and the Standing Committee on Justice and Human Rights?**
- c. **Do you and your Party support the appointment of a Commissioner of Women's Corrections to govern all matters related to federally sentenced women, including the supervision of the wardens of the regional prisons and the Kikawinaw of the Healing Lodge, be independent of CSC, and report directly to the Minister of Public Safety?**
- d. **Do you and your Party support the implementation of a fund to allow women in prison to access legal aid services to address issues related to their conditions of imprisonment and conditional release is needed to ensure that their rights and entitlements are realized?**

7. Mandatory Minimum Sentences

Background: Despite abundant evidence of the detrimental nature of increasing the length, severity and mandatory nature of prison sentences, some politicians have indicated that they

plan to continue to push for further regressive social and criminal justice policies. Some say they will call for a return of the death penalty. Others indicate that they will push for longer prison sentences, including three strikes laws, as well as additional mandatory minimum sentences for those convicted of criminal offences.

In the United States, mandatory minimum sentences have been utilized for much of the past few decades. Many states are now revisiting such initiatives because they recognize that mandatory minimum sentences do not protect society, rehabilitate individuals, or generally contribute to the well being of others. Most people also realize that the increased use of mandatory minimum sentences vastly increases the cost of the criminal justice system.

Imprisonment is far more expensive and the most ineffective means of addressing social problems. Accordingly, funding incarceration means that resources are cut from social services, educational services, and employment opportunities. Mandatory minimum sentences also mean that people who are ensnared in the prison system are likely to be kept there for longer periods of time.

Here, in Canada, the Government's own Parliamentary Budget Officer has challenged the costing and efficiency claims of the Government with respect to new criminal and penal reform initiatives.

Supporters of mandatory minimum sentences often argue that they are of value because:

- a. they deter or prevent the particular individual who is sentenced from committing future offences, especially while s/he is incarcerated (i.e. specific diversion);
- b. they deter others from committing similar offences by making an example of those who are convicted of certain offences (i.e. general deterrence); and
- c. public attitudes are such that the Canadian electorate would not stand for people not being punished (versus otherwise being held accountable) for criminal convictions.

It costs anywhere from \$50,000 to \$500,000 and more per year, depending on the nature of the prison and/or the needs of the prisoner, to keep someone in prison in Canada. Most Canadians agree that the resources currently expended to jail women and children in our communities would be far better spent on resourcing social, educational and mental health services and programs needed by all members of our communities. If even just half of the seven billion dollars currently spent on imprisoning people was invested in welfare, housing, health, education and other community-based services, the resulting resources would benefit whole communities, not merely those who are criminalized as a result of their attempts to survive increasingly inhospitable communities.

We respectfully ask you:

- a. **Will you and your Party resist attempts to bring in the death penalty in Canada? In your answer, please outline what concrete steps you plan to take to ensure that the death penalty is not reinstated.**

