



Canadian Association of Elizabeth Fry Societies™  
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November 6, 2005

The Honourable Irwin Cotler  
Attorney General of Canada and Minister of Justice  
Room 312 - West Block  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Minister Cotler:

**Re: Mandatory Minimum Sentences**

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On behalf of the Canadian Association of Elizabeth Fry Societies (CAEFS), I am writing to urge you to maintain your principled position of opposition to mandatory minimum sentences. Our organization is extremely concerned with the efforts and publicly stated positions of the Attorney General of Ontario and other provincial Attorneys General in favour of instituting additional mandatory minimum sentences.

We commend you for repeatedly utilizing your public opportunities to educate others that there is no persuasive evidence to support the notion that mandatory minimum sentencing laws deter others. We urge you to also elucidate the reality that there is every reason to believe that additional mandatory penalties for firearms will have the same effects in Canada of increasing unfairness in the enforcement of the law, generating wrongful convictions, and devastating the African Canadian community by incarcerating young men at a disproportionate rate.

We also encourage you to clarify that despite the rhetoric emerging from some conservative lobbyists, many states, such as Michigan and the Northern Territories in Australia, are retreating from this criminal law strategy in light of their negative experience with its consequences. Such jurisdictions have clearly identified the negative impact of mandatory minimum sentences as including unfairness, wrongful convictions and skyrocketing incarceration rates for African Americans, Aboriginal people, and women in particular, without any discernible deterrent benefit.

We know from the Royal Commission on Aboriginal Peoples and many provincial reports, such as the Report of the Commission on Systemic Racism in the Ontario Criminal Justice System, that we already have a problem of systemic racism in the enforcement of our criminal law. Mandatory minimum sentences will only reinforce this trend by further targeting the African Canadian community and generating a false impression that gun violence can be stemmed by such punitive responses. We are also concerned that more mandatory minimum penalties will exacerbate the over-incarceration of Aboriginal people, which we have only begun to take steps to address.

**Like most people in Canada, CAEFS abhors violence and is extremely concerned about gun violence and other gun related offences. We recognize that some people believe that a simplistic response of longer and more punitive sentencing is an appropriate response to real and perceived increases in particular crimes. We appreciate that you have long disputed the validity of such "law and order" approaches. We value your experience and expertise and we urge you to continue to speak about the importance of maintaining Canada's commitment to taking a principled approach built upon the framework of our Charter and human rights protections, in order to best intervene in ways that promote public safety.**

**In 2001, CAEFS and Osgoode Hall Law School co-sponsored a Colloquium on Mandatory Minimum Sentences from which issued a special edition of the *Osgoode Hall Law Journal*. In the United States those jurisdictions that have mandatory minimum sentences and have taken a "law and order" approach to crime, have seen a sharp increase in the incarceration rates of the Black community and a rise in gun violence. Rather than reduce crime, these approaches to crime have in fact exacerbated the problem. Clearly, this approach has failed and, paradoxically, has resulted in unsafe communities and increased violence. Further, it is well-documented that the over-incarceration of racialized communities depletes social capital and especially negatively impacts children and youth.**

**Such an approach does not address some of the root causes of crime such as persistent poverty, unemployment, lack of educational opportunities and social marginalization and will not reduce crime or create safer communities for African Canadian families and youth. Moreover, this approach to increased gun violence fails to hold gun manufacturers accountable for their irresponsible practices, which have resulted in a significant increase in the trafficking of illegal guns and firearms.**

**We urge you, as the federal Justice Minister, not to respond to political pressure at the upcoming Federal/Provincial/Territorial meeting of Justice Ministers. Another mandatory minimum sentence or two is not the answer. The problem of increased gun violence requires a long-term and sustained solution that is focused on social and community development and increased opportunities for full participation in Canadian society for African Canadian youth.**

**We would be happy to meet with you to further discuss our concerns. Accordingly, please contact our Executive Director, Kim Pate, at 298-2422, should you have any questions or desire any additional information.**

**Sincerely,**

**Colleen Minnabarriet  
Vice-President  
Canadian Association of Elizabeth Fry Societies**