



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 – 2015

President's Report

Many thanks to all of you for the work you do with and on behalf of marginalized, victimized, criminalized and institutionalized women and girls. This was another full year for CAEFS and saw us involved in the following initiatives:

- Follow up the recommendations from the inquest into the death of Ashley Smith;
- Advocate for the inquest into the death of Kinew James, who died at the Regional Psychiatric Centre in Saskatoon, on January 20, 2013;
- Assessing cases for potential conviction reviews;
- Assisting appeal efforts of women in relation to “dangerous offender” designations;
- Developing training materials regarding s. 718(2)(e) of the *Criminal Code of Canada* – also referred to as the *Gladue* principles;
- Assisting defence counsel to challenge the charging and prosecuting of women who use force to defend themselves and/or their children;
- Presenting evidence to counter the regressive law and order agenda outlined in successive new legislative reforms tabled in Parliament;
- Co-hosting the Sallows Fry Conference 2015 – *A Canadian Crisis: Criminalization and Imprisonment of Indigenous Women & Those with Disabling Mental Health Issues*, at the University of Saskatchewan College of Law.

On behalf of the entire network, we express sincere gratitude to all of the members of the Board of Directors and our membership for your continued dedication to the women and girls with and on behalf of whom we work.

A handwritten signature in blue ink that reads "Cathie Penny". The script is cursive and fluid.

Cathie Penny
President (June 2014 - March 2015)
Canadian Association of Elizabeth Fry Societies

As the new President and on behalf of all of you, I would like to thank Cathie Penny for her longstanding and total commitment to criminalized women and to the work and the women of Elizabeth Fry. We appreciate her leadership and dedication in the role of President and wish her all the very best. We will miss you Cathie!

Diana Majury
President (April - May 2015)
Canadian Association of Elizabeth Fry Societies



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Treasurer's Report

Fiscal Year: April 1, 2014 – March 31, 2015

It is with pleasure that I am able to report to our membership that the Canadian Association of Elizabeth Fry Societies (CAEFS) remains fiscally stable and the membership continues to be well managed 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. In addition to our sustaining funding grant from Public Safety and some additional donations to our education funds, this year, 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 secondment to the University of Saskatchewan College of Law, where she has occupied the Ariel F. Sallows Chair in Human Rights.

A detailed accounting of our expenditures is available in our audited financial statements. All financial commitments have been met and CAEFS has operated in accordance with the direction of the Board and membership 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.

A handwritten signature in blue ink, appearing to read 'Diane Bergeron', is written over a light blue horizontal line.

Diane Bergeron
Treasurer
Canadian Association of Elizabeth Fry Societies



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Annual General Meeting – 2015

Executive Director’s Report

“Very few women commit crimes. This should be a badge of honour and an entitlement to reward, rather than a recipe for neglect and deprivation.” - Louise Arbour

It continues to be an honour, privilege and profound responsibility to work with all of you, especially our membership, Board of Directors, and the women whose lived experience drive and inform our work. Thank you once again to each and every one of you for your ongoing commitment, care, compassion, kindness, strength, resilience and tenacity. You never cease to amaze and inspire!

The Year in Review

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 27 occasions. Furthermore, we were invited to participate in 259 meetings with political staff and bureaucrats.

We spoke at 267 individual events, from public talks, recognition ceremonies, and conference presentations to media events. I also attended regional meetings, either in person or via teleconference, and 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 11 of our 24 members.

We contributed to media stories on 355 occasions and wrote 11 reports, articles or papers for presentation or publication, as well as 216 letters. This does not include the volume of additional information influx that the CAEFS office receives. For instance, we also dealt with tens of thousands of emails, telephone calls, and even a few faxes.

Despite significant resource limitations, our network of local Elizabeth Fry societies also made many additional contributions to their respective communities, regions, and the country as a whole. Being based in Saskatoon, this year, has provided fantastic opportunities to witness this first hand, as we lived and worked with the wonderful staff and volunteer team of the Elizabeth Fry Society of Saskatchewan.

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

CAEFS' Office

In addition to attending law school part-time at the University of Ottawa, Catherine Sleightholm continues to work at the CAEFS office.

As of July 1, 2014, I commenced my secondment to the University of Saskatchewan College of Law, as the Ariel F. Sallows Chair in Human Rights. In addition to teaching Prison Law, I had the opportunity to also offer a course on Social Justice and Human Rights, and supervise some independent research, as well as peer review submissions to the Saskatchewan Law Review. This position also allowed us to combine the national Annual General Meeting with the Sallows conference. On May 21 and 22, 2015, we are also extremely excited to host, **A CANADIAN CRISIS: Criminalization & Imprisonment of Indigenous Women & those with Disabling Mental Health Issues**. Details of the conference may be accessed at <http://www.caefs.ca/event/sallows-fry-conference-may-2015-final-poster-for-circulation/>

I will continue this post until December 31, 2015, which will allow me to teach another course in Prison Law. This post will also overlap with an opportunity to develop and teach two additional courses in the Common Law program at the University of Ottawa. I have also been approached by additional faculties of law regarding the possibility of other future secondments. The prospect of adding to the pool of prison law alumnae holds significant appeal and promise for our future.

Priority Issues and Law Reform Initiatives

Inquest into the Death of Ashley Smith

Along with Ashley's family and other organizations, we continue to focus efforts on implementing the following key recommendations emerging from our work with and on behalf of Ashley and other women with disabling mental health issues:

- **Implementation of contracts with provinces/territories for mental health beds** – The Correctional Service of Canada (CSC) should be moving to immediately negotiate transfer agreements with provincial and territorial health ministries, so that they may transfer prisoners with mental health issues to appropriate mental health or psychiatric facilities. Pursuant to section 29 of the *Corrections and Conditional Release Act*, a

prisoner may be transferred out of a penitentiary and into a hospital at any stage of their sentence.

CSC has been in negotiations with Ontario, Nova Scotia, and British Columbia, to provide national mental health placement coverage for federally sentenced women. These negotiations have been going on for several years, but have only resulted in one contract, for a mere two beds – only one of which has been utilized by CSC. The contract between the CSC and the Royal Ottawa Hospital, is for a pilot project: namely, two beds at the St. Lawrence Hospital, a forensic psychiatric centre in Brockville.

During his testimony at the inquest, the Commissioner of Corrections, Don Head, advised that as many as 30 of the women in federal custody were in situations similar to those faced by Ashley, yet CSC is dragging its heels on initiating s. 29 transfers for those requiring mental health support and treatment.

- **Segregation** – Ashley Smith spent most of her time in prison, in isolation, in breach of the law and correctional policy. Twenty-one years ago, incidents at the Prison for Women in Kingston led to the unlawful segregation of eight other women. These incidents led to the Commission of Inquiry into Certain Events at the Prison for Women in Kingston. Conducted by Louise Arbour, the inquiry led to recommendations for significant reform of the correctional and prison system for women. Principal among these was the need for judicial oversight and limits to the use of segregation, as well as the ability of prisoners to return to court to have their sentences reviewed, in circumstances where the conditions of their confinement breach law and policy in ways that amount to correctional interference in the administration of a sentence.

Following the death of Ashley Smith, many groups have joined in the call for limits on the use of segregation. In addition, this year, several groups launched court cases aimed at curtailing the use of segregation in Canada. CAEFS continues to support and advocate for the inquest jury's recommendations for oversight and the elimination of the use of segregation for those with mental health issues.

- **Oversight** – Every Canadian has access to a number of different Ombuds or advocates in a variety of aspects of their daily lives. A patient in a hospital has access to a Patient Coordinator or Advocate. A consumer can contact the Better Business Bureau. Prisoners have access to penitentiary staff, as well as the Office of the Correctional Investigator, but their respective resources and mandates are both stretched and restricted. Legal aid resources are also extremely limited, so lawyers are largely unavailable other than to the relatively few high profile and/or wealthy prisoners.

Non-governmental organizations such as our member Elizabeth Fry societies are too often frustrated in our attempts to assist. In addition to supporting the over-arching calls for external and judicial oversight, we support the Inquest Jury recommendations with respect to having additional Elizabeth Fry and peer prisoner assistants/advocates at every institution. We share the objective of preventing issues developing from small problems to larger, long-reaching and potentially systemic challenges.

Regional Advocacy

The Regional Advocate Teams in each of the regions continue to be a tremendous credit to CAEFS. In the past, access to women in their institutional living units, segregation, and maximum security units has been an issue in some of the regions, but this year, the Commissioner clarified that CAEFS Regional Advocates have access to all imprisoned federally sentenced women. Regional Advocates continue to visit all areas of the prisons for women in their respective regions, meet with the organized prisoner groups, as well as the warden and her designate. They follow up and document monthly visits with reporting letters to CSC, which they copy to CAEFS, the Deputy Commissioner for Women and the Correctional Investigator. 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, remain the most significant obstacles to their work.

Coalition Work and Interventions

CAEFS continues to work in coalition many other groups and organizations. For instance, as we prepare for the inquest into the death of Kinew James, we benefit from our years of collaboration 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. In coalition and collaboration with other equality seeking groups, we also persist in approaching 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 are currently participating in the development of submissions to UN Committee examining Canada's record with respect to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). We are working with other human rights and Indigenous groups regarding the possibility of launching a complaint with the Inter American Commission on Human Rights. In short, we persist in reiterating our requests to the UN that Canada be called upon 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 result in the over-classification, segregation and disciplining of women and girls, as well as the discriminatory treatment of racialized and disabled women.

Thanks to my appointment as the Ariel F. Sallows Chair in Human Rights at the University of Saskatchewan College of Law and the contributions of law students at the University of Saskatchewan, in partnership with prisoners in provincial jails, we produced a new provincial Human Rights in Action manual and provided human rights training in Saskatchewan. The

provincial ministry of Justice, which is responsible for provincial corrections, has agreed to distribute the manuals in all jails administered by the province. In addition, the Elizabeth Fry Society of Saskatchewan will be continuing to provide Human Rights in Action training with women who are provincially sentenced and/or remanded in custody in Saskatchewan, via the local members of our Prairie Regional Advocacy Team and our Saskatoon-based, CAEFS' Okimaw Ohci Healing Lodge representative.

At the beginning of this fiscal year, CAEFS and Native Women's Association of Canada (NWAC) were granted intervener status in *R v Kokopenace*. This case deals with the lack of Aboriginal representation on juries. We raised systemic concerns arising from Indigenous women's interaction with the criminal law and the unfairness and injustice of the whole system. The experience of both NWAC and CAEFS is that Indigenous women have a distinctive, and often highly problematic, relationship with the criminal justice system. We sought to illuminate the issues in this appeal by contributing that perspective to the Court's deliberations. We drew on material from the Report of the Independent Review Conducted by The Honourable Frank Iacobucci, *First Nations Representation on Ontario Juries* (February 2013). The perspective of Indigenous women informed the principal argument of NWAC and CAEFS. The position of NWAC and CAEFS on this issue, as was most capably presented by our counsel, Mary Eberts, was that the assertion of Canadian sovereignty replaced the traditional Indigenous approach with a criminal justice system that is culturally foreign to Indigenous Peoples. Accordingly, it is appropriate for the Crown to be held to the highest standards of honour, including scrupulous attention to the equality interests of those affected by it, in the administration of its system.

Canada once had an enviable reputation for protecting and promoting human rights throughout the world. We 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, and ability, sexual or political orientation.

Concluding Comments

We 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 celebrate you, our most committed, creative and amazingly enthusiastic staff, volunteers, board members and membership. We are most appreciative of our wonderful team, your valuable expertise, and energy.

Thank you for continuing to enliven my interest and enthusiasm for this work. Your incredible compassion, energy and resourcefulness make our work easier. Thank you for the tremendous privilege I enjoy of working with and for all of you.



Kim Pate
Executive Director
Canadian Association of Elizabeth Fry Societies