RECOMMENDATIONS AND CONSIDERATIONS RELEVANT TO THE STUDY OF CONDITIONAL RELEASES AND THE RESPONSIBLE FEDERAL ORGANIZATIONS

Submitted to the

STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY, HOUSE OF COMMONS

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By the

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The Canadian Association of Elizabeth Fry Societies (CAEFS) submits this brief to the Standing Committee on Public Safety and National Security for its study of conditional releases and the responsible federal organizations.[1] It asserts that no legislative change to conditional release is necessary; that laws dividing victims from perpetrators misdescribe and endanger federally sentenced women and gender-diverse people, most of whom are victims of violence; that any legislative change must include safeguards for the safety and privacy of people on release; that parole reform would worsen the barriers women already face; that reform must rest on evidence and need; and that reintegration, and the risk of it's loss, for every person under sentence, must ground this study. Each assertion is followed by a recommendation, and the recommendations are summarized at the end.[2]

1. Canada's parole system is supported effectively by legislation, and decisions are entrusted to trained professionals. Legislative change is not needed; improved measurement and oversight of existing practices are.

The CCRA already makes the protection of society "the paramount consideration" for the Parole Board of Canada (the Board), and permits parole only where the Board finds that a person "will not, by reoffending, present an undue risk to society" and that release "will contribute to the protection of society by facilitating the reintegration" of the person.[3] The Board applies that test with caution: in 2024-25 it granted full parole in only 30.6% of its decisions and day parole in 76.9%, and the people it released succeeded (91.0% of day parole and 85.6% of full parole periods ended successfully, and 0.1% of each ended in revocation for a violent offence).[4] Women's outcomes are stronger still: CSC's briefing material for its May 2026 appearance before this Committee reports that 94.3% of women did not return to federal custody within five years.[5]

Notably, the current calls for national reform to Canada's parole system were introduced earlier this year, with the authorization of three 72-hour unescorted temporary absences in the Durham Region. The Premier of Ontario said publicly that "we have to overhaul the system" after the Board authorized three 72-hour unescorted temporary absences, to a community residential facility in Oshawa, for a man convicted in 1987; that is the gradual and structured release the Act provides for, and the Criminal Code permits it only in the last three years before parole eligibility.

In late September the Premier asked the Prime Minister in a letter to raise parole ineligibility from 25 to 30 years for first-degree murder of a police officer, after deaths of police officers that no report connects to a person on parole.[6] In our opinion, these few calls ask Canadians to abandon reintegration for broad groups of people because of the condemnation of a small number of individual cases, and, more specifically, of procedure within them. It is our opinion that Parliament should not legislate national change on that basis, especially when the Canadian prison system is already in a state of dysfunction from overcrowding and from the under-resourcing of reintegrative supports and priorities.

Parliament can learn from the past: it has legislated from a small number of publicized cases before. The Abolition of Early Parole Act, for example, was introduced in 2011 "in response to the publicity last fall surrounding the sentencing of certain white-collar fraudsters"; in the years that followed, the share of statutory releases with no prior parole decision rose from 46% to 55%, and the Supreme Court of Canada held that its retrospective application violated section 11(h) of the Charter.[7] Restricting parole

[1] House of Commons, Standing Committee on Public Safety and National Security (SECU), Minutes of Proceedings, Meetings 27 (10 March 2026) and 53 (28 October 2026), online: https://www.ourcommons.ca/DocumentViewer/en/45-1/SECU/meeting-53/minutes.

[2] CAEFS does not use the words "offender" or "inmate" to describe the people we work with. They appear in this brief only inside quotations from legislation and government publications.

[3] CCRA, ss. 100.1 and 102.

[4] Parole Board of Canada, Performance Monitoring Report 2024-2025, Figures 16, 20, 24 and 27, online: https://www.canada.ca/en/parole-board/corporate/transparency/reporting-to-canadians/performance-monitoring-report/2024-2025.html; CCRA, s. 127. Five-year averages for revocation with a violent offence: 0.3% (day parole), 0.7% (full parole) and 1.3% (statutory release).

[5] Parole Board of Canada, Performance Monitoring Report 2024-2025, Figures 19 and 22; Correctional Service of Canada (CSC), Briefing materials, Appearance before SECU on the Main Estimates (28 May 2026), online: https://www.canada.ca/en/correctional-service/corporate/transparency/proactive-disclosure/briefing-materials/secu-2026-05-28.html.

[6] C. Fox, CP24 (17 March 2026), online: https://www.cp24.com/local/toronto/2026/03/17/he-should-rot-in-jail-doug-ford-speaks-out-about-decision-to-grant-convicted-child-killer-temporary-absences; C. Fox, CP24 (1 October 2026), online: https://www.cp24.com/local/toronto/2026/10/01/doug-ford-wants-to-increase-parole-eligibility-for-anyone-convicted-of-murdering-a-police-officer/ (the letter's text has not been published); Criminal Code, s. 746.1(2).

[7] Library of Parliament, Legislative Summary of Bill C-59 (Publication No. 40-3-C59-E, 2011), s. 3; Parole Board of Canada, Performance Monitoring Report 2013-2014, Figure 17 (2009-10 to 2013-14); Canada (Attorney General) v. Whaling, 2014 SCC 20.

does not keep people in prison for good, because every determinate sentence ends, and the Board has found that people released at warrant expiry were "ten times more likely to return to a federal institution because of a new violent offence" than people who completed their sentences on full parole.[8] For sentences that do not end, telling people that they have no reasonable prospect of returning to society produces dangerous institutions, harming everyone in them and the broader public.

Notice, scheduling and communication with families are of great importance to people harmed by crime, and the Board and CSC have many opportunities to improve them within their existing authority, without legislative change.[9] Victim notification, involvement, increased support and procedural fairness are important factors to measure and evaluate; they are questions of how the law is carried out, not of what the law provides. There are many areas of conditional release that, in practice, diverge significantly from the law. These, and all areas, can be improved, and CAEFS has long called for increased oversight and evaluation of all components of incarceration and conditional release. We welcome the announcement of the investigation into conditional release processes and victim engagement by the Office of the Federal Ombudsperson for Victims of Crime, and urge that no action be taken by this Committee which precedes the completion of this investigation. We emphasize, importantly, that across a number of contexts related to conditional release specifically, there is need for dedicated attention to existing practices, but we offer wholly that overall the deficiencies are not in the law; they are in the operationalization of the law.

> **Recommendation 1:** That the Committee (a) report to the House that no legislative change to the conditional release provisions of the CCRA, or to parole eligibility, is necessary, and recommend that the Parole Board of Canada and CSC address victims' concerns about notice, scheduling and communication within their existing authority, and (b) recommend enhanced evaluation and measurement of how the Board and CSC carry out conditional release provisions, and that evaluation and measurement protocols are established following recommendations put forward by the pending investigation being conducted by the Office of the Federal Ombudsperson for Victims of Crime, and to additionally involve such agencies as the Office of the Correctional Investigator, the John Howard Society of Canada, St. Leonard's Society of Canada, Canadian Association of Elizabeth Fry Societies, and other relevant agencies responsible for carrying out the reintegrative sector, with public reporting of the results, to identify targeted areas for improvement within the existing legislative regime, so as to improve the operationalization, not only of victims' rights, but of all aspects of conditional release.

2. Most federally sentenced women and gender-diverse people are themselves victims of violence, and laws that divide victims from perpetrators place them in danger

Women and gender-diverse people in federal prisons are, in large majority, people who have been harmed by violence. In a CSC survey of 178 federally sentenced women, 85.7% reported having been physically abused and 68.2% sexually abused at some point in their lives, and in 2021 CSC found that 72.0% of women in federal custody had been victims of spousal abuse (78.6% of Indigenous women).[10] A review of the social histories of 174 Indigenous women admitted to federal custody found that 81% had experienced physical abuse, 56% sexual abuse and 48% removal from their family home, and Indigenous women are now about half of the women in federal prisons.[11] For many of the people we work with, the offence arose out of the violence done to them: the federal Self-Defence Review examined the cases of 98 women convicted of homicide and found that some

[8] Parole Board of Canada, Parole Decision-Making: Myths and Realities, online: https://www.canada.ca/en/parole-board/corporate/publications-and-forms/parole-decision-making-myths-and-realities.html (sentences completed 1998-99 to 2002-03).

[9] CCRA, ss. 101(b) and 140(10.1).

[10] M.R. Barrett, K. Allenby and K. Taylor, Twenty Years Later: Revisiting the Task Force on Federally Sentenced Women (CSC Research Report R-222, 2010), ch. III; L. Motiuk and L.-A. Keown, Intimate partner violence among offenders in federal custody (CSC Research in Brief RIB-21-14, January 2022), Table 2, online: https://www.canada.ca/en/correctional-service/corporate/library/research/research-brief/21-14.html.

[11] S. Clarke, Social Histories of Aboriginal Women Offenders (CSC ERR 14-7, 2014); Office of the Correctional Investigator, "Proportion of Indigenous Women in Federal Custody Nears 50%" (17 December 2021), online: https://oci-bec.gc.ca/en/content/proportion-indigenous-women-federal-custody-nears-50; The Globe and Mail, reporting a daily count of 298 Indigenous and 298 non-Indigenous women in federal prisons (secondary), online: https://www.theglobeandmail.com/canada/article-half-of-all-women-inmates-are-indigenous.

had faced pressure to plead guilty to manslaughter, and in 2022 three Senators reported on 12 Indigenous women, each of whom "was criminalized as a result of trying to survive".[12]

Dual charging and pro-charging policies in intimate partner violence demonstrate the overlap well. These practices can require police to charge both partners "irrespective of whether one party's violence was self-defensive"; for example, after Winnipeg adopted zero tolerance, both partners were charged in 55% of partner violence cases in which a woman was accused (against 10% where a man was accused), and the woman's male partner had himself used violence in 65% of the cases with a woman accused.[13]

Victim notification and access to information procedures do not currently recognize this overlap and the prevalence of criminalized victims. The Act defines a victim as an individual who has suffered harm "as the result of the commission of the offence", and allows the spouse, relatives and dependants of a person who has died to act in their place.[14] Each recent statute and bill on victims and conditional release (the 2015 amendments, the Protecting Victims Act of 2026 and Bill C-221) has added to the information and participation of registered victims, and none provides for the case in which the person under sentence is also a victim of the person registered, or addresses the safety and privacy of federally sentenced women that can arise from myriad circumstances.[15] In our opinion, a legislative framework that treats people harmed by crime and people under sentence as two separate and opposed populations misdescribes federally sentenced women and gender-diverse people, and every addition to that framework places them in danger unless it accounts for them.

> **Recommendation 2:** That the Committee recommend that the Government cease to portray victims and people convicted of crimes as mutually exclusive groups, recognize that especially federally sentenced women and gender-diverse people, including many Indigenous women, are disproportionately victims themselves; and that the Committee factor this very prevalent occurrence into its decision making and reporting.

3. If any legislative change is advanced, the CCRA must include safeguards to protect the safety and privacy of federally sentenced women on release

While a person is in custody, the CCRA requires CSC to take "all reasonable steps" to ensure that penitentiaries are "safe, healthful and free of practices that undermine a person's sense of personal dignity", and allows CSC to disclose information such as the location of the person's penitentiary or the person's progress in the correctional plan only where the victim's interest "clearly outweighs any invasion of the offender's privacy".[16]

Once a person is released, the Act provides neither protection**.** CSC "shall disclose" the date of release, parole conditions, release destination and "whether the offender will be in the vicinity of the victim while travelling to that destination", and must provide access to the person's photograph, subject only to the Commissioner's opinion that disclosure would not have "a negative impact on the safety of the public"; from the moment of release, the Act gives no weight to the safety or privacy of the federally sentenced person.[17] In practice, CAEFS has seen this legislative gap place federally sentenced women in danger. We have also seen CSC disclose personal information to registered victims well beyond these provisions, especially through the practice of geographic restriction and travel permits, which are themselves a burdensome administrative process for people on

[12] Department of Justice Canada, Report on sentencing for manslaughter in cases involving intimate relationships (2003) (describing the Self-Defence Review, 1997), online: https://www.justice.gc.ca/eng/rp-pr/other-autre/smir-phiri/law-juri.html; Senators K. Pate, M.D. Anderson and Y. Boyer, Injustices and Miscarriages of Justice Experienced by 12 Indigenous Women (2022), p. 12.

[13] Department of Justice Canada, Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation (2003), Part 4(i), online: https://justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/pol/p2.html; E. Comack, V. Chopyk and L. Wood, Mean Streets? The Social Locations, Gender Dynamics, and Patterns of Violent Crime in Winnipeg (CCPA-Manitoba, 2000), pp. 15 and 20.

[14] CCRA, ss. 2(1), 2(3), 2(4), 26(3) and 142(3); CSC, "Registering as a victim of crime", online: https://www.canada.ca/en/correctional-service/services/you-csc/victims/register.html.

[15] An Act to amend the Corrections and Conditional Release Act (fairness for victims), S.C. 2015, c. 11; Protecting Victims Act, S.C. 2026, c. 19, ss. 186 to 196; Bill C-221, 45th Parliament, 1st Session.

[16] CCRA, ss. 70 and 26(1)(b).

[17] CCRA, ss. 26(1)(c), 26(1)(d) and 142(1)(b). CSC's policy reads public safety as including "the safety of the offender", but the statute does not: CSC, Commissioner's Directive 784, Victim engagement, para. 20.

parole, and are imposed on all people on parole, even those who have been on parole for decades and have by all means successfully reintegrated. The practice follows from CSC reading one standard condition of parole in the Corrections and Conditional Release Regulations in the *most* restrictive way and confines every person on parole to stay within the city where they live for the length of their parole unless they obtain a travel permit, with exceptions for regular movement to broader areas made without any procedural clarity or consistency. The practice certainly has merit in some cases, such as immediately following release and when demonstrated risk is present, but not as a blanket and static rule that works against the goals of reintegration, which this practice most certainly does in many ways. It stands as an example of why the system should respond to individual risk rather than rely on—and codify more—blanket practices. Dually, the practice is also a demonstration of one of the many ways in which the operationalization of conditional release is in strong disjuncture from the letter of the law. The consequence is that people are separated from their families and home communities.[18] Moreover, each travel permit an individual needs (to visit family, for example) is entered in CSC's system and notifies the Victim Services Unit, and a registered victim is told the dates, destination and reasons for the travel at least three days before the person leaves.[19] Thus, if a woman or gender-diverse person has a registered victim, that individual or individuals gain detailed information about their general movement, regardless of the dynamics of the circumstance. None of this is set out in legislation, and no safeguard protects the privacy of federally sentenced women and gender-diverse people where these practices put their safety at risk.

In some cases, such as stalking and other forms of intimate partner violence, there is good reason to restrict where a federally sentenced person on parole may go, to protect a victim's safety. Similarly, where a registered victim also has a history of violent or threatening behaviour toward the person on parole, each travel notification tells that victim where the person will be and when, creating a sense of fear and an actual safety risk for the woman on parole. For greater clarity, when a person who has been abused is convicted of an offence against an abusive spouse, the spouse is the victim of that offence in law, and may register to learn the person's release date, conditions, destination, travel and photograph: the information an abusive partner uses to exercise control. This is but one example, however there many different circumstances where a person whom the law records as the victim may have used violence previously against the person under sentence, or may wish to in the future, and the Act gives CSC and the Board no means to take a federally sentenced person's privacy and safety into account, following their release. In our work with women and gender-diverse people on parole, CAEFS has seen some alarming instances where registered victims do misuse mechanisms for retributive purposes.[20] Canada once recognized this risk, reporting in its 1998 review that "when there is evidence that the victim may harass the offender, only general information such as the province may be provided."[21]

> **Recommendation 3:** That, should any legislation recommended by this study which concerns victims' information or participation amend the CCRA, it must make the safety of the federally sentenced person a ground for limiting or withholding disclosure, namely: (a) in paragraphs 26(1)(c) and (d), require disclosure of release information and access to photographs only if it "would not have a negative impact on the safety of the public or of the offender", as CSC's own policy already reads public safety; and (b) add subsection 26(1.3): "Despite subsections (1) and (1.2), the Commissioner may limit the information disclosed under paragraphs (1)(b) to (d), if the Commissioner has reasonable grounds to believe that the person requesting it has caused physical or emotional harm to the offender or is likely to use the information to harm, threaten, harass, monitor or disrupt the reintegrative process of the individual." In lieu of legislative change, CSC and the Board should adopt safety procedures for instances of information misuse into policy.

[18] For one public account, see S. Pranteau, as told to S. Rolston, "My Life On Parole", Chatelaine, online: https://chatelaine.com/longforms/life-parole-prison/. Ms. Pranteau, who went to federal prison as a teenager and has been on parole in Montreal since 2010, writes that of all her conditions "the hardest is this: I can't go home", because CSC allows her to leave Montreal for Winnipeg only "after a tragedy"; in six years she lost 19 family members.

[19] CSC, Commissioner's Directive 715-1, Community supervision, paras. 55, 61 and 66; CD 784, Annex C ("Travel Permit Issued").

[20] CAEFS, The Impacts of Parole Practices on Women and Gender-Diverse People, submission to CSC's Women Offender Sector (July 2026).

[21] CCRA Five-Year Review, Provisions Relating to Victims (1998), p. 15, online: https://johnhoward.ca/wp-content/uploads/1998/02/Provisions-Relating-to-Victims-February-1998.pdf.

4. Parole reform would worsen the barriers federally sentenced women and gender-diverse people already face

The CCRA directs CSC to ensure "the effective delivery of programs ... with a view to improving access to alternatives to custody in a penitentiary" and to provide programs designed for the needs of women.[22] The Auditor General of Canada found in 2022 that only 29% of women completed their programs before first eligibility (down from 50% in 2018-19), that 31% of women were released when first eligible (32% of White women and 20% of Indigenous women), and that Indigenous women made up 66% of the women released directly from maximum security.[23] The Correctional Investigator reported on 26 October 2026 that longstanding concerns affecting federally sentenced women, "including over-securitization and unequal access to reintegration opportunities, remain unresolved".[24] CSC has also found that the number of conditions on women's release was associated with higher rates of suspension for Indigenous women only.[25] In our opinion, each measure proposed by some actors (later parole eligibility, longer intervals between reviews, and a reading of the whole Act through the Canadian Victims Bill of Rights) would add time in custody for women whose release is already delayed, and would send more of them, Indigenous women most of all, into the community at statutory release or warrant expiry, or under onerous parole conditions that place them in danger, with less preparation and support. The Indigenous Justice Strategy commits CSC to review its security classification tools and the Gladue reports used for parole "to reduce barriers and address issues of systemic discrimination", and Canada's Black Justice Strategy recommends that the criteria for parole decisions be reviewed "to make sure that decisions are based on objective information and not influenced by racial bias"; later eligibility and longer intervals between reviews would work against both.[26]

> **Recommendation 4:** That the Committee recommend that no legislation lengthen parole ineligibility or the intervals between parole reviews, and that CSC focus on implementing the Federal Framework to Reduce Recidivism, the Indigenous Justice Strategy and the Black Justice Strategy, and the recommendations of the Office of the Correctional Investigator and the Office of the Federal Ombudsperson for Victims of Crime.

5. Legislative reform must rest on evidence and need, and the evidence shows that lengthy incarceration, and restrictive parole in the absence of risk, cause harm at individual, institutional, and community scales

The research on lengthy incarceration is consistent: the United States National Research Council concluded that "lengthy prison sentences are ineffective as a crime control measure" and that "statutes mandating lengthy prison sentences cannot be justified on the basis of their effectiveness in preventing crime".[27] In Canada, the Correctional Investigator and the Canadian Human Rights Commission found that half (50.3%) of people aged 50 and over in federal custody have life sentences, that "many are years or even decades past their parole eligibility dates", and that "the risk that some of these individuals present to society seems negligible".[28]

Other countries have built the systems now being called for, and their results are documented. The United States holds 203,865 people under life, life without parole and "virtual life" sentences, one in every seven people in its prisons, 30% of them aged 55 or older, although "reoffending by persons released after serving long terms is rare".[29] England and Wales abolished sentences of imprisonment for public protection in 2012, yet in 2022 still held 2,926 people under them, and 65 of the 250 people with

[22] CCRA, ss. 4(c.2), 77, 81 and 84.

[23] Auditor General of Canada, 2022 Report 4: Systemic Barriers, Correctional Service Canada, paras. 4.38, 4.53, 4.54, 4.56 and Exhibit 4.7, online: https://www2.oag-bvg.gc.ca/internet/docs/parl_oag_202205_04_e.pdf.

[24] Office of the Correctional Investigator, news release (26 October 2026), online: https://www.newswire.ca/news-releases/the-office-of-the-correctional-investigator-s-2025-26-annual-report-calls-for-a-public-action-plan-to-address-persistent-gaps-in-federal-corrections-889665511.html.

[25] S. Farrell MacDonald, Conditions of release for federal women offenders (CSC RIB-18-11, 2018).

[26] Department of Justice Canada, Indigenous Justice Strategy (March 2025), Priority Action 18, online: https://justice.gc.ca/eng/csj-sjc/ijr-dja/ijs-sja/tijs-lsja/p4.html; A Roadmap for Transformative Change: Canada's Black Justice Strategy, "Parole, re-entry and reintegration", Recommendation 111, online: https://justice.gc.ca/eng/cj-jp/cbjs-scjn/transformative-transformateur/p12.html.

[27] National Research Council, The Growth of Incarceration in the United States: Exploring Causes and Consequences (2014), pp. 155-156, online: https://www.nationalacademies.org/read/18613/chapter/7. Public Safety Canada's review of 50 studies involving more than 300,000 people found that "longer sentences were associated with a 3% increase in recidivism": The effect of prison on criminal behaviour, Research Summary Vol. 4 No. 6 (1999).

[28] Office of the Correctional Investigator and Canadian Human Rights Commission, Aging and Dying in Prison (28 February 2019), pp. 11, 18 and 20, online: https://oci-bec.gc.ca/sites/default/files/2024-03/oth-aut20190228-corrected_eng.pdf.

[29] The Sentencing Project, No End in Sight: America's Enduring Reliance on Life Imprisonment (2021), online: https://www.sentencingproject.org/reports/no-end-in-sight-americas-enduring-reliance-on-life-sentences/.

these sentences who died in custody by 2021 took their own lives, deaths the Prisons and Probation Ombudsman linked to the uncertainty of the sentence.[30] Canadian research on life sentences on parole found that "the conditions of parole-for-life are operating without procedural safeguards, fracturing families and creating invisible isolation in the community in particularly harmful manners for Indigenous Peoples": of 19 participants, all had their intimate and familial relationships mediated and constrained by parole offices, although only two participants had a parole condition or any risk related to relationships, and all had familial, professional and social networks regulated by CSC, even where no risk was present.[31] Research with 68 federally sentenced women after release records one woman's account that under parole "your time isn't valuable, or you're not valuable".[32] In our opinion, these conditions follow from a retributive direction, and inflexible practices in public policy that have already moved away from reintegrative intent, and their effects on women's health, opportunities and outcomes are profoundly tragic.

Many of the calls for parole reform that led to this study cite no research and rely heavily on headline news to pressure the Government to legislate. Research shows why laws should not be made from headlines: a 2024 analysis of Canadian news reports on people with life sentences gaining parole found that such coverage is neither informed nor balanced, that it produces fear, and that it "legitimatize[s] calls for increased state power and punitiveness" without describing nuance, the safety profile of the reintegrative process, or the change in character and circumstance demonstrable in the people who receive conditional release.[33] In our opinion, the Committee's study should centre evidence.

> **Recommendation 5:** That the Committee rely on the published quantitative and qualitative research on the effects of lengthy incarceration and restrictive parole; that before reporting it request evidence connecting conditions in Canadian penitentiaries to reintegration outcomes; and that it examine the growth of Canada's aging prison population, the lack of systemic off-ramps for people with negligible risk, and seek expertise on comparative international evidence on sentence length, prison conditions and the outcomes of punitive and reintegrative systems.

6. The loss of reintegration as a foundational principle of Canada's prison system must ground this study

Reintegration is for every person under sentence, including people convicted of the gravest crimes. It is the principle on which Canada built conditional release and the prisons designated for women, which were modelled under Creating Choices on empowerment, meaningful and responsible choices, respect and dignity, a supportive environment, and shared responsibility for women's successful reintegration into their communities.[34] The legal framework now being called for by a few actors cannot operate within that system. In R. v. Bissonnette the Supreme Court of Canada struck down consecutive parole ineligibility periods for multiple murders, and its summary of the decision states that a sentence without a realistic possibility of parole is "degrading in nature and incompatible with human dignity"; the Chief Justice wrote that "[b]y depriving offenders in advance of any possibility of reintegration into society", the provision "shakes the very foundations of Canadian criminal law". European human rights law, on which the Court drew, recognizes what one judge of the European Court of Human Rights called the "right to hope".[35] Victims of crime can and should be well supported throughout the process, and that support does not require the loss of reintegration in our laws.

People change, and they are not the same 40 years later: rates of offending peak in the late teenage years for violent offences and "decline sharply with age", and "recidivism rates decline markedly with age".[36] Past restrictions on release are already

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[30] House of Commons (UK) Justice Committee, IPP sentences, Third Report of Session 2022-23, HC 266, paras. 3, 15, 29, 45-46 and 58.

[31] Kish, 2024, above, abstract; CAEFS, Parole in Canada: An Incredibly Restrictive System (fact sheet, August 2026).

[32] S. Pollack, "Labelling Clients 'Risky': Social Work and the Neo-liberal Welfare State" (2010) 40(4) British Journal of Social Work 1263, doi:10.1093/bjsw/bcn079 (advance access version, p. 10).

[33] N. Kish and T. Humphrey, "Problematizing Perpetual Punishment" (2024) 13 Annual Review of Interdisciplinary Justice Research 89, abstract.

[34] CCRA, s. 100; CSC, "Creating Choices: The report of the Task Force on federally-sentenced women", online: https://www.canada.ca/en/correctional-service/programs/offenders/women/creating-choices.html.

[35] R. v. Bissonnette, 2022 SCC 23; Supreme Court of Canada, Case in Brief: R. v. Bissonnette, online: https://scc-csc.ca/judgments-jugements/cb/2022/39544/; Vinter and Others v. United Kingdom [GC], nos. 66069/09 and others (9 July 2013), concurring opinion of Judge Power-Forde.

[36] National Research Council (2014), above, pp. 131 and 143-144.

contributing to Canada's aging prison population: people aged 50 and over made up 25% of people in federal custody in 2019, a group that grew by 50% in a decade, and the number of women aged 50 and over nearly doubled.[37] On 22 October 2026 a man aged 85 who had been in prison under an indeterminate sentence since 1977 died in federal custody.[38]

Reintegration works for people convicted of the most serious crimes. In the United States, in Maryland, a 2012 court decision led to the release of more than 200 people, convicted primarily of homicide and rape, who had served an average of 40 years and were on average 64 years old; their reported recidivism rate was 1%, against 40% for Maryland overall.[39] Also in the United States, in Philadelphia, 174 people sentenced as juveniles to life without parole for murder were resentenced and released, and 1.14% were reconvicted of any offence.[40] Germany's Federal Constitutional Court held in 1977 that a person sentenced to life imprisonment "must retain the chance of regaining liberty at some point in the future", and that "the possibility of a pardon is not sufficient"; German law now provides for release to be considered after 15 years.[41]

A system that abandons hope also endangers everyone inside it: in 2015 the president of a union representing about 7,000 CSC employees warned that without the hope of parole, the risks of "suicide and violence against staff and other prisoners" rise.[42]

> **Recommendation 6:** That the Committee affirm reintegration as the purpose of conditional release for every person under federal sentence, including people convicted of the most serious crimes, and the realistic hope of release that R. v. Bissonnette protects; and reject calls to delay or narrow the realistic possibility of release for any group of people under federal sentence.

Summary of recommendations

1. **No legislative change to conditional release is necessary:** no change to the CCRA's conditional release provisions or to parole eligibility; victims' concerns about notice, scheduling and communication addressed by the Board and CSC within their existing authority; and enhanced, publicly reported evaluation and measurement of how the Board and CSC carry out conditional release, following the recommendations of the Federal Ombudsperson for Victims of Crime's pending investigation and informed by the Correctional Investigator, community organizations and other relevant agencies.

2. **Laws dividing victims from perpetrators misdescribe and endanger federally sentenced women and gender-diverse people, most of whom are victims of violence:** the Government should stop portraying victims and people convicted of crimes as mutually exclusive groups and recognize that these women and gender-diverse people, including Indigenous women, are disproportionately victims themselves, and the Committee should factor this into its report.

3. **Victim access to information processes must include safeguards which concern the safety and privacy of people on release:** should legislation on victims' information or participation amend the CCRA, it must make the person's safety a ground for limiting or withholding disclosure (paragraphs 26(1)(c) and (d) and a new subsection 26(1.3)); in lieu of legislative change, CSC and the Board should adopt safety measures for federally sentenced individuals post-release in policy.

4. **Parole reform would worsen the barriers women already face:** no legislation should lengthen parole ineligibility or the intervals between reviews, and CSC should focus on the Federal Framework to Reduce Recidivism, the Indigenous

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[37] OCI and CHRC, Aging and Dying in Prison (2019), above, pp. 3 and 13; OCI, Annual Report 2024-2025, p. 27 ("continued to increase year-over-year").

[38] CSC, news release, Collins Bay Institution (23 October 2026), online: https://www.canada.ca/en/correctional-service/news/2026/10/death-of-an-inmate-from-collins-bay-institution.html.

[39] Justice Policy Institute, fact sheet on the Unger cohort (November 2018), online: https://justicepolicy.org/wp-content/uploads/2021/06/Unger_Fact_Sheet.pdf (the decision is Unger v. State, Court of Appeals of Maryland, 2012).

[40] T. Daftary-Kapur and T. Zottoli, Resentencing of Juvenile Lifers: The Philadelphia Experience (Montclair State University), summarized online: https://www.montclair.edu/chss/2020/04/30/new-study-finds-1-recidivism-rate-among-released-philly-juvenile-lifers/.

[41] Federal Constitutional Court of Germany, Judgment of 21 June 1977, 1 BvL 14/76, headnote 3, online: https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/1977/06/ls19770621_1bvl001476en.html; German Criminal Code (Strafgesetzbuch), s. 57a.

[42] S. Stapleton, President, Union of Solicitor General Employees, "The hope of parole serves a purpose" (9 March 2015), online: https://usje-sesj.com/en/usge-president-stan-stapleton-the-hope-of-parole-serves-a-purpose/.

and Black Justice Strategies, and the recommendations of the Correctional Investigator and the Federal Ombudsperson for Victims of Crime.

5. **Reform must rest on evidence and need:** the Committee should rely on published research on lengthy incarceration and restrictive parole; request evidence connecting conditions in penitentiaries to reintegration outcomes; and examine Canada's aging prison population, the lack of systemic off-ramps for people with negligible risk, and international evidence.

6. **Reintegration, for every person under sentence, must ground this study:** the Committee should affirm reintegration as the purpose of conditional release for every person, including people convicted of the most serious crimes, with the realistic hope of release that Bissonnette protects, and reject calls to delay or narrow release for any group.

About CAEFS

Since 1978, the Canadian Association of Elizabeth Fry Societies has supported criminalized women and gender-diverse people at every stage of their involvement with the legal system. CAEFS co-chaired the Task Force on Federally Sentenced Women (Creating Choices, 1990), monitors conditions in the penitentiaries designated for women through Regional Advocacy, and supports our network of 22 Elizabeth Fry Societies that serve women and gender-diverse people in prison and on parole across Canada.