



February 4, 2019

Honourable Ralph Goodale
Minister of Public Safety and
Government of Canada

Re: Bill C-83 : Changes to Administrative Segregation/Solitary Confinement

Dear Minister Goodale:

Once again on behalf of the National Council of Women (NCWC) I urge you without delay to end solitary confinement in federal prisons. In numerous research projects, court responses, medical and health reviews and media reports the practice has been termed cruel and unusual punishment and subject to human rights abuses. It is doubtful that specialized living units identified in Bill C-83 will in anyway satisfy these criticisms of the practice.

As you are very much aware both in Ontario and British Columbia the Courts have declared 22 hours a day of solitary as unconstitutional and have set interim conditions after approving an extension to the Federal Government's request for approval of the above-mentioned Bill. In Alberta the Court of Queen's Bench has given compensation for each day served in solitary to an inmate in expressing its disapproval. Surely these actions speak loudly toward ending the practice.

Neither does the Bill speak to the issue of effective external oversight of correctional decision-making. Both the federal correctional ombudsman and rights advocates including our organization have called for independent oversight of segregation decisions. In our opinion this is crucial to reform.

While we agree that separating inmates from their peers in some way at times is necessary the current practice in no way meets the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners commonly known as the Mandela Rules approved by Canada in 2015 which limit segregation to 15 consecutive days and 60 days in any 365-day period. This neglect of Canada's obligations was highlighted in the treatment of Adam Capay an indigenous man who served four and a half years in solitary – a total of 1,636 consecutive days. In addition, he was held without trial for 52 months against a Supreme Court ruling of a maximum of 30 months between laying of charge and completion of trial.

Reiterating the words of Ivan Zinger Correctional Investigator of Canada “prisoners are sent to prison as punishment not for punishment”. This means that safe and humane incarceration is demanded for all inmates. Confinement in a room with constant light, severely limited human contact and no opportunity for diversion can hardly be seen as fulfilling this demand. Our reaction is “can this be happening in Canada?” It must stop.

Sincerely,

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cc: Senator Kim Pate
Monica Cullum, NCWC Convenor Federal Sentenced Women