CANADIAN FRIENDS SERVICE COMMITTEE
A COMMITTEE OF THE RELIGIOUS SOCIETY OF FRIENDS (QUAKERS) IN CANADA

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Standing Senate Committee on Human Rights
The Senate of Canada
Ottawa, Ontario
Canada
K1A 0A4

30 May 2019

Dear Senators,

I am writing on behalf of the Canadian Friends' Service Committee (CFSC), the peace and social justice agency of the Religious Society of Friends (Quakers) in Canada. We are writing to commend you on your Interim Report on the human rights of federally-sentenced people, and to ask if the Senate Committee on Human Rights would consider a similar study on the human rights of the children separated from their parents by the legal system.

We have been tremendously impressed by the effort, diligence, and care that has been put into your review of the human rights of federally-sentenced persons. We thank you for this work and we are encouraged by the light you are shining on issues that are a source of deep concern to us. One of the major focuses of our work centres around the harms that result from a punitive system of criminal justice. Your interim report reflects many of our concerns, and we look forward to the recommendations that will appear in your final report.

We were particularly impressed by the section (on pages 41–42 of the interim report) on Family Visits. Over the past few years, CFSC has been highlighting the ways that the human rights of children are dismissed or violated when their parents or caregivers have been incarcerated. These children's human rights should be protected, as reflected in Canada's obligations under the UN Convention on the Rights of the Child, the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (also known as the Bangkok rules), and in the case of Indigenous children, the UN Declaration on the Rights of Indigenous Peoples. While some countries have implemented these international standards directly into domestic law and policy, Canada lacks clear guidelines and processes for upholding the rights of children whose parents or caregivers conflict with the law.

The Senate Human Rights Committee has a unique opportunity and obligation to investigate human rights violations that affect any member of Canadian society. Centering the rights of the child, as opposed to the rights of the incarcerated person, can reframe our approach to federally-sentenced persons and incarceration. We support your investigation and report on the human rights of federally sentenced persons, and we request that you follow up on what you have been learning, with an investigation into infringements on the human rights of children who have a parent or caregiver in conflict with the law. This extends to all situations where children are separated from their parents through governmental intervention, not just criminal law, for example through immigration detention. We see this issue as intimately related to Reconciliation, due to the over-representation of Indigenous parents in custody. Even after the closure of residential schools, Canada continues to separate large numbers of Indigenous families, continuing inter-generational trauma, and contributing to the erosion of Indigenous culture by removing Indigenous parents from their children via the legal system.

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In our own work on this topic, we have released a report on our research of sentencing decisions to assess the extent to which the best interests of the child are considered when their parents are sentenced. More recently, we hosted a policy dialogue on children of incarcerated parents, which brought together academics, social workers, lawyers, the Office of the Correctional Investigator, child welfare organizations, and Indigenous organizations from across the country. This dialogue canvassed the impacts of parental incarceration on children, and made recommendations to improve the situation in Canada, captured in the report "Breaking the Silence". I have attached this report and our research, and hope that you will find them a compelling reason to conduct your own investigation into this important issue.

Yours sincerely,

Stephen Bishop
Clerk
Canadian Friends Service Committee

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