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News Release

Appeal Court Says Bill C-83 Will Not Make Segregation Constitutional

FOR IMMEDIATE RELEASE

OTTAWA, DECEMBER 18, 2018—The Ontario Court of Appeal [reluctantly granted](#) the government a four-month time extension to end its unconstitutional practice of isolating prisoners. The Court expressed concern that the government made little progress in the twelve months since they were directed to address the lack of independent oversight of the Correctional Service of Canada and end the violation of the human rights of segregated prisoners.

The court also noted that the government failed to explain how its proposed Bill C-83, touted as an end to segregation, will provide any independent oversight of segregation decisions. “The decision of the Court of Appeal reinforces concerns that Bill C-83 was introduced primarily as part of a litigation strategy,” said Senator Kim Pate. “It underscores the reality that the Correctional Service of Canada remains resistant to even the minimal criteria for independent oversight of segregation decisions they were directed to correct by the Superior Court. It also highlights how much more still needs to be done.”

The Honourable Louise Arbour, the Canadian and Ontario Human Rights Commissions, the Canadian Association of Elizabeth Fry Societies, the Native Women’s Association of Canada and the Disabled Women’s Network (DAWN), have called for a total ban of all forms of segregation and isolation, commencing with youth, women prisoners and those with disabling mental health issues. “Bill C-83 provides for the renaming of segregation and the removal of current—albeit unconstitutional and inadequate—procedural safeguards,” continued Senator Pate. “Recognizing the evidence of the Correctional Investigator and other stakeholders, the [House Committee that studied Bill C-83](#) strongly encouraged the Correctional Service of Canada to consider alternatives that would end the use of segregation in prisons for women. This would be a good start and I would welcome the opportunity to work with the government to actually achieve such an objective.”

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