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News Release

Can Canada Correct Corrections?

FOR IMMEDIATE RELEASE

OTTAWA, WEDNESDAY, MARCH 27, 2019 – On Monday, the Ontario Superior Court determined in *Brazeau v. Canada* that Canada's laws on solitary confinement violate the constitutional rights of those with disabling mental health issues.

The court found that the government "has been aware that administrative segregation is especially harmful to the mentally ill, but it has not ameliorated that harm," and that Correctional Service Canada (CSC) policies on solitary confinement "are more honoured in the breach than in the observance." In a bizarre turn of events, however, the court then essentially left CSC in charge of how to spend \$20 million of public money to improve responses to prisoners with disabling mental health issues. All this despite the fact that numerous studies, inquiries, investigations and inquests, including the one into the death of Ashley Smith, have highlighted that those with disabling mental health issues should not be in prison, let alone segregation, and instead should be receiving treatment in provincial and territorial health care systems.

"Despite countless recommendations and the rhetoric in Bill C-83, which purports to end segregation, the *Brazeau* case shows us that the Correctional Service Canada (CSC) continues to fail to acknowledge ongoing violations of prisoners' human rights," said Senator Kim Pate. "Unfortunately, the Court stopped short of prohibiting the segregation of those with mental health issues. The \$20 million remedial award should now be used to ensure prisoners with mental health issues receive appropriate mental health services, not in segregated units and not even in prison."

"For Senators studying Bill C-83, this doubling-down on a fundamentally flawed system will sound shockingly familiar," concluded Senator Pate. "The government has confirmed that Bill C-83 will result in the renaming of existing segregation units as 'structured intervention units' (SIUs). We are told that longstanding, unmet requirements for 'meaningful' contact will now suddenly be upheld and that we should not concern ourselves with the removal of existing inadequate procedural safeguards. Most absurdly, we are being advised that Bill C-83 need not meet even the bare minimum constitutional protections that apply to those in solitary confinement, because SIUs are not segregation, they are something different. We have every reason to challenge CSC's assertions that its prisons operate in accordance with the law. What do we need for CSC to acknowledge and remedy ongoing wrongs?"

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