



*The Honourable Kim Pate, C.M. | L'honorable Kim Pate, C.M.  
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## News Release

### Senate Amendments Could Have Saved Government's Segregation Bill

FOR IMMEDIATE RELEASE

OTTAWA, TUESDAY, JUNE 25, 2019—Bill C-83 became law on Friday. Barely three days later, the [BC Court of Appeal ruled](#) that the internal reviews of prisoners in segregation currently used by the Correctional Service of Canada (CSC)—and proposed to continue under Bill C-83—are inadequate to meet the “robust requirement for procedural fairness” necessary to uphold constitutional rights. The court held that external, non-CSC review is required within 5 days of a prisoner being placed in segregation as a matter of constitutional necessity.

The Court of Appeal found that the current practice of segregation violates the *Charter*, noting that the “draconian impact” of segregation—or solitary confinement—as currently practiced “offends the fundamental norms of a free and democratic society.” While the government has taken the position that the structured intervention units introduced in Bill C-83 are not segregation, the Minister of Public Safety [testified](#) to the Senate committee studying the bill that conditions amounting to segregation could persist under the bill.

Amendments to Bill C-83 proposed by the Senate would have required CSC to apply to superior court in order to keep a prisoner in isolation for more than 48 hours. “The amendments that the Senate of Canada proposed reflect our duty to represent those most marginalized in Canada. The amendments rehabilitated a fundamentally flawed bill. Unfortunately, the House of Commons gutted the amendments that would have saved Bill C-83,” said Senator Kim Pate. “Thankfully the courts are recognizing the inadequacy of the legislation.”

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