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## News Release

### Courts Need to Oversee Solitary Confinement: Substitute Decision Makers Lack Authority

FOR IMMEDIATE RELEASE

OTTAWA, THURSDAY, SEPTEMBER 12, 2019—As Parliament suspends for the federal election, questions mount regarding the roll out of Bill C-83, the law that was supposed to end the use of segregation and solitary confinement. Instead, these measures further erode the original human rights protections of the *Corrections and Conditional Release Act* and insulate the Correctional Service of Canada (CSC) from meaningful outside scrutiny.

Instead of the court oversight of solitary confinement proposed by Senate amendments to Bill C-83, the government announced [last week](#) the members of a ministerially appointed advisory panel. These individuals will face the challenging task of trying to correct human rights violations and remedy individual and systemic failures to uphold the rule of law within and by corrections.

The announcement outlined the excellent quality of the panel members being appointed but was absent details as to the mandate, authority or access of panel members to prisoners and vice versa. If CSC remains the gatekeeper of access, information sharing and decision making, then the panel could end up with an extremely limited ability to act. If it does not have authority to reverse decisions, share its findings with the public or ensure its mandate to monitor includes all forms of segregation, by any name, then like other bodies, this stellar team may find its independence and effectiveness undermined.

Regulations published [last month](#) further reveal that oversight of solitary confinement will be minimal and will rely on correctional staff to report human rights issues in order trigger a review. Ministerially appointed reviewers are not required to meet with prisoners and it is unclear how prisoners can access the reviewers if they wish to initiate complaints. CSC's record of recognizing and documenting harm to prisoners is one of repeated failures to do so.

“As individuals and professionals in their respective fields, the Bill C-83 advisory panel members are impressive and well qualified. The history within corrections of being willing to follow the advice of others is far from stellar however, whether we are talking about their responses to the

Correctional Investigator’s recommendations, their resistance to corrective measures suggested by various inquiries, investigations and inquests, or the myriad ways in which they stifle advocacy efforts even of their own staff and advisory bodies,” said Senator Kim Pate. “If the government wants to prevent human rights violations in prisons, then in addition to this advisory panel, judges must oversee practices of isolating prisoners.”

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