



*The Honourable Kim Pate, C.M. | L'honorable Kim Pate, C.M.
Senator for Ontario | Sénatrice pour l'Ontario*

Backgrounder

Recommendations of the Task Force on Federally Sentenced Women, Judicial Oversight of Corrections and Alternatives to Segregation and Incarceration

- Prisons remain the only branch of the Canadian criminal legal system that operates without the baseline guarantee of transparency and accountability afforded by judicial oversight. This has resulted in increasingly restrictive and punitive conditions in prisons as well as lack of meaningful remedies and accountability when human and Charter rights of prisoners are violated.
- In 1990, the government committed to implement the [recommendations of the Task Force on Federally Sentenced Women](#) for community-based, low security approaches for women. These included:
 - o massive reductions in the numbers of women in prison;
 - o use of non-carceral options for those in need of treatment for past trauma, addictions and mental health issues;
 - o individualized healing plans and community-based supports for Indigenous women in particular;
 - o dynamic, humane and women-directed supports and services;
 - o no para-military or maximum security – much less – segregation units;
 - o and unfenced, community-centred prisons for women.
- In 1996, in her [report](#) following the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, the Honourable Justice Louise Arbour identified the urgent need for courts to oversee decision-making by prison officials.
 - o She chronicled a multitude of legislative and policy breaches by correctional authorities, including the stripping, shackling, illegal transfers, over classification and lengthy segregation (also known as solitary confinement) of women.

- In 2019, the Senate echoed Justice Arbour's call when it [amended Bill C-83](#) to require judicial oversight of segregation and solitary confinement. The government declined to adopt these amendments.
 - o Instead, Bill C-83 renamed and rebranded segregation and developed a regime of Structured Intervention Units (SIUs) that operate without court oversight.
- Bill C-83 has [failed](#) not only in its stated objective of eradicating conditions of segregation but also in ensuring the robust oversight and accountability necessary to prevent this and other inhumane practices.
 - o More than 30 Senators have visited federal prisons throughout Canada. In addition, last year, the Senate Human Rights Committee tabled its [study](#) into the human rights of federally sentenced persons.
 - o The findings and recommendations of Senators mirror those of the OCI and many of the reports of the past 30 years.
 - o We met with staff and prisoners, including those segregated or otherwise isolated, some in the units renamed as SIUs. With the pandemic, whole prisons have been [locked down](#), resulting in all or most prisoners being subjected to weeks and months of conditions of segregation or solitary confinement.