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Women's Legal
Education and
Action Fund

Fonds d'action et
d'éducation juridiques
pour les femmes



March 31, 2011

Honourable Vic Toews, Minister of Public Safety
House of Commons
Ottawa, Canada K1A 0A6

Dear Minister:

We write to express our serious concerns over the use of indefinite solitary confinement through the Management Protocol employed in the federal women's prisons.

As you are aware, the Management Protocol is a program developed by Correctional Services Canada for handling female prisoners who are considered "high risk". No analogous program exists for male prisoners. A salient and central feature of the Management Protocol is its use of prolonged and indefinite administrative segregation, which places women in isolation for up to 23 hours a day.

The Management Protocol consists of three "steps". These steps constitute a sliding scale of inmate isolation and access to prison services and programming. Depending on their conduct, prisoners graduate to less restrictive steps of the Protocol or regress to more restrictive steps. In each of these steps, however, the prisoner's physical liberty and ability to associate with other inmates is extremely limited. Women assigned to the most restrictive step of the Protocol have no contact with other women prisoners, often for months.

There are no limitations on the amount of time a woman may spend in each step of the Protocol. There is no timeline for graduating from one step to the next. Once a prisoner is placed on the Management Protocol, it is exceedingly difficult for her to return to normal prison conditions. The Management Protocol imposes a "zero tolerance" policy for aggressive behaviour. In the case of the Protocol, "aggressive behaviour" is broadly defined to include both physical and "emotional" aggression – the latter of which can include behaviours that are unrelated to a woman's level of risk, such as swearing or being disrespectful to staff. Therefore, in practice, a woman can spend years – perhaps the majority of her sentence – on the Management Protocol.

Because the Management Protocol is considered to be an administrative tool, and non-punitive, there are no limits on its duration and no judicial oversight on its use. This stands in stark contrast to the use of segregation for "disciplinary" purposes: disciplinary segregation may only be imposed for a maximum of 30 days for each offence, and if multiple sanctions of disciplinary segregation are to be implemented consecutively, segregation still cannot be imposed for more than 45 days in a row.

The detrimental effects of long-term isolation are well-documented, and include psychosis, hallucinations, insomnia and confusion. The psychological harm resulting from isolation may sometimes result in physiological ill effects. For example, the Istanbul Statement on the Use and Effects of Solitary Confinement, adopted in December 2007 at the International Psychological Trauma Symposium notes that while individuals may react to solitary confinement differently, “a significant number of individuals will experience serious health problems regardless of the specific conditions, regardless of time and place, and regardless of pre-existing personal factors.”

Seven women have been on the Management Protocol since it was first created. All of the women currently on the Management Protocol are aboriginal, strongly suggesting that the Protocol is being applied in a discriminatory fashion.

We call on the federal government to immediately abolish the use of the Management Protocol. It is discriminatory in its application to women; its methods constitute cruel and unusual punishment.

We urge you to address this issue without delay.

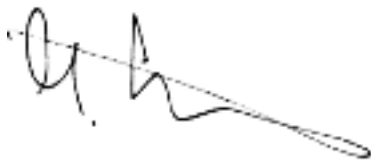
Sincerely,



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