



THE NATIONAL COUNCIL OF WOMEN OF CANADA  
LE CONSEIL NATIONAL DES FEMMES DU CANADA

Honourable Vic Toews  
Minister of Public Safety  
Government of Canada

October 19th, 2010

Dear Sir:

**Re Bill C-25 Truth in Sentencing Act**

The National Council of Women of Canada (NCWC) is a non-partisan, non-profit association of National Organizations and of women's local and Provincial Councils from across Canada. One of our ongoing concerns is the plight of women, particularly aboriginal women, who come into conflict with the law and find themselves incarcerated.

At the present time, NCWC is concerned that the Government's Bill C-25 will have a disproportionately negative effect on women: A trial judge would no longer be able to deduct the time spent in remand custody from the final sentence. Women, because of their relative poverty, are less able to obtain bail enabling them to serve part of their remand in the community. (See *Six Degrees from Liberation: Legal Needs of Women in Criminal and other Matters*, Dept. Of Justice) Therefore, women will receive disproportionately longer sentences served within institutions than the men convicted of similar offences who have been able to obtain bail.

According to Mr. Howard Sapers, Correctional Investigator (Annual report to Parliament October 16, 2006), this disadvantage will be compounded in the case of Aboriginal people, who are imprisoned in increasingly disproportionate numbers to their share of the population. This disadvantage is particularly acute, he notes, for Aboriginal women. They experience relatively higher classification and are placed in segregation more often where access to rehabilitative services is limited, are released later than other inmates, and receive longer sentences than men convicted for similar crimes. The above difficulties are further compounded by the shortages of mental health services and HIV/Aids harm reduction strategies in correctional facilities.

In commenting, the Canadian Human Rights Commission called this general picture "institutionalized discrimination".

According to Mr. Sapers, the Correctional Service of Canada has a *Strategic Plan for Aboriginal Offenders* but there is little evidence of the plan being implemented. What is needed are:

- security classification processes that end the over-classification of Aboriginal offenders
- housing Aboriginal offenders at minimum security institutions, and the building of such institutions specifically for women
- timely access to programs and services to significantly reduce time spent in medium and maximum security institutions

- a significant increase in the use of unescorted temporary absences and work release programs to assist in supporting safe and timely community reintegration
- a significant increase in National Parole Board appearances for Aboriginal offenders at their earliest eligibility dates
- the building of capacity for, and increased use of, agreements which provide for the direct involvement of Aboriginal communities in supporting timely conditional release, and
- a significant increase in the number of Aboriginal people working at all levels in the Service, especially at institutions where a majority of offenders are of Aboriginal ancestry.

Facts which support the need for the above strategy is provided in Mr. Sapers Report to Parliament, and include:

- 4 in every 10 federally incarcerated Aboriginal offenders are 25 years of age or younger
- First Nations youth are the fastest growing demographic in Canada
- HIV/AIDs is more prevalent among Aboriginal people; the lack of a full range of harm reduction strategies disproportionately affects them, particularly Aboriginal women
- Should the current trends continue unchecked, experts project the proportion of the Aboriginal population in Canada's correctional institutions could reach the 25% mark in fewer than 10 years

NCWC is deeply concerned that Bill C-25 will aggravate the above problems rather than help in finding results-oriented solutions. Please let us know what steps are being taken to deal with the above issues. In addition, please let us know how you have been monitoring results; what results have been achieved by any past progressive initiatives in this regard; and any interim results of new steps/programs being implemented.

Sincerely,

Mary Scott  
President, NCWC

cc. Prime Minister Stephen Harper  
Hon. Michael Ignatieff, Leader of the Official Opposition  
Hon. Jack Layton, Leader of the N.D.P  
Office of the Correctional Investigator

(Letter prepared by Muriel Smith, Special Representative, Federally Sentenced Women)

*The National Council of Women of Canada is a federation comprised of Local Councils, Provincial Councils, and National Organizations. Founded in 1893, it was incorporated by an Act of Parliament in 1914 and has been designated by the Government of Canada as being of national historic significance for its role in Canadian women's history. For more information, consult our web site at [www.ncwc.ca](http://www.ncwc.ca)*

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