



THE CANADIAN BAR ASSOCIATION
L'ASSOCIATION DU BARREAU CANADIEN

The Voice of
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profession juridique

May 9, 2006

Ms. Kim Pate
Executive Director
Canadian Association of Elizabeth Fry Societies
701-151 Slater Street
Ottawa, ON K1P 5H3

Dear Ms. Pate:

Re: 10th Anniversary of the Arbour Commission Report

I am writing on behalf of the Canadian Bar Association's National Criminal Justice Section (CBA Section) to support the concluding recommendation of the Canadian Association of Elizabeth Fry Societies' (CAEFS) report on the occasion of the 10th Anniversary of the Arbour Commission Report. The CBA's mandate includes improvements in the law and the administration of justice. The CBA Section represents both prosecutors and defence lawyers from every part of Canada.

CAEFS calls on the Minister of Justice and the Minister of Public Safety to take immediate action to Justice Arbour's recommendations, specifically stating:

The cornerstone of any oversight strategy must be accessible and effective judicial review for illegalities and rights violations, including the remedial sanction proposed by Justice Arbour.

Justice Arbour also underscored the reality that there are a relatively small number of federally sentenced women, and that they generally pose an extremely low risk to public safety. She urged the government to recognize this as an opportunity to pilot innovative programs and initiatives, to reduce the number of women who are incarcerated in federal prisons, for as Justice Arbour suggested, to do so would "free the resources necessary to ensure that those who are imprisoned are treated in accordance with the law."



In 1997, the CBA supported CAEFS response to the Arbour Inquiry recommendations, as we supported the government's initial decision to establish the Arbour Inquiry. The CBA called for independent adjudication in our submission for the five-year review of the *Corrections and Conditional Release Act*, saying “independent adjudication is a foundation of our criminal justice system, underlying the cardinal importance of an independent judiciary and receiving its clearest expression in principles of administrative law”(at 28). The CBA also has a long history of support for innovative alternatives to incarceration for offenders posing a low risk, such as most women offenders.

Thank you for sending us your report. We support your call for the Ministers of Justice and Public Safety to act immediately to implement Justice Arbour's recommendations.

Yours truly,

Original signed by Gaylene Schellenberg for Gregory DelBigio

Gregory DelBigio
Acting Chair
National Criminal Justice Section