



December 2, 2015

The Honourable Jody Wilson-Raybould
Minister of Justice/ Attorney General of Canada
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister Wilson-Raybould,

On behalf of the Canadian Association of Social Workers (CASW), I would like to extend sincere congratulations on your recent appointment as Minister of Justice.

CASW is a national voice for social workers in Canada working to strengthen and promote the profession of social work and advance issues of social justice. To this end, CASW is an organization known for its commitment to equity and human rights for all Canadians, and has argued against many of the previous government's changes to implement their 'tough on crime' agenda. In this regard, CASW is very hopeful about your government's promise of real change in key areas.

CASW is encouraged by your office's recent statements regarding the intent to review a number of points important to Canadian social workers and the populations they serve, including, but not limited to: the practice of imposing mandatory minimum sentences; laws impacting sex workers under the Protection of Communities and Exploited Persons Act; and the importance of an immediate and comprehensive inquiry into Canada's missing and murdered indigenous women and girls.

When it was passed in March 2012, CASW strongly opposed many facets of the *Safe Streets and Communities Act*. In passing the C-10 omnibus bill, the Harper Government demonstrated a complete disregard not only for the best practices proposed by countless evidence based studies, but also for the lived experience of social workers and their service users. Indeed, many jurisdictions have moved away from mandatory minimum sentences due to escalating prison costs accompanied by a lack of correlating benefits such as reduced crime rates or rehabilitation of offenders.

In terms of the rights and protections of sex workers in Canada, CASW is very troubled by the *Protection of Communities and Exploited Persons Act*, which effectively made prostitution illegal for the first time in Canada. CASW joins the chorus of women's groups, human rights organizations, and other stakeholders in calling for the decriminalization of sex work. The criminalization of sex work serves only to disempower and endanger those women and men involved.

Regarding a national inquiry into missing and murdered indigenous women and girls, CASW is encouraged by your government's recent promise to consult and engage with indigenous communities in developing an approach. CASW believes impacted populations are best able to propose holistic strategies that will assess the roots of the problem, while helping your government to implement effective and quantifiable methods to eradicate these atrocities. CASW continues to urge the federal government to begin this process with haste.

To address those punitive changes to the Justice system in Canada that your office has not yet spoken to on the public stage, CASW is also firmly opposed to the victim fine surcharge. In 2013, bill C-37, the *Increasing Offenders' Accountability for Victims Act*, made victim surcharges mandatory. This practice was struck down by the Ontario Court of Justice as unconstitutional in 2014, and CASW echoes this concern. Such surcharges often serve to further disenfranchise already marginalized groups, while doing little to support the actual victims of crimes.

Finally, Bill C-14 the – titled the *Not Criminally Responsible Reform Act* – made changes to the legislative process that could jeopardize public safety, limit victims' recovery, and cause harm to individuals living with a mental illness.

While CASW appreciates that the intent of the February 2013 amendments were to enhance victims' rights and ensure public safety, the *Act's* creation of a new "high risk accused" category serves only to further stigmatize those living with a mental health concern and create an unnecessary climate of fear among Canadians. Appropriate stakeholders were not consulted during the creation of the Bill, as mental health professionals know that society is best protected when those found NCR are provided proper rehabilitation services, not further criminalized.

CASW is very hopeful that, under your guidance, the Canadian justice system can be repaired by the removal of policies that negatively impact vulnerable populations, and the implementation of practices that support the dignity and worth of all people. CASW encourages you to reverse those pieces of legislation that further victimize certain populations with no benefit to Canadian society at large, such as mandatory minimum sentencing, victim fine surcharges, and the criminalization of sex work. CASW also trusts that you will immediately begin the process of inquiry into missing and murdered aboriginal women.

As you may know, March represents National Social Work Month in Canada – a time when social workers gather to celebrate the profession, as well as recognize areas in which work remains to be done – and would be a perfect opportunity to meet with your office. Please accept this letter as an invitation to meet with CASW, at your convenience, to further discuss our concerns and to elaborate on further recommendations.

CASW looks forward to supporting you and the federal government in the implementation of positive changes for Canada, chief among them the reversal of the past government’s punitive and socially irresponsible ‘tough on crime’ agenda.

Sincerely,

A handwritten signature in cursive script that reads "Morel Caissie".

Morel Caissie, MSW, RSW
President, CASW