



Government
of Canada

Gouvernement
du Canada

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**Interim Report in follow-up to the review of
Canada's Fourth and Fifth Reports**

May 2006

Canada^{ca}

© Her Majesty the Queen in Right of Canada, 2007
Catalogue No. CH37-4/14-1-2007E-PDF
ISBN 978-0-662-46593-5

Introduction

1. On May 4 and 6, 2005, Canada appeared before the UN Committee against Torture for the review of its Fourth and Fifth Reports on the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. In its concluding observations following the review, the UN Committee asked Canada to submit, within one year, information with respect to three of its recommendations (concluding observations, paragraphs 5 (d), (e) and (g)).

Recommendation 5(d): *The State party should insist on unrestricted consular access to its nationals who are in detention abroad, with facility for unmonitored meetings and, if required, of appropriate medical expertise;*

2. Canada does expect that consular access to its nationals who are in detention abroad will be granted as requested, with the facility for unmonitored meetings and, if required, appropriate medical expertise. The Vienna Convention on Consular Relations provides that "consular officers shall be free to communicate with nationals of the sending state and to have access to them"; and "consular officers shall have the right to visit a national of the sending state" (see article 36). Unfortunately, a number of countries refuse to provide consular access in private.

Recommendation 5(e): *Given the absolute nature of the prohibition against refoulement contained in article 3 of the Convention, the State party should provide the Committee with details on how many cases of extradition or removal subject to receipt of "diplomatic assurances" or guarantees have occurred since 11 September 2001, what the State party's minimum requirements are for such assurances or guarantees, what measures of subsequent monitoring it has undertaken in such cases and the legal enforceability of the assurances or guarantees given;*

3. There was no case of extradition or removal involving a risk of torture subject to receipt of diplomatic assurances since September 2001.

Recommendation 5(g): *The State party should take steps to ensure that the frequency of "major violent incidents" in its federal corrective facilities decreases progressively;*

4. The safety and security of staff, offenders and the public are paramount concerns for the Correctional Service of Canada (CSC), which strives in its day-to-day operations to address this concern through a balanced mix of static and dynamic security.
5. CSC has implemented a drug interdiction strategy and the Integrated Correctional Intervention Strategy in part to reduce the occurrence of major violent incidents within its facilities. Given that these are both recently implemented initiatives, there are not enough data available at this time to accurately assess their impact on reducing major violent incidents. Once these data are available, CSC will evaluate

the efficacy of both initiatives. Information on the evaluation of these initiatives as well as data on the major violent incidents will be included in Canada's Sixth Report under the Convention.

Drug Interdiction

6. Many incidents of violence inside penitentiaries can be attributed to drug trade activities. To help combat this problem, CSC has implemented a drug interdiction strategy that aims to eliminate drug use in its facilities by reducing both the supply and demand for drugs among offenders.
7. To help control the supply of drugs within its facilities, CSC uses state-of-the-art equipment and techniques including metal detectors, ion scanners and detector dogs to identify individuals who attempt to smuggle in drugs. CSC also regularly searches cells, buildings, grounds and offenders for the presence of drugs. In addition, CSC conducts monthly random urinalysis testing on offenders.
8. Curtailing the demand for drugs is also an important element in eliminating drugs inside CSC facilities. To achieve this, CSC offers effective, research based substance abuse programs to help offenders deal with their addictions. CSC also has specialized units for offenders dedicated to a drug-free lifestyle as well as a methadone maintenance treatment program for offenders addicted to heroin.
9. It should be noted that the intervention strategy not only aims at reducing drug-related crime and violence inside CSC facilities, but it also aims to improve the health of offenders as well as improving their chances for successful reintegration.

Integrated Correctional Intervention Strategy

10. The Correctional Service of Canada has developed innovative methods of managing offenders, primarily in maximum security institutions, who are disruptive, threatening and resistant to program participation. The Integrated Correctional Intervention Strategy (ICIS) involves specific routines to help motivate designated offenders to participate more actively in their correctional plans.
11. ICIS was conceptualized to: respond to the challenges of managing the small number of highly disruptive and threatening offenders; improve the delivery of appropriate programming to these offenders; and, enhance positive interactions between staff and offenders. ICIS addresses these through group configurations conducive to effective interaction and use of the Motivational Based Intervention strategy (MBIS).
12. Previous evaluations have demonstrated that maximum security offenders are not a homogeneous group; therefore ICIS introduced three separate units in order to improve programming, case management and security efforts:

- The Orientation Unit was established to assess offenders and assign them to the appropriate units--either the Enhanced Structure Unit or the Reintegration Unit.
 - The Reintegration Unit addresses the needs of non-disruptive offenders and assists in their transition to a lower security facility or release to the community. It aims at positive interactions between employees and offenders, as well as appropriate programming, and productive use of offenders' time.
 - The Enhanced Structure Unit (ESU) addresses the needs of offenders who are highly disruptive and threatening. The ESU is intended to assist in facilitating behaviour change for those offenders who resist participation in programs.
13. The Motivation Based Intervention Strategy (MBIS) is designed to improve staff and offender safety in maximum-security institutions by motivating offenders to change their problematic behaviours, promoting pro-social behaviour and change, and encouraging offenders to follow their correctional plan. One of the key premises underlying the MBIS is that simple day-to-day interactions between staff and offenders can have positive impacts—for both the security and safety of the correctional environment and the reintegration of offenders.
14. The MBIS includes training for all management and front-line staff that aim to provide participants with an overview of the MBIS framework, processes by which people change, the role of motivation, and with insight into how to improve communication and teamwork.
15. The Four-Step Motivational Intervention is a short-term, directive method of individual intervention that focuses on the needs of offenders who are not motivated to change.
- Selecting the problem: To motivate and facilitate the offenders' active involvement in each of the four steps, the offenders select the behaviour that they want to change. Since the offenders' autonomy is respected, they will feel more motivated to continue with the intervention and display less resistance.
 - Weighing the pros and cons: This is designed to make the offenders aware of the advantages and disadvantages of changing the behaviour identified in the previous step.
 - Identifying important personal goals: At this stage offenders realize that incarceration in a maximum-security facility invariably removes them from the goals that are important to them. At the end of this step, offenders realize that changing will positively affect them.
 - Culmination of the motivational work done in the previous steps: Having realized the advantages of changing the problematic behaviour, offenders

now commit to certain concrete actions via an action plan. The intervention is constructed to get offenders to create their action plans.

16. Much like CSC's drug intervention strategy, the Integrated Correctional Intervention Strategy is not solely designed to prevent violence in CSC's institutions. They also play a key role in helping offenders change their negative behaviours so that they may eventually return to society as a law abiding citizens.

