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### **Final Report - 2023 Asper Fellowship**

This summer I have had the opportunity to work with the John Howard Society of Canada (JHSC) through a summer fellowship with the Asper Centre. JHSC is an organization aimed at creating a more humane, effective, and just correctional system, through a variety of strategies including work directly involving incarcerated persons, public education, and legal reform. One of JHSC's key areas of interest is the problem of solitary confinement in Canada, an issue on which JHSC brought a successful constitutional challenge in 2019.

My work at JHSC this summer was primarily focused on the continuing use of solitary confinement in Canada. After the constitutional challenge pursued by JHSC, as well as another challenge to the same legislation in the same year, Bill C-83 was introduced to reform the law on segregation of prisoners by creating new Structured Intervention Units (SIUs). With the five-year review of Bill C-83 now approaching, the aim of my project was to conduct research on this new legislative framework and its implementation, to determine whether the constitutional problems identified in the 2019 challenges had truly been resolved.

In pursuance of this goal, I researched and wrote a report identifying numerous constitutional flaws remaining in Canada's law on solitary confinement, as well as changes that could better protect prisoners' constitutional rights. The report in full, entitled "Charter Rights and Structured Intervention Units: Have Rights Abuses of Administrative Segregation Been Corrected?" can be found [here](#). In brief, my research identified several ways in which conditions in SIUs do not adequately comply with the standards set out in international instruments and in the 2019 constitutional decisions. Furthermore, this research demonstrated that oversight mechanisms for SIUs fall short of procedural fairness standards. Finally, the implementation of SIUs also creates potential breaches of equality rights for several groups of prisoners, including those with mental illnesses and those who are Indigenous. The report outlining these findings has been published online and discussed in the media, and will be distributed to stakeholders and presented to JHSC board members. As the five-year review proceeds, this report will hopefully provide legislators with a clear path to bring SIUs in line with constitutional requirements, and thereby lead to meaningful change on these important issues.

Working on this research was an excellent experience from beginning to end. I had the opportunity to conduct many different kinds of research, including learning about access to information requests, and to develop my legal writing skills. This report was a larger project than I have encountered in my coursework so far, and I feel it gave me a unique opportunity to

consider how to present a large amount of information in a clear and persuasive way. I was given both significant autonomy in researching and writing this report, and helpful support when needed to refine my work product, including through feedback from experts in the field of correctional law. Having the opportunity to learn from these experts, and particularly from my supervising lawyer, Catherine Latimer, has been truly rewarding and has re-affirmed my passion for applying the law to work towards solutions for important social problems.

I also feel very fortunate to have had the chance to participate in such meaningful work. While the constitutional rights of prisoners are often dismissed or disregarded, ensuring that everyone's rights are protected, regardless of their situation, is a key part of developing a better and more humane society. Having the opportunity to work towards this goal has been truly fulfilling.

I am deeply grateful to the Asper Centre for providing me with the chance to contribute to this important work and to learn so much about both constitutional law and corrections in Canada. I hope to bring all that I have learned and the skills I have developed forwards with me into my career.

Thank you,

Rebecca Rabinovitch

JD Candidate, Class of 2024

Summer Fellow, John Howard Society of Canada