



Department of Law and Legal Studies
Human Rights in Canadian Prisons
LAWS 4311 A (0.5 Credit) Winter 2025

- Instructor:** Kory Smith
- Email:** kory.smith@carleton.ca
- Class Time:** Tuesday, 6:05 p.m. – 8:55 p.m.
- Method of Delivery:** In-person
- Class Location:** Please check Carleton Central for current Class Schedule
- Office Hours:** By appointment (Zoom/telephone)
- Prerequisites:** LAWS 2908, CRCJ 3001, or CRCJ 3002 and fourth-year Honours standing

Notice: This syllabus is subject to minor modification throughout the semester at my discretion. It is your responsibility to be familiar with the content of this syllabus. Please approach me with any questions or need for clarification.

Disclaimer: The views expressed during this course are from a personal perspective and do not represent those of the Department of Justice Canada.

Calendar Description: Correctional law in the Canadian criminal justice system; competing objectives of punishment and rehabilitation in the context of respect for the rule of law and human rights; protection of human rights of prisoners in Canada and in international and comparative contexts.

Course Description: This fourth-year seminar will examine human rights issues related to incarceration and the Canadian correctional and criminal justice systems. This course is divided into three parts. During the first part, we will look at the history and purpose of imprisonment, the different types of custodial institutions within Canada, the laws that regulate incarceration in Canada, the rights that apply to prisoners, the problems that may arise in the prison context, and the specific remedial mechanisms created to protect prisoners. During the second part, we will examine specific issues that incarceration raises as it interacts with other aspects of law and

society, including mental health and over-incarceration. During the final part of the course, we will discuss community reintegration and prison reform and abolition.

This course is designed to be as experiential as possible. Methods of instruction include interactive lecturing, class discussion, student presentations, and guest speakers. Assignments and in-class activities will be used to help you strengthen your research, writing, and oral communication skills. Your grade in the course will be based on several different types of evaluation: a reading presentation, an essay proposal and annotated bibliography, and an essay.

Learning Objectives: The learning objectives for this course are twofold. There are substantive objectives (things I want you to know about) and there are skills objectives (things you can learn to do better).

At the end of the course, you should be able to:

- Explain the history and purpose of incarceration;
- Identify the different types of custodial institutions within Canada;
- Demonstrate familiarity with the laws that regulate incarceration in Canada;
- Discuss the rights that apply to prisoners and the remedial mechanisms created to protect prisoners;
- Assess the effects of imprisonment on individuals and communities; and
- Think critically about prison reform and abolition.

At the end of the course, you should be able to:

- Review, understand, and summarize complex, university-level readings;
- Participate in and lead classroom discussions;
- Conduct library and online research;
- Produce written work which is clear, accurate, and concise;
- Properly cite using the McGill Guide format
- Deliver an articulate and convincing oral presentation; and
- Explain the law, orally and in writing, to lay people and engage with vulnerable members of society.

Instructor's Responsibilities: I am responsible for facilitating learning of the course material. I will also work diligently to produce open and inviting learning environments, be available for consultation during office hours, and return graded work in a timely manner.

Students' Responsibilities: You must attend class, complete weekly readings, participate in class discussions, and hand in assignments on time. You are required to be present, professional, and engaged for guest speakers. The content of these talks is also key course content. You must also adhere to Carleton University's Students Rights and Responsibilities Policy (you can access the policy at <https://carleton.ca/secretariat/wp-content/uploads/Students-Rights-and-Responsibilities-Policy.pdf>).

Learning Environment: Many of the themes we'll be discussing in class are sensitive. When it comes to questions of inequality and social justice, debate and disagreement are inevitable and healthy. Approach the readings and class discussions with an open mind, listen carefully and thoughtfully to your peers, and treat all the members of our community with respect. Derogatory comments and hateful behavior towards others (and their views) will not be tolerated.

Communicating with the Instructor: Please email me from your Carleton University email account. I will attempt to reply to all student queries within 48 hours. Before emailing me a question you should:

- Consult the syllabus; and
- Check the Brightspace course page for announcements.

Required Textbook: We will be working with the following textbook:

1. Fergus (Chip), O'Connor. (2012). *Halsbury's Laws of Canada –Police and Prisons Special Edition*. LexisNexis Canada.

These textbooks are available for purchase at the Carleton University Bookstore for \$165.00. Additional readings will be made available on Brightspace.

Course Requirements and Assignments: Your final grade in this course is based on a class presentation, an essay proposal and annotated bibliography, and an essay.

Final Grade Approval: Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Dean.

Late Penalties: Late assignments will be penalized 5% per business day late. If for some reason you cannot complete the work required, please see me immediately. Please do not leave things to the last minute; if you are struggling to meet deadlines, come see me.

Requests for Extensions: The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>.

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>.

Permissibility of Submitting Substantially the Same Piece of Work for Academic Credit:

Students are strictly prohibited from submitting any work that has been previously submitted for academic credit in another course. Any such submission will result in a grade of 0, and the student will be referred to the university's academic integrity office for review. Re-using any portion of previous work, regardless of its extent, will be treated as a violation of academic integrity.

Cooperation or Collaboration: Collaboration is permitted in specific instances where the instructor allows it. For example, group projects or collaborative assignments may be part of the course, in which case students are encouraged to work together and divide the tasks evenly. In all other cases (such as individual assignments), students must complete their work independently.

Use of Generative Artificial Intelligence (AI) Tools: The use of AI tools, such as ChatGPT, to produce any part of an assignment or test is strictly forbidden. Any use of AI for content creation, even for small edits, will result in an automatic grade of 0, and the student will be referred to the academic integrity office for disciplinary action.

Course Evaluation:

Type	Weight	Due date
Reading presentation	30%	TBD
Essay proposal	10%	January 28, 2025
Annotated bibliography	20%	February 25, 2025
Essay	40%	April 8, 2025

Reading Presentation: Each student will give one presentation on the readings. This presentation will take the form of a summary of, and a critical response to, the assigned readings. The summary should focus on analyzing the central claims and supportive evidence of the authors. The response must articulate a view as to whether the student agrees with the authors’ claims. The strength of the summary presentation and the response will lie in the ability to examine and critically evaluate the authors’ views. Students are encouraged to use examples, counter-examples, outside readings, audio-visual materials or other evidence to support their positions on the issues.

Essay: You will write a 15–20-page double-spaced essay on a topic related to the course. Essays are due in class on April 8, 2025.

Essay Proposal: You will submit a 2-page double-spaced proposal that outlines what you intend on researching for your essay. Essay proposals are due in class on January 28, 2025.

Annotated Bibliography: Building on the research proposal, you will submit a 3-4-page double-spaced annotated bibliography with 5 academic research resources (books, book chapters, or journal articles) that you intend on using for your essay. An annotated bibliography is an alphabetic list of research resources that includes **an annotation (description)** for each item. The purpose of the annotation is to inform the reader of the substance, relevance, and quality of

each source. Annotations appear after each item in the bibliography. Each annotation should be a paragraph or two in length and contain the following points:

- Information about the author;
- The main argument and purpose of the work;
- Types of material/data/evidence the author used to make his or her points; and
- An explanation of the relevance and value of the work for your essay

Annotated bibliographies are due in class on February 25, 2025.

Course Schedule:

Week 1 (January 7)

Topic: Course Introduction

Readings: None

Guest Presentation: Aaron Doyle — Criminalization and Punishment Education Project (CPEP)

Week 2 (January 14)

Topic: History and Purpose of Imprisonment in Canada

Readings:

1. History of the Canadian Correctional System (Correctional Service of Canada, <https://www.csc-scc.gc.ca/educational-resources/092/ha-student-etudiant-eng.pdf>)
2. Our Neighbors to the North: A Brief History of Prisons and Resistance to them in So-Called Canada (itsgoingdown.org, [https://prisonfreepress.org/docs/A_Brief_History_of_Prisons_&_Resistance_to_them_in_so-called_Canada_\(2018\).pdf](https://prisonfreepress.org/docs/A_Brief_History_of_Prisons_&_Resistance_to_them_in_so-called_Canada_(2018).pdf))

Week 3 (January 21)

Topic: Organization of the Penitentiary System

Readings:

1. *Halsbury's Laws of Canada*, "Organization of the Penitentiary System" (pp. 397-413)

Week 4 (January 28)

Topic: Security Classification and Penitentiary Placement

Readings:

1. Human Rights in Action: In Prison, "2.1 Your Security Classification and Placement" (Canadian Association of Elizabeth Fry Societies, https://caefs.ca/wp-content/uploads/2022/04/HRIA_2021_WEB_English_FINAL.pdf, pp. 36-41)
2. *Corrections and Conditional Release Act*, SC 1992, c 20, ss 29.1-30(4), s 96(z.6).
3. *Corrections and Conditional Release Regulations*, SOR/92-620, ss 17-18.
4. Correctional Service Canada, Security Classification and Penitentiary Placement, Commissioner's Directive No 705-7 (<https://www.csc-scc.gc.ca/acts-and-regulations/705-7-cd-eng.shtml>)

Evaluation: Essay proposals are on Brightspace by 11:59 p.m.

Week 5 (February 4)

Topic: Undergoing Imprisonment

Readings:

1. *Halsbury's Laws of Canada*, "Undergoing Imprisonment" (pp. 415-487)

Week 6 (February 11)

Topic: Segregation and Discipline of Prisoners

Readings:

1. *Halsbury's Laws of Canada*, "Segregation" (pp. 519-536)
2. *Halsbury's Laws of Canada*, "Discipline of Prisoners" (pp. 537-617)
3. Human Rights in Action: In Prison, "2.5 Solitary Confinement" (Canadian Association of Elizabeth Fry Societies, https://caefs.ca/wp-content/uploads/2022/04/HRIA_2021_WEB_English_FINAL.pdf, pp. 66-70)

Reading Week – No Class (February 18)

Week 7 (February 25)

Topic: Rights and Remedies

Readings:

1. Human Rights in Action: In Prison, "Chapter 1: Establishing Your Rights" (Canadian Association of Elizabeth Fry Societies, https://caefs.ca/wp-content/uploads/2022/04/HRIA_2021_WEB_English_FINAL.pdf, pp. 5-29)
2. *Halsbury's Laws of Canada*, "Remedies" (pp. 835-878)

Evaluation: Annotated bibliographies are due on Brightspace by 11:59 p.m.

Weeks 8 (March 4)

Topic: Accountability and Oversight

Readings:

1. Human Rights in Action: In Prison, "Chapter 3: Protecting and Defending Your Rights" (Canadian Association of Elizabeth Fry Societies, https://caefs.ca/wp-content/uploads/2022/04/HRIA_2021_WEB_English_FINAL.pdf, pp. 145-202)
2. Debra Parkes & Kim Pate, "Time for Accountability: Effective Oversight of Women's Prisons" (2006) 48:2 Can J Corr 251

Guest Presentation: Senator Kim Pate

Week 9 (March 11)

Topic: Mental Health, Self-Harm, and Deaths in Custody

Readings:

1. Office of the Correctional Investigator, "Risky Business: An Investigation of the Treatment and Management of Chronic Self-Injury Among Federally Sentenced Women" (https://publications.gc.ca/collections/collection_2013/bec-oci/PS104-7-2013-eng.pdf)
2. University of Toronto Faculty of Law, International Human Rights Program, "Cruel, Inhuman and Degrading: Canada's Treatment of Federally-Sentenced Women with Mental Health Issues" (https://ihrp.law.utoronto.ca/utfl_file/count/documents/WorkingGroup_Clinic/Cruel%20and%20Inhuman_FINAL_Print.pdf)

3. Coroner's Inquest Touching the Death of Ashley Smith, Jury Recommendations (<https://www.csc-scc.gc.ca/publications/005007-9009-eng.shtml>)

Film: Ashley Smith: Out of Control

Guest Presentation: Rebecca Bromwich — A.P. Strom and Associates

Week 10 (March 18)

Topic: Over-Incarceration of Indigenous Peoples

Readings:

1. Julian Roberts & Andrew A. Reid, "Aboriginal Incarceration in Canada since 1976: Every Picture Tells the Same Story" (2017) 59:3 Can J Corr 313
2. *R v Gladue*, [1999] 1 SCR 688 and *R v Ipeelee*, 2012 SCC 13
3. Jonathan Rudin, "Addressing Aboriginal Overrepresentation Post-*Gladue*: A realistic Assessment of How Social Change Occurs" (2009) 54:4 Crim LQ 447.

Guest Presentation: Justice Celynne Dorval — Ontario Court of Justice

Week 11 (March 25)

Topic: Community Reintegration

Readings:

1. *Corrections and Conditional Release Act*, SC 1992, c 20, ss 99-156(4).
2. *Corrections and Conditional Release Regulations*, SOR/92-620, ss 145-168.
3. Human Rights in Action: In Prison, "2.13 Conditional Releases – Temporary Absences & Work Release" (Canadian Association of Elizabeth Fry Societies, https://caefs.ca/wp-content/uploads/2022/04/HRIA_2021_WEB_English_FINAL.pdf, pp. 128-140).

Week 12 (April 1)

Topic: Prison Reform and Abolition

Readings:

1. Bill Keller, "Reform or Abolish?", *The New York Review of Books* (3 November 2022).
2. Rachel Kushner, "Is Prison Necessary? Ruth Wilson Gilmore Might Change Your Mind", *The New York Times Magazine* (17 April 2019), online: < <https://www.nytimes.com/2019/04/17/magazine/prison-abolition-ruth-wilson-gilmore.html>>.
3. John Washington, "What is Prison Abolition", *The Nation* (31 July 2018), online: < <https://www.thenation.com/article/archive/what-is-prison-abolition/>>.

Films: (1) Al Jazeera interview with Angela Davis; (2) TED Talk with Deanna Van Buren

Guest Presentation: Audrey Monette — Canadian Municipal Network on Crime Prevention

Week 13 (April 8)

Topic: Course Wrap Up

Readings: None

Evaluation: Essays are due on Brightspace by 11:59 p.m.

UNIVERSITY AND DEPARTMENTAL POLICIES

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This includes reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>

- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy Obligation and Family-Status Related Accommodations

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-

scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).

Important Dates:

Winter 2025 Sessional Dates and University Closures	
January 6, 2025	Winter term begins.
January 17, 2025	Last day for registration and course changes (including auditing) in winter courses.
January 31, 2025	Last day to withdraw from full winter courses and the winter portion of fall/winter courses with a full fee adjustment.
February 17-21, 2025	Winter break, no classes.
March 15, 2025	Last day for academic withdrawal from winter courses.
March 25, 2025	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in winter term or fall/winter undergraduate courses, before the official April final examination period.
April 8, 2025	Winter term ends.
	Last day of winter and fall/winter classes.
	Last day for final take-home examinations to be assigned.
April 9-10, 2025	No classes or examinations take place.
April 11-26, 2025	Final examinations in winter and fall/winter courses will be held.
April 18, 2025	Statutory holiday. University closed.
April 26, 2025	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.