



Souheil Benslimane, Coordinator
JAIL / Jail Accountability and Information Line
c/o Criminalization and Punishment Education Project
120 University Private – Room 14049
Ottawa, Ontario, Canada
K1N 6N5

Superintendent Mike Wood
OCDC / Ottawa-Carleton Detention Centre
2244 Innes Road,
Gloucester, ON
K1B 4C4

April 28, 2020

RE: THE OTTAWA-CARLETON DETENTION CENTRE (OCDC) MUST RESPECT THE RIGHTS OF MUSLIM PRISONERS DURING THE HOLY MONTH OF RAMADAN, WHICH ARE CONTINUOUSLY BEING VIOLATED.

Dear Mr. Wood:

I am writing to respectfully demand that you provide Muslim prisoners who are observing the Holy Month of Ramadan access to their medication before Fajr (morning prayer) and Maghrib (evening prayer) as mandated by the religion of Islam in accordance with local Islamic prayer times.

The Jail Accountability and Information Line (JAIL) hotline understands that over at least two days, notably April 25 and 26, 2020, OCDC staff provided medication to certain areas only during regular administration hours. These delivery hours fall between Suhur (sunrise) and Maghrib (sunset), a period when Muslim prisoners are fasting during the month of Ramadan. On those two days for instance, Iftar was around 8:02 PM, which is hours after the last medicine drive. OCDC staff forced prisoners to choose between maintaining their religious fast and taking their medication by giving them an ultimatum with only those two options.

The Ministry of the Solicitor General (MSG) and by extension, the OCDC and yourself must meet your obligations under the Ontario *Human Rights Code*¹ (the Code) by, but not limited to, accommodating creed-related needs of incarcerated people. Furthermore, the

¹ *Human Rights Code*, RSO 1990, c H.19 s 1.



Code protects prisoners from differential treatment based on religion. By refusing to provide medication to Muslim prisoners during times when their religion allows them to ingest anything, you are failing to accommodate their religious needs, which could amount to discrimination contrary to the Code.

We understand that the OCDC's Health Care Department's resources might be scarce, especially when the COVID-19 pandemic may have altered the jail's operations. However, in an interim decision, the Ontario Human Rights Tribunal found that prisoners being denied access to their medication based on institutional safety policy, may amount to discrimination.² We infer that denying prisoners access to healthcare based on institutional policy, standing order, or institutional practice and because of their religion may also constitute discrimination. This raises serious concerns that must be addresses immediately.

The COVID-19 restrictions and their consequences on operations becomes moot when we consider that this issue is recurring. Last year, a dozen callers reported the same issue to the JAIL hotline, namely nurses refusing to provide them medication after the Maghrib prayer. This year, the issue remains unaddressed.

The OCDC has a troubling history of disregarding the religious rights of Muslim people. As detailed in the 2016 Community Advisory Board Annual Report,³ the OCDC has repeatedly mismanaged Muslim voluntary programming, denying people who are incarcerated meaningful access to spiritual services.

The history of and the ongoing human rights violations perpetuated by the OCDC against people and groups of people are made evident by the matter discussed herein. It is further evidenced by the well-documented firsthand accounts by Indigenous prisoners, who are routinely denied access to spiritual and traditional ceremonies and whose medicine bags are often arbitrarily seized by OCDC guards during routine searches and transfers.

Denying access to medication for religious reasons is a clear violation of prisoners' and human rights. In the Ministry's own information guide for adult institutions, access to religious services is explicitly guaranteed.⁴ We understand that medication is not a religious

² *Kift v Ontario (Community and Correctional Services)*, 2016 HRTO 1463 at para 8.

³ See

<https://www.mcscs.jus.gov.on.ca/english/Corrections/CommunityAdvisoryBoards/OttawaCarletonDetentionCentre/CABReport2016OttawaCarletonDetentionCentre.html>

⁴ See

https://www.mcscs.jus.gov.on.ca/english/corr_serv/PoliciesandGuidelines/CS_Inmate_guide.html#P592_89798



service. It however intersects with religious services when its delivery is contingent on the religious practices of Muslim prisoners given that they cannot eat or drink between sunrise and sunset. The institution must therefore accommodate the needs of people who are fasting for religious reasons. OCDC failed to meet the needs of Muslim people on at least two days already.

The institutional confines within which Muslim people can observe Ramadan are completely governed by the MSG. It is then the responsibility of the MSG and you as the Superintendent to ensure Muslim people at your institution have the necessary resources to express their religious freedom free from discrimination.

To make matters worse, callers also allege that certain guards and frontline staff responded to prisoners' requests to bring medication after Maghrib by dismissing them or making xenophobic comments. This behaviour exacerbates the strain experienced by incarcerated Muslim people and violates the principles set out in the Ontario Correctional Services Code of Conduct and Professionalism Policy (COCAP)⁵ by which the guards and staff must comply.

Given the longstanding nature and the seriousness of the violations brought to your attention in this letter, the JAIL hotline urges you to implement the corrective measures below. **If you fail to address the situation meaningfully by Thursday, April 30, 2020**, we will see ourselves obligated to engage the media, legal practitioners, community, civil society, and religious organizations, advocates, and various other partners to ensure the OCDC and the MSG comply with their obligations and respect the rights of Muslim prisoners.

Corrective Measures:

To redress this situation, you must:

- I. Ensure OCDC healthcare staff provide Muslim prisoners their medication before Fajr and after Maghrib upon request during the Holy Month of Ramadan;
- II. Ensure OCDC guards and staff refrain from engaging in Islamophobic and xenophobic behaviour and language.

⁵ See http://area84aa.org/wp-content/uploads/2018/03/COCAP-Policy-08_2014.pdf

PROJET DE
SENSIBILISATION SUR LA
CRIMINALISATION ET LA
SANCTION



CRIMINALIZATION AND
PUNISHMENT EDUCATION
PROJECT

Cordially,

A handwritten signature in cursive script, appearing to read 'Souheil Benslimane', written in black ink on a white background. The signature is fluid and stylized, with a long horizontal stroke at the end.

Souheil Benslimane

cc: Sylvia Jones, Minister of the Solicitor General
Deborah Richardson, Deputy Solicitor General, Correctional Services, MSG
Tracey Gunton, Regional Director, Institutional Services, Eastern Region, MSG
Office of the Ombudsman
Ottawa-Carleton Detention Centre Community Advisory Board