



# Applying a Gender Lens to Arrest

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## A Call for Change

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# How does arrest affect women & gender diverse people differently?

## BACKGROUND

- Prompted by the Halifax Regional Police's violent arrests of women and children in winter 2020, Women's Wellness Within members and partners collaborated to develop Calls for Change.
- The HRP refuses to share arrest policies publicly

## OBJECTIVES

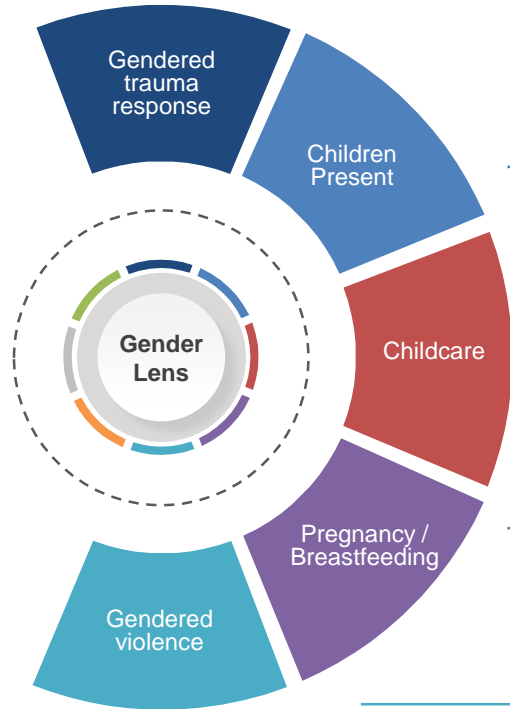
- This presentation will present the rationale for a gender lens to arrest and demands for urgent change.

# Governing principles

- Gender refers to the roles, behaviours, activities, attributes and opportunities that any society considers appropriate for girls and boys, and women and men. Gender interacts with, but is different from, the binary categories of biological sex. (World Health Organization definitions)
- United Nations Rules for the Treatment of Women Prisoners (Bangkok Rules) are international laws that recognize that women (and gender diverse people) have different life experiences and require different approaches to be treated with fairness.
- Equity is not sameness. Treating all people “the same” does not achieve equity. White supremacy, racism, homophobia/transphobia, heteronormativity, xenophobia, class and ability discrimination all cause difference and social oppression that must be addressed: this presentation focuses on the impact of misogyny, patriarchy and gender norms.
- Women includes transwomen and we are also concerned about nonbinary and gender diverse people.
- The United Nations Convention on the Rights of the Child (1989) governs children’s rights internationally. Children have the right to be parented and to health, including mental health. Every state decision that could impact children must be made in the Best Interests of the Child. It is not in the child’s best interest to witness arrest, violence, and to experience separation.

# When women are subject to arrest

Applying a gender lens to arrest



1

Anticipate a trauma response

2

Do not arrest mothers/primary caregivers in the presence of children

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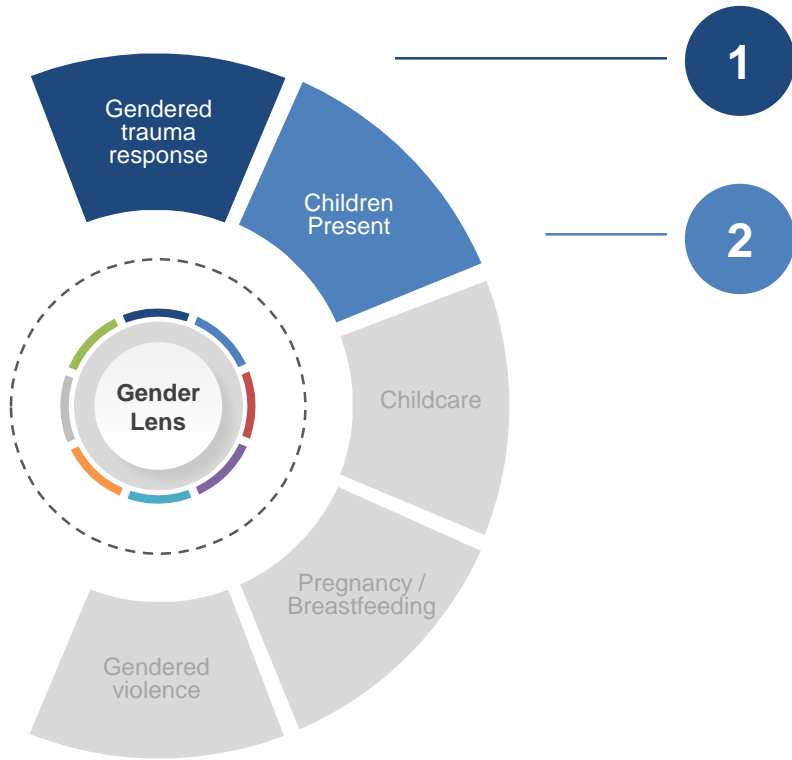
Allow mothers/caregivers to arrange childcare

4

Never detain a breastfeeding mother, a pregnant person, or a primary caregiver

5

Never charge a person with violation of bail when they have experienced gendered violence

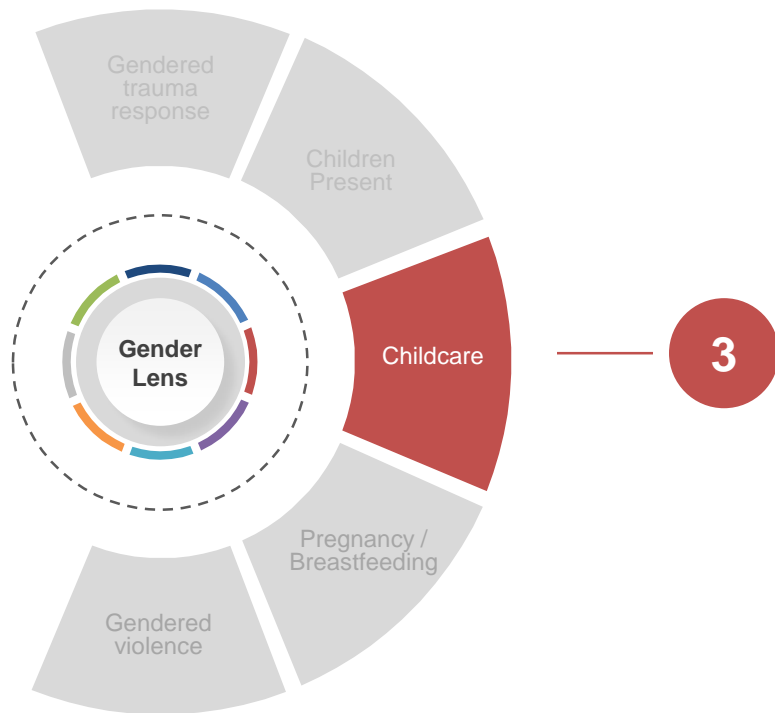


## Anticipate gendered trauma

- Most women have experienced sexual harassment, physical abuse or rape in their lives. Any dominating, threatening approach such as arrest is retraumatizing
- Arrest will cause panic
- Do not interpret resistance as anything other than predictable, protective response

## Do not arrest mothers in front of their children

- Mothers are likely to resist arrest to protect their children and because of fear of separation
- Extreme distress for the children
- Traumatic, abusive impact on the child to witness parental arrest



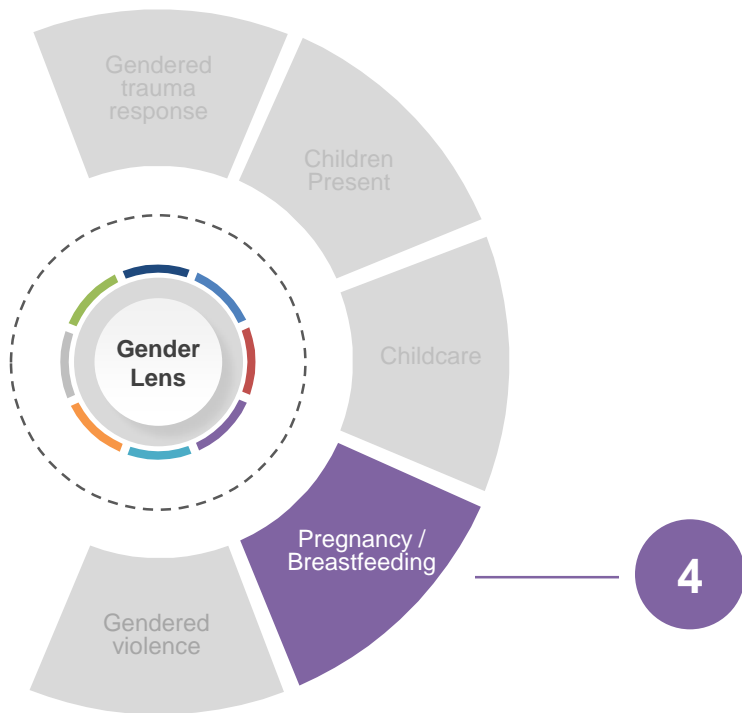
Allow mothers to arrange for the childcare of their children before they are brought to lock up

- See United Nations Bangkok Rule #2

### Summary of Bangkok Rule #2:

***Provide for prisoners' children:*** Prior to or on admission, women with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children.

The **Bangkok Rules**, or formally, "The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders", adopted by the United Nations General Assembly on 22 December 2010.



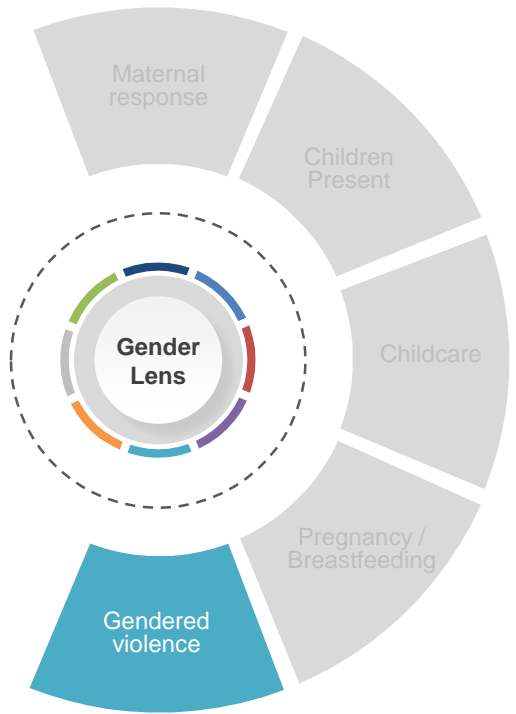
## Never detain a breastfeeding mother, a pregnant person, or a primary caregiver

- Incarceration is associated with serious psychological, physical and social harms for pregnant people and primary caregivers of young children, and the children themselves
- Several countries have taken measures to keep pregnant women and parents with primary care of young children out of prisons.
- Canadian examples, e.g., Lillian Desjarlais (Feb 2016)

“We dropped the ball on this”- Chief Clive Weighill

## HRP breastfeeding policy

- Lack of action, transparency, and engagement
- Cannot claim ignorance after four years



## Never charge a person with violation of bail when they have experienced gendered violence

- Women are vastly more likely to experience gendered violence at the hands of men, including police
- “Survival crime” results in re-arrest of women; women who are more likely to experience poverty, to need to care for and provide for children, and who have gendered experiences of substance use disorder.



# Impact of arrest on family life

## Impact of arrest

- Families members of incarcerated people experience social and economic oppression and psychological harm
- UNCRC guarantees child's right to health and protection from punishment on the basis of the activities of their parents

## Children's rights to their parents

- All actions that impact children must be made in their Best Interests

### Article 2:

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

The **United Nations Convention on the Rights of the Child (UNCRC)** is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child regardless of their race, religion, or abilities.

# Next steps

We call for the Halifax Regional Police Board of Commissioners to respond through public engagement and transparent policy change

- How will the Board of Commissioners ensure HRP addresses arrest in a way that does not perpetuate gender discrimination and harm to children?
- Women's Wellness Within has consistently advocated for policy transparency and gender equity from public services
- HRP needs to provide tangible updates on progress towards these changes