



# Legal Protections for Incarcerated Women

## United Nations - The Bangkok Rules

- 47.3 "Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers. Women prisoners shall not be discouraged from breastfeeding their children"

## United Nations - The Mandela Rules

- No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment (rule 1)
- The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community (rule 24)
- In women's prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment. (Rule 28)
- The relationship between the physician or other healthcare professionals and the prisoners shall be governed by the same ethical and professional standards as those in the community. (Rule 32)

## United Nations - Convention on the Rights of the Child

- Article 3: Best Interests of the child
- Article 24: enjoyment of the highest attainable standard of health

## Nova Scotia Corrections Act

- Section 28 requires accommodation of prisoners due to illness, disability or injury.

- Section 29 requires individuals held in close confinement be visited daily by health care providers.
- Section 47 requires care be provided to inmates in need of immediate attention.

### **Canada Corrections and Conditional Release Act**

- 86 The Service shall provide every inmate with
  - (a) essential health care; and
  - (b) reasonable access to non-essential mental health care that will contribute to the inmate's rehabilitation and successful reintegration into the community.
- The provision of health care shall conform to professionally accepted standards.
- 87 The Service shall take into consideration an offender's state of health and health care needs in all decisions affecting the offender

### **Commissionaire's Directive 800 - Correctional Services of Canada**

- Essential access to emergent, urgent and mental health care is required

### **The Canadian Constitution Act, also called the Canadian Charter of Rights and Freedoms**

- Section 7 protects the right to "life, liberty and security of the person".
- Section 12 protects against cruel or unusual treatment
- Section 15 guarantees everyone equal protection under the law regardless of sex.

### **Human Rights legislation across Canada prohibits discrimination based on sex**

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Wellness Within is a volunteer-based registered non-profit organization that serves women, transgender, and nonbinary people who have experienced criminalization and are pregnant or have young children in Nova Scotia, part of the unceded and unsurrendered ancestral territory of the Mi'kmaq people.

Wellness Within supports people through the full spectrum of reproductive health experience; facilitates workshops and education sessions; develops resource materials; and advocates for reproductive justice issues.