

Speakers at Manitoba A2J conference call for more prison libraries

By **Terry Davidson**

Law360 Canada (October 31, 2024, 4:22 PM EDT) -- Many of Canada's provinces should take cues from Ottawa and move to properly recognize the need for libraries in prisons, say speakers at a recent event in Manitoba.

On Oct. 30, as part of Access to Justice Week, the Law Society of Manitoba presented *Educating and Advocating in Manitoba Prisons*, a webinar session that included a discussion on the lack of library services in prisons and the resulting barriers incarcerated people face in accessing information — legal and otherwise.

One presenter said that while Canada's government has legislation that calls for federal prisons to have library services, many of the country's provinces have nothing on their books when it comes to providing such services in their institutions.



Elizabeth McCandless, University of Manitoba

For example, Ottawa has legislation calling for federal institutions to provide "a range of programs" to assist incarcerated people, said Elizabeth McCandless, senior instructor and director of clinical programming at the University of Manitoba's Faculty of Law.

The backdrop to this, she said, is the United Nation's Standard Minimum Rules for the Treatment of Prisoners, which states that "[e]very prison shall have a library for the use of all categories of prisoners" and that it be "adequately stocked with both recreational and instructional books,"

And while the UN rules are non-binding, said McCandless, Canada's government seems to have aligned with them legislatively.

Canada's *Corrections and Conditional Release Act* calls for federal prisons to "provide a range of programs designed to address the needs of offenders and contribute to their successful reintegration

into the community.”

And the Correctional Service of Canada’s 2012 National Guide for Institutional Libraries calls for prison libraries to provide “an essential service which emulates the public library model, with free and equitable access to a wide range of ideas, information, and perspectives.”

McCandless called all this positive, even though, in practice, “the services offered throughout the country are sometimes uneven.”

But she said that similar legislation is lacking in many provinces when it comes to their own prisons, which largely rely on volunteers to provide reading material.

“What we see is that in many provinces there is no legislation pertaining to libraries in prisons, and the provision of resources and books in prisons is really a patchwork of volunteer organizations.”

Still, there have been some positive moves on the part of some, she said.

In Ontario, she said, legislation on provincial prison libraries was passed in 2018.

“The *Correctional Services and Integration Act* ... has some really good stuff in there. It says ... every inmate has the right to borrow books in accordance with the regulations ... [and that] the superintendent of a correctional institution shall establish and maintain a library or an equivalent system, which may include an electronic library or database and is accessible to all inmates.”

However, said McCandless, “this statute is still not yet in force, and there is no corresponding regulation.”

“So, it appears that the political momentum for putting these changes in place has waned, and currently Ontario is still dependent on volunteer networks and organizations, like the John Howard Society.”

Some other provinces have policies in place for their prisons, she said. British Columbia is one. New Brunswick and Nova Scotia have regulations providing for the “creation of policies.” And in the Northwest Territories as well as in Yukon, there is some access to reading materials.

“So, there is some positive stuff in the territories.” But most other places are lacking in this area, she said.



Kirsten Wurmman, Manitoba Law Library, Manitoba Library Association

Kirsten Wurmman has been bringing library materials into prisons for the past 17 years through her work with the Manitoba Library Association (MLA) and Manitoba Law Library. She said that a desire for reading materials — legal, non-legal and recreational — is generally high amongst Manitoba's incarcerated people.

"I think most people assume that all prisons have a library — just like in the movies," said Wurmman, founder of the MLA's prison libraries committee. "There is no mandated directive in Manitoba to have libraries, and so what we find is that there are no real — what we would consider — libraries. There is also no Internet; there is a lack of current technology or computers, even for just data processing purposes. ... There's a lack of access to legal information that might be particularly relevant to an incarcerated individual's situation."

This, she said, "does nothing to help [an] incarcerated individual deal with the complexities of [the] very information-driven society we live in."

"Nor does it offer access to the necessary legal information needed to understand and solve problems."

A particular challenge, said Wurmman, is getting culturally specific reading material into the hands of incarcerated Indigenous people — of whom there are many.

Wurmman pointed out that Indigenous people in Manitoba account for around 18 per cent of the province's total population and that they are imprisoned at a much higher rate than non-Indigenous residents.

Supplying this group with Indigenous language learning is important but remains a challenge, she said.

Wurmman noted that the prison library committee is volunteer-run and that it collects for the province's institutions through book drives, fundraising, and the "weeded" books from public libraries.

It also provides programming services, she said.

"We also need to be in there, meeting with folks, talking to folks, finding out what they need — but also bringing in guest authors and artists who can tell their stories. This has been positive programming we've been able to do in these prisons."

Through intelligence gathering, the committee has seen an increasing number of legal questions about things such as child protection and custody, and how one goes about getting a lawyer.

"Legal questions are constant," said Wurmman.

But there has also been a demand for non-legal books, on everything from health to pregnancy to popular fiction.

Another positive development, she said, is that the committee recently "received a three-year funding commitment from the Manitoba Law Foundation to continue this work and to expand our reach into every provincial prison in Manitoba."

The money has been used to expand its book collection. There is also the ongoing creation of a digital library, which will be placed on USB drives and delivered to prisons.

The session also heard lectures from lawyer Marc Kruse, director of Indigenous Legal Learning and Services at the University of Manitoba's Robson Hall, and Leif Jensen, a lawyer with the University of Manitoba Community Law Centre.

If you have any information, story ideas or news tips for Law360 Canada, please contact Terry Davidson at t.davidson@lexisnexis.ca or 905-415-5899.

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