REPRODUCTIVE JUSTICE AND ABOLITION: AN INTERSECTIONAL ANALYSIS OF SEXUAL AND REPRODUCTIVE HEALTH RIGHTS (SRHR) IN THE CANADIAN CARCERAL SYSTEM

by

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Reproductive Justice and Abolition: An Intersectional Analysis of Sexual and Reproductive Health Rights (SRHR) in the Canadian Carceral System

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Abstract

Abolition and abolitionist movements have the ability to address the dismantling of multiple oppressive structures and institutions, including slavery, policing, prisons, detention centres, and borders. The scope of this paper focusses on the prison and carceral aspects of abolition in an effort to provide an anti-colonial, intersectional analysis of Canadian prisons. In addition to a general intersectional analysis of the Canadian carceral system, this thesis specifically examines sexual and reproductive health rights (SRHR) violations in Canadian prisons and the lack of Reproductive Justice (RJ) for those who are incarcerated. This paper ultimately argues that if we take the meaning of intersectionality seriously, recognizing that colonial violence, criminalization and incarceration, and reproductive violence are interconnected and reinforcing forms of oppression, we understand that there can be no Reproductive Justice without abolition. Abolition is a crucial step in the fight for Reproductive Justice in Canada because the Canadian carceral system not only jeopardizes the self-governance and body sovereignty of individuals, but also the self-governance, self-determination and sovereignty of Indigenous peoples on their own territories, acting as a continuation of genocide. The Reproductive Justice framework and subsequent movement(s) can help us address SRHR in Canadian prisons from an intersectional standpoint. Dismantling the carceral system — a key “actor” in the settler state of Canada — is a crucial point on the path to intersectional, decolonial Reproductive Justice for all people.
Lay Summary

Those experiencing incarceration in the settler state of Canada face ongoing human rights violations and their experiences often fail to be considered with an intersectional lens. My thesis offers an anti-colonial, intersectional analysis of the Canadian carceral system, using sexual and reproductive health rights (SRHR) within prisons as a case study. My research demonstrates that the transformative potential of Reproductive Justice is hindered by the carceral regimes of settler states like Canada, which disproportionately target certain groups and strip those who are imprisoned of their self-determination, agency, and fundamental human rights. The framework of intersectionality helps us understand that colonial violence, criminalization and incarceration, and reproductive violence are interconnected and reinforcing forms of oppression; thus, Reproductive Justice is not possible without abolition as a key step.
Preface

This thesis is the original, unpublished, independent work of the author, Hannah Stanley.
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**Introduction**

For generations, Black feminists, Indigenous activists, abolitionists, and scholars in the United States (US) have pointed out that both “racial and reproductive violence are perpetrated through the…carceral system” — the same is true for Canada and other settler states, although incarceration in Canada remains distinctly under-theorized and under-studied (Hayes & Gomez, 2022, p.189). Within the Canadian carceral system, sexual and reproductive health rights (SRHR) are continually violated, and often fail to be considered with an intersectional lens (Paynter et al., 2021, p.12; Paynter, 2021, p.10). In this paper, I use the framework of intersectionality and settler colonialism as a key dominant feature to analyze how Reproductive Justice (RJ) and abolitionist theories and praxis are foundational to one another within the context of the Canadian settler state. I argue that if we take the meaning of intersectionality seriously, recognizing that colonial violence, criminalization and incarceration, and reproductive violence are interconnected and reinforcing forms of oppression, we understand that there can be no Reproductive Justice without abolition. Abolition is a crucial step in the fight for Reproductive Justice in Canada, because the Canadian carceral system not only jeopardizes the self-governance and body sovereignty of individuals, but also the self-governance, self-determination and sovereignty of Indigenous peoples on their own territories, acting as a continuation of genocide. It is clear that the three main values of RJ — *the right to have children* “under the conditions we choose”; *the right to not have children* “using safe methods”; and *the right to parent the children we have* “in safe and sustainable communities” — are violated and
actively prevented from being realized when assessing the current conditions within Canadian prisons (Ross et al., 2017, p. 13).

Using an interdisciplinary approach, I include the work of medical scholars, legal scholars, sociologists, Black feminists and theorists, Indigenous feminists and theorists, and social activists in my analysis. My research is situated at the intersections of reproductive oppression and criminalization, aligning the theoretical frameworks of Reproductive Justice and abolition. I take an intersectional approach to Reproductive Justice within the context of settler colonialism, and use SRHR within the Canadian carceral system as a case study. Public discourse around abolition in Canada has focused in large part on the defunding and dismantling of police, including both municipal departments and the Royal Canadian Mounted Police (RCMP) (Birks et al., 2021). This conversation is certainly vital, but “equally important is a robust consideration of the need to abolish prisons”, recognizing that both police and prisons function together as components of the larger colonial penal system that works to “remove, control, and punish so-called “deviant populations” in the service of settler colonial and capitalist interests” (Birks et al., 2021). Abolition and abolitionist movements have the ability to address the dismantling of multiple oppressive structures and institutions, including but not limited to slavery, policing, prisons, detention centres, and borders. The scope of this paper focusses on the prison and carceral aspects of abolition in an effort to provide a distinctly anti-colonial, intersectional analysis of Canadian prisons to Political Science literature.

First, I contextualize the topic by giving an overview of settler colonialism, and the reproductive and carceral violence embedded within settler colonialism in Canada. This section supports my argument by demonstrating the ways in which reproductive violence, carceral
violence and colonial violence are all interconnected. Second, I give an overview of the current conditions within the Canadian carceral system from an intersectional perspective, analyzing how the carceral system is actively preventing the realization of Reproductive Justice. This section uses an intersectional lens to assess the ways that carceral violence and the violation of SRHR within facilities impacts people differently depending on their experiences of systemic marginalization and oppression. Third, I outline the foundations of the Reproductive Justice framework and movement, demonstrating how intersectionality is a crucial aspect of RJ and why RJ is linked to incarceration and abolition. This section establishes how the RJ framework attempts to address the issues surrounding SRHR with an intersectional lens, and can be used as a case study to understand that identities and systems of oppression are “not singular”, but “multiple, co-constitutive, and simultaneous” (Carastathis, 2016, pp.161-162). The final section explores abolition histories and current activism on these lands, pointing to the emancipatory role of RJ in the settler state of Canada, and how it aligns with abolition. Tracing the work of theorists and activists who assert that abolition and RJ are “synergistic approaches” (Hayes & Gomez, 2022, p.188), I demonstrate how networks for abolition and the dismantling of interconnected settler systems require coalitions that nurture coresistance and solidarity across diverse groups with different experiences of various systems.

**Terminology and the Framework of Intersectionality**

In this paper, I use the term *carceral system* to refer to all provincial and federal correctional facilities, including detention centres and prisons, although the majority of available data focusses on prisons. I also oscillate between the terms *imprisonment* and *incarceration* to
include both detention (i.e., pre-trial) and incarceration (i.e., post-sentencing). Due to the binary nature of the Canadian correctional system, where people are divided into either ‘women’s facilities’ or ‘men’s facilities’, the term *women* is often used in related studies for all people identifying with that gender, including trans women — however, it is important to understand that there are non-binary, Queer and Two-Spirit individuals within facilities who do not identify as women nor men, but have been ignorantly categorized as such within previous studies.

The term *intersectionality* is often solely defined in relation to Kimberlé Crenshaw’s well-argued ideas on the co-determinative forces of racism, sexism, and classism in *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color* (1991). However, I use *intersectionality* as a “larger ideological imperative” representing “a broad body of scholarship” and activism that has sought to examine and “redress…oppressive forces”, whilst analyzing “techniques of power” for many generations (Alexander-Floyd, 2012, pp.3-4; Dhamoon, 2011, p.234). Academics have often discussed Crenshaw’s “coining” of the term as the origin of intersectionality itself, when in reality, the idea of intersectionality was not first conceptualized in the 1990’s (Hill-Collins, 2015, p.10). Rather, it has historical roots with countless thinkers, including Anna J. Cooper, Sojourner Truth, Frances Ellen Watkins Harper, Ida B. Wells-Barnett, Mary ChurchTerrell, Pauline Johnson (Mohawk & British), Maria Campbell (Métis), Lee Maracle (Stó:lō & Cree), Beth Brant (Mohawk & Scottish-Irish), Louise Bernice Halfe (Saddle Lake Cree), Haunani Kay-Trask (Kanaka Maoli), Winona LaDuke (White Earth Ojibwe & Jewish), Mary Two-Axe Earley (Kahnawá:ke Mohawk & Oneida), Verna Kirkness (Fish River Cree), and many others whose work is founded on the logic that “multiple marginalizations” of race, class, gender, ability, religion, body size, and sexual orientation at both
the individual and institutional levels “create social and political stratification,” requiring transformative solutions that are “attuned to the interactions” of interrelated systems and structures (Alexander-Floyd, 2012, p.3; Hancock, pp.66-67).

As expressed by political theorist Rita Kaur Dhamoon, intersectionality “opposes the idea that subject formation and identities are unified and autonomous,” and requires an integrated individual and institutional analysis of power (2011, p. 231). This paper uses intersectionality as what Black feminist Patricia Hill-Collins calls “an analytical strategy” — a framework and critical praxis that provides “new angles of vision on social institutions, practices, social problems, and other social phenomena associated with…inequality” (2015, p.3). I follow both Hill-Collins’ and Dhamoon’s work by employing an intersectional analysis of the “interactive processes,” which Dhamoon describes as “the ways in which subjectivities and social differences are produced” (including gendering, racialization, sexualization, etc.), and systems, or “historically constituted structures of domination” (such as racism and white supremacy, settler colonialism, heteropatriarchy, capitalism, etc.) in order to focus on what these interactions “reveal about power” (Dhamoon, 2011, p. 234).

This framework of intersectionality is crucial for understanding the particular dynamics present in the settler colonial state of Canada, including the realities of ongoing sexual & reproductive oppression, and the current conditions within the carceral system. Hill-Collins warns that intersectionality “must pay special attention to…[contextual] conditions” and power relations (2015, p.3) An intersectional analysis helps us identify how systems of settler colonialism, heteropatriarchy, capitalism and white supremacy are upheld through “relations of penalty and privilege,” and how these systems “need one another, and…secure one another”
We can use intersectionality to critique “multiple faces of domination” in Canada, such as reproductive violence and criminalization, and pay attention to the power involved (Dhamoon, 2011, p.233). As noted by Dhamoon, power is not only “the subject of struggle” — it is also “the subject of transformation” (2011, p.233). Intersectionality not only reveals to us the way power works to form reproductive violence, incarceration and settler colonialism — it also points us towards change, as an intersectional analysis of power is foundational to both Reproductive Justice and abolitionist movements. It offers us a “comprehensive response to multiple systems of oppression,” pointing us away from “monocategorical lenses” of violence and towards transformative alternatives and solutions (Hill-Collins, 2015, p.8).

**The Gap in the Literature**

This paper aims to follow the call from Critical Resistance & Incite! Women of Color Against Violence’s *Statement on Gender Violence and the Prison Industrial Complex* “…to develop strategies and analysis that address both state AND interpersonal violence” (2003, p.141). Critical Resistance & Incite! point out that activists and movements that address state violence, (including abolitionists and anti-prison, anti-police brutality groups) “often work in isolation” from movements that address domestic, sexual, and reproductive violence, resulting in those who suffer disproportionately from both “becoming marginalized within these movements” (2003, pp.141-142). This paper responds to the call to make connections between “interpersonal violence, the violence inflicted by domestic state institutions (such as prisons, detention centres, mental hospitals, and child protective services), and international violence” by highlighting the
connection between reproductive violence and mass incarceration in settler colonial society (Critical Resistance & Incite!, 2003, pp.142-143). Analysis and strategies to end systemic violence must take care not to “isolate individual acts of violence (either committed by the state or individuals) from their larger contexts,” but rather speak to the intersections of various forms of oppression (Critical Resistance & Incite!, 2003, pp.144, 141).

Public health scholars in the US have recently explored how Reproductive Justice can be used to interrogate “the relationship between carceral institutions and medicine,” particularly with respect to the SRHR of those who are deemed “most vulnerable in our society” (Hayes & Gomez, 2022, p. 189). Additionally, migration & citizenship scholars such as Abji & Larios (2021) have expressed that a commitment to Reproductive Justice requires and calls for “an abolitionist alternative to birthright citizenship,” recognizing that SRHR “are a core component of substantive citizenship…[and] fundamental pre-conditions for full participation in public life” in Canada (Abji & Larios, 2021, pp. 256-257). However, RJ cannot fulfil its role as an emancipatory intervention for all people — including those experiencing incarceration — unless we analyze the overarching power structures and systems that create the conditions for incarceration and reproductive violence within specific contexts. Reproductive Justice cannot be fully realized as long as a significant number of people are imprisoned by the state in facilities where SRHR rights and “capacity for self-determination” are taken away, and where sexual and reproductive violence occurs on a frequent basis (Smith, 2014, p.150). Moreover, Reproductive Justice is not possible as long as Indigenous peoples are targeted, criminalized and incarcerated on their own lands.
Rather than only arguing for the application of abolition-medicine in healthcare (Hayes & Gomez, 2022) or examining the possibilities for detention-abolition and citizenship (Abji & Larios, 2021), a broader, and more contextualized analysis is necessary — one that goes beyond the fields of medicine, public health and citizenship studies to interrogate the overall relationship between Canadian carceral institutions and ongoing settler colonial processes that continually dispossess Indigenous peoples from their lands, bodies and communities. I believe it is imperative that we ask the following: why is incarceration continuously under-theorized in Canadian political discourse? How does this under-theorization contribute to broader systems of oppression, including heteropatriarchal colonial violence and the reproductive oppression of marginalized peoples? What is the emancipatory role of Reproductive Justice in the settler state of Canada, and how does it align with abolition? What does anti-colonial abolition look like on these lands?
1. Context: Settler Colonialism, Reproductive Violence & Incarceration in Canada

1.1 Settler Colonialism

Settler colonialism has been studied, theorized and defined by many scholars throughout history. More importantly, it has been — and continues to be — actively resisted by Indigenous peoples around the world. J. Kēhaulani Kauanui (Kanaka Maoli) engages with Patrick Wolfe’s (1999) frequently quoted statement that settler colonialism is a structural process rather than a historical event, but demonstrates how Indigeneity endures in the process and Indigenous people continue to “exist, persist and resist” (2016, p.8). Kauanui (2016) describes settler colonialism as a “land-centred project entailing permanent settlement” with the operative logic of “eliminating the native” in order to acquire land and resources (p.1-2; Glenn, 2015, p.55).

The United States, Canada, Australia, Israel and New Zealand are all settler-colonial states that have engaged in genocidal policies to ensure “the violent removal of...preexisting sovereign nations” (Kauanui, 2016, p.3). Settler colonial projects are “transnational in scope” — therefore, understanding settler colonialism requires the investigation of “cross-national” connections and comparisons (Glenn, 2015, p.55). For this reason, though the focus of this paper is the Canadian settler state context, I draw from anti-colonial, Reproductive Justice and abolitionist theorists from multiple settler states, recognizing that the reproductive and carceral violence of settler colonialism is widespread and pervasive, with similarities across contexts. To specifically understand the complex dynamics of settler colonial realities in Canada, we must incorporate intersectional methodologies and standpoints that demonstrate the distinct raced,
gendered, ableist and capitalist nature of the Canadian state, and recognize that systems of oppression are mutually-reinforcing (Aiken & Silverman, 2021, p.143).

Indigenous scholars emphasize the importance of understanding settler colonialism as an ongoing structural process to expose how it actively shapes our present ways of thinking and relating to one another (Kauanui, 2016, p.3). Virna Kirkness (Fish River Cree), Maile Arvin (Kanaka Maoli), Eve Tuck (Unangax) and Angie Morrill (Klamath), and many other Indigenous feminists have long argued that settler colonialism is a gendered process (Kirkness, 1987, pp.412-415; Arvin, Tuck & Morrill, 2013, p.9). Two-Spirit Kwagu’l scholar Sarah Hunt (Kwakwaka’wakw) reminds us that settler colonialism is, and always has been, inherently raced and gendered — harming Indigenous women, Queer and Two-Spirit people in specific ways in order to dissolve community structures that threaten the settler state (2015, p.26). Settler colonialism’s power relations must be conceived broadly, “beyond the interpersonal…to engage the different systems, institutions, laws, and policies that structure these interactions” (Final Report, 2015, p.102). Similarly, Jodi Byrd (Chickasaw) notes that “the present everydayness of settler colonialism” infiltrates our most basic understandings of society, structuring our race, gender, class, and sexual relations in both subtle and explicit ways (2011, p., xviii; Glenn, 2015, p.54). The conditions of settler colonialism are so normalized within states like Canada that it has become “an institutionalized...ideology of national identity” that positions white European settlers as “full citizens” whilst pushing “non-white people...to the margins” (Byrd, 2011, p.xviii; Lovell, 2007, p.3).

Understanding the settler colonial context of Canada is a crucial aspect of addressing the underlying purposes of both reproductive and carceral violence, as they are both
disproportionately employed against Indigenous women, non-binary, LGBTQIA+ and/or Two-Spirit people. These forms of violence cannot be alienated from underlying structural conditions and motivations of the Canadian state, otherwise processes of accountability will fail to address the broader structures of inequality within the Canadian political system that are created and reinforced by the processes of global capitalism, settler colonialism, heteropatriarchy and white supremacy (Jung, 2009; Walia, 2021).

1.2 Settler Colonialism & Reproductive Violence

While the Canadian government may try to “signal a break with the past” and claim to support Indigenous women, non-binary, LGBTQIA+ & Two-Spirit people through various mechanisms, Indigenous activists and scholars emphasize that the gendered processes of settler colonialism are ongoing, and reproductive violence against Indigenous women & Two Spirit people is pervasive (Jung, 2009, p.7; Simpson, 2017; Hunt, 2015). Leanne Betasamosake Simpson (Michi Saagiig Nishnaabegkwe) insists that sexual, reproductive and gendered violence must be theorized and analyzed “as vital, not supplemental, to discussions of colonial dispossession” (2017, p. 41). In Simpson’s community, the bodies of Two-Spirit and Queer people, children, and women all represent “lived alternative[s] to heteronormative [settler] constructions of gender, political systems, and rules of descent” (2017, p.41). Because these bodies are political orders representing “alternative Indigenous political systems that refuse to replicate capitalism, heteropatriarchy, and whiteness,” they pose an immense threat to the legitimacy, jurisdiction and sovereignty of the settler state (Simpson, 2017, p.41). Similarly, Iako’tsira:reh Amanda Lickers (Seneca) states, “The reason [Indigenous] women [are] attacked is
because women carry our clans and...hold...land for the next generation....If you destroy the women, you destroy the nations, and...you get access to the land” (WEA & NYSHN, 2017, p.223). This means that settler colonialism relies on the colonization of Indigenous land, governance, political systems, and sexual and reproductive health in order to acquire land (Simpson, 2017, p.41). Families are attacked in order to dissolve kinship and political structures that are foundational to communities, especially in the case of matriarchal nations and matrilineal societies (WEA & NYSHN, 2017, p.223).

Since the object of settler colonialism is to gain control of resources whilst eliminating the original occupants of the land, according to the settler state, those that have the ability to “reproduce and amplify Indigeneity” and maintain ties to the land “must be eradicated...or damaged to the point where [they] can no longer reproduce Indigeneity” (Glenn, 2015, p.55; Simpson, 2017, p.41). Heteropatriarchy and reproductive violence have been used as tactics of the state to remove Indigenous self-determination and agency from an individual’s body, their family, and thus their nation(s) — ultimately facilitating the “clearing of Indigenous bodies from [Indigenous] homelands to free up land for settler occupation” (Christie-Peters, 2018). Reproductive violence is used as a colonial strategy because it directly targets people’s sense of autonomy and their ability to self-determine their own reproductive choices, causing intimate trauma that makes it very difficult to have “the emotional capacity to continue to resist” settler colonialism (Simpson, 2017, p.88).

Sexual and reproductive violence against Indigenous peoples does not merely occur on an interpersonal basis; it is a structural condition that has been encoded into colonial law and normalized in settler society through both institutional violence and structural or systemic
violence (Hunt, 2015, p.27; “Final Report”, 2015, p.77). Institutional violence is perpetrated by institutions that “operate on specific rules” embedded in racist, sexist and colonial ideologies and patterns of thinking; these institutions can include but are not limited to “the military, the church, the educational system, the health system, police and emergency responders, and the justice system” (“Final Report”, 2015, p.77). As a result, structural or systemic violence becomes “embedded in Canadian society” over time, as the imposition of structures, laws, policies, and systems put in place by settler governments support and continue the illegitimate “occupation of Indigenous territories, the subjugation of Indigenous individuals, communities and Nations, and the resulting internalized and externalized ways of thinking…that support this occupation and subjugation” (“Final Report”, 2015, p.77). Structural or systemic violence is necessarily normalized, because “the attack on [Indigenous] bodies, minds, and spirits” is how dispossession is maintained, and how settler institutions are able to function (Simpson, 2017, pp.41-42). The framework of intersectionality, which emphasizes both an interpersonal and institutional analysis of power, helps us clearly determine that colonial violence, reproductive violence, and criminalization and incarceration are all interactive, reinforcing forms of violence that stem from interconnected systems of oppression.

1.3 Settler Colonialism & Incarceration

Anti-colonial political philosopher and revolutionist Frantz Fanon (1925-1961) offers critical insight into colonialism and imperialism from the perspective of a Martinican under French colonial rule. Writing during the Algerian war of independence (1954–62), a particularly notable anti-colonial struggle of the twentieth century, Fanon touches on the significant roles of
criminalization, dehumanization and incarceration in colonialism in the chapter “On Violence”, from *The Wretched of the Earth*:

The colonial world is a compartmentalized world. It is divided in two. The dividing line, the border, is represented by the barracks and the police stations….Confronted with a world configured by the colonizer, the colonized subject is always presumed guilty. (Fanon, 1961, pp.3, 5)

Using Fanon’s theory of the colonial state as “a compartmentalized world”, we can identify how settler states use dividing lines, including prisons, detention centres and borders, to perpetuate violence and maintain control and order (1961, pp.3, 5). One of the many ways this is tangibly achieved is through the criminalization and mass incarceration of Indigenous peoples on their own lands (Riley & Carpenter, 2021, p.65). In Canada, Indigenous women comprise at least 43% of federally incarcerated women, although this number is likely higher than reported, as many Afro-Indigenous women are labelled by CSC as “Black” even though they belong to both groups (OCI, 2020-21). Additionally, the numbers are even higher on the Prairies — Manitoba, Saskatchewan and Alberta — where Indigenous peoples make up 54% of the prison population (Mbarki, 2021). This trend is consistent across all other settler states; it is clear that Indigenous people — especially youth, Two-Spirit & Queer individuals and women — are overrepresented and disproportionately imprisoned on their own lands, even though government data is not always presented in a way that highlights this disparity (Wong, 2021). This proves what Fanon says: the colonial world, whether it be in Canada or elsewhere, employs carceral systems to
control and maintain Indigenous peoples, who may dissent against colonial systems, and who
represent lived alternatives to settler colonialism. In the world “configured by the colonizer”,
Indigenous peoples are purposely criminalized and dehumanized on their own lands (Fanon,
1961, p.5)

In the settler state of Australia, Indigenous women represent at least 34% of the total
number of inmates in Australia, despite only consisting of about 2% of the total Australian
population (IWGIA, 2021). Data shows incarcerated Indigenous women experience significantly
poorer health outcomes than incarcerated non-Indigenous women (Lighton et al., 2020, p.1-14).
Similarly, the settler state of Israel uses mass incarceration as a means of dehumanizing and
disappearing the Palestinian population; the state’s policies toward the Palestinian people “bear
sharp similarities…from those pursued by Canada against Indigenous peoples” for the purposes
of land theft and resource control (Shahshahani & Kates, 2020). The state’s ongoing targeting
and criminalization includes Palestinian children, who are “routinely arrested in violent
nighttime raids on family homes” and subjected to torture and abuse in prison facilities
(Shahshahani & Kates, 2020). Abolitionists from settler states around the world ultimately argue
that incarceration is not a form of justice nor rehabilitation, it is “a manifestation and
continuation of chronic and interwoven structures of oppression” and a continuation of genocide
against Indigenous peoples (Shahshahani & Kates, 2020). Incarceration is used strategically to
enforce capitalism, white supremacy, apartheid and settler colonialism, from Canada to occupied
Palestine (Shahshahani & Kates, 2020; see also MacDonald 2016; Puljak 2015).

It is clear that ongoing processes of settler colonialism, reproductive violence, and
carceral violence are all mutually-reinforcing systems of oppression that disproportionately

impact Indigenous women, non-binary, LGBTQIA+, and Two-Spirit people. A methodological framework informed by intersectionality and the context of settler colonialism can “reveal the violence embedded and perpetrated by supposedly neutral…policies and programs” in Canada — especially those related to sexual and reproductive health (Aiken & Silverman, 2021, p.143). An intersectional standpoint also forces the recognition that child welfare, policing, detention, incarceration, and deportation apparatuses work in tandem to “support a settler colonial vision of citizenship in Canada,” privileging white settlers above all others (Aiken & Silverman, 2021, p.144). These processes are “not separate enactments of the state” — rather, they rely on one other as “intersecting and functionally interacting institutions” to form the “organizing logic” of the settler colonial state (Nath, 2021 p. 293; Aiken & Silverman, 2021, 152). As political scientist and scholar Rauna Kuokkanen (Sámi) notes, the systems and structures of settler colonialism, capitalism and heteropatriarchy are “predicated on violence, whether direct and interpersonal or structural, economic or epistemic” (“Final Report”, 2015, p.102). We cannot presume to dismantle these systems and transform our society unless we employ an intersectional perspective that recognizes the interconnectedness of various forms of violence stemming from interrelated systems of oppression.
2. Incarceration in Canada

2.1 The Under-theorization of Incarceration in Canada

In the context of the US, mass incarceration is “well understood” by community activists and scholars to have roots in settler colonialism, white supremacy, racism, sexism, and capitalism (Roth, 2022; see also Gillespie, 2018; Davis, 2005) — however, many fail to see the exact same roots in Canada. Incarceration and related human rights violations are considerably understudied, under-theorized, and largely ignored in Canada compared to other settler states. Canada’s culpable relationship with mass incarceration is often overlooked due to comparisons with the US, the world’s leader in incarceration rates per capita, with a total of 2.27 million people in prisons and jails in 2015 — a 500 percent increase since 1975 (Chan, Chuen & McLeod, 2017). The same crisis is present in Canada, though activists describe it as occurring “more quietly” (Chan, Chuen & McLeod, 2017). Although the overall crime rate in Canada has decreased 36.3% and the rate of adults charged decreased by 15.9% since 1998, federal incarceration (particularly of women of colour) is steadily rising (PSC, 2019).

Those living in Canada have “collectively subscribed to an out of sight, out of mind policy,” and the realities of existence for over 40,000 incarcerated individuals (nearly 1 in every 1000 adults) are omitted from public discourse (Chan, Chuen & McLeod, 2017). This results in a lack of knowledge about “inhumane conditions” and ongoing human rights violations within both federal and provincial…facilities (Chan, Chuen & McLeod, 2017). Many Canadian citizens lack a basic understanding of the “structure and functioning” of prisons, leading to “prisons and prisoners [being] viewed as…people and places to be feared”, contributing to attitudes of apathy and malevolence regarding the widespread systemic oppressions related to incarceration.
Prison-abolitionist Angela Davis (2003) explains part of why this collective attitude exists:

…there is reluctance to face the realities hidden within [prisons], a fear of thinking about what happens inside them. Thus, the prison is present in our lives and, at the same time, it is absent from our lives. To think about this simultaneous presence and absence is to begin to acknowledge the part played by ideology in shaping the way we interact with our social surroundings. We take prisons for granted but are often afraid to face the realities they produce. (Davis, 2003, p.15)

Davis points to how thinking about prisons inevitably forces people to acknowledge overarching entanglement of social ideologies, processes and systems that we are complicit in, such as settler colonialism, white supremacy, heteropatriarchy and capitalism. This fear and lack of acknowledgement of how prisons illuminate our societal structures evidently leads to a notable under-theorization and lack of critical analysis of the prison system in Canada, thus perpetuating cycles of oppression. The under-theorization of incarceration in Canada contributes to complacency regarding serious SRHR and human rights violations, as well as complicity in ongoing settler colonial processes and the removal of Indigenous peoples from their lands. Generally, limited or skewed knowledge of the carceral system leads to most citizens fearing, harming and stigmatizing incarcerated individuals. Moreover, it is much more feasible to have a singular, “mono-categorical lens” (Hill-Collins, 2015, p.8) of incarceration as long as the carceral system remains out of sight and on the margins of public discourse; we are conditioned
to perceive interactions with the carceral system on an individual, personal basis, rather than at a group, population or even societal-level. An individualized understanding of incarceration, rather than knowledge of the wider systems and structures at play, contributes to attitudes of apathy with regards to the extensive harm occurring within carceral institutions, and as a result of their existence.

2.2 Structure & Jurisdictions of Prison Facilities in Canada

In Canada, jurisdiction over correctional facilities is shared between the federal, provincial, and territorial governments (Kouyoumdjian et al., 2015, p. 1). The Correctional Service of Canada (CSC) is the federal government agency responsible for “administering sentences of a term of two years or more” (CSC, “Section 4”, 2008). CSC is also the governing body responsible for managing penitentiaries and supervising offenders both in prisons and on parole (i.e under conditional release in the community) (Ricciardelli, 2014, p. 11). Meanwhile, provincial prisons hold people admitted to custody prior to trial (those detained in remand) and people who receive a sentence of fewer than two years in custody; these provincial facilities are publicly funded and administered by the Ministry of the Solicitor General (Liauw et al., 2021, p.3). The majority of people who experience detention or incarceration in Canada have short sentences or are in remand, and therefore serve their time in provincial or territorial facilities, with less than 5% of admissions to federal facilities (Kouyoumdjian et al., 2015, p. 6).

CSC is responsible for 57 maximum, medium, minimum or multi-level security facilities, and 84 parole offices and sub-offices across Canada (CSC, “Section 4”, 2008). Out of the 57, five are “regional mental health facilities,” five are “regional women’s institutions,” and five are
“designated Aboriginal facilities” (CSC, “Section 4”, 2008). With a $2.6 billion budget, CSC is the 15th largest department by spending, and the sixth largest department in terms of staff—larger than the Canadian Broadcasting Corporation (CBC) and Department of Justice combined (Ling, 2021). It costs CSC $110,000 per year to house each inmate, with about three-quarters going to employee costs (Ling, 2021). The Commissioner of CSC, currently Anne Kelly, is accountable to the Minister of Public Safety, currently the Hon. Marco Mendicino of the Liberal Party (CSC, “About”, 2012). National Headquarters (NHQ) is responsible for CSC's overall planning, policy development and administration (CSC, “Section 4”, 2008).

2.3 Findings: Disproportionate Risks & Harm Within Facilities

In the Canadian correctional system, the identification of risk is a central concern for staff, policymakers, and prisoners (Ricciardelli, 2014, pp.15-16). However, research on risk in correctional facilities “tends to focus on the risk posed by the offender rather than to the offender” (Ricciardelli, 2014, p.16; italics added). By demonizing those who are imprisoned, Canadian researchers, politicians and policymakers have actively supported “a cycle of reoffending,” as the needs of those who are policed, criminalized, and incarcerated are “undervalued” and they are “forced…[to] become socially isolated and alienated” (Ricciardelli, 2014, p.16). Overall, the realities of violence within correctional institutions are frequently kept hidden, even whilst people experience “far greater risk than that experienced by citizens in the community as a whole, pre-, during, and post-incarceration” (Ricciardelli, 2014, p.16).

Intersectionality is crucial for understanding the realities of incarceration in Canada, as “risks are not…uniform across prisoners (or prisons)” (Ricciardelli, 2014, p. 17). For example,
the Office of the Correctional Investigator Annual Report 2020-2021’s “Investigation into Uses of Force Involving Federally Incarcerated Black, Indigenous, Peoples of Colour (BIPOC) and Other Vulnerable Populations” demonstrates that the number of use-of-force incidents has increased steadily over the last five fiscal years. The report states that, despite accounting for 44% of the prison population, “BIPOC individuals” accounted for nearly 60% of all individuals involved in a use-of-force incident over the last five years (OCI, “Investigation”, 2020-21).

“BIPOC individuals” accounted for more than two-thirds of all women involved in uses of force (67%), and Indigenous women accounted for over 60% of all women involved in uses of force over the last five years (OCI, “Investigation”, 2020-21). Additionally, nearly half (46%) of all individuals involved in a use-of-force incident had a “history of self-injury or attempted suicide”, and were either experiencing mental health crises, or had a mental health condition and/or psychiatric disability (OCI, “Investigation”, 2020-21). These statistics irrefutably demonstrate how the Canadian carceral system — and those who are employed as officers within the institution — violently harm Black and Indigenous women, particularly those who have disabilities and/or mental health concerns.

However, these statistics also shed light on a lack of intersectional analysis in the Canadian carceral system and broader criminal justice system, as a wide range of people are lumped into the binary categories of “men” and “women”, and the single category of “People of Colour”, erasing distinct group characteristics and suggesting an interchangeability in being of any “non-white” group. Countless racialized groups are not even represented, or not represented proportionally in the carceral system; as Toronto-based equity consultant Kike Ojo-Thompson points out, using “BIPOC as a statistical identifier [does not] show the extent to which
Indigenous and Black people are overrepresented” — rather, it averages the data out (Daniel & Ojo-Thompson, 2020). By lumping racialized people together, government statistics prevent the public from seeing the gross disparity in the experiences of racialized people in the data (Daniel & Ojo-Thompson, 2020).

An intersectional lens also helps inform how certain individuals, communities and groups experience threats to their safety, thus exposing power relations and knowledge systems underlying the “formal and informal governance” of the Canadian prison system (Ricciardelli, 2014, p. 17). Overall, statistics from the 2020-2021 report show that individuals who are Indigenous and/or Black, male, on average 29 years old, serving an average sentence of 4 years, and incarcerated in maximum to medium security level facilities are amongst the “most likely to be involved in a use-of-force incident” by correctional officers (OCI, “Investigation”, 2020-2021). Therefore, individuals belonging to one or multiple of these groups have to “learn to negotiate their prison experiences in light of [a] hierarchy…. structured by the interconnected statuses associated with each prisoner’s criminality, masculinity, and sexuality” apparent within federal facilities (Ricciardelli, 2004, pp.18). Similarly, legal and criminal justice scholar Priscilla A. Ocen (2013) asserts that applying an intersectional analysis to issues of incarceration and criminality “elucidates how the prison operates to discipline, police and punish deviant gender identity performance in ways that are deeply raced, classed, and animated by heteronormativity” (p. 474). Intersectionality is necessary in understanding the functioning and expansion of the carceral state, and the ways in which low-income, disabled Black and Indigenous women, non-binary, Two-Spirit and LGBTQIA+ individuals in particular “stand at the intersection of larger social dynamics that render them vulnerable and incarcerable” (Ocen, 2013, p. 474).
Consistent with research in other settler states, Indigenous and Black individuals are grossly overrepresented in the Canadian prison system, reflecting the state’s over-policing and criminalization of racialized communities. Nearly one-third of prisoners in Canada are estimated to be Indigenous, and at least 10% per cent are estimated to be Black (Arcuri, 2021; Statistics Canada, 2022). However, as previously mentioned, it is important to maintain a critical lens when examining government statistics of prison populations; individuals may belong to two or more racial and/or ethnic groups, but be categorized or perceived by personnel as only belonging to one, leading to inaccurate representation. Additionally, it is important to examine intake numbers on a yearly basis in specific regions to understand how the overrepresentation continues to drastically increase: we know that in 2020-2021, four provincial correctional programs (Nova Scotia, Ontario, Alberta and British Columbia) reported that of the approximately 90,300 adult admissions to custody in these provinces, 17% involved population groups “designated as visible minorities”, and just over 6 in 10 (61%) involved Black individuals (Statistics Canada, 2022).

In the midst of these harrowing statistics, CSC claims “consistent recognition of the historic trauma experienced by Indigenous peoples”; they historicize ongoing processes of settler colonialism, and do not acknowledge their complicity in ongoing violence against Indigenous peoples (CSC, “2022-23 Departmental Plan”, 2022). As of 2019, the overall rate of incarceration in Canada was approximately 114 per 100,000 people (PSC, 2019), yet rates of incarceration among Indigenous people were as high as 1377.6 per 100,000 population (Owusu-Bempah et al., 2014). The Correctional Investigator of Canada reports that the number of Indigenous people incarcerated in Canada rose from 25% of the total inmate population in 2016 to 30% in 2020 (Aiken & Silverman, 2021, p.146). Indigenous youth accounted for half (50%) of youth
admissions to custody in 2020-2021, while representing only about 8% of the youth population in Canada (Statistics Canada, 2022). Additionally, Indigenous people “reoffend” or are “returned to custody” at much higher levels — as high as 70% for low-income Indigenous men in the Prairies (OCI, “Indigenous”, 2020-21).

Perhaps most notably, the population of federally sentenced Indigenous women has increased by 73.8% over 30 years (OCI, “Indigenous”, 2020-21). Indigenous women comprise 43% of federally incarcerated women, up from 23% in 1990-91 (OCI, “Indigenous”, 2020-21). Similarly, “male Indigenous youth” represented 48% of “youth male admissions” to custody, while “female Indigenous youth” represented 62% of “youth female admissions” to custody (Statistics Canada, 2022). For these reasons, a “single-axis analysis” of incarceration is insufficient to capture what Ocen calls “the raced and gendered logics” that animate the prison system’s operation (2013, p. 474). Examining these significant statistical escalations, we must return back to a contextual, intersectional analysis of settler colonialism, and remind ourselves of the genocidal operative logic of the Canadian settler state: in order to gain control of the land, those that have the ability to “reproduce and amplify Indigeneity” and maintain ties to the land “must be eradicated...or damaged to the point where [they] can no longer reproduce Indigeneity” (Simpson, 2017, p.41). At a time when Canada’s Natural Oil and Gas sector is projected to rise at least 22% to $32.8 billion, and as global investment in oil and gas “will remain robust through 2050”, land defenders, activists and Indigenous communities that do not align with settler colonial interests pose an immense threat to the “jurisdiction” of the settler state, as unfettered resource extraction relies on the disappearing of Indigenous peoples from their territories (Kaplan, 2022). For example, British Columbia Prosecution Service is currently pursuing
criminal charges against 19 land defenders (many of whom are matriarchs) and their supporters in the coming months following a third RCMP raid on unceded Wet’suwet’en territory to arrest those who were “impeding construction” of the Coastal GasLink pipeline (Simmons, 2022).

Intersectional analysis has the ability to expand into many different facets of identity, social processes and systems, offering an understanding of “how different axes of power intersect” (Goethals, De Schauwer & Van Hove, 2015, p.77). It is imperative that we include the experiences of disabled individuals and those interacting with processes of ableism on a daily basis, acknowledging “multiple axes of difference” and diversity amongst disabled people (Goethals, De Schauwer & Van Hove, 2015, p.75). Moreover, Reproductive Justice and Disability Justice are inherently connected, as disabled individuals — particularly racialized and Queer disabled individuals — face enduring health inequities, including sexual and reproductive violence (DiMatteo et al., 2022). Incarcerated disabled and immunocompromised individuals face significant health and safety risks on a daily basis, as Canadian detention centres and prisons are sites where “over-crowding and abysmal conditions facilitate the spread of disease and viruses” (Jeovany, 2018; Leung et al., 2019; Trovall, 2019). It is estimated that at least 10% of inmates meet the criteria for fetal alcohol syndrome, 80% have substance abuse issues and co-occurring disorders, and around 45% have personality disorders; despite the prevalence of mental health conditions, staff do not adequately respond to the mental health needs of prisoners, nor receive the necessary training for responding to mental health challenges (Arcuri, 2021).

Those who have visible and/or invisible conditions and disabilities face amplified risks during the ongoing COVID-19 pandemic; according to the Canadian Civil Liberties Association (CCLA), jurisdictions like Quebec and Alberta have employed extreme secrecy surrounding their
policies, procedures and statistics related to COVID-19, “[leaving] much unknown about the responses to and impacts of COVID-19 on their [facilities]” (2022). Documents gathered from across Canada by Prison Pandemic Partnership reveal that “policies and practices enacted during the pandemic have made already austere conditions of confinement even more austere”: cancelled and modified visits and programming, the use of segregation and lockdowns, use of force, prisoner resistance in the form of hunger strikes, protests and refusals to stand for count, prisoner and staff grievances and complaints, unknown and veiled death counts, and more all demonstrate “torturous conditions that undermine public health and community safety” (CCLA, 2022).

According to both international and domestic law, the Canadian state has an obligation to provide health care during detention and incarceration, however, studies demonstrate that those experiencing imprisonment in Canada especially lack access to basic reproductive healthcare (Larochelle et al., 2012; Liauw et al., 2016 & 2021; Clarke et al., 2006; Carter Ramirez et al., 2020). Health status data are alarmingly limited for those who experience detention and incarceration in Canada; data are especially lacking on “chronic disease, injury and sexual and reproductive health outcomes, for [those] in provincial facilities, and after release” (Kouyoumdjian et al., 2015, p.7). Of the few studies that exist, specific data on the demographics of those in the studies are unavailable, and “women” are often treated as a single homogenous group, resulting in the erasure of non-binary and gender non-conforming individuals, and a lack of knowledge of how gender, sexuality, race, ethnicity, class, religion, ability and other factors influence the results. For example, in an analysis of 4533 women incarcerated in an Ontario prison, Kouyoumdjian et al. (2018) found “women” in prison were “2.2 times more likely to be
overdue for cervical cancer screening” compared to the general Canadian population (p.9). This tells us that there is a lack of adequate sexual and reproductive health care, but does not give us details as to who this disproportionately impacts.

Similarly, in a qualitative study with imprisoned participants from a women’s facility in Ontario, Liauw et al. (2021) identify multiple barriers to essential reproductive healthcare in Canadian prisons, including but not limited to a lack of access to contraception, and a lack of access to adequate care and resources addressing pregnancy-related needs, including miscarriage, abortion, antenatal care, labour and delivery, and postpartum care (p. 8-11). Participants attributed the lack of access to healthcare in prison to “a lack of available healthcare personnel, materials, the hierarchical prison structure, discrimination, favouritism, and lack of trust” (Liauw et al., 2021, p. 5). Many participants believed that correctional officers “did not consider them as deserving of good healthcare,” and expressed feeling that their health concerns were “not taken seriously until their conditions were severe” (Liauw et al., 2021, p. 6). Unfortunately, due to the lack of an intersectional framework for the study that deliberately addresses the underlying systems and structures at play, researchers mainly focus on policy suggestions for addressing the lack of healthcare, as if it is a singular, detached issue.

In her work on trans women’s experiences with incarceration, Smith (2014) demonstrates how Canadian law has often failed to address the needs and lived experiences of trans women in their interactions with the penal system, contributing to the dehumanization of all trans individuals within prisons (p.149-150). Specifically, Smith points out how within prison, non-binary and trans individuals are often defined as “inhuman” and identities are “continuously negotiated and reinforced” within different facilities (Smith, 2014, p.149). The CSC has been the subject of many complaints made under the Canadian Human Rights Act “concerning
transgender offenders” (Government of Canada, 2020). Incarcerated trans individuals in Canada face specific barriers to their sexual and reproductive health, as they routinely face transphobia, medical coercion and lose access to hormone therapy within facilities — these barriers are exacerbated if an individual is both racialized and/or disabled and trans (Smith, 2014, p.150-151). Indigenous and Black trans, Queer, Two-Spirit and gender-nonconforming people are routinely “profiled, harassed,…misgendered [and] unprotected” in Canadian prisons (Davies, 2020).

As of May 9th, 2022, according to “Commissioner's Directive 100 on Gender Diverse Offenders,” imprisoned individuals are able to now apply on a “case-by-case basis” to be transferred to facilities that reflect their gender identity, however, CSC has the ability to deny transfers and an individual’s “sex code” in the Offender Management System will not change “unless the offender undergoes gender-affirming surgery involving a change to their genitalia” (CSC, “Gender”, 2022). This logic refuses to acknowledge the validity of trans individual's identities, and conflates gender with sex in profoundly transphobic — and incorrect — ways. The rights of transgender women have often been particularly disregarded or compromised for the “highly paternalistic logic” of “protecting cisgender women,” despite the Canadian Charter’s commitment to equality rights (Smith, 2014, pp.150, 152). On the violation of sexual and reproductive health rights in Canadian carceral facilities, Smith writes:

By its very nature, a prison is a space in which the power of individuals is severely limited or else taken away entirely….Prisons narrow the world for those inside, both in terms of literal space and…in terms of the conceptual space of individual capacity for choice and self-determination (Smith, 2014, p.150).
Amongst the majority of scholars who have studied reproductive oppression within the Canadian prison system, publications have often suggested policies and healthcare practices to improve reproductive healthcare without addressing the systemic barriers to health: “discrimination,” “hierarchies of power,” and “stigma against [individuals] in prison,” heteropatriarchy and heteronormativity, settler colonialism, capitalism, ableism, and white supremacy (Liauw et al., 2021, p.12). Only recently have certain researchers started to discuss larger systems of oppression at play. Incarcerated individuals with a rare chance to speak up share that nearly all of the problems identified decades ago — including inadequate sexual and reproductive health care — not only remain areas of concern, but have also “deteriorated even further” despite reforms and the implementation of “seemingly promising measures”, such as the CSC’s proclaimed “risk-based, person-centered” Engagement and Intervention Model (OCI, “Annual Report”, 2020-21). It is apparent that the actual outcomes are “diametrically opposed to…the intentions of such measures” (OCI, “Annual Report”, 2020-2021).

Individuals who are imprisoned describe feeling “zero empowerment” and self-determination — even when they are able to submit human rights, discrimination, and/or harassment complaints, “decisions are [made] and [the CSC] informs [individuals] of them; [they] are not consulted or part of the process” (OCI, “Annual Report”, 2020-2021). The carceral system not only jeopardizes the self-governance and body sovereignty of individuals, but also the self-governance, self-determination and sovereignty of Indigenous peoples on their own territories, as they face some of the highest rates of incarceration and violence whilst incarcerated. Incarceration evidently violates the core principles of Reproductive Justice, and human rights in general. For this reason, Reproductive Justice activists and scholars have
continually asked: can Reproductive Justice truly be achieved in our society, as long as the carceral system exists?
3. Sexual and Reproductive Health Rights (SRHR) & Reproductive Justice (RJ) in Canada

3.1 Sexual and Reproductive Health Rights (SRHR)

Sexual and reproductive health rights (SRHR) is a broad term used to describe the rights associated with exercising self-determination and autonomy over one’s sexual and reproductive health, as well as accessing information, education and services on “all matters related to sexuality, gender and reproduction” without violence, discrimination or coercion (Action Canada, 2021, p.2). SRHR are grounded in a range of international human rights, including “the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination,” which are all protected in international and regional human rights treaties, national laws and constitutions (OHCHR, n.d., p.2). In 1994 at the International Conference on Population and Development (ICPD), states officially recognized that all people have “the right to attain the highest standard of sexual and reproductive health”, as well as the right to “make decisions concerning reproduction free from discrimination, coercion and violence” (UNPF, 1994). The Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Elimination of Discrimination against Women (CEDAW) have both clearly indicated that “women’s right to health includes their sexual and reproductive health,” and states are obligated to “respect, protect and fulfill rights” related to SRHR (OHCHR, n.d.). It is important to note, however, that SRHR are relevant to all people and their rights — not only cis women.

With the announcement of the Feminist International Assistance Policy in June 2017 and subsequent SRHR funding announcements, Canada has committed to leading global action in support of sexual and reproductive health and rights for all people (Government of Canada,
“Canada announces support”, 2021). The Canadian Government prides itself on multi-million dollar investments to promoting and advancing SRHR with Canadian health partners in dozens of countries around the world (Government of Canada, “Canada announces support”, 2021). Yet, as discussed in the previous section, domestically, the SRHR of marginalized groups continue to be violated, especially in the cases of those who identify as disabled, Black, Indigenous, Two-Spirit, LGBTQIA+, women, low-income, youth, and/or incarcerated individuals. For these reasons, it is crucial to continually examine the relationship between SRHR and the Canadian carceral system with a critical intersectional lens.

3.2 Sexual and Reproductive Health Rights (SRHR) & Incarceration

Apart from some grassroots efforts and a few recent studies, incarcerated individuals are often excluded from general SRHR analysis and advocacy in Canada. The World Health Organization (WHO) and the United Nations (UN) recommend the provision of sexual and reproductive healthcare for those in prison, yet, current conditions within Canadian prisons demonstrate that these recommendations are not being implemented (Liauw et al., 2021, p.2). As previously discussed, studies demonstrate that those experiencing imprisonment in Canada lack access to basic sexual and reproductive healthcare (Larochelle et al., 2012; Liauw et al., 2016 & 2021; Clarke et al., 2006; Carter Ramirez et al., 2020). According to the Office of the Correctional Investigator, delivery and access to health care services remains “the number one area of offender complaint” in Canada (OCI, 2021).

Federal offenders are excluded from the Canada Health Act (CHA) and are not covered by Health Canada or provincial health care systems, further speaking to the dehumanization of incarcerated individuals in Canada (OCI, 2016). The CSC claims to provide “essential physical
and mental health services directly to offenders inside federal penitentiaries” with an annual expenditure exceeding $200M (OCI, 2016). Alarmingly, though the CSC is responsible for the delivery of health services in federal prisons and the provision of “reasonable access to health care” for every inmate under sections 85-87 of the *Corrections and Conditional Release Act*, they have “never published a report on the reproductive health of federally incarcerated women,” nor any other groups (Carmichael, 2021). This means that the CSC’s obligations under section 86 to provide every inmate with (a) essential health care (which includes sexual and reproductive health care); and (b) reasonable access to non-essential health care, have never been recorded in a transparent, measurable and accountable manner (CSC, “Section 85”, 1992).

In November 2021, the John Howard Society, a community organization which advocates for prisoners’ rights, challenged the exclusion of federal prisoners from the “insured persons” definition under the CHA, asserting that it “violates various Charter rights to life and not to be subject to cruel punishment” (Hussain, Sanmugananthan & Al-Kaabi, 2022). The exclusion of federal prisoners from the CHA also violates the UN’s Nelson Mandela Rules, which assert “the quality of health care provided to prisoners must align to that available to the general population” (UNGA, 2016). Thus, there is a pressing need for an intersectional, holistic, “harm reduction approach” to SRHR and justice for those who are currently incarcerated in Canada (Paynter, 2021, p.43). The application of Reproductive Justice framework in Canada provides us with an important case study for understanding the meaning of intersectionality in relation to SRHR and incarceration in a settler colonial context. Reproductive Justice is inherently intersectional, as it seeks to simultaneously address multiple, interconnected systems and structures of oppression.
3.3 Reproductive Justice (RJ)

The Reproductive Justice (RJ) framework attempts to address the issues surrounding SRHR with an intersectional lens, understanding that identities and systems of oppression are “not singular”, but “multiple, co-constitutive, and simultaneous”, and social movements and theories “must attend...simultaneously to this multiplicity” (Carastathis, 2016, pp.161-162). Reproductive Justice is particularly significant for the Canadian carceral system and incarcerated individuals because it is built on the Combahee River Collective (CRC)’s conceptualization of “interlocking systems of oppression,” weaving together heteropatriarchy, white supremacy, capitalism, and settler colonialism (CRC, 1977, p. 2). The RJ framework is both a theoretical paradigm and an activist model, bringing together “theories of human rights and inequality, intersectional and locally grounded examinations of...embodied experiences, and [sociopolitical] activism” (Ross et al., 2017, pp. 13-14; Gurr, 2011, p.721). The framework is firmly rooted in human and SRHR rights, supporting the ability of people of all genders to “make and direct their own reproductive decisions,” including obtaining safe contraception, abortion, sterilization, and/or maternity and child care (Ross et al., 2017, p. 14; Ko, 2020). Reproductive Justice is explicitly anti-racist, trans-inclusive, anti-colonial, and grounded in harm prevention and reduction, as it “includes the right to freedom from sexual violence” (Paynter, 2021, pp.16-17). This right must be protected and upheld by international and national legal systems; it is the obligation of governments and larger societies to create laws, policies, and systems conducive to supporting Reproductive Justice and SRHR (Ross et al., 2017, p. 14; Ko, 2020).

As a theoretical paradigm, Reproductive Justice is defined by three interconnected “human rights values” that centre around bodily autonomy and community health: the right to have children “under the conditions we choose”; the right to not have children “using safe
methods” including birth control and abortion; and the right to parent the children we have in safe and sustainable communities,” free from poverty, exploitation and violence in all forms (Ross et al., 2017, p. 13). Though RJ has existed within different communities for generations, the specific term Reproductive Justice was only recently coined in 1994 by a group of 12 Black women based in Chicago on the territories of the Ojibwe, Odawa and Potawatomi Nations (SisterSong, n.d., Silliman, 2004). Toni M. Bond Leonard, Reverend Alma Crawford, Evelyn S. Field, Terri James, Bisola Marignay, Cassandra McConnell, Cynthia Newbille, Loretta Ross, Elizabeth Terry, “Able” Mable Thomas, Winnette P. Willis and Kim Youngblood called themselves Women of African Descent for Reproductive Justice; they came together to critique the Clinton health reform proposals at the time, recognizing that as long the women’s rights movement continued to only represent wealthy white women, it “could not defend the needs” of women of colour, low-income women, survivors of violence, (im)migrant women, trans women, disabled people, and/or Queer, Two-Spirit, and non-binary people (Ross, 2017; Ross & Solinger, 2017; Paynter, 2021, p.15; Silliman, 2004, SisterSong, n.d.). Loretta Ross, Lynn Roberts, Erika Derkas, Whitney Peoples and Pamela Bridgewater, notable members of the RJ movement, write:

We knew the inadequate and imprecise pro-choice/pro-life dichotomy produced anemic political analyses that failed to offer the experiential and intellectual depth desired by the radical women of colour[sic] collectively organizing....We needed new language that would provide an analytical anchor...to build strong connections between political organizing and theorizing by women of colour[sic] (2017, p.11).

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Building on Black feminist theories and the foundational work of Women of African Descent for Reproductive Justice, the subsequent RJ campaign has continued to grow into a powerful social movement against intertwined systems that result in reproductive oppression, coercion and violence. As an activist model, RJ specifically focuses on intersectional SRHR analysis, interlocking systems of oppression within health and social policy, and broader social justice issues (BWBJ, 2019; Nelson, 2003; SisterSong, n.d.; Silliman, 2004; Ross et al., 2017, p.11). There are many culturally-specific Reproductive Justice networks across the Canada and the US that work in solidarity with one another and employ alliance building “between and among movement actors, scholars in academic institutions and local communities” (Gurr, 2011, p. 721). RJ activists intentionally employ an intersectional lens to understand how structures and processes of ableism, heteropatriarchy, capitalism, settler colonialism and white supremacy function together to oppress people, forming “interlocking systems of oppression,” resulting in “the experience of simultaneous oppressions” (Ross et al., 2017, p. 12-14; CRC, 1977, p. 2; Carastathis, 2016, p.162). For these reasons, RJ is an ideal tool and framework to use when maintaining an intersectional analysis of SRHR conditions within the Canadian carceral system.

3.4 Reproductive Justice & Intersectionality

The founders of the RJ movement set out to build a generative, multigenerational human rights movement with the understanding that while communities and activists clearly demonstrate what they are against, they must also “use the human rights framework to articulate what [they] are for” (Ross et al., 2017, pp.12-13). This principle has led to RJ organizers to take an increasingly expansive and multilayered approach over the years, incorporating diverse complexities while acknowledging alongside the CRC that the liberation of Black women
“[necessitates] the destruction of all the systems of oppression” (CRC, 1977, p. 3). By making the power, agency, privileges, oppressions, cultures and histories of many different peoples visible, the RJ framework finds its strength in its “elasticity” and ability to be informed by multiple accounts and lived experiences, creating opportunities for “creative inquiry to illuminate connections of resistance” (Ross et al., 2017, p. 12). RJ is inherently intersectional, as it interrogates, critiques and seeks to transform power by looking at “interactive processes,” (including gendering, racialization, sexualization, etc.) that create identities, and systems, (white supremacy, settler colonialism, heteropatriarchy, capitalism, etc.) that create power relations and oppression (Dhamoon, 2011, p. 234).

As previously stated, RJ is not simply a response to violence and oppression — it is a generational, embodied, community-focussed method of agency that has always been embedded in certain communities (Anderson, 2011; Gonzales, 2015). Generational, “situated [knowledges]” and perspectives that are “constantly being structured and restructured by the current conditions” are a notable component of RJ (Haraway, 1988, p.577). Black women have engaged in the politics of reproduction, midwifery, medicine and birth on Indigenous lands since they were first forcibly brought here during slavery (Goode & Rothman, 2017, pp.65-66). Black reproductive self-determination has been targeted for hundreds of years, “as slaves forced to have children for owners,...as objects to be experimented on without anesthetics, and...as [birthers] sterilized without their consent” (Goode & Rothman, 2017, p.65). Drawing from these histories, Black reproductive health advocates use decades of experience working within the anti-racism, abolition and community-accountability movements to inform how they approach SRHR (BWBJ, 2019).
Similarly, networks for Reproductive Justice have existed for many generations across what we call North, Central and South America, and Indigenous peoples have maintained their cultural knowledge associated with land and reproductive health despite the impacts of colonization (Anderson, 2011; Gonzales, 2015). The vitality of land-based practices is at the centre of Indigenous reproductive wellness; access to traditional foods and medicines is central to many protocols, teachings and ceremonies surrounding reproductive health for all genders (Anderson, 2011, Gonzales, 2015). Traditional foods and medicines are critical for a community to have access to healthy pregnancies, safe abortifacients, and overall wellness and sustainability, which are pillars of Reproductive Justice (Anderson, 2011, Gonzales, 2015). These practices carry “knowledge that federal policies and practices [have] sought to eradicate” and their survival is “critical for...Native reproduction” (Theobald, 2019, p.10). Grassroots networks like Women of All Red Nations (WARN) and the Native Youth Sexual Health Network (NYSHN) have worked on issues related to reproductive health, rights and justice with culturally-specific methods, taking care to include youth in custody, detention, prison and the child welfare system in their community initiatives (NYSHN, n.d.). It is critical acknowledge the persistent and generative role of Black and Indigenous knowledge keepers in “the development of integrative approaches” that address SRHR within the Canadian carceral system from an intersectional lens (Carastathis, 2016, p.162).

3.5 The Relevance of Reproductive Justice to Incarceration in Canada

Overall, the aim of the RJ theoretical framework and subsequent sociopolitical movement is to eliminate all forms of reproductive violence and coercion against all people in order to create safe, sustainable, embodied and culturally-grounded communities. However, the
transformative potential of RJ as a “synthesis of theory, strategy, and practice” is hindered and by the carceral regimes of settler states, which we have seen disproportionately target certain groups and strip those who are imprisoned of their reproductive self-determination, agency, and fundamental human rights (Ross et al., 2017, p. 62; Hayes & Gomez, 2022, p. 190). Hayes & Gomez (2022) note that RJ has grown beyond a social movement to become “a value system for organizing society”, one that makes clear that “any system or institution that impedes...[an individual’s] capacity” to make healthy, safe and informed decisions about their reproduction and sexuality is a violation of human rights (p. 189). For these reasons, scholars such as Paltrow (2012), Roth & Ainsworth (2015) and Hayes, Suffrin & Perritt (2020) have begun to specifically identify the carceral system and prison industrial complex as “a major threat to RJ” (Hayes & Gomez, 2022, pp.189-190). However, their analysis has been limited to the US, and research specific to the systems and structures within Canada remains scarce.

The RJ framework is critical for people experiencing imprisonment and incarceration anywhere in the world, but especially in settler states such as Canada where incarceration is hidden and under-theorized. In the prison system, capacity for self-governance and body sovereignty is jeopardized, as “submission to CSC authority is expected,...compliance is rewarded, and advocacy is subdued” (Paynter, 2021, p.15). Incarceration impedes RJ by not only restricting body sovereignty and SRHR, but also by “destroying family connections” (Paynter, 2021, pp.7-8). The mass incarceration of Indigenous peoples of all genders is a recognized “continuation of colonial, genocidal processes” such as Residential Schools and the Sixties Scoop, as the children of those who are imprisoned risk becoming part of the foster care system and removed from their communities (Smylie & Phillips-Beck, 2019; Paynter, 2021, p.9). A
significant proportion of people experiencing incarceration were themselves in foster care in
their youth, demonstrating “the intergenerational impact of criminalization and its impact on
Reproductive Justice” (Paynter, 2021, p.9).

Here, it is helpful to return to Dhamoon’s acknowledgement that “a complex relationship
exists between multiple processes and systems” — the penal system and carceral system are built
upon genocidal settler colonialism, which is intricately connected to heteropatriarchy and white
supremacy, which are reinforced by capitalism and ableism on a consistent basis in Canada
(2011, p.235). Due to the intimate connections between these processes and systems, we cannot
use a “unidimensional analysis” to address what appear to be “singular” issues (Dhamoon, 2011,
p.235). We must maintain that reproductive violence, criminalization and incarceration, and
colonial violence are interconnected, reinforcing forms of oppression. Ultimately, it is clear that
the three main values of RJ — the right to have children “under the conditions we choose”; the
right to not have children “using safe methods”; and the right to parent the children we have “in
safe and sustainable communities” — are violated and actively prevented from being realized
when assessing the current conditions within Canadian prisons (Ross et al., 2017, p. 13). When
we look at the goals and values of Reproductive Justice, we understand that it is not possible for
RJ to be fully realized as long as processes of settler colonialism, including criminalization and
incarceration, are maintained. Abolition is a crucial step in the fight for RJ in Canada.
4. “Dismantle, Change, & Build”: An Abolitionist Reproductive Justice & Transformative Alternatives to Incarceration

4.1 Abolitionist Histories and Activisms in the Settler State of Canada

If we take the meaning of intersectionality seriously, recognizing that interlocking systems of oppression function to uphold one another, we understand that there can be no Reproductive Justice without abolition as a first step. We know from revolutionary thinkers like Audre Lorde that “the master’s tools will never dismantle the master’s house”; half-measures, such as policy revisions and prison reforms, consistently fall short because they are not transformative alternatives to the systems that uphold incarceration and carceral violence in the first place (1984, p.106). With this in mind, what does abolition mean and practically look like in the Canadian settler colonial context? The abolitionist framework is deeply embedded in “the Black Radical Tradition and emancipatory strategies and struggles” dating back to slavery, and it has continued to evolved over hundreds of years to address the prison industrial complex, militarized police forces, and the intersection of criminalization and reproductive oppression (Hayes & Gomez, 2022, p.190; Perry, 2021). Black feminist abolitionist, scholar and activist Robyn Maynard traces the ways in which carceral, anti-Black “agents of repression” and settler colonialism are deeply intertwined, pointing to how the policing, criminalization and incarceration of Black life in Canada is deeply embedded in the state’s historical development:

The surveillance of Black movement was a facet of life within…French colonies in the 16th and 17th centuries, with Black peoples continually suspect for being possible “runaways”. State and extrajudicial violence was evidenced
in the public corporal punishment of enslaved and free Black peoples in the British Maritimes (Maynard, 2020, p.72).

Maynard explains that those who live in Canada are “expressly socialized and educated [to be] directed and redirected towards the United States” as the sole perpetrator in slavery and segregation, explicitly covering over two hundred years of legalized slavery in “the settler colonies that became Canada” (Samphir, 2020). Maynard asserts that while Canadians may want to self-identify with “racial tolerance and benevolence” and facades of multiculturalism, the state’s ongoing investment in the carceral and child welfare systems, expansion of police surveillance and prison budgets, and the distinct anti-Black violence that exists in Canada all reveal a much different reality (Samphir, 2020). Abolitionist movements continue to grow in Canada as scholars and activists like Maynard, Sylvia D. Hamilton, E.I. James, Barrington Walker, Afua Cooper, Desmond Cole, and many others expose anti-Blackness and contribute to public discourse on community alternatives to police and prisons.

Abolition also has strong roots in Indigenous resistance against settler colonial institutions — Anishinaabe-Métis scholar Aimée Craft highlights a piece of prison-abolition history on these lands, when the Anishinaabeg refused to negotiate Treaty 1 “until the British Crown released imprisoned community members” in 1871 (Saskatchewan Manitoba Alberta Abolition Coalition (SMACC), 2020; Craft, 2013, p.48, 60, 82). The Crown’s imprisonment of Anishnaabeg within the British fort was “a glaring violation of the non-interference principle” that Anishnaabeg govern themselves by (SMAAC, 2020). Chief Ayee-ta-pe-pe-tung refused to engage with the Crown until they immediately freed all imprisoned Anishnaabe people (Craft, 2013, p. 75). This is not the first occurrence of abolition-related work here on these lands, but
one of many examples: Indigenous nations have “long practiced alternative and restorative justice systems” that are a crucial component for building — and returning to — “decarceral futures” (Criminalization and Punishment Education Project, 2020).

For many generations, Indigenous peoples have been at the forefront of abolition activism alongside other marginalized communities, whether they have been recognized for it or not — this is exemplified by the work of Elders between 1967-1992 who entered prisons on a voluntary basis to maintain relationships with their people, unrecognized by CSC, the organizing of the Native Brotherhood/Sisterhood inside Canadian prisons in the late-1970s, the Alcatraz Occupation of 1969 which involved cross-border Indigenous networks, and ongoing activism calling for the release of imprisoned youth and land defenders all constitute examples of Indigenous activism grounded in self-determination, to which freedom and abolition are integral. Reflecting on these examples, it is clear that land is inherently tied to Indigenous-led, anti-colonial abolitionist movements, and “anti-colonial penal abolition work is an expression of Indigenous sovereignty” (FLFP, 2020, p.104).

It is crucial to recognize that an anti-colonial fight for abolition necessitates Land Back — a movement with a long legacy of “organizing…to get Indigenous Lands back into Indigenous hands”, and a phrase that encompasses “an intergenerational web of ideas”, from the literal restoration of land, to comprehensive land claims, sovereignty and self-governance, to the revitalization of cultures and traditional knowledge (LandBack, 2021; Gamblin, n.d.). Ultimately, Land Back calls for Indigenous peoples to be able to be free to thrive on their own lands and reclaim everything that has been stolen from them — none of which is possible without abolition and the dismantling of the institutions that imprison thousands of Indigenous peoples on their own territories (“LandBack Manifesto”, 2021). Today, Free Lands Free Peoples (FLFP), an
Indigenous-led "anti-colonial penal abolitionism group” formed in 2020 and based in amiskwaciwâskahikan, Treaty 6 and Métis territory, works towards transformative, decolonial alternatives to incarceration, with the understanding that their kin are imprisoned at rates higher to any other population in Canada (FPFL, 2020, p.104). Many other non-Indigenous-led abolitionist groups may fail to understand that imagining alternatives to mass incarceration and the penal system also entails a necessary remembering of the many diverse strategies that pre-colonial communities and nations had in place for thousands of years:

Non-carceral Indigenous justice traditions are absolutely central to our understanding of abolition on the prairies….imagining otherwise [is] a key aspect of our…abolitionist practice. As Indigenous people working towards abolition in our territories we also have the capacity to remember otherwise, to draw upon our peoples’ own ways of relating and resolving conflict that are place- and peoplehood-based and that take into consideration humans as beings-in-relation alongside the lands, air, waters, and other-than-humans (FLFP qtd. in Justice Arts Coalition, 2021).

Returning to Hill-Collins and Dhamoon, we understand how fundamental context and place are to any kind of intersectional analysis or critical praxis: we “must pay special attention to…[contexual] conditions” and power relations within the specific contexts we exist in, in order to identify how specific processes and systems are upheld through “relations of penalty and privilege,” and how these systems “secure one another” (2015, p.3; Dhamoon, 2011, p.232). This applies at the nation-state level with the Canadian settler state as a specific site of analysis, but
also at a community and territorial-level. As FPFL states, “…we assert that it is important to work from our local context in recognition of the specific carceral systems and their histories on the prairies” (2020, p.106). Incarceration is different depending on the distinct effects of the carceral system in particular areas. Moreover, it is important to acknowledge the diverse traditions, ideas, systems and values that exist across Indigenous nations — abolition, Reproductive Justice and any other transformative framework and/or movement will appear and be expressed differently depending on whose territories we are on, and the place-based knowledge and traditions of the nations and peoples we reside with.

4.2 Abolitionist Reproductive Justice as Intersectional Critical Praxis

Intersectional critical praxis is defined by Hill-Collins as “how social actors use intersectionality for social justice projects” (2015, p.3). Hill-Collins warns that intersectional critical praxis remains “underemphasized” in intersectional research, even though action and community practice are absolutely necessary for addressing mutually-reinforcing processes, systems and structures (2015, p.16). Similarly, Sirma Bilge asserts that the act of “depoliticizing intersectionality [neutralizes] the critical potential of intersectionality” for social justice and transformative change (Bilge, 2013, p.405). An intersectional critical praxis offers us a “comprehensive response to multiple systems of oppression”, pointing us away from “mono-categorical lenses” of violence and towards transformative alternatives and solutions (Hill-Collins, 2015, p.8). If we understand abolition as “an undoing of borders, prisons, police, settler states, heteropatriarchy, capitalism, colonialism, imperialism” and all other forms of power and authority that are “tangled together” to define and produce our societies, we begin to see how broad abolition is, and how the possibilities for strategies are “endless” (Toronto Abolition
Convergence, 2020). The utility of intersectionality is found in its critical praxis and application; social justice and activism are intrinsically “foundational to intersectional analysis”, as the process of intellectually understanding “complex social inequalities” is “inextricably linked to... ideas and actions” (Hill-Collins, 2015, pp.5, 8).

As we have discussed throughout this paper, reproductive oppression is inherently tied to other forms of settler colonial violence in Canada, including white supremacy and heteronormativity (Perry, 2021). We have also seen how those who are Black, Indigenous, Queer, Two-Spirit, trans, non-binary, disabled, low-income, and/or (im)migrants are disproportionately impacted by SRHR violations both outside and within prisons. Writing in 2003, the words of abolitionist Angela Davis continue to remain true today in Canada nearly 20 years later: “Since the population of women in prison now consists of a majority of women of colour[sic],...slavery, colonization, and genocide should not be missed in these images of women in chains and shackles” (p.77). Abolitionists like Davis envision “a world free from all forms of violence and control”, including systemic violence perpetuated by state actors and institutions, whilst speaking to “a sustained engagement with intersectionality as critical praxis” (Hayes & Gomez, 2022, p.190; Hill-Collins, 2015, p.17).

In her groundbreaking work Are Prisons Obsolete? (2003), Davis writes about the unthinkability and implausibility of prison-abolition: “Prison abolitionists are dismissed as utopians and idealists whose ideas are...unrealistic,...impracticable,...mystifying and foolish....The prison is considered so “natural” that it is extremely hard to imagine life without it” (pp.9-10). However, statistics demonstrate that reforms short of abolition consistently lead to more incarceration, especially for racialized and working class people (Davis 2016; Spade, 2013, p.1044). Davis challenges us to “imagine a constellation of alternative strategies and institutions”
to replace the function of incarceration in society, focusing on decarceration, rehabilitation and transformation as societal goals (2016, p.22). She calls for solutions beyond eliminating police and prisons — ones that intentionally work for the “radical transformations of...society,” including the dismantling of white supremacy, heteropatriarchy, settler colonialism, capitalism, and ableism (Davis, 2016, p.22). Abolition is key in the context of the settler state of Canada, as the dismantling of carceral systems would enable us to build and return to alternatives that are based in community care, self-determination, cultural safety, and sustainability. How many critical resources could be established with the CSC’s 2.6 billion dollar annual budget?

Ruth Wilson Gilmore, founding member of the grassroots prison abolitionist organization Critical Resistance, also calls for abolition that entails not only the absence of prisons but the presence of “vital systems of support that every community needs” (2007, p. 243). Reproductive Justice networks are one of many examples of these “systems of support” that are essential to community life. In her chapter What is to be done? from her book on abolition movements in California, Ruth Wilson Gilmore urges movement builders to “craft campaigns that...foster robust coalitions among already existing organizations” — including with those that may have been cornered into the category of “interpersonal” violence rather than “state” violence, such as movements that address domestic, sexual, and reproductive violence (Gilmore, 2007, p.241; Critical Resistance & Incite!, 2003). This call reflects the three converging aspects that form the basis for abolitionist theory and praxis: dismantle, change, and build (Aiken & Silverman, 2021, p.142). These three aspects require establishing solidarity amongst different movements and marginalized groups to form a holistic, transformative movement that addresses multiple intersections of oppression. Like Davis, Gilmore acknowledges that “when the capacities
resulting from purposeful action are combined” toward the transformation of multiple co-
determinative systems of oppression — rather than a limited focus on a single system or issue —
“powerful alignments begin to shake the ground....[and] movement happens” (2007, pp.247-248).

By analyzing the work of Black and Indigenous theorists and activists, it becomes clear
that abolition and RJ are “synergistic approaches” that advance justice for all people, and that
neither cause is possible without the framework of intersectionality (Hayes & Gomez, 2022,
p.188). Since reproductive violence, criminalization and incarceration, and colonial violence are
interconnected forms of oppression, and as long as the Canadian carceral system is built on
systemic reproductive violence that disproportionately targets Black, Indigenous, Queer, Two
Spirit, trans, non-binary, disabled, (im)migrant and/or working class bodies, an abolitionist
Reproductive Justice is “essential to reproductive and sexual freedom” for all people (Perry,
2021). bell hooks’s Feminist Theory from Margin to Center (1984) emphasizes that the
experience of multiple interconnected systems and structures gives a “special vantage point”
from which we can critique oppressive social structures, address sites of harm, and “create a
counter-hegemony” (1984, p.8; Davies, 2020). As mentioned in the introduction, analysis and
strategies to end systemic violence must take care not to “isolate individual acts of violence…
from their larger contexts” (Critical Resistance & Incite!, 2003, p.142). hooks understands that
those who are marginalized on multiple fronts are able to see how acts of violence are
expressions of larger “interactive processes” and “structures of domination” much more easily
than those who are not (Dhamoon, 2011, p. 234).

In the same spirit, Audre Lorde explains that, without attending to...distinct intersectional
experiences, we cannot “develop tools for using...difference as a springboard for creative
change” (1980, p.2). We need a coalition of unique voices, lived experiences and knowledge on the frontlines in order to develop creative alternatives for our societies. Reproductive Justice advocate Loretta Ross points us to the utility of RJ for “imagining creative intersections of power and difference to gain new insights and possibilities” (Ross, 2017, p.306). We can employ an abolitionist Reproductive Justice as intersectional critical praxis because of the deep synergies between the two frameworks. Both abolitionists and RJ advocates protect and uplift values of self-determination, consent, freedom, and community. Abolitionists call for “the redistribution of resources to meet humans’ needs” for adequate health, education, housing, and jobs; while simultaneously rejecting the norms of white supremacist settler colonial society (Aiken & Silverman, 2021, p.142). Meanwhile, RJ advocates also enact multi-fronted efforts to reject all systems resulting in reproductive oppression and co-create a more equitable society, “valuing the opinions, experiences, and ideas...of those most harmed by the current...order” (Aiken & Silverman, 2021, p.142). Coresistance and solitary across groups and experiences of different systems is key in order to achieve holistic, all-encompassing transformations of the society within which we live — if systems of oppression and power are interconnected, then so must be our resistance and our strategies for dismantling them.

4.3 Coresistance & Solidarity

The current order in Canada specifically privileges and protects “white settler colonial futurities”, thus hindering the realization of a decolonial Reproductive Justice framework for all people (Aiken & Silverman, 2021, p.152). Understanding the Canadian carceral system as inseparable from the goals of settler colonialism, the Toronto Abolition Convergence’s
*Indigenous Abolitionist Study Guide* (2020) states that “prisons are a colonial imposition on Indigenous lands....the denial of Indigenous law[s] and the imposition of settler law as the singular and absolute set of rules, as well as introducing new forms of punishment and justice” have been key strategies for stealing land (pp.4, 6). Incarceration continues to be weaponized to suppress and contain land defenders, and those fighting for decolonial realities (Toronto Abolition Convergence, 2020, p.8). Thus, an abolitionist future must be inherently anti-colonial, centring Indigenous nations and their distinct stories, laws, customs and traditions, which are all “essential to collective flourishing and care” on these lands (Toronto Abolition Convergence, 2020, p.4).

In *Constellations of Coresistance*, Simpson asserts that there is a basis for “coresistance and solidarity between radical [Indigenous] resurgence and the Black Radical Tradition,” including Black feminists and womanists, Queer organizers and thinkers, and abolitionists (2017, p.229). She insists that Indigenous movements towards decolonial futurities “compel [Indigenous peoples] to...act in solidarity with [Black] comrades,” and create “reciprocal relationships with...visionaries who are also co-creating alternatives under the lens of abolition, decolonization and anti-capitalism” (Simpson, 2017, p.229). This is absolutely necessary in the context of Reproductive Justice, as Black communities have led the fight for RJ for many generations, and similarly to Indigenous peoples, Black women, femmes, trans and Queer individuals are amongst those who are most likely to experience reproductive violence, oppression and coercion, and incarceration.

Similar to Simpson, Davis explains that the plurality of alternatives to incarceration is key: “...rather than try to imagine one single alternative to the existing system,...we might
envision an array of alternatives....Alternatives that fail to address...structures of domination will not...advance the goal of abolition” (Davis, 2003, p.108). Recognizing the interconnectedness of different penal systems, FLFP asserts that as Indigenous abolitionists, it is “it is [their] responsibility to do this leadership work and to be open to the contributions of non-Indigenous comrades”, working in solidarity with all those who are impacted by the carceral system (2020, p.104). In Canada, this especially includes those who are low-income, those who are homeless, those who use substances, those with mental health conditions and/or disabilities, sex workers, and/or migrants. Those who are members of one or more of these groups already have their own distinct community strategies for resistance in place for interacting with the carceral system, and distinct strategies and practices when it comes to sexual and reproductive health as well. For example, a few recent studies (Cohen & Caxaj, 2018; Wong et al., 2021) have started to examine the forms of resistance and strategies that agricultural temporary foreign workers in Canada use in order to take control over their own sexual and reproductive health — though it has yet to be researched in depth across multiple durations and types of migration, with cultural-specificity in mind. Migrants obtain medical advice or treatment mediated through their families and social networks back home, or engage in self-treatment rather than attempting to access Canadian services, which are already difficult to navigate due to stigma, racism, transportation, and other barriers (Wong et al., 2021).

Reproductive Justice intentionally addresses “structures of domination”, and is fundamental to wellbeing, community health and safety, and individual bodily autonomy and self-determination (Davis, 2003, p.108). Meanwhile, incarceration is a direct threat to bodily autonomy, as “it is the very confining and controlling of the body...[and] separates families,
breaks bonds, alienates, and destroys connection” (Paynter, 2021, p.43). Abolition is a crucial step in the fight for Reproductive Justice in Canada because the Canadian carceral system not only jeopardizes the self-governance and body sovereignty of individuals, but also the self-governance, self-determination and sovereignty of Indigenous peoples on their own territories, acting as a continuation of genocide. Just as we can revitalize and create new community practices that are in alignment with the goals of Reproductive Justice, we can also remember and imagine “forms of safety that do not rely on the harms of law enforcement and incarceration” (Maynard, 2021).
Conclusion

The scope of this paper focused on the prison-related aspects of abolition in an effort to provide an anti-colonial, intersectional analysis of Canadian prisons to Political Science literature. The majority of existing literature on Canadian prisons stems from the health field, as well as correctional and criminal justice/legal studies. Overarching systems of oppression are rarely outlined in existing research, and researchers mainly offer policy reforms to apply within existing colonial systems. Very little research addresses the fundamental issues with the system itself. Additionally, many Canadian citizens lack a basic understanding of the structure and functioning of prisons, contributing to attitudes of apathy and malevolence regarding the widespread systemic oppressions related to incarceration. This thesis attempts to address these gaps by providing research on the history, structure, policies and systemic realities of incarceration in Canada, highlighting ongoing human rights and SRHR violations, and pointing to the work of Reproductive Justice advocates and decolonial abolitionists for solutions and alternatives.

The extent of SRHR violations within the Canadian carceral system remains understudied and incarceration in Canada remains generally under-theorized compared to other settler states. However, what we do know about the conditions within Canadian facilities highlights an extreme urgency for abolition and the dismantling of the carceral system, along with the reinstatement of support systems for community life. All evidence gathered throughout this paper points to the Canadian carceral system actively preventing the realization of Reproductive Justice. The objective of this research is to contribute to the development of intersectional
methods for responding to interconnected systems of oppression — in this case, I have focussed on reproductive violence, criminalization and incarceration, and colonial violence — with the understanding that Reproductive Justice in the context of the settler state of Canada is not possible without anti-colonial abolition as a key step in the process (Paynter, 2021, p.43). The RJ framework is critical for people experiencing imprisonment and incarceration anywhere in the world, but especially in settler states such as Canada where incarceration is deliberately used as a tool for imprisoning Indigenous peoples on their own homelands and acquiring land. In the colonial prison system, capacity for individual self-governance and body sovereignty is jeopardized, and capacity for Indigenous self-governance, self-determination and sovereignty is purposefully attacked in order to maintain the settler colonial state of Canada.

Using an intersectional framework, this paper has demonstrated that within the context of Canada, structures of power and systems of oppression — including settler colonialism, white supremacy and anti-Blackness, capitalism, ableism, and heteropatriarchy — work together simultaneously so that Indigenous, Black, Queer, Two-Spirit,LGBTQIA+, non-binary, disabled, low-income, and/or (im)migrants are disproportionately impacted by SRHR violations both outside and within prison facilities in Canada. This paper has also given an overview of the Reproductive Justice framework, highlighted the need for Reproductive Justice for everyone — including those who are incarcerated — and shown how the theoretical frameworks and movements for RJ and abolition are in alignment, advancing justice for all people.

While I have briefly referenced the unique solidarity that exists between Black and Indigenous communities in particular within settler states, future research might explore more in depth how communities are already actively “co-creating alternatives” that centre abolition and
decolonization in specific regions across Canada (Simpson, 2017, p.229). Future studies should also go into greater depth on the historical, sociopolitical and psychosocial reasons for the under-theorization of incarceration in Canada, examining historical processes and policies more closely. Additionally, further intersectional abolitionist research might examine Canadian detention centres more specifically, as they also fall under the jurisdiction of CSC, and offer important insight into certain migrant’s experiences with the settler state of Canada. Finally, a more in-depth analysis of other systems of oppression that function to uphold the Canadian carceral system, such as capitalism, would be beneficial.

Looking to the work of feminists, abolitionists, community advocates, and intersectional researchers and scholars, we see that the realization of Reproductive Justice is ultimately not possible without abolition. RJ cannot fulfil its role as an emancipatory intervention for all people as long as the carceral system exists, where systemic violence disproportionately harms specific groups on the basis of anti-Blackness and settler-colonial genocide and individual capacity for choice and self-determination are eliminated. Dismantling the carceral system in Canada is a key point on the path to an intersectional, decolonial Reproductive Justice for all people. Abolition and Reproductive Justice will not occur in a single moment, nor will they be handed to us by those who are deeply invested in the maintenance of existing systems. They will be the result of “the everyday organizing of the people around us” as we remember and imagine, as we dismantle, change and build — and as we “actively implement strategies within, against and beyond existing systems” (Toronto Abolition Convergence, 2020).
Bibliography


Canadian Civil Liberties Association (CCLA). (2022, March 8). Prison pandemic papers documenting impact of COVID-19 in jails, Prisons & Penitentiaries across Canada


Christie-Peters, Q. (2018, April 18). Kwe becomes the Moon, touches herself so she can feel full again. GUTS. http://gutsmagazine.ca/kwe-becomes-the-moon/


Simmons, M. (2022, July 14). A 'revolt' against the Court may be why B.C. is prosecuting 19 arrested on wet'suwet'en territory. The Narwhal. Retrieved from https://thenarwhal.ca/bc-criminal-charges-wetsuweten/


