

Catering for Gender in Justice Policies: A Comparative Analysis of Quebec and Scottish Official Discourse

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Why Bother With Policy Analysis & Multi-National Comparisons?

(1) Policy is a Powerful Intentional Form of Governance

The language chosen in state publications is more than a communication tool **but rather a powerful means of conveying the state's political ideologies which can construct and reconstruct social reality**

(Fairclough, 2015; Foucault, 1991)

- Policy is **shaped by & shapes** social structures, cultural biases, political values & institutional priorities

(2) Justice systems are everywhere. But they aren't everywhere in the same way

'From the outside looking in'

- Comparative methods enable normative penal cultures & institutional practices **to be questioned**
- Examining how other nations conceptualize & organize their CJS offers **potential new solutions** for otherwise familiar & enduring issues

(Tonry, 1999; Brangan, 2021)



Why CJ Policies Should be Responsive to Women's Needs



NO SUCH THING AS 'GENDER NEUTRAL' APPROACHES

Men make up the majority of all criminalized populations globally
(UN, 2014; Balfour, 2020)

So seemingly 'gender-neutral' policies & programs are informed by' CJ research **with men**

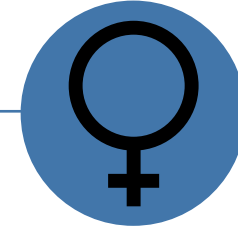
Yet what works for men has been found to **not** work best for women
(Carlen 2013; McIvor, 2004)



FASTEST INCREASING RATES OF IMPRISONMENT

The number of women in federal corrections in Canada has **increased by 20% since 2014/15** – despite total number of offenders changing very little (+0.3%)
(Department of Justice, 2020)

Less federal incarceration for women means **more women are sentenced at provincial level punishments** & to local community-based programs



GENDERED - SPECIFIC MARGINALIZATION = GENDER-SPECIFIC NEEDS

Women experience **gender-specific intersectional disadvantage** regarding:

- Poverty, (Un)Employment & Income
- Unpaid Work & Caring Responsibilities
- Experiences of Victimization
- Mental Illness & Addiction

So, the CJS must explicitly respond to these through **gender-responsive & trauma-informed approaches**

(Bloom et al, 2008; Covington, 2022;
Brown & Gelsthorpe, 2022)

Why Quebec & Scotland?

Both have developed a 'distinctiveness' from the rest of their Nation-State

Both had very close Referendum results (Quebec 49%/ Scotland 45% voted for independence)

Both have distinct cultural values, national identity, political ideologies from Canada/ UK

Both have different devolved welfare & CJ approaches from nation states



Previous Studies Have Compared Them

1. Understanding the Third Sector Development: An Analysis of Quebec & Scotland (McMullin et al., 2021)
2. Small Nations, High Ambitions: Quebec and Scotland (Rious, 2020)
3. Stateless Nations in the 21st Century: Scotland, Catalonia & Quebec (MacInnes & McCrone, 2001)
4. Nations Against the State, the New Politics of Nationalism in Quebec, Catalonia & Scotland (Keating, 2001)
5. Political Independence and the Monetary Question: A Comparison of the Cases of Quebec, Scotland & Catalonia (Cudras-Morato, 2019)
6. Nationalism and the State: Welfare & Identity in Scotland & Quebec (McEwen, 2006)

Research Questions

RQ1: What national level priorities and values underpin the most recent shifts in the justice practices within Scotland and Quebec?

RQ2: Are the needs of criminalized women catered for within the most recent official criminal justice discourse in both Quebec and Scotland?



Method

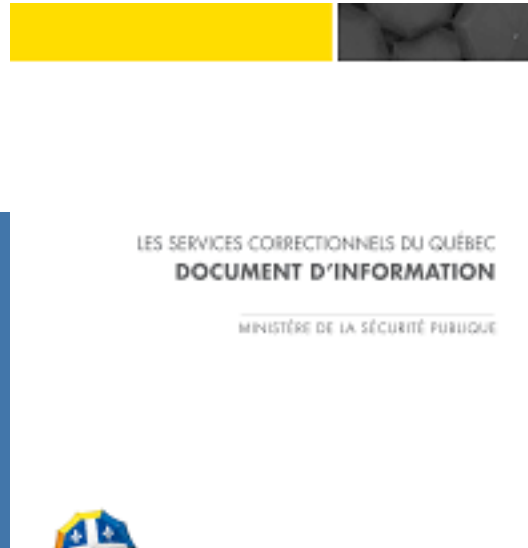
Critical Political Discourse Analysis (Fairclough, 2000)

1 Scottish & 1 Quebec researcher enabled skeptical reading by an outsider (Wodak & Meyer, 2015) to “render the familiar strange”

Sample



**QUEBEC MINISTRY OF
JUSTICE STRATEGIC
PLAN 2019-2023**



**QUEBEC CORRECTIONAL
SERVICES
INFORMATIONAL 2014**



**REVISED NATIONAL
STRATEGY FOR
COMMUNITY JUSTICE
SCOTLAND, 2022**



Justice in Scotland:

**THE VISION FOR
JUSTICE IN
SCOTLAND, 2022**

Quebec Policies: Key Values & Priorities



Increasing Public Confidence & Trust

Service user language (*"satisfaction"& "confidence in us"*) centralized the public in the design of Quebec's CJS

BUT criminalized populations were not specifically identified as key stakeholders in this person-centered approach



Maintaining Public Safety & Rule of Law

Priority to ensure public feel safe and don't fear victimization of crime

Care' & criminalized people's safety & welfare needs a central focus in the Correctional Service policy but not in the Strategic Plan



Support & Social (re)integration

Offering 'supportive' programs, prioritizing social reintegration needs & being seen as a support system is key

Yet, support is constructed by individually responsabilizing ideologies - overlooks states role in structural disadvantage & barriers for certain social groups



Collaboration & Continuity

Joint up continuity for people before, during and after imprisonment requires collaboration with services beyond the CJS

BUT equal focus on control & public safety limits Correctional Services ability to truly prioritize this

Culture Shift: (1) A More Accessible, Joint Up & Technologically Modernized CJS in Quebec

- Signals a shift from technology being just a tool for staff to instead integral feature in appropriate timescales & communication across justice partners
- Prioritizing technology to assist collaboration reflects research which advocates for a holistic, joint up justice journeys

“Digital transformation will enable us to better assess, better intervene and better make decisions [...] The Correctional Services authorities have the obligation to take, as soon as possible, all possible measures to obtain information concerning the persons entrusted to them and to *share it, when necessary, with penal and social partners*”

(Correctional Services, 2014)

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“Putting justice at the service of citizens requires adapting the system to certain offenders. **This is the case when an offender faces justice for offences due to, for example, his mental health problems, addictions or his situation of homelessness** [...] By offering a response that is better suited to these offenders, we reduce the phenomenon of revolving doors & help relieve the courts. These innovative programs are therefore **alternative human solutions** to the conventional judicial process, and they contribute to improving **citizens' access to a better adapted & more diversified justice system**”

(Ministry of Justice of Québec, 2019)

(2) Deliver Adaptable Person-Centred Justice Practices

Quebec: Considerations of Women-Specific Needs

Explicit Reference to Women:

2x in Corrections Service Policy but No Where in the Strategic Plan

“Raise public awareness of the importance of social reintegration It is known that the public must be better informed and made aware of the situation of prisoners, **women offenders** and the importance of social reintegration”

(Correctional Services, 2014)

“Programmes and services offered take particular account of **the specific needs of women and aboriginals [...]** programme are being feminized”

(Correctional Services, 2014)

Explicit Reference to Marginalised Groups Additional Needs (but not women)

“As part of her role as Minister of Justice, she assumes the following responsibilities [...] Advise authorities on strategies aimed at adapting justice to the needs of clientele such as: Aboriginals, young people, seniors, victims of crime, vulnerable people, **etc.**”

(Ministry of Justice of Québec, 2019)

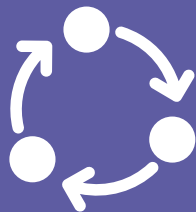
Scottish Policies: Key Values & Priorities



A Fair, Just & Safe Society

Fairness encompassed discourse around tackling inequalities and ensuring the law was straightforward & accessible to all

Rights-Based Approaches to Prioritizing Safety, Support, and Inclusion of both victim/survivors & offenders



Addressing Underlying Causes of Offending

Focus on causation helps to ensure longer term prevention of crime & more effective rehabilitative, desistance-informed support for offenders (e.g. housing, readiness for employment, health & social care needs)

Adaptable Person-Centered Justice



Joint Up Partnership Planning & Working

Collaborations with health & social care partners locally & nationally. Also involving the views of victims, survivors, offenders & their families in delivery & design

Emphasis placed on leadership & monitoring BUT ambiguous what this will involve



Responsive, Accessible, High Quality & Timely Services

Focus on modernizing justice processes & strengthening communities trust in services for “all individuals”

For offending populations timely, appropriate, consistent services were prioritized to ensure effective support

Key Culture Shifts in Scotland



(1) Person-Centered Services

“Individuals will be treated as people first [...] Person-centred justice services will ensure that a person’s needs & values are respected. There will be timely, clear communication ensuring people understand areas of complexity”

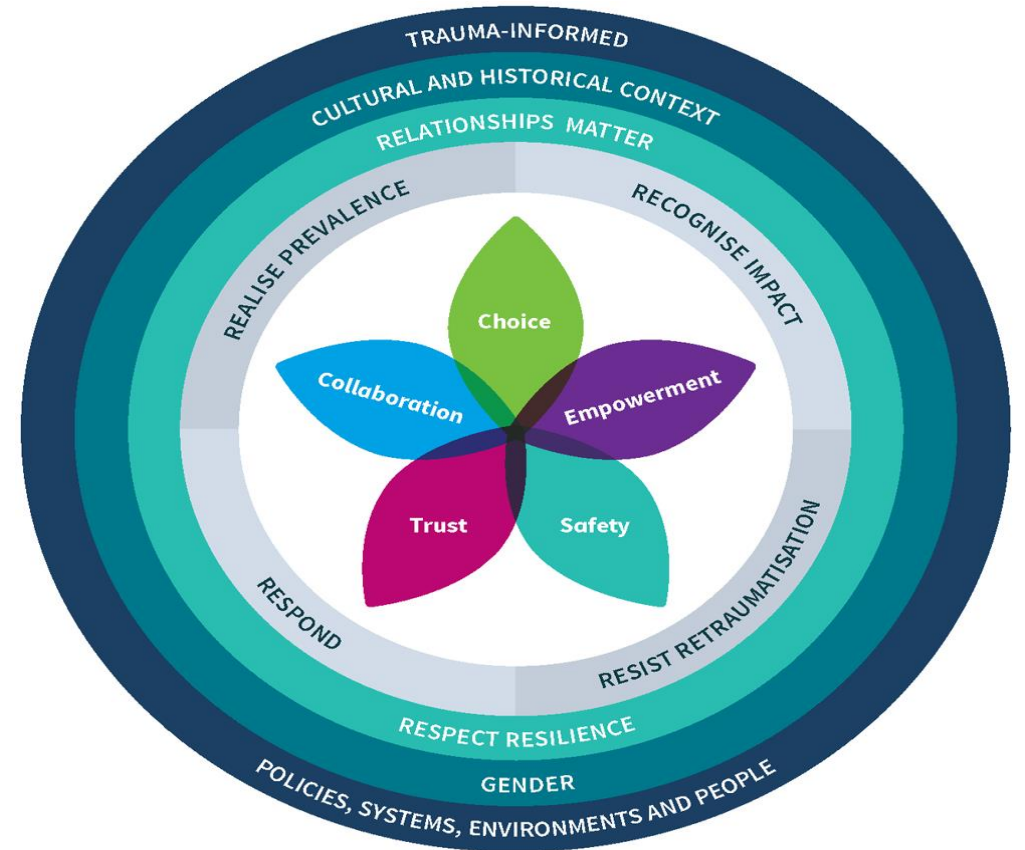
(Vision for Justice Scotland, 2022)

Key Culture Shifts in Scotland

“The strategy will reflect the Scottish Government’s ambition for a trauma informed and trauma-responsive workforce and services across Scotland. Embedding trauma-informed approaches will ensure that our services recognise the prevalence of trauma and adversity, realise when people are affected by trauma, and respond in ways that reduce re-traumatising”

(Revised Community Justice Strategy Scotland, 2022)

(2) Trauma Informed/ Responsive Justice



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“

“The simple and unpalatable truth at the heart of **the abuse & violence that women and girls face** is that it continues to be underpinned by inequality, societal attitudes and structural barriers that perpetuate that inequality. This includes the operation of the justice system. The current justice system was historically **designed by men, for men, and thus does not meet the needs of over half of our society**. We must therefore take urgent action to **ensure women and children are better serviced** by our approaches to justice”

(Vision for Justice Scotland, 2022)

Scotland's Consideration of Women-Specific Needs

Quebec & Scotland Similarities

RQ1: What national level priorities and values underpin the most recent shifts in the justice practices within Scotland and Quebec?



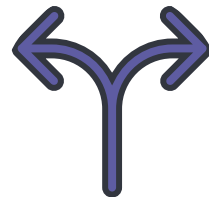
Modernizing Digital Processes & Infrastructure

Enhancing information sharing for cross-organisational planning/ working & shorten processing timeframes



Increasing Public Confidence & Trust

Creating a fair, equal system with high equality services & accessible, consistent support for **all** communities



Adaptable Person-Centered Justice Approaches

Accounting for structural disadvantage & responding to offender's underlying health and social care needs



Improved Multi-Agency Planning & Working

Holistic joint up working between CJ partners, health & social care services to meet criminalised populations needs

Key Differences in Approaches & Ideological Values/ Priorities



Focus on Criminalized Populations

Scotland: Criminalized populations are a key stakeholder group targeted by policies

Quebec: Greater prioritisation of victims & the general public



Approaches to Supporting Victims

Scotland: Addressing relationship between trauma, victimisation & (re)offending

Quebec: Ensuring safety, strengthening public confidence & enforcing rule of law



Decentralising Prisons

Scotland: Increasing use of diversion options & community-based sentences

Quebec: Continued legitimatisation & focus on incarceration



Accounting for Gender Discrimination in CJ

Scotland: Focus on women, trauma & their differing needs from men within criminalised populations

Quebec: No explicit reference or adjustments for women & their gender-specific needs

Catering for Gender: What Can Quebec Learn from Scotland?



Explicitly account
for women &
their gender-
specific needs in
all CJ policies

Develop a women's
strategy at Provincial
level as majority of
women are
criminalized locally
not federally

Consider trauma: in
cross-sector strategies,
when designing services
& in the training of
sentences & CJ
workforce



Thankyou for Listening!

For a full reference list
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