

# Women and Remand in Canada:

## Opportunities for Equitable and Effective Criminal Justice Reforms

Raelyn O'Hara  
Hayli Millar  
Megan Capp

May 2025

**29.3%**

Of women's offences in BC in 2022/2023 were property crimes

**77%**

Of women in custody in BC in 2022/2023 were in remand

**\$401**

Was the daily cost to hold someone in remand in BC in 2022/2023

**54.1**

days was the average amount of time spent in remand in BC in 2023

## Who We Are

We are a team of researchers and practitioners dedicated to examining systemic inequities within the justice system, particularly as they impact the rights of women and children. Our collective expertise spans criminology, law, social justice, and community-based advocacy, with a focus on access to justice, alternative justice approaches, and equitable and effective policy reform.

## Our Project

This fact sheet is part of a broader project reviewing existing research on women's experiences with bail and remand in Canada. Our literature review identified significant gaps in data and research related to women's experiences with pre-trial detention. These gaps highlight the need for further study into the systemic barriers and gendered impacts women face within the bail and remand systems, to support the development of gender-responsive policy responses. As part of this work, we also published an annotated bibliography summarizing key Canadian research findings. This builds on our work with the ICCLR on the rights of women and children whose parents are involved in the justice system.

# Women's Pathways to Criminality

Criminalized women, especially women who are primary caregivers, are often not a threat to public safety. Instead, they are pulled into the justice system through gendered pathways rooted in poverty, violence, trauma, and the struggle to meet basic needs for themselves and their children.

**81%** of women in a Western Canadian remand facility reported violent victimization, **74%** had experienced sexual abuse.

([Jones et al., 2019](#))

**44%** of women who had an intimate relationship experienced intimate partner violence at some point in their lives (vs. 36% of men).

([Savage, 2021](#)).

Roughly **31%** of single-mother households in Canada live in poverty, and overall, women face higher poverty rates than men—**11.4%** compared to **9.7%**.

([Lim & Ding, 2023](#))

Women are more likely to be diagnosed with major psychiatric disorders and experience depression at **twice the rate** of men.

([CSC, 2024](#))

## Women's Crime

Women comprise over half of Canada's population but account for only 26% of accused individuals and 27% of those accused of violent crimes (2019).

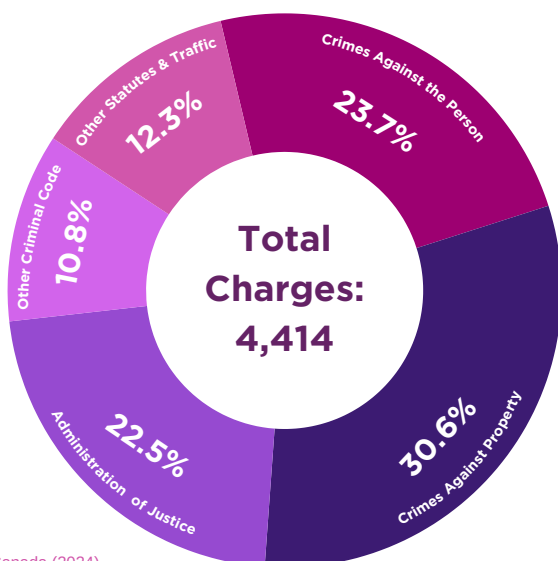
Women are accused of property crimes more often than men, making up 39% of cases compared to 32% for men (2019).

4807 (55.6%) of women's administration of justice offences in 2021/2022 were for failing to comply with a court order.

([Department of Justice, 2020](#)).

### A Breakdown of All Charges Against Women in BC (Apr 1-Sept 30, 2023)

Graphic by Visionery on Creative Visionary



([Statistics Canada \(2024\)](#))

***“82 percent of women in prison are jailed as a result of behaviour related to attempts to cope with poverty, histories of abuse, and addiction and mental health issues that commonly arise from these experiences.”***

-Senator Kim Pate ([Policy4Women, 2018](#))

Women's offences are often survival-driven, reflecting gendered pathways into criminalization.

# REMAND LAWS IN CANADA

## What is Remand?

Remand occurs when individuals are denied bail and are detained in a remand or provincial corrections facility while they await trial, sentencing or an appeal. Remanded individuals are legally innocent and have not been found guilty of the offence they are being charged with.

(Department of Justice, 2023).

## Remand is a shared responsibility

### Federal Government

The federal government creates the laws that govern when and why a person can be held in remand. Federal laws say that remand detention is supposed to be a last resort and not a punishment before trial.

### Provincial/Territorial Governments

Provinces and territories are responsible for the day-to-day management of remand. They operate remand facilities, typically make decisions at bail hearings and on pre-trial detention, and oversee the conditions individuals face while in custody. They are also tasked with providing essential services, including healthcare and programming, to those held on remand.



The main law governing remand is the Criminal Code of Canada (Section 515).



The Charter of Rights & Freedoms plays an important role as well.

Sections 7, 9, 11(d), and 11(e) of the Charter of Rights and Freedoms protect the rights of people accused of crimes, including the right to reasonable bail, and not to be arbitrarily detained or imprisoned.



# Women's Remand Statistics

## In 2022/2023...

**77%**

of women in custody in BC were in remand, compared to 73% of men

[Statistics Canada \(2024\) Table # 35-10-0015-01](#)

**75.3%**

of women in custody in Canada were in remand, compared to 73% of men

[Statistics Canada \(2024\) Table # 35-10-0015-01](#)

**31.46%**

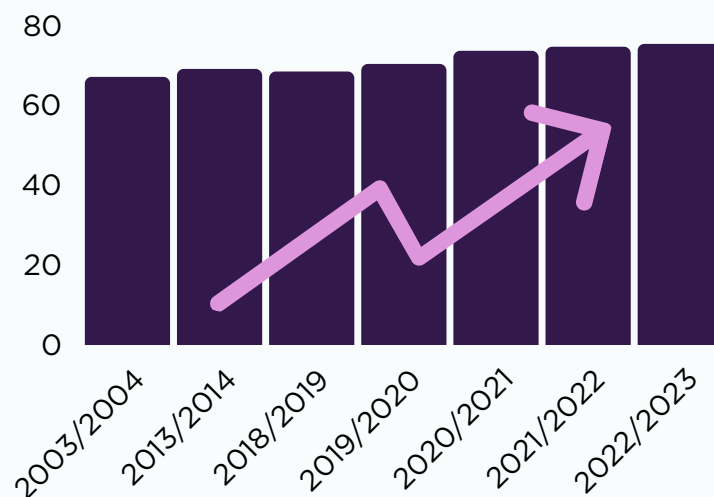
of the individuals in remand in Canada (men & women) identified as Indigenous people

[Statistics Canada \(2024\) Table #35-10-0016-01](#)

Graphic by Alexey\_Hulsov on Pixabay

## Women's Remand as a Percentage of Their Total Custody Admissions

Based on Remanded & Sentenced Women in Provinces/Territories  
[Derived from Statistics Canada \(2024\) Table #35-10-0015-01](#)



**3,255**

MORE women were remanded in 2022/2023 than in 2002/2003, and there were 1,077 LESS women sentenced in the same time period.

[Statistics Canada \(2024\) Table # 35-10-0015-01](#)

# Consequences of Remand

Family disruption including temporary or permanent loss of children, loss of employment, loss of housing, barriers to healthcare, psychological harm, lack of access to legal counsel, false guilty pleas, cyclical criminalization.

## FALSE GUILTY PLEAS

Remand can pressure individuals into pleading guilty, even if they are innocent. This issue disproportionately affects certain groups, with women, Indigenous people, and other racialized individuals being more likely to submit false guilty pleas due to the hardships and uncertainty of awaiting trial in custody.

[Bressan & Coady \(2017\)](#)

[Roach \(2023\)](#)



Photo by Katrin Bolovtsova on Pexels

As of February 2023, 17% of 83 overturned wrongful convictions involved guilty pleas, with women accounting for **40%** of those cases

[Roach \(2023\)](#)



Photo by Popov on Getty

## FAMILY DISRUPTION

Pre-trial detention causes significant disruption for families. Daily routines, like school and activities, are often interrupted, and mothers may lose jobs or housing, making it harder to provide for their children once released. Visits between detained mothers and their children can be challenging due to prison policies, distance, and costs, making it difficult to maintain the parent-child bond. Mothers may even hesitate to disclose their parental status due to fears of child protective services becoming involved. [Capp \(2023\)](#)

**Approximately 66% of incarcerated women have dependent children, and most were their primary caregivers.** However, this figure comes from older Canadian research, and the lack of more recent, comprehensive data is concerning. [Dowling & Fulton \(2017\)](#)

*“Children of incarcerated parents are an often forgotten, invisible or ignored [collateral] victim of the criminal justice system”*

*- Breaking the Silence: Dialogue on Children of Incarcerated Parents (2019)*





Photo by Mivpiv on Getty

## OVERCROWDED FACILITIES

Overcrowding in remand facilities causes a range of serious issues that impact detainees, the justice system, and society. A key concern is the possible violation of human rights, as individuals are presumed innocent and often endure poor conditions such as inadequate bedding, limited medical care, and unsanitary environments. These problems are intensified when individuals are held for extended periods without trial, undermining the right to a fair and timely legal process.

### OVERCROWDED WOMEN'S FACILITIES

Overcrowding in remand centres poses significant harms to women, severely impacting their physical and psychological well-being. Women in remand often face inadequate access to healthcare and mental health services, exacerbating pre-existing conditions or leading to new health issues. The confined environment and limited resources increase the risk of infectious disease outbreaks, as seen during the Covid-19 pandemic, while also heightening tensions that can lead to violence and safety concerns.

[Office of the Correctional Investigator \(2024\)](#); [Besney et al., \(2019\)](#); & [Berger et al. \(2024\)](#); [Native Women's Association of Canada \(2020\)](#).

**Human Rights Violations**

**Increased Violence and Tension**

**Poor Access to Legal Support**

**Mental & Physical Health Deterioration**

**Delayed Justice and Case Backlogs**

**Economic Costs**

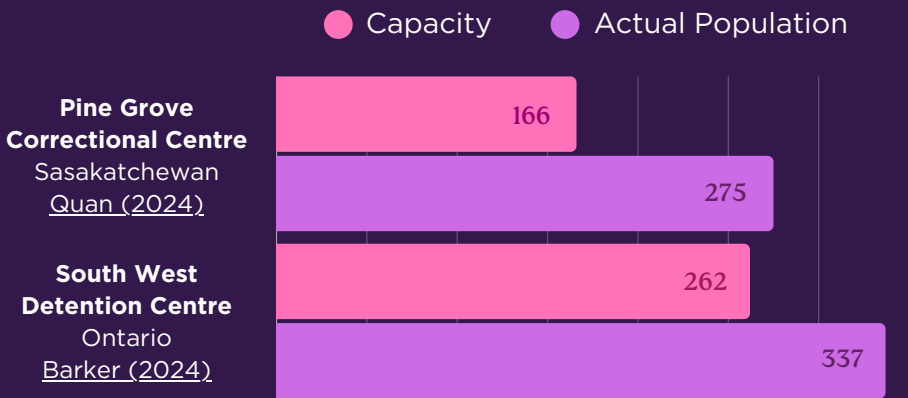
Overcrowding in remand facilities can undermine justice and create lasting harm for both individuals and institutions.

# EVIDENCE OF OVERCROWDING & POOR CONDITIONS

Photo by Anette Anderson on Getty images



A Comparison of Capacity vs Actual Population at Two Canadian Correctional Facilities



## CLASS ACTION LAWSUIT

In 2024, a class-action lawsuit was filed against the Leclerc women’s correctional facility in Laval, Quebec, alleging inhumane treatment and substandard living conditions. The lawsuit highlights systemic issues such as inadequate healthcare, limited access to rehabilitation programs, and insufficient winter clothing for detained women.

[Serebrin \(2024\)](#)

“Particularly demoralizing for incarcerated mothers was that they often felt they were judged by correctional officers and staff, who subtly or sometimes explicitly reminded them that they might not deserve to be parents or have access to their children.”  
[Jones et al., \(2019, p. 47\)](#)”

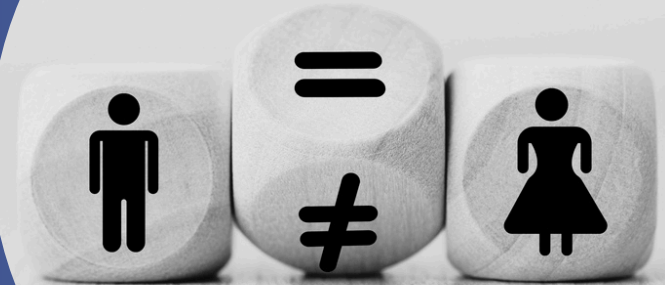
“OCDC women’s quarters are also bursting at the seams. Jail officials are directing the overflow of women to male segregation areas forcing them to live in these isolated spaces next to men.”  
[Fayter & Bradley \(2025, para.1\)](#)”

“At Pine Grove Correctional Centre:  
Water is an essential and these women should have access to clean water, but they do not [...] Women are still getting sick from it, getting flakes on the scalp and boils on their skin.”  
[Sherri Gordon \(Reynoldson, 2024, para.3\)](#)”

**30** women died in remand facilities in Canada between 2000-2023, 26% of whom identified as Indigenous women.

[Tracking \(In\)Justice \(2024\)](#)

# A GENDERED COMPARISON



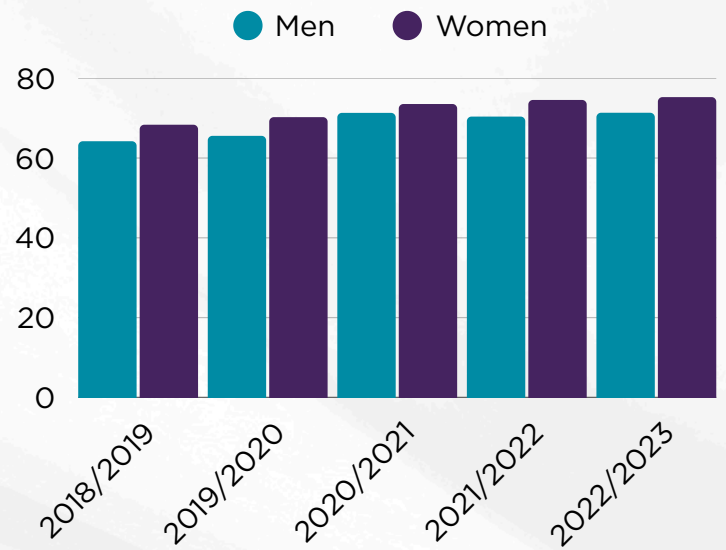
## NEARLY 30 YEARS AGO...

"In a one-day snapshot of adults in all provincial and territorial prisons in 1996, the proportion of all female prisoners who were on remand after being refused bail (24 percent of all female prisoners) was similar to the proportion of all male prisoners in the same situation (25 percent). Given the Statistics Canada data that women are consistently charged with less serious offences than men, and that their offences are less likely to involve violence, it should follow that a much smaller proportion of women should be detained until their trials in order to prevent danger to society. The inequality of this treatment seems evident."

Addario (2002) – p. 21

## REMAND RATES AS A % OF TOTAL CUSTODY ADMISSIONS FOR MEN & WOMEN 2018-2023

Based on Remanded & Sentenced Individuals in Provinces/Territories  
Derived from Statistics Canada (2024) Table #35-10-0015-01



MEN COMMIT CRIMES AT HIGHER RATES THAN WOMEN, AND THEIR OFFENCES TEND TO BE MORE SEVERE IN NATURE. YET, A HIGHER PERCENTAGE OF WOMEN ARE HELD IN REMAND.





*Decisions about release/detention are now seen as a product of a particular individual who – in the case of a tragic incident – will be personally held responsible (read: blamed). By extension, individual – as well as institutional – risk reduction has emerged as a primary concern.*

Webster (2015) – p.7



*In the last few years in my court, I saw that when you saw people fail to meet their conditions, you were more likely to detain them. Of course, we want people to follow our orders and if they don't we want to punish them, so you can get to a vicious downward cycle –*  
*Alberta Court Judge*

Mackenzie (2020) – p. 32



Photo by Markus Winkler on Pexels



# WHAT'S CONTRIBUTING TO THE HIGH REMAND RATES?

International researchers and advocates point to how criminalizing poverty, through policies like strict bail, combined with a lack of effective and appropriate social supports, fuels rising remand rates among women.

## THE POLITICIZATION OF BAIL

Bail in Canada has become highly politicized, reflecting polarizing demands to protect public safety while upholding the rights of the accused. Although the system is meant to preserve the presumption of innocence, high-profile crimes and growing public pressure are driving stricter bail policies, as seen with Bill C-48.

## RISK AVERSION

[Webster & Doob \(2009\)](#); [Nixon et al. \(2024\)](#); [R. v. Zora, 2020 SCC 14, at para 77](#); [Berger et al. \(2024\)](#).

In response to public and political pressure, courts are increasingly defaulting to detention, often for non-violent offences, based on perceived risk rather than individualized, evidence-based assessments. While these practices are often framed as necessary for public safety, they disproportionately harm minoritized and marginalized populations, particularly women, including Indigenous and racialized women, who are overrepresented in pretrial detention.

### Factors that are taken into consideration to assess risk (non-exhaustive list):

- Family Ties
- Employment Status
- Housing Situation
- Community Relationships

These factors may unintentionally discriminate against minoritized or marginalized populations, particularly women, who are more likely to face unemployment and housing instability.

# A Recap of What We Know

## We Know Women are More Likely than Men to...

- Be unemployed
- Experience hidden homelessness
- Be single parents
- Experience violent victimization
- Experience trauma

## And We Know That Women in Custody are More Likely to Have...

- Mental health challenges
- Substance use issues

## We Also Know That Women's Crimes are...

- Less serious and less violent
- Often survival motivated

## What We Know About Remand & Custody...



Remand harms women, especially racialized women and women with children



Remand is expensive, it costs \$401 per day to hold someone in remand in BC



Women's remand facilities are increasingly overcrowded



The conditions and unpredictable length of remand can lead to false guilty pleas



Women are less often convicted at trial (37% compared to 49% of men in 2022/23)



Women are rarely sentenced to custody, and if they are, it is often for a very short time.

Despite all of this, women are increasingly being remanded to custody at a rate higher than men.

# GAPS IN OUR UNDERSTANDING

There are few gender-based analyses of women's experiences of remand and no consistent strategy for understanding the needs of women.

There is limited understanding of the experiences of diverse groups of women, including sexually and gender-diverse women, women with disabilities, and those in remote or rural communities.



Graphic by Kanzaki on Canva

## Where do we go from here?

More primary research is needed to explore the unique experiences of women within the remand system, shedding light on the conditions they endure, the barriers they face to release, and the broader social and structural factors that contribute to their detention, including the impacts on their children and families.



### **Focus Primary Research on Women's Remand Experiences**

Conduct primary research on women's intersectional experiences within the bail and remand process.



### **Improve Conditions of Women's Remand Facilities**

Address overcrowding, limited access to healthcare, excessive lockdowns, unsanitary environments, and other adverse conditions.



### **Collect & Report Gender-Disaggregated Data**

Track remand trends by gender, Indigeneity, race, and other factors – and make this data public.



### **Expand Non-Custodial Alternatives to Remand**

Where safe and effective, women should be diverted from remand and supported through community-based supervision.

Remand is not supposed to be punishment. Yet for too many, it means lost freedom, lost children and family, and lost hope — before guilt is ever proven.