

The information in this pamphlet is general legal information only. You should get legal advice about your own situation.



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satisfied with what happens, you can write to the prison's senior medical consultant or contact the Ombudsman of Ontario by phone or mail.

### What rights to health care do transgendered people have in jail?

If Corrections Canada has reasonable grounds to believe an inmate has "gender identity disorder", the inmate will be referred to a psychiatrist who specializes in gender identity for an assessment. Although their genders are not "disorders" for people who identify as trans, this is

9

how it gets defined in jail.

### What happens when an inmate is diagnosed as having "gender identity disorder"?

The inmate is entitled to health care, including starting or continuing hormone therapy.

**Where are transgendered inmates held?** Pre-operative male to female offenders are held in men's institutions and pre-operative female to male offenders are held in women's institutions.

### Can transgendered inmates have sex reassignment surgery while in jail?

10

Sex reassignment surgery is only considered when:

- a recognized gender identity specialist has confirmed that the offender has satisfied the "real life test", as described in the *Harry Benjamin Standards of Care*, for a minimum of one year prior to incarceration, and
- the gender identity specialist recommends surgery during incarceration.

**Who pays the cost of sex reassignment surgery?** If a psychiatrist, who specializes in gender identity issues,

11

provides a report saying that the surgery is essential, Corrections Canada will pay for the cost of the surgery.

### Resources

**Ombudsman of Ontario**  
Bell Trinity Square, 483 Bay Street, 10th Floor South Tower, Toronto, ON M5G 2C9  
Complaints Line:  
1-800-263-1830  
www.ombudsman.on.ca

**Elizabeth Fry Society of Toronto**  
215 Wellesley Street, East Toronto, ON, M4X 1G1  
416-924-3708

12

**Ontario Women's Justice Network**  
www.owjn.org

**Elizabeth Fry Society of Ottawa**  
701-151 Slater Street/211 Bronson Avenue  
Ottawa, ON, K1P 5H3  
613-237-7427

**Assaulted Women's Helpline**  
1-866-668-8900 (toll free)  
1-866-863-7068 (TTY)

13

Notes

14



Health care in provincial jails and detention centres

Funding cuts to social and health programs and services have an impact on all of us, whether we are in prison or not. For many of us, a lack of social and health services and programs in our communities is often the reason we come into contact with the criminal justice system. Women often say, “No one ever offered me drug treatment or anger management class until I went to prison.” Unfortunately, it is a reality many poor women face, especially women from

1

marginalized communities, Aboriginal women, and women struggling with mental health and addiction issues.

Provincial jails and detention centres do have a responsibility to meet many of your health care needs. It is true that federal prisons are better funded and may provide more services and programs. Some women may even ask for more prison time in order to access these services and programs.

2

However, before asking for more time in prison, you should know that:

- there are long waiting lists for programs and services in federal prisons, so you may not be able to access them;
- you are entitled to certain health care services and programs in provincial jails and detention centres; and
- you can set up a plan of continuing care with community organizations that you can follow after

3

being released from the provincial system.

### **What happens when I first arrive at prison?**

You will be seen by a nurse within 48 hours of your arrival. The nurse will determine your immediate health care concerns and the medication you may need, and also ask you about your menstrual cycle and whether you are pregnant. Later, you will be seen by a doctor who will do a physical examination to determine what medical

4

needs you have. Following your meetings with the nurse and doctor, they may:

- recommend a pelvic examination;
- prescribe treatment (such as medication);
- identify long-term treatment needs; and/or
- refer you to emergency dental treatment, if it is needed.

### **Do I have to accept medical treatment?**

Medical treatment cannot be administered without your consent - you have to

5

say “yes.” You have a right to make informed decisions about your health care in prison. This means that the medical staff must inform you about:

- recommended treatments;
- alternative courses of action;
- risks and side effects of treatments; and
- the consequences of refusing treatment.

### **Do I have a right to medical confidentiality?**

Your health records are confidential and can only

6

be accessed by health care staff who work with you in a confidential health-related relationship. If your health records are needed for reasons other than health care (e.g. classification and parole), your “informed consent” (you have to understand what you say yes to) and signature will be required.

### **Who pays for my health care expenses?**

The Ontario Health Insurance Plan (OHIP) covers the cost of your

7

health care in prison. The prison officials have to provide your OHIP number to the health care providers. If you don’t have a number or have lost your health card, the prison staff will contact the Ontario Ministry of Health to get you a number.

### **What if I have a complaint about my health care?**

You can try to resolve it first by contacting the prison’s head nurse or health care coordinator. If you’re not

8