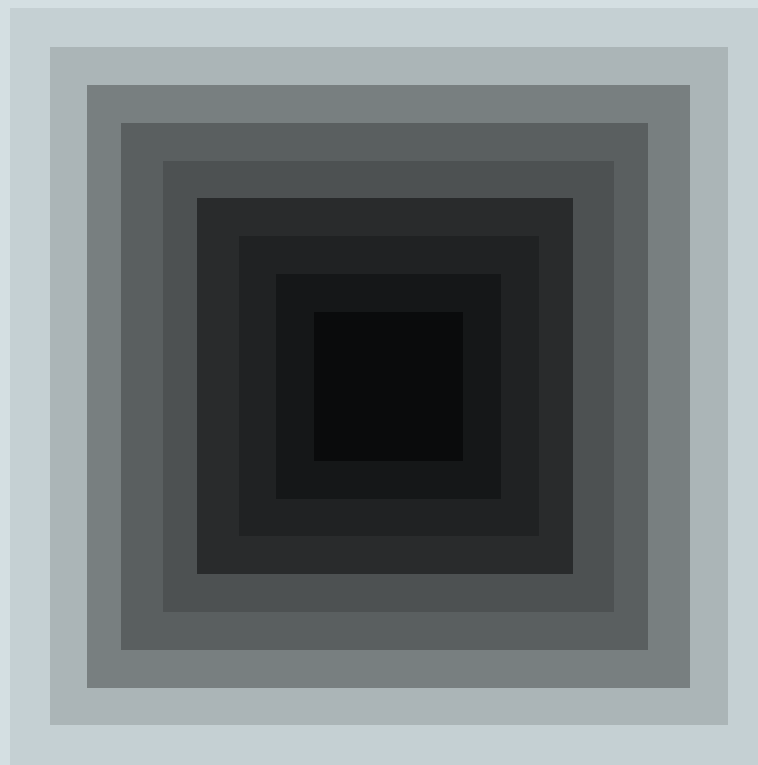


The Use of Solitary Confinement as a Disciplinary Measure

Monday, 3 April 2017

Copenhagen, Denmark

Bryggervangen 55



Conference Program

DIGNITY
DANISH
INSTITUTE
AGAINST TORTURE



Welcome by the Director-General of DIGNITY – Danish Institute Against Torture

Dear distinguished guests,

It is my honour and delight to welcome you to DIGNITY and to this conference on the use of solitary confinement as a disciplinary measure. I am thrilled to anticipate hearing so many local and international voices today on this pressing issue.

As we know, the critical discussion about the negative health consequences of solitary confinement, both in Denmark and abroad, stretches back for decades and will continue for the foreseeable future.

Solitary confinement has been characterised by inmates as ‘being buried alive’ and as a ‘social death’. Its well-documented physical, psychological and social health consequences lend considerable strength to these claims. Human rights protection against isolation has been strengthened by the *Mandela Rules*. This is why DIGNITY and others continue to advocate for abolishing the use of solitary confinement for children and other vulnerable groups, and limiting the measure to exceptional cases in all other instances.

Today’s program, through the contributions and engagement of our experts and participants, will explore four areas significant in further understanding the use of solitary confinement, both in Denmark and internationally: international legal standards, health consequences, Danish practice, and experiences in reform and best practice from other countries.

As DIGNITY, I invite you to share in what has long been our spirit in guiding one another, exchanging ideas, experiences and perspectives, and working together across disciplines and institutions in fighting against excessive use of isolation.

I would like to thank you for your time and efforts today.

I wish you a productive and engaging conference.

Dr Karin Verland



Objectives of the Conference

In light of the normative developments and the scientific evidence, DIGNITY seeks to influence the political and public discourse about the use of solitary confinement as a disciplinary measure in Denmark and abroad. DIGNITY, therefore, will share state-of-the-art research and best practice about international legal standards on this question and evidence about the health consequences of isolation. To this end, key observations and recommendations from each panel discussion will be published after the conference and will specifically be taken forward to Danish authorities with a view to reducing the use and duration of solitary confinement as a disciplinary measure in Denmark.

Four issues central to the reform of solitary confinement will be examined:

1. What are the international legal standards regarding solitary confinement as a disciplinary measure?

Recognising the consensus regarding the severe health consequences, international legal standards now provide a definition of isolation, narrow its justifications, reduce time durations and strengthen safeguards. Focusing on the recent developments in the *Mandela Rules*, this panel will draw upon institutional experiences in documenting and advocating for the proper implementation of the international rules.

2. What are the health consequences of solitary confinement?

Extensive research reveals that solitary confinement can inflict mental, somatic and social damage, increase the likelihood of suicide, distort social identity and sense of self, and create or exacerbate mental illness even when used for a short duration. During this panel, we will explore the relationship between the aspects of solitary confinement and the extent of harm. We will focus on the centrality of 'meaningful human contact' to psychological health, and the importance of the provision of health care in such settings.

3. How is solitary confinement used as a disciplinary measure (strafcelle) in Denmark and what are areas of concern?

Danish law (*Sentence Enforcement Act*) continues to permit the use of solitary confinement as a disciplinary measure, involving long time limits of up to four weeks, for both adults and children. Moreover, the recent amendment to this act regarding the use of mobile phones in prisons has increased the use and the duration of this measure. Drawing on a wealth of local experience, this panel will explore the dynamics of how solitary confinement is used as a disciplinary measure in Denmark and discuss points of concern.

4. What are the international experiences using alternatives and reducing the use of solitary confinement as a disciplinary measure?

Comparable countries, namely Norway and Sweden, have long abolished the use of solitary confinement as a disciplinary measure in their legislation. Other reforms have focused on the restriction of entry criteria, effectiveness of complaint and oversight mechanisms, changes in law and prison culture to achieve lasting progress. With these as points of departure, this panel of experts will present the challenges and alternatives in reducing the use of solitary confinement.

Program for the Day

08.30	Registration
09.00	<p>Welcome Karin Verland, Director-General of DIGNITY – Danish Institute Against Torture</p>
09.15	<p>Panel 1: What are the international legal standards regarding solitary confinement as a disciplinary measure?</p> <p>Sir Malcolm Evans, Chair of the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), and Professor of Public International Law at the University of Bristol on 'The evolving international legal framework governing the use of solitary confinement as a disciplinary sanction and the jurisprudence of the SPT'</p> <p>James McManus, Member of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and former Professor of Criminal Justice at Glasgow Caledonian University on 'The CPT and Solitary Confinement as a Disciplinary Sanction'</p> <p>Stephanie Selg, Advisor on Torture Prevention at the Organisation for Security and Co-Operation in Europe (OSCE) on 'Regulation of Solitary Confinement as a Disciplinary Measure in the Mandela Rules'</p> <p><i>Moderator: Therese Marie Rytter, Director of the Legal Department, DIGNITY and Member of the European Committee for the Prevention of Torture (CPT)</i></p>
10.30	Refreshment Break
11.00	<p>Panel 2: What are the health consequences of solitary confinement?</p> <p>Jens Modvig, Chair of the United Nations Committee against Torture, and Director of Health Department at DIGNITY on 'An Overview of Health Impacts of Solitary Confinement'</p> <p>Ida Koch, Psychologist, and Member of the Isolation Group, on 'The Danish Experience: The mental and physical consequences of solitary confinement'</p> <p>Sharon Shalev, Research Fellow at the University of Oxford, and Fellow at the Mannheim Centre for Criminology, London School of Economics and Political Science, on 'What makes solitary confinement harmful and can these harms be mitigated?'</p> <p>Peter Scharff Smith, Professor, Department of Criminology and Sociology of Law at the University of Oslo, and Member of the Scandinavian Solitary Confinement Network on 'Researching and debating the effects of solitary confinement - from the 19th century until today'</p> <p><i>Moderator: Marie Høgh Thøgersen, Deputy Director of the Rehabilitation Department and Chief Psychologist, DIGNITY</i></p>

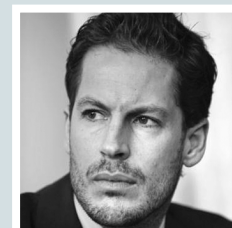
12.15	Lunch
13.15	<p>Panel 3: How is solitary confinement used as a disciplinary measure (strafcelle) in Denmark and what are the areas of concern?</p> <p>Annette Esdorf, Director of the Centre for Execution of Sentences, Denmark's Prison and Probation Service, on 'The Use of Solitary Confinement as a Disciplinary Measure in Denmark'</p> <p>Morten Engberg, the head of the Danish Parliamentary Ombudsman's Monitoring Department in charge of inter alia NPM monitoring of places of detention on 'NPM Monitoring of Punishment Cells in Denmark'</p> <p>Jonas Christoffersen, Director of Danish Institute for Human Rights and member of Denmark's National Preventive Mechanism (NPM) on 'Use of Strafcelle in Denmark: Human Rights Concerns'</p> <p>Bo Sørensen, Forbundssekretær, Fængselsforbundet on 'Practical considerations behind decisions about strafcelle'</p> <p><i>Moderator: Tomas Max Martin</i>, Researcher, Prevention of Torture in Detention, DIGNITY</p>
14.45	Refreshment Break
15.15	<p>Panel 4: What are the international experiences using alternatives and reducing the use of solitary confinement?</p> <p>Jamie Bennett, Governor of HMP Grendon & Springhill, England, and Editor of the Prison Service Journal on 'Resisting Supermax: Rediscovering progressive approaches to the management of high risk prisoners'</p> <p>Are Høidal, Governor of Halden Prison, Norway, on 'Prisoner Association as an Alternative to Solitary Confinement - Lessons Learned from a Norwegian High Security Prison'</p> <p>Keramet Reiter, Assistant Professor of Criminology, Law and Society at University of California, Irvine, on 'Lessons and Liabilities in American Solitary Confinement Reform'</p> <p>Peter Scharff Smith, Professor, Department of Criminology and Sociology of Law at the University of Oslo, and Member of the Scandinavian Solitary Confinement Network on 'Research and reform - the story of pre-trial solitary confinement in Denmark'</p> <p><i>Moderator: Andrew Jefferson</i>, Senior Researcher, Prevention of Torture in Detention, DIGNITY</p>
16.30	<p>Conclusions and Recommendations</p> <p>Jens Modvig, Chair of the United Nations Committee against Torture, and Director of Health Department at DIGNITY</p> <p>Elna Søndergaard, Senior Legal Advisor, Legal Department, DIGNITY and Lecturer at the Faculty of Law at the University of Copenhagen</p>
17.00	End of Conference

Speaker Biographies

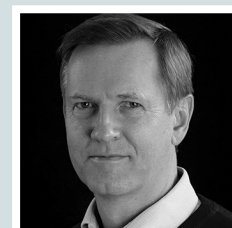
Jamie Bennett (Ph.D.) has worked in prisons since 1996 and held a number of senior positions. He is currently Governor of HMP Grendon & Springhill. Jamie is editor of the Prison Service Journal and has published over 100 articles and reviews covering topics including: prisons and the media, social inequality and imprisonment, and the development of managerialism. He has produced five books, the most recent of which are the monograph *The working lives of prison managers: global change, local cultures and individual agency in the late modern prison* (Palgrave Macmillan, 2015) and the second edition of *Handbook on Prisons* (Routledge, 2016), edited with Yvonne Jewkes and Ben Crewe.



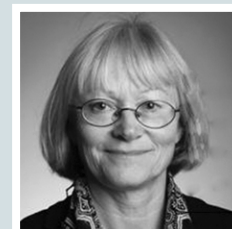
Jonas Christoffersen (Ph.D.) has been the executive director of the Institute for Human Rights since 2009. He holds a doctorate degree in law from Copenhagen University and is an admitted lawyer (1998). Jonas has previously worked as a researcher at the University of Copenhagen (2000-2008), judge at the High Court (2006-2007) and assistant judge of the Supreme Court (1998-1999). Jonas is an expert on Danish and international human rights law and has recently published on the democratic challenge of human rights, the EU Charter on Fundamental Rights, and the European Convention on Human Rights.



Morten Engberg, the head of the Danish Parliamentary Ombudsman's Monitoring Department in charge of inter alia NPM monitoring of places of detention.



Annette Esdorf has been the Director of the Center for Straffuldbyrdelse (Centre for Sentence Enforcement) within the Danish Department of Prisons and Probation since 2015. Since 1997, she is a Danish expert at the European Committee of Crime Problems (CDPC, Council of Europe) and national liaison officer for the CPT. She is an external examiner at the University of Copenhagen's Law Faculty. After obtaining a law degree from the University of Copenhagen, she worked as a public prosecutor and investigation officer for the Parliamentary Ombudsman (1975-1980). Since 1980, she has been working with the Danish Department of Prisons and Probation, including as its Deputy Director-General (1997-2015).



Sir Malcolm Evans (D.Phil) is Professor of Public International Law at the University of Bristol, UK where he has taught since 1988. His areas of legal specialism include both international human rights protection and the international law of the sea. In the field of human rights his particular interests concern torture and torture prevention and the protection of religious liberty under international law, on both of which he was written extensively. He became a member of the UN Subcommittee for the Prevention of Torture (the SPT) in 2009 and since 2011 has been serving as its Chair. From 2014 to 2015 he was the Chairperson of the Meeting of Chairs of UN Human Rights Treaty Bodies.



Marie Høgh Thøgersen (Ph.D.) is Chief Psychologist at DIGNITY and responsible for research and monitoring clinical outcomes at its highly specialized rehabilitation clinic for traumatized refugees. She specializes in the treatment of PTSD and trauma and in analyzing, developing and implementing clinical interventions for people with PTSD and other severe mental illness. Before DIGNITY, she worked for five years as a Chief Consultant at Copenhagen Social Service administration, implementing a crisis intervention service and advising policymakers on best-practice.



Are Høidal has worked in the Norwegian Correctional Services for 30 years. He has had various senior positions over the years at all levels in the agency, including 11 years as governor (warden) of Oslo Prison and now governor of Halden Prison since 2009. Are graduated in law in 1987 and then started in the Norwegian Correctional Services.



Andrew M. Jefferson (Ph.D.) is Senior Researcher at DIGNITY. He specializes in the ethnographic study of prisons and prison reform processes in the global south particularly in states undergoing transition. Empirical and analytic work on prison climates and the politics of reform aim to better ground interventions aimed at inhibiting torture in places of detention. He is co-convenor of the Global Prisons Research Network and has just begun a five-year collaborative research project on Legacies of Detention in Myanmar. He is author (with Liv Gaborit) of *Human Rights in Prisons: comparing institutional encounters in Kosovo, Sierra Leone and the Philippines* (Palgrave Macmillan, 2015).



Ida Koch (M.A.) is a Danish psychologist specialising in clinical psychology and supervision. From 1975 to 2008, Ida worked as an associate professor in criminology at the University of Copenhagen. She has also worked as a therapist and supervisor with children, youth and families for more than 35 years. For more than two decades, she has also been active in the NGO field, including with the Danish Legal Policy Association (Dansk Retspolitisk Forening), and with the Isolationsgrupp and the Scandinavian Network, working for the abolition of the use of solitary confinement. Ida has published mainly in Danish, including: 'Isolationens psykiske og sociale følgevirkninger', i *Umenneskelighedens Ansigter*, red.: S. Ganes, J. K. Genefke m.fl. Amnesty International, 1983; "Isolation af varetægtsfængslede" (med M. Pedersen) i *Retspolitisk Status*, red.: H. Lokdam og F. Balvig. DJØFs Forlag, 1988; 'Isolation – en plet på det danske retssystem' i *Retspolitiske Udfordringer*, red.: J. Jepsen og J. Lyhne. Gjellerups Forlag, 2003. On the topic of solitary confinement, she has authored 'Mental and Social Sequelae of Isolation: The evidence of deprivation experiments and of pre-trial detention in Denmark' in *The Expansion of European Prison Systems, Working Papers in European Criminology*, nr.7. 1986 (edited by Bill Rolston and Mike Tomlinson).



Tomas Max Martin (Ph.D.) is specialized in development studies and prison sociology with a focus on the localization of human rights, reform processes and bureaucratic practice – primarily in an East African and South Asian context and with an applied, but critical approach. As a trained anthropologist with a Ph.D. in Development Studies, Tomas has considerable capacities and competencies in qualitative research methods and fieldwork within state institutions in transition. As a founding member of the Global Prisons Research Network, he has a vast network of peers and colleagues in the research field of detention and reform. His research at DIGNITY – Danish Institute Against Torture enables him to professionally occupy the nexus between academia and practice and participate actively in an international research environment around detention, torture, human rights and development. He has broad knowledge of social development issues and have worked with human rights-based approaches to development and project management within the justice sector and with state and civil society partners in the Global South. Tomas is working on a five-year collaborative project on Legacies of Detention in Myanmar together with Andrew Jefferson.



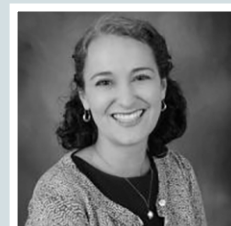
James McManus (Ph.D.) is a member of the Council of Europe Committee for the Prevention of Torture (CPT) elected in respect of the United Kingdom. James was, until recently, also Professor of Criminal Justice at Glasgow Caledonian University. He is a Scottish lawyer who has been involved in prison related issues since the late 1960s, initially as a prison visitor and after-care hostel resident, then as an academic researcher, a consultant to the English Prisons Inspectorate, a member, subsequently chair, of the Parole Board for Scotland and the first Scottish Prisons Complaints Commissioner (Ombudsman). He has been an expert with CPT since 1992 and a member of the committee for the last seven years. He chaired the sub-group of the CPT which drafted the substantive section of the 21st Annual report dealing with solitary confinement.



Jens Modvig (Ph.D.) is the Director of Health Department at DIGNITY, Clinical Associate Professor at the University of Copenhagen and Chair of the United Nations Committee against Torture. Jens' prior assignments include being the Director of the UN Office in Belgrade (2007-2008), the Deputy Head of Mission of the OSCE Mission in Kosovo (2004-2007) and the Secretary General of the International Rehabilitation Council for Torture Victims (IRCT, 2000-2004). Since 2009, Jens has been a member of the Advisory Board of Torture - Journal and a participant in the build-up and implementation of the Danish National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention Against Torture. He is the author of several publications, including 'Violence, torture and sexual abuse in prisons' (in: *Health in Prisons*, WHO Europe region, 2014) and 'Torture and Refugees' (in: Uma A Segal and Doreen Elliott (eds.), *Refugees Worldwide Volume 3: Mental Health*, pp. 33-48. Praeger 2012). Jens holds a Ph.D. in Public Health Epidemiology from the University of Copenhagen.



Keramet Reiter (Ph.D.) is an Assistant Professor in the Department of Criminology, Law & Society and at the School of Law at the University of California, Irvine. Her research focuses on prisons, prisoners' rights, and the impact of prison and punishment policy on individuals, communities, and legal systems. She uses a variety of methods in her work—including interviewing, archival and legal analysis, and quantitative data analysis—in order to understand both the history and impact of criminal justice policies, from medical experimentation on prisoners and record clearing programs to the use of long-term solitary confinement in the United States. She is co-editor of the anthology *Extreme Punishment: Comparative Studies in Detention, Incarceration, and Solitary Confinement*. Her book, *23/7: Pelican Bay Prison and the Rise of Long-Term Solitary*, on the history and uses of U.S. supermax prisons was published by Yale University Press in 2016.



Therese Maria Rytter is the Legal Director of DIGNITY – Danish Institute against Torture. She is a lawyer with twenty years of experience in the fields of international human rights, torture prevention, detention monitoring and criminal justice sector reform in democratic, conflict and post-conflict societies. Therese is also a member of the Council of Europe Committee for the Prevention of Torture (CPT), expert to the United Nations Subcommittee on Prevention of Torture (SPT) and the OSCE Human Dimension Mechanism. In these capacities, Therese has monitored States' compliance with their human rights obligations, advised governments on how best to adhere to their human rights commitments, and undertaken numerous inspections of places of detention. In the academic field, Therese has been a lecturer on international human rights law and has published on criminal justice, human rights and torture prevention.



Peter Scharff Smith (Ph.D.) is Professor, Department of Criminology and Sociology of Law at the University of Oslo. He has studied history and social science, holds a Ph.D. from the University of Copenhagen and has also done research at the University of Cambridge and the University of Oslo. He has published books and articles in Danish, English and German on prisons, punishment and human rights, including works on prison history, prisoner's children and the use and effects of solitary confinement in prisons. He has also published books and articles on the history of the Waffen-SS and the Nazi war of extermination at the Eastern Front. Peter has also authored 'The Effects of Solitary Confinement on Prison Inmates: A Brief History and Review of the Literature' (Crime and Justice 2006). In Danish, he is the co-author of *Fængsler Og Menneskerettigheder* (with Hans Jørgen Engbo, DJØF, 2012 ('Prisons and Human Rights')) and, most recently, *Varetægtsfængsling: Danmarks hårdeste straf?* (with Janne Jacobsen, DJØF: 2017 ('Remand: Denmark's toughest punishment?')).



Stephanie Selg is a Swiss jurist, specialized in international human rights, humanitarian and comparative constitutional law. She is currently the OSCE/ODIHR Adviser on Torture Prevention. From 2012 to 2015, she worked as the assistant to the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Prof. Juan Mendez, Washington DC. In 2011 she served as a legal adviser to the Eulex Human Rights Review Panel in Kosovo and from 2009 – 2010 as a legal adviser and senior legal adviser to the Temporary International Presence in Hebron (TIPH), Palestine. In 2010 Stephanie worked as a consultant for the Swiss Forum for Human Rights and in 2007 she volunteered as a legal researcher for BADIL, Resource Centre for Palestinian Residency and Refugee Rights, Palestine. Stephanie holds a Masters in Law of the University of Basel and the certificate for transnational law from the University of Geneva, Switzerland. She is a member of the Swiss expert pool for civilian peace building and the association of democratic jurists of Switzerland.



Sharon Shalev (LLM, Ph.D.) is a human rights activist and criminologist. She is a Research Associate at the Centre for Criminology, University of Oxford, an Associate at the Mannheim Centre for Criminology, London School of Economics and Political Science (LSE), and Independent Expert at SolitaryConfinement.org. Over the past 20 years Sharon's key research interest has been its use in prisons and other places of detention, and she has authored various publications on the subject, including the *Sourcebook on Solitary Confinement*, a practitioner's guide to the health effects of solitary confinement and to human rights and professional standards relating to its use. Her award winning book, *Supermax: controlling risk through solitary confinement* (Willan, 2009) provided an early in-depth look into the rise, inner-workings and consequences of supermax prisons in the United States. Her recent study, 'Deep Custody: Segregation Units and Close Supervision Centres in England and Wales' (2015) was conducted with the UK based Prison Reform Trust, and offers a comprehensive look into segregation (solitary confinement) practices in England and Wales. She is currently completing a review of the use of solitary confinement and restraint across different detention contexts in New Zealand.



Elna Søndergaard is the Senior Legal Advisor at DIGNITY. She is also an Associate Law Professor at the Law Faculty, University of Copenhagen. Elna previously worked as a legal advisor with UNRWA, the IOM, and as an Associate Professor at the American University in Cairo, Damascus University, and the University of Jordan. She is a member of the Danish Bar Association. Previously, Elna worked as a legal researcher for BADIL, Resource Centre for Palestinian Residency and Refugee Rights. Elna has published mainly on the Palestinian issue, including *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention* (Badil, 2005) and a chapter entitled 'Time for Trial' in Daanish Faruqi (ed.), *Cape David to Cast Lead: Essays on Israel, Palestine and the Future* (2011). With DIGNITY, Elna was responsible for establishing and running its Jordan office, 2009 to 2011.



Bo Sørensen, Forbundssekretær, Fængselsforbundet (Prison Union), has been employed as a prison guard in the Nyborg State Prison for 14 years. He has in recent years been associated with punishment, isolation and special secured department. In 2007, he was elected chairman of the local branch of the Prison Union and union representative. In addition to negotiations with the local government and participation in Prison Union's executive committee and congresses, he has been dealing with workers' compensation and damages, disciplinary cases, sick leave, early retirement municipal matters, work and media coverage of labor relations in the Prison Service. In 2013, Bo was elected as Federal Secretary for the closed prisons. In 2015, he was reappointed as Federal Secretary of the Congress.



Karin Verland has been Director-General of DIGNITY since 2011 and is also a member of the Danish National Preventive Mechanism. Previously, Karin held various management positions including as Director of Pfizer Denmark from 2001 to 2009. Karin graduated as a medical doctor from the University of Copenhagen and worked initially at the Rigshospitalet and at Frederiksberg Hospital. Karin has also been a board member in a number of organisations, currently including Justitia. She has previously been a nominated member of the Danish Council on Ethics (Det Etske Råd). She has published a number of editorials and articles.



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*We express our gratitude to Sharon Shalev whose book *Supermax* provided the inspiration for the cover design.

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