

## **Rights groups sue federal government over solitary confinement in Canadian prisons**

*Long-term solitary confinement is cruel and unusual punishment, torture, lawyers say*

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For immediate release

Vancouver – Today, the BC Civil Liberties Association (“BCCLA”) and the John Howard Society of Canada (“JHSC”) filed a lawsuit against the Attorney General of Canada challenging the use of solitary confinement in Canadian prisons as unconstitutional.

The lawsuit alleges that the use of solitary confinement – where prisoners are isolated for up to 23 hours a day, sometimes for months and years at a time – amounts to cruel and unusual punishment. The lawsuit argues that the solitary confinement regime leads to prisoner suffering and deaths, deprives prisoners of fundamental procedural protections and is discriminatory against both mentally ill and Aboriginal prisoners.

In Canada, one out of every four prisoners in the federal prison system has spent some time in solitary confinement, also known as “segregation.” At any given time, there are as many as 1800 people in solitary confinement in federal or provincial prisons.

“Prolonged, indefinite solitary confinement is internationally regarded as torture,” said Carmen Cheung, Senior Counsel at the BCCLA. “At a time when the rest of the world is scaling back the use of solitary confinement, Canada remains steadfast in its reliance on a broken and dangerous system. From the Correctional Investigator of Canada to the United Nations Committee Against Torture, the message to our government has been the same: Canada must change the way it uses solitary confinement in its prisons. Canada hasn’t acted to put an end to this abuse, so we hope that our lawsuit will.”

Numerous studies have documented the negative effects of long-term solitary confinement. These include psychosis, hallucinations, insomnia and confusion. Solitary confinement can create mental illness where none previously existed, or exacerbate pre-existing illness. It is a risk factor for prison suicide, as the tragic and preventable deaths of Ashley Smith and Edward Snowshoe make clear. The BCCLA and JHSC argue that there are better, more humane alternatives to solitary confinement that promote rehabilitation and decrease prison violence.

Catherine Latimer, Executive Director of the John Howard Society of Canada: “Solitary confinement is increasingly being used to warehouse prisoners with mental health issues even though it worsens mental illness. Solitary confinement is an inappropriate and inhumane response for those made vulnerable by serious or acute mental illness and should be prohibited.”

This lawsuit will be heard at the Supreme Court of British Columbia. The BCCLA and JHSC are represented by Joseph Arvay, QC and Alison Latimer of Farris, Vaughan, Wills & Murphy LLP. The

lawsuit claims that the use of solitary confinement under the “administrative segregation” regime in Canada’s federal prisons is unconstitutional.

Joseph Arvay, lawyer for the BCCLA and JHSC: “Under the administrative segregation regime, prisoners can spend months and years in solitary confinement without even the benefit of an independent decision-maker to determine whether their confinement is justified. Solitary confinement as it is currently practiced in Canada violates core constitutional rights.”

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