

FONDATION  
TRUDEAU  
FOUNDATION



**SYSTEMIC, PSYCHOLOGICAL, AND JUDICIAL ISSUES IN IMPRISONMENT**

**Tuesday 26 November and Wednesday 27 November 2013**

**Cercle de l'Union, 27, Place Bellecour, 69002 Lyon**

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**THEME**

This two-day conference will constitute a richly comparative discussion of imprisonment in North America and Europe. Over two dozen researchers and specialists from both sides of the Atlantic will present their work on three principal themes: the legal rules and concepts that produce and govern prison sentences, the techniques of prison administration, and the social consequences of imprisonment. Specific topics include the political rights of incarcerated people, the role of race in the construction of criminal populations, and the pressing issue of delivering equal healthcare to confined populations.

**THE SEMINAR WILL TAKE PLACE IN FRENCH AND IN ENGLISH.  
SIMULTANEOUS TRANSLATION FROM FRENCH INTO ENGLISH  
WILL BE AVAILABLE.**

## TUESDAY 26 NOVEMBER

### **8.00 – 8.30 Welcome**

### **8.30 – 9.00 Introductory remarks**

**Chair of the session:** Guy BERTHIAUME, President and CEO, Bibliothèque et Archives nationales du Québec and 2010 Trudeau Mentor

*Welcoming remarks by the president of the Pierre Elliott Trudeau Foundation*

*Opening statement by the chair of the session*

### **9.00 – 10.30 Trends in imprisonment in North America and Europe**

**Summary:** This session will examine the basic features of North American and European penal states: rates of incarceration, including the rate of incarceration for minorities, and the legal and political structure of sentencing and prison systems.

**Chair of the session:** Guy BERTHIAUME, President and CEO, Bibliothèque et Archives nationales du Québec and 2010 Trudeau mentor



*Trudeau mentor **Guy Berthiaume** has been the CEO of the Bibliothèque et Archives nationales du Québec since June 2009. Previously, he was a professor in the history department of the Université du Québec à Montréal. After a year at the helm of the Partnership Development Bureau (1999), he was selected in 2000 to be the director of the Canadian Students' House at the Cité internationale universitaire de Paris. In 2002, the Université de Montréal recruited him to become assistant vice-rector and chief of staff for Rector Robert Lacroix. In March 2003, he was named vice-rector of development and public affairs. August 2008 marked his return to UQAM, where he held the position of vice-rector of research and creation and was responsible for the development of the university's scientific and artistic activities as well as its international relations. Guy Berthiaume is a Chevalier in the Ordre des Palmes académiques de la République française. He received the Dan Chase award from the Canadian Association of University Research Administrator in 2000 and the Centre Jacques Cartier medal in 2007.*

**9.00-9.20** Lisa KERR, Doctoral Candidate at the New York University School of Law and 2012 Trudeau Scholar

### **The Canadian Penal State**

This talk will introduce the main features of the Canadian penal state. The “penal state” refers to those aspects of the state that determine penal law and direct the deployment of the power to punish. In Canada, the fields of sentencing and prison policy are assigned in various ways to the legislature, executive and judiciary. This talk will cover the basic structure of the legal and political system that relates to state punishment in Canada, and will also introduce the topics of rates and styles of Canadian imprisonment. Other panels will focus on more detailed exposition of the general outline provided here.



***Lisa Coleen KERR** is a doctoral candidate at New York University School of Law. She is a 2012 Trudeau scholar, and a doctoral fellow with the Social Sciences and Humanities Research Council of Canada. Lisa graduated from the law faculty of the University of British Columbia in 2005. In 2009, she completed an LLM at New York University. Lisa has served as staff lawyer at Prisoners' Legal Services, pursuing strategic litigation on human rights issues in Canadian prisons. She works with the BC Civil Liberties Association on litigation aimed at the abolition of indefinite solitary confinement in Canadian prisons. Lisa also serves on a litigation committee of Pivot Legal Society, in pursuit of the decriminalization of sex work in Canada.*

**9.20-9.40** Bruno COULON, Director of Penitentiary Services and Head of the Douai Detention Centre (Maison d'Arrêt de Douai), Associate Lecturer at Université Jean Moulin Lyon

### **The French Carceral System**

The operation of penitentiary facilities is subject to so many rules, precautions and risks that controversy over solutions is rife. One phenomenon, however, undermines all attempts at progress: overcrowded prisons. The surpopulation of prisons in France is a cancer that corrodes the system from within and has sabotaged any measure undertaken over the past several years.



*A doctor of law and an expert in methodology, **Bruno COULON** has been a director of penitentiary services since 1992, has taken part in numerous reforms, and led the first departments of penitentiary reintegration and probation. In 2004, he was put in charge of a project to promote prison law and prison-related professions. In 2005, he was appointed associate lecturer at Université Lyon III. In 2006, he helped implement the first mobile offender tracking system. Beginning in 2007, Mr. Coulon broadened his professional outreach by working for the territorial administration, where he led a local delegation, and for a county seat (préfecture de région), where he was in charge of regional affairs as concerned health, postsecondary education and European cooperation. In 2013, he assumed the leadership of the Douai Detention Centre (Maison d'arrêt de Douai).*

**9.40-10.00** Delphine GIBAUD-CROSET, Sessional Instructor in Private Law, Université Jean Moulin Lyon 3

### **European Versus French Prison Rules**

Adopted by the member countries of the Council of Europe in 1973, Europe's prison rules comprise 800 rules developed by the European Council for Penological Co-operation. The European rules emerged from the jurisprudence of the European Court of Human Rights, and are coupled with the standards established by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment. The rules commit signatories to work toward harmonizing their prison policies and adopt common practices. France joined the standardization process with its most recent penological law, which on many points conforms to the expectations of the Council of Europe. On other points, however, procrastination in France continues.

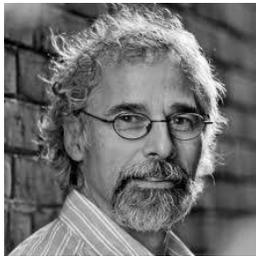


***Delphine GIBAUD-CROSET** is working on a thesis on procedural issues (l'incident de procedure). For the past two years, she has contributed to a legislative review of penitentiary and penal law. She has coauthored an article on the standardization of penal procedures and she publishes regularly in the online gazette of the Faculty of Law of Université Lyon 3.*

**10.00-10.20** Jonathan RUDIN, Program Director, Aboriginal Legal Services of Toronto

### **Responding to Aboriginal Over-Representation in Canadian Prisons**

Over one quarter of the inmates in Canadian jails are Aboriginal, even though Aboriginal people make up less than four percent of Canada's population. The problem persists despite legislative changes and decisions from the Supreme Court of Canada. Initiatives nonetheless show that it is possible to change the way the legal system functions and make a real difference to the lives of Aboriginal offenders.



***Jonathan RUDIN** received his LLB and LLM from Osgoode Hall Law School at York University in Toronto, Canada. In 1990, he was hired to establish Aboriginal Legal Services of Toronto and has been there ever since. Currently he is the program director. Mr. Rudin has appeared before all levels of court, including the Supreme Court of Canada. At Aboriginal Legal Services of Toronto, Jonathan helped establish the Community Council (Canada's first urban Aboriginal justice program) in 1992. In 2001, he helped establish the Gladue (Aboriginal Persons) Court at the Old City Hall Courts in Toronto. Jonathan has written and spoken widely on issues of Aboriginal justice. He also teaches part-time in the Law and Society Program at York University and at Osgoode Hall Law School, York University.*

**10.20 - 10.40 Question and answer period**

**10.40 – 11.00 Pause**

**11.00 – 12.40 Sentencing**

**Summary:** Who decides the terms of imprisonments, and what is expected of a carceral sentence? What theories underlie sentencing decisions and do they respect human rights? In North America, sentence length is decided by a combination of judges, legislators and, rarely, citizens through direct democracy measures. The terms, or qualitative features, of the incarceration are not specified. Rather, defendants are consigned to the authority of the warden. Criminal courts are strictly separated from the administrative authority of the penal administration. What is the situation in France? In Europe? Does legislation control sentence lengths? Is there mandatory sentencing or full judicial control? Does France have a system of examining magistrates who oversee the administration of sentences? Do minimum sentences exist?

**Chair of the session:** Xavier PIN, Professor at Université Jean Moulin Lyon 3, Codirector of the Penal Law Centre



***Xavier PIN**, PhD, full professor of law, teaches private law and criminal science. He is the director of the master's II program in fundamental penal law (Lyon 3) and he codirects the Centre for Penal Law. Mr. Pin is the author of a*

*number of publications on penal law, penal procedure, comparative penal law, German penal law, and the law of implied contracts.*

**11.00 – 11.20** Margarida GARCIA, Professor of Law at the University of Ottawa and 2004 Trudeau Scholar

**Theories about sentencing and human rights vis-à-vis imprisonment**

This presentation seeks to assess founding theories about sentencing in modern criminal law (deterrence, retribution, denunciation, rehabilitation) as both the cognitive foundation for theories about prison and as epistemological obstacles to innovation in the semantics of human rights in sentencing.



*2004 Trudeau scholar **Margarida GARCIA** is an assistant professor in the civil law section of the University of Ottawa's Faculty of Law as well as in the Department of Criminology at the Faculty of Social Sciences. Professor Garcia is a member of Canada Research Chair in Legal Traditions and Penal Rationality and a member of the International Committee of Francophone Penologists (Comité international de pénalistes francophones). She is interested in the epistemology of law, criminal law, and human rights. Trained in law, criminology, and sociology, Professor Garcia's research employs an*

*interdisciplinary perspective that marries legal knowledge and the social sciences.*

**11.20 – 11.40** Pierre-Victor TOURNIER, Research Director at the Centre national de la recherche scientifique, Université Paris I Sorbonne, Centre for 20<sup>th</sup> Century Social History

**Legislated penalties, sentences set by the court, applied sentences, reduced sentencing, the serving of a sentence: What does it all mean?**

French sentencing is complex. Penalties are defined by lawmakers, sentences are handed down by courts and can be: applied or not; served either in custody or the community, or; reduced according to various and ever more complex procedures. Are experts the only ones who can make sense of it all? In March 2012, an online survey conducted by CSA, a French pollster, asked whether respondents felt that the rulings and sentences handed down by the French penal system should be tougher: 74% answered in the positive. In the same poll, 90% of respondents were in favour of offenders serving at least three quarters of their sentence, and 89% were in favour of true imprisonment for life, without the possibility of parole, for the most serious crimes. Is there any objective relationship between these public opinions on security and the process of sentencing itself?



**Pierre-Victor TOURNIER** is the director of research at the Centre national de recherche scientifique and a specialist in penal demography. He is also a researcher at the Centre for 20<sup>th</sup> Century Social History at Université Paris 1 Panthéon Sorbonne. Professor Tournier holds an MSc in mathematics from Université Pierre et Marie Curie Paris VI and a doctorate in demography (licensed to oversee research) from Université Paris 1. From 1977 to 2011, he taught applied mathematics at the Institute of Demography at Université Paris 1. Professor Tournier is a member of the Steering Committee of the l'Observatoire national de la délinquance et des réponses pénales (National Observatory for delinquency and penal response) and he directs the weekly publication « Arpenter le Champ Pénal ». He is the founding president of DES Maintenant en Europe and the founder of Champ Pénal / Penal Field and Pénombre. He is also the former president of the French Criminology Association.

**11.40 – 12.00** Véronique IMBERT, *Première Vice-Présidente* of the Court of Major Jurisdiction of Aix-en-Provence

**Do sentences (still) make sense?**

Even as penal law seeks to develop alternatives to detention and sentence reductions, the prison population keeps growing. In France, one judge pronounces criminal sentences, while another applies the sentence and may impose changes. Prison administrators, under the authority of the public prosecutor (*procureur de la République*), may also order reduce and modify sentences. Is this system about punishment, reintegration or volume management? And does the magistrate (*juge correctionnel*) still play a role in sentencing?



A 1985 graduate of the *École Nationale de la Magistrature*, **Véronique IMBERT** was an examining magistrate from 1987 to 2007, first in Lille, then in Aix-en-Provence, and finally in Marseille. Between 2007 and 2009, she was vice-president serving under the first president of the Aix-en-Provence Court of Appeal. Since 1 September 2009, she has been first vice president at the Aix-en-Provence County Court (*Tribunal de grande instance*), in charge of the penal centre.

**12:00 – 12:20** Hugues de SUREMAIN, Legal Director, International Observatory on Prisons (Observatoire international des prisons), 1999 to 2010

**Ambiguities in the recognition of the right of access to the courts in prison**

After having been long prohibited by French law, the options for legally challenging measures against prisoners have been considerably extended in France. This is mainly a result of the European Court of Human Rights jurisprudence concerning prison standards and the legal activism of prisoners' advocates, principally the Observatoire international des prisons. These developments stress the need for greater cooperation among prisoners' advocates in Europe, so that advocates can draw attention in national debates to advances made by neighbouring states, and bring the weight of the Strasbourg Court to bear via coordinated legal actions.



*Hugues DE SUREMAIN is a lawyer at the Paris Bar. A member of the firm Spinosi, he practises in the highest French courts and at the Strasbourg Court. The European Council and the European Union call regularly on his expertise. De Suremain was the legal director of the Observatoire international des prisons from 1999 to 2010, where he initiated a series of proceedings for the recognition of prisoners' rights. He is one of the founders of the Réseau européen de recherche et d'action en contentieux pénitentiaire.*

**12.20 - 12.40 Question and answer period**

**12.40 – 14.20 Lunch**

**14.20 – 16.00: Human rights, health and imprisonment**

**Summary:** This panel will discuss current issues as regards prison management and human rights. In a case presently being heard in Canada, the argument is being made that the Constitution guarantees prisoners the right to clean injection equipment in order to reduce the transmission of HIV and hepatitis. A campaign is also underway to put an end to long-term solitary confinement on the grounds that such confinement harms mental health and is degrading to human dignity. In these examples, among others, prisoners' rights conflict with the interests of prison management.

**Chair of the session:** Len CRISPINO, Former Head of Ontario's carceral system and 2012 Trudeau Mentor



*Trudeau mentor and the president and CEO of the Ontario Chamber of Commerce from 2002 to 2012, **Len Crispino** served as assistant deputy minister in the Ministry of Economic Development and Trade and as the president and chief executive officer of Ontario Exports Inc. from 1993 to 2001. During his career with the Government of Ontario, Len served for three years as the province's chief trade representative to Italy, promoting Ontario's trade and investment interests, and was awarded the Order of Merit from the Italian Government for fostering business ties between Canada and Italy.*

*Prior to his work overseas, he held senior management positions in policy, planning and operations.*

**14.20– 14.40 Dan WERB, Doctoral Candidate in Epidemiology and Biostatistics at the University of British Columbia and 2012 Trudeau Scholar**

**Developing a measure of sensation seeking among drug-using populations: Implications for the prevention and treatment of injection drug use.**

Sensation seeking – the desire for risky and potentially dangerous new experiences – is an understudied predictor of risky drug-related behaviours among drug-using populations at risk of being incarcerated. The author sought to adapt a scale to measure sensation seeking among the general population to street-based populations of people who use drugs, with a view to determining whether higher levels of sensation seeking are associated with higher risk of injection drug use, crystal methamphetamine use, binge drug use, and polysubstance use. This talk will present these findings and discuss their implications for incarcerated drug users, as well as for the prevention of risky drug-related behaviours that place people at higher risk of being incarcerated.



***Dan WERB** has worked extensively in the fields of HIV/AIDS, addictions, and the impact of drug policies on vulnerable populations as a researcher at the BC Centre for Excellence in HIV/AIDS and co-founder of the International Centre for Science in Drug Policy. After completing a bachelor of arts with honours in English literature and philosophy at McGill University, Dan worked in academic and commercial publishing before becoming a researcher and communications fellow at the Senlis Council (now ICOS Group), a Paris-based illicit drug policy lobby group, and a freelance journalist. Through the International Centre for Science in Drug Policy, Dan has striven to engage energetically in public education and debate around the need for evidence-based illicit drug policy reform. Currently, Dan is working on identifying predictors of initiation and cessation of injection drug use among street youth, with an interest in working towards developing scientific interventions in this area.*

**14.40– 15.20** Magali RAVIT, Expert at the Lyon Court of Appeal, and Frédéric MEUNIER, Prison Psychiatrist

### **Care and evaluation of criminal action**

Psychological evaluation in the criminal justice process has been of particular interest in recent years. To be effective, evaluation needs to use methods that are standardized and somewhat objective. But the evaluation of delinquency and crime is unique. Can we understand criminal action in terms of categories that can be extrapolated? How do we account for relationships and the psychodynamics of the decision to take action? Is there still room today to question violent action and its management, without necessarily producing results? Is evaluation itself an integral part of care or does it merely meet social demand? This presentation will examine many questions that practitioners – both caregivers and experts – face daily in their practice.



***Magali RAVIT** worked for 12 years in a psychiatric service in a prison setting (S.M.P.R., in Lyon) with incarcerated men and women. She is an expert at the Lyon Court of Appeal and a lecturer at Université Lyon 2. Ms. Ravit has published on the psychopathology of passage to action and care and evaluation mechanisms. She is the pedagogical coordinator of Université Lyon 1's diploma in clinical criminology.*



***Frédéric MEUNIER** has worked as a psychiatrist in correctional institutions for 15 years. He is the head of the prisoners' mental health and legal psychiatry centre at the Le Vinatier Hospital (Lyon-Bron). An expert at the Lyon Court of Appeal who teaches legal psychiatry, he is also the educational coordinator for initial training and professional development for expert psychologists and psychiatrists. His work focuses on care in a restrictive setting, on violence and prevention, and on addiction.*

**15.20 – 15.40** Dr M. Patrizia CARRIERI, Researcher, Institut national de la santé et de la recherche médicale (INSERM), Marseille

### **Fair access to prevention for French detainees: HIV and hepatitis**

Prison is an environment that can offer real opportunities for health education, prevention and the control of certain pathologies, but overpopulation and the personality traits of detainees, who are often addicted and/or are affected by psychiatric disorders, increase health risks. A lack of prevention and management personnel also violates the principle of equality of care between the

general population and people in a correctional setting. A flagrant case is represented by access to measures to prevent HIV and hepatitis, as demonstrated in the results of a national PRIDE investigation that is being conducted in several European countries besides France. Studies like these are essential to measure the degree to which the principle of equity is being violated and to propose new prevention and management strategies that are better suited to the prison setting, beyond ideological barriers.



***Maria Patrizia CARRIERI** is a researcher at the Institut national de la santé et de la recherche médicale in Marseille, France. She is interested in barriers to access and care for marginalized groups (drug users and prisoners), the effectiveness of addiction and HIV treatments for drug users, and the evaluation of new HIV and hepatitis prevention tools, such as assisted injecting, lower-risk consumption rooms, and injectable treatments.*

**15.40 – 16.00 Question and answer period**

**16.00 End of the first day**

**WEDNESDAY 27 NOVEMBRE**

**9.00 – 12.30 : Religious, political and equality rights of prisoners: Multiple perspectives (French, Canadian, and European)**

**Summary:** This panel examines and compares the topics of political participation, sex equality, and religious freedom for prisoners. European and Canadian legal systems now clearly recognize and affirm the religious rights of prisoners, but there are complex issues around the provision of religious services and the facilitation of faith practices in the carceral setting. Similarly, while prevailing human rights law insists that prisoners cannot be discriminated against on the basis of sex and gender, there is little doubt that true substantive equality is a complex and unrealized promise for transgender prisoners. Finally, there is the topic of political rights. In Canada, prisoner voting has emerged as a central symbol of prisoners' rights. Only with the 2002 Supreme Court decision in *Sauvé v. Canada*, did the court strike down decades-old legislation that blocked prisoner voting. Meanwhile, the UK is contemplating exit from the European Union over prison voting, with Prime Minister David Cameron stating that the idea of complying with the European Court of Human Rights and implementing prisoner voting makes him feel “physically sick.” These perspectives on the religious, equality and political rights of prisoners reveals a great deal about the contemporary meaning of imprisonment amidst the legal, cultural and institutional realities of state punishment.

**Chair of the session:** John SIMS, Former Deputy Minister of Justice and Deputy Attorney General of Canada; 2012 Trudeau Mentor



***John H. SIMS, Q.C.**, is a former deputy minister of justice and deputy attorney general of Canada, a position he held for five years until his retirement in 2010. He has had broad experience as a senior lawyer to government, advising and litigating on subjects as diverse as transportation law, war crimes and national security, immigration and constitutional law,*

*aboriginal justice and the Charter. Mr. Sims has represented Canada in such international fora as G8 committees and the United Nations Human Rights Commission. In 2010-11, he took part in a project in Nepal on the development of a new, democratic, federal constitution for that country. He is the Chair of the Canadian Bar Association's Committee on Access to Justice, and the ad hoc privacy commissioner and the ad hoc information commissioner for Canada.*

**09.00 – 09.20** Nelly HUR-VARIO, Doctor of Law, Member of the Centre de droit pénal

**Analysis of the application of religious freedom in French prisons**

This presentation examines the recent theoretical recognition of religious freedom in French prisons (prisoners were not initially considered to be citizens). This recognition is inadequate, as it presumes practical measures such as access to religious information, which seems relatively straightforward, but also the opportunity to practice one's religion in prison, which can be difficult to implement. Problems also arise with regard to religious dietary restrictions and group worship in cases where no religious leader comes to the institution to minister. When administrative and European judges are referred cases accusing prison administrators of sometimes-intrusive restrictions on prisoners' religious freedom, they do not hesitate to sanction disproportionate practices. These considerations suggest that we examine the reasons why religious freedom is recognized as a fundamental freedom.



*Nelly HUR-VARIO is a doctor of penal law and criminal science, a lecturer and a law intern. Born 22 March 1980 in Saint-Étienne, France, Ms. Hur-Vario conducted her legal studies at the Université Jean Moulin Lyon 3, where she quickly developed a passion for penal law and criminal science, inspiring her to complete an advanced diploma in penal law. Her interests then focused specifically on sentencing, especially custodial sentences, leading her to write her dissertation on dignity in the execution of custodial sentences. Concurrently, since 2006, Ms. Hur-Vario has been extensively involved in teaching penal law and penal procedure at Université Lyon 3, and lecturing for the clinical criminology program at Université Lyon 1.*

**09.20 – 09.40** Corinne ROSTAING, Professor and Researcher in Sociology, Université Lyon 2

**Religious pluralism in French prisons**

This presentation will draw on an ethnographic study from the “top” (according to prison and religious authorities) and the “bottom” (in eight prisons) to analyze issues of religious pluralism in a French-style secularist setting for prison administration, prison staff, chaplains, and prisoners.



*Corinne ROSTAING is a sociologist, a professor of social sciences, a professor-researcher at Université Lumière-Lyon 2, and a member of the ERIS team (a research group on social inequalities) at the Maurice Halbwachs laboratory in Paris. Her thesis for the École des Hautes Études en Sciences Sociales on women's prisons was published by Presses Universitaires de France in 1997 and earned an award from the Académie des Sciences morales et politiques. Ms. Rostaing's research focuses on institutions, the carceral relationship, and identity. In particular, she has examined training in prisons, prisoners' citizenship, carceral violence, a cultural creation process in prisons, and religion in prisons.*

**09.40 – 10.00** Kyle KIRKUP, Doctoral Candidate in Law at the University of Toronto and 2013 Trudeau Scholar

**Administrative violence, gender identity, and sex segregation in Canadian prisons**

From government-issued identification to public washrooms, our daily interactions with the administrative state are mediated by systems of sex and gender. This presentation argues that Canada's policy of sex-segregating prisoners has profoundly negative consequences for those who do not fit neatly within these systems. While reform is necessary, it is important that we not lose sight of the underlying forces that bring transgender people into conflict with the criminal law in the first place.



*Kyle KIRKUP is a lawyer, academic, and writer. He is currently a doctoral candidate at the University of Toronto Faculty of Law, where he is a 2013 Trudeau scholar and a Social Sciences and Humanities Research Council Canada graduate scholar. Before joining the University of Toronto, Kyle completed graduate studies at Yale Law School and served as a law clerk to the Honourable Madam Justice Louise Charron at the Supreme Court of Canada. His research explores the role of police, courts, and prison officials in maintaining, contesting, and transforming contemporary norms of gender identity and sexuality. Kyle's research has appeared in the Canadian Journal of Law and Society, the Windsor Review of Legal and Social Issues, and the Journal of Race, Gender and Ethnicity. It has also been profiled by the Canadian Broadcasting Corporation. Kyle recently published Best Practices on Policing and LGBTQ Communities in Ontario, the first project of its kind in Canada. He is a member of the Egale Canada Legal Issues Committee, and he serves on the Advisory Committee and Organizing Committee for The WorldPride Human Rights Conference 2014.*

**10.00 – 10.20** Martine EVANS, Professor, Université de Reims

**Practical aspects of the disciplinary procedure in France**

Based on two years' experience as an assessor<sup>1</sup>, 25 years of exploring penitentiary law, and a questionnaire distributed to 10 assessors, Dr. Evans will explore the position of each of these players as well as issues of process and more fundamental questions. Despite clear judicial failings, it is her opinion that the commission can still be a venue for calming tensions and solving problems.

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<sup>1</sup> In France, an assessor is a member of the public who is not part of the penitentiary administration and who takes part in the disciplinary committee that rules on disciplinary offenses committed by prisoners. This committee is made up of the assessor, the head of the prison or his/her delegate (the prison governor), and a prison monitor. The head of the prison is responsible for the final decision; the monitor and the assessor are there for consultation.



**Martine EVANS** (aka Herzog-Evans) (PhD) teaches law and criminology at Reims University, France. She also teaches at the University of Nantes and the Bordeaux IV/National Prison Academy. Her major interests are criminal law, sentences, probation, prisons and reentry, and she has published extensively (see [herzog-evans.com](http://herzog-evans.com)). Madame Evans is a member of the European Society of Criminology and works with three of its subgroups: Community Sentences and Measures, Sentencing, and Prisons.

#### **10.20 – 10.40 Question and answer period**

#### **10.40 – 11.00 Pause**

**11.00 – 11.20** Kent ROACH, Professor of Law at the University of Toronto and 2013 Trudeau Fellow

#### **Canadian prisoner voting rights in their larger legal and political context**

The Supreme Court's 2002 5:4 decision striking down restrictions on prisoner voting will be examined in light of what it reveals about political and legal attitudes towards prisoners. The implications of this decision for current legal and political decisions will be analyzed and comparison made to the jurisprudence of the European Court of Human Rights.



**Kent ROACH** is a professor of law at the University of Toronto, where he holds the Prichard-Wilson Chair in Law and Public Policy. The author of 12 books and 200 articles and chapters, he was elected a member of the Royal Society of Canada by his fellow academics in 2002 and appointed a Trudeau fellow in 2013. In addition to his academic work, Professor Roach frequently engages in pro bono work and works with commissions of inquiry. He was counsel for Aboriginal Legal Services of Toronto in the Canadian prisoner voting rights of *Sauvé v. Canada* and in many landmark cases involving sentencing Aboriginal persons. He is presently working with Canada's Truth and Reconciliation Commission with respect to residential schools that many Aboriginal children were forced to attend as late as the 1980s.

**11.20 – 11.40** Jacqueline HODGSON, Professor of Law at the University of Warwick

#### **Should prisoners enjoy the right to vote?**

This presentation will discuss some of the issues surrounding the debate concerning the right of prisoners in the United Kingdom to vote in elections, with particular attention to the recent case of *Hirst v. United Kingdom*. It will consider whether the disenfranchisement of prisoners, regardless of the severity of sentences, under the Representation of the People Act 1983 s.3 breaches prisoners' rights under the European Convention on Human Rights 1950 Protocol 1 Art.3, or, whether the policy is proportionate on the basis that those who breach the social contract forfeit their civic rights and that the policy reflects the aims of the prison system in engendering respect for law. It will also explore ways that the United Kingdom government might comply with the ruling of the European Court of Human Rights, comparing the case of *Scoppola v Italy* (no.3), as well as reflecting on the United Kingdom's relationship with the Court.



*Jacqueline HODGSON holds an LLB and PhD. She has researched and written in the areas of criminal justice and comparative criminal justice. Her current research includes a comparative study of the effectiveness of the safeguards in place for juvenile suspects in five European jurisdictions. She has recently completed a large comparative empirical project examining the effectiveness of suspects' rights and their protection in European Union criminal justice. Her monograph French Criminal Justice (2005) is a major empirical study of the investigation and prosecution of crime in France. Her earlier work with colleagues includes Standing Accused (1994), Criminal Injustice: An Evaluation of the Criminal Justice Process in Britain (2000), and*

*Suspects in Europe: Procedural Rights at the Investigative Stage of the Criminal Process in the European Union (2007). In 2009 (with Horne), she published a study commissioned by the Legal Services Commission, entitled The extent and impact of legal representation on applications to the criminal cases review commission.*

**11.40 – 12.00** Laurent THEOLEYRE, Head of the Department of Rehabilitation, Probation and Recidivism Prevention Policies at the Direction interrégionale des services pénitentiaires Rhône-Alpes

#### **The ambivalence of prisoners' access to rights**

Prisoners' access to rights poses problems for the project of prison rehabilitation and the surveillance staff who work in correctional institutions every day. To a significant degree, it is not within the power of correctional staff to grant such access. In addition, incarceration has its own internal logic and rationalities that divert rights and freedoms to other objectives, placing prison staff in a difficult situation. There are the formal and therefore verifiable respect of rights on one hand – a process that is time-consuming and wears them down – and the subjective weighing of requests on the other. Faced with inevitable choices, staff need to understand the issues and limits of each case so as to avoid both committing injustices and chasing illusions to the point of exhaustion.



*Probation and Rehabilitation Director Laurent THÉOLYRE began his career in prison administration as an educator. Until recently, he directed probation and rehabilitation services for the Department of Côte d'Or. Now chief of the Rehabilitation, Probation and Recidivism Prevention Policy Department at the interregional penitentiary services directorate of Rhône-Alpes and Auvergne, he coordinates everything related to prison work, professional training, health, sports, culture, and social integration for these two regions, including access to rights. He also supervises non-prison interventions (probationary sentences and sentence adjustments).*

**12.00 – 12.30** Question and answer period

**12.30 – 14.00** Lunch

**14.00-16.00** Roundtable / Synthesis: Where to go from here? Crosscultural understanding and public policies regarding criminality

**Summary:** In the closing session of this international seminar, the speakers will reflect on the presentations and debates and discuss intercultural understanding, public policy about criminality, and next steps.

**Chair of the session:** Guy BERTHIAUME, President and CEO of the Bibliothèque et Archives nationales du Québec and 2010 Trudeau Mentor



*Trudeau mentor **Guy Berthiaume** has been the CEO of the Bibliothèque et Archives nationales du Québec since June 2009. Previously, he was a professor in the history department of the Université du Québec à Montréal. For a complete biography, see page 2.*

### Panelists

- M. Jacques BEAUME, Attorney-General, Lyon Court of Appeal
- Dr M. Patrizia CARRIERI, Researcher, Institut national de la santé et de la recherche médicale (INSERM), Marseille
- Joël CHARBIT, Doctoral Candidate in Sociology at the Centre lillois d'études et de recherches sociologiques et économiques of Université Lille 1
- Alain POMPIGNE, Director of the Maison d'arrêt de Lyon-Corbas
- Kent ROACH, Professor of Law at the University of Toronto and 2013 Trudeau Fellow



***Jacques BEAUME** is a graduate of the École nationale de la magistrature in Bordeaux. He is the attorney-general at the Lyon Court of Appeal. Mr. Beaume is a member of the Conseil supérieur de la magistrature and the chair of the national conference of attorneys-general. He is also an officer of the Ordre national du mérite and the Légion d'honneur.*



***Maria Patrizia CARRIERI** is a researcher at the Institut national de la santé et de la recherche médicale in Marseille (France). She is especially interested in barriers to access and care for marginalized groups (drug users and prisoners), the effectiveness of addiction and HIV treatments for drug users, and the evaluation of new HIV and hepatitis prevention tools such as assisted injecting, lower-risk consumption rooms, and injectable treatments.*



***Joël CHARBIT** is a PhD student in sociology at the Université Lille 1 (Centre Lillois d'Études et de Recherches Sociologiques et Économiques). After earning a master's degree in political science at the Institut d'Études Politiques de Bordeaux and a Master's 2 in urban sociology at Université Lille 1, Charbit worked on the question of mobilization, with prisons as his*

focus, for a master's thesis on the Estates-General on the Carceral Condition. Since 2010, he has been writing a doctoral thesis on prisoners' collective expression and the conflicts this brings to light. He is often called on to contribute to scientific and institutional conferences and national and international associations.



**Alain POMPIGNE**, a teacher by training, works as director for the French Prison Service. He currently directs the Remand Prison in Lyon-Corbas, a 700-inmate detention centre with two prison hospital units. Over the course of his career, he has directed the Rhône Rehabilitation and Probation Service during a period of major reform in the early 2000s and, more recently, the Maison Centrale de Clairvaux, a maximum security prison.



**Kent ROACH** is a professor of law at the University of Toronto, where he holds the Prichard-Wilson Chair in Law and Public Policy. The author of 12 books and 200 articles and chapters, he was elected a member of the Royal Society of Canada by his fellow academics in 2002 and appointed a Trudeau fellow in 2013. In addition to his academic work, Professor Roach frequently engages in pro bono work and works with commissions of inquiry. He was counsel for Aboriginal Legal Services of Toronto in the Canadian prisoner voting rights of *Sauvé v. Canada* and in many landmark cases involving sentencing Aboriginal persons. He is presently working with Canada's Truth and Reconciliation Commission with respect to residential schools that many Aboriginal children were forced to attend as late as the 1980s.

**16.00 – 16.30 Closing remarks by Mr. Guy BERTHIAUME**

## SCIENTIFIC COMMITTEE

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Kent ROACH, Professor of Law at the University of Toronto and Trudeau Fellow

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