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EFPA Board Human
Rights and Psychology

Recommendations to EFPA after the Hoffman report

Board Human Rights and Psychology

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“We have much work ahead as we change the culture of APA to be more transparent and much more focused on human rights” ⁽¹⁾

BRUSSELS, Updated July 2016

⁽¹⁾ Dr. Susan H. McDaniel, PhD, APA’s president-elect in document “APA’s Council Bans Psychologist Participation in National Security Interrogations”, August 7, 2015

Introduction

This briefing paper has been prepared at the request of the EFPA Executive Council by the Board Human Rights and Psychology, and includes an outline of the Hoffman report (The Report to the Special Committee of the Board of Directors of the American Psychological Association Independent Review relating to APA ethics guidelines, national security interrogations, and torture (Hoffman, 2015) and recommendations for the EFPA.

This document consists of two parts.

The **first part**, The Hoffman Report: Context and Content, gives an overview of the Hoffman report, the historical context and the reactions in the USA. There are four sections. First, some context is provided for the involvement of the APA in military and national security work. The second section addresses two major issues deriving from the Hoffman report: psychological interrogation techniques, and the governance of the APA. The third section presents a summary of the Hoffman report and the recommendations, with citations from the text. This part is concluded with a summary of the measures taken by the APA in reaction to the Hoffman report.

The **second part**, Implications of the Hoffman report for EFPA, deals with the possible implications of the Hoffman report for psychologists in Europe and the EFPA. The first section describes:

- The history of EFPA in relation to APA ethics policy
- The information EFPA received from the Chairperson of the APA Ethics Office,
- The position of the critics within EFPA of the alleged involvement of APA in the so-called ‘enhanced interrogations’ in Guantanamo Bay.

EFPA addresses its special thanks for this work to all members of the Board Human Rights and psychology, which contributed to the recommendations:

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Part 1 : The Hoffman Report: Context and Content

The wider context for psychologists in the USA

The Hoffman Report provides some context for the involvement of the APA in military and national security work.

Timeline

- 2001: 9/11: Twin towers attack, followed by the declaration of the War on Terror by the Bush administration (Sep 20 2001)
- 2002: Revision of the APA Ethical principles (1.02);
- 2005: PENS Task Force and its report
- 2007: Start of APA-members protesting against this report and APA policy
- 2014: James Risen: 'Pay any Price' (October 2014)
Assignment to Sidley Austin to review APA policies
Release of the Senate Committee Study of the Central Intelligence Agency's Detention and Interrogation Program (December 2014)

ISSUES DERIVING FROM THE HOFFMAN REPORT

Among the major issues to emerge from the Hoffman Report are the following.

Firstly, the question of the role of psychology in developing techniques of interrogation.

Secondly, the issue of professional governance and work with national security agencies.

Finally, the more general issues of transparency, self-criticism, and the lack of weight given to Human Rights.

1. PSYCHOLOGICAL INTERROGATION TECHNIQUES

The concept of psychological torture is not recent. It was described very graphically during the war of liberation in Algeria by Henri Alleg (Alleg, 1958). There have also been other examples of the use of psychological torture in other conflicts (Harper, 2007). There is now a consensus that the 'enhanced interrogation' techniques developed by psychologists fall into the category of torture. There is also evidence that psychological torture is just as traumatic, if not more so, than other types of torture (Başoğlu, Livanou, & Crnobarić, 2007).

2. PROFESSIONAL GOVERNANCE

The role of professional governance in the Hoffman Report in which APA officers collaborated – allegedly in secrecy - with the American military concerns the intention of the actors involved. It could be argued that there are circumstances where such secrecy is justified if the intention is to promote a higher good. While some of the motivation for the way the APA officers behaved concerned public relations and financial incentives, according to Hoffman, we cannot ascribe everything to this, and it may well be that some were because they thought they needed to work in this way to achieve a higher purpose. There is much research that indicates that those taking part in what are viewed as very immoral actions, believe themselves to be acting with the highest ethical standards (Haslam & Reicher, 2012; Reicher & Haslam, 2006).

Hoffman described this process as 'collusion' and to 'curry favor'. The more general issues of transparency, self critique and the (lack of) weight given to human rights were missing. In more psychological terms: there was a parallel process between the secrecy of the DoD and the APA officers involved.

Professional ethics should be the first guidance for psychologists' behavior. As such the Hoffman report was a shock for the society, for the profession of psychology and for psychologists.

SUMMARY OF HOFFMAN REPORT, CONCLUSIONS AND RECOMMENDATIONS

In November 2014, the APA commissioned David Hoffman of the law firm Sidley Austin to conduct an independent investigation into the involvement of APA with the Central Intelligence Agency (CIA) and the American Department of Defence (DoD). On the final day of the ECP2015, in July 2015, the report was released.

Central in this investigation was the creation of the Presidential Task Force on Psychological Ethics and National Security (PENS) task force, June 2005.

The most relevant quotes of the conclusions of this report are attached (see page 11

Below are a series of conclusions and recommendations from the Board Human Rights and Psychology. They provide a framework for considering actions that member associations might take in the light of the Hoffman report.

Conclusions (C) and recommendations (R):

1. C: Cooperation between government agencies and psychologists – scientists, psychological and professional associations - can lead to ‘collusion’.

R: EFPA to ask member associations to review their governance arrangements to ensure there is appropriate oversight.

2. C: The relationship between national law and professional ethics is relatively clear in the APA Code but was not specific enough on Human Rights issues to prevent the ‘enhanced interrogation’ techniques being carried out.

R: That the EFPA Board of Ethics be commissioned to consider how the relationship of Human Rights (including conventions and other international laws and frameworks) are included in the Meta Code and the Model Code, in order to recommend any necessary revisions .

3. C: Financial dependency existed between APA and DoD.

R: The EFPA to ask member associations to review their systems to ensure that conflicts of interest are properly managed and transparent.

4. C: In the USA ethical rules have been formulated for psychologists working in military organizations by a system that was not open and involved non psychologists providing the framework.

R: The EFPA to ask member associations whether their links with national security agencies have inappropriate influence on their codes of ethics.

5. C: Many scholars and organizations critiqued APA’s policies and assurances in this area. They were not taken seriously, were put aside, blamed and a PR strategy took care that the critics were not believed by the public.

R: The EFPA ask member associations to review their own systems for listening to critics of the approach of the member association so that such dissenting voices are not dismissed or victimized.

6. C: Human Rights were not given sufficient weight in the APA thinking concerning national security.

R: The EFPA recommend that all member associations establish boards of human rights and psychology to ensure that these issues maintain a high profile within the member organization.

A summary of measures taken by the APA

A number of measures were taken by the APA immediately after the release of the Hoffman report and during the APA Convention in August 2015 in Toronto.

- A formal apology was sent to international partners of the APA, for example, the EFPA.
- Rehabilitation of the critics, for example Jean-Maria Arrigo.
- A letter was sent to the President and the US administration to ask for a full ratification without restrictions of the UN Convention against Torture.
- No apologies have so far are made to the victims of the 'enhanced' interrogations.
- The council of representatives (IV. Board of directors) submitted a resolution at the APA Convention, August, 2015, for the implementation of the 2008 membership vote to remove psychologists from all settings that operate outside of international law.
- The APA is forming a Commission on Ethics Processes (start January 2016).

Conclusions (C), recommendations (R) and Questions (Q):

- Q: What about the prisoners of Guantanamo Bay? They are never mentioned or haven't received any apology.
- R: An international group concerning ethics and human rights issues has been established.

Part 2 : Implications of the Hoffman report for EFPA

EFPA and the relations to APA ethical policies concerning interrogations in Guantanamo Bay and Abu Ghraib.

- An article of Stephen Behnke in the European Psychologist. (European Psychologist 2006; Vol. 11(2):153–156).
- Participation of Stephen Behnke at many European conferences, e.g. ECP2015, NIP 2012.
- Voices of critical European colleagues.

FINAL REMARKS AND RECOMMENDATIONS:

1. To issue a mission statement that would have a special focus on the phenomena described and connected with the Hoffman report. See the [mission statement of the working group social psychology in Marburg University](#).
2. Discussing in all EFPA bodies the policy paper of the Board Human Rights and Psychology. (see page 14)
3. EFPA does not appear to have taken seriously the concerns raised by the critics of the APA, for example the Coalition for an Ethical Psychology <http://ethicalpsychology.org>. Why was this?
4. What mechanisms do we have to review the actions of other associations and their human rights involvement? One approach might be to review which countries have ratified fully the European Convention and other human rights conventions? And how the MAs contribute to fulfil and respect the obligations of the conventions.
5. Which EFPA member associations support openly in their Codes, Statutes or otherwise the Universal Declaration of Human Rights (UDHR)?
6. How can EFPA organize a more open climate for critical discussions, so critics within EFPA are to be heard? Suggestion: an EFPA council of representatives like the APA, consisting of members of Task Forces, Standing Committees and Boards.
7. How can we, members of EFPA, create self-governance mechanisms, either on a national level or as an umbrella organization within or in close connection with EFPA to prevent denial or misleading ourselves?
8. EFPA can ask for the opinion and experiences of European psychologists involved in military and secret services.
9. Strengthen individual, professional and organizational stop-mechanisms and whistle blowing by educating psychologists in the relationship between professional ethics, human rights and law.
10. Promote equal opportunities by EFPA, associations and individual psychologists, to compensate for existing disadvantages and discrimination and to facilitate developments that enable self-determined and socially responsible behaviour. (See page 13 , Mission Statement)

Appendices

1. Key quotes from the Hoffman report

'The specific question APA has asked us to consider and answer is whether APA officials colluded with DoD, CIA, or other government officials "to support torture."'

'...as well as three sub-questions set out in the Board's resolution:

- (1) whether APA supported the development or implementation of enhanced interrogation techniques that constituted torture";
- (2) whether changes to Ethics Code Section 1.02 or the formation and/or the report of the PENS Task Force "were the product of collusion with the government to support torture or intended to support torture; and
- (3) whether any APA action related to torture was improperly influenced by government-related financial considerations," including grants, contracts, or prescription-privileges policy for military psychologists.

1. Our investigation determined that key APA officials, principally the APA Ethics Director joined and supported at times by other APA officials, **colluded with important DoD officials** to have APA issue loose, high-level ethical guidelines that did not constrain DoD in any greater fashion than existing DoD interrogation guidelines.

We concluded that APA's principal motive in doing so was to align APA and curry favor with DoD.

There were two other important motives: to create a good public-relations response, and to keep the growth of psychology unrestrained in this area.

Thus, we conclude that in colluding with DoD officials, APA officials acted

- (i) to support the implementation by DoD of the interrogation techniques that DoD wanted to implement without substantial constraints from APA; and
- (ii) with knowledge that there likely had been abusive interrogation techniques used and that there remained a substantial risk, that without strict constraints, such abusive interrogation techniques would continue; and
- (iii) with substantial indifference to the actual facts regarding the potential for ongoing abusive interrogations techniques.

We found that current and former APA officials **had very substantial interactions with the CIA** in the 2001 to 2004 time period, including on topics relating to interrogations, and were motivated **to curry favor** with the CIA in a similar fashion to DoD. But we did not find evidence that the relationship with the CIA contributed to the outcome of the PENS Task Force, apparently because APA's key CIA contact for the APA retired in 2005 before the PENS Task Force met, and perhaps because the CIA's enhanced interrogation technique program was on the wane in 2005, as reported by the Senate Intelligence Committee in its 2014 report.

'.. there were clear and strong indications in front of APA officials that abusive interrogation techniques (such as stress positions, sleep deprivation, threats, and playing on phobias) had occurred.' The **PENS report** had to make sure that interrogators and psychologists could make the decisions appropriately in a manner that was "**safe, legal, ethical and effective.**"

2. With regard to the revisions of the **Ethics Code in 2002**—and most notably a revision to Standard 1.02, providing that psychologists who experienced a conflict between an APA ethical obligation and a law or order from a superior could follow the law or the order without committing an ethical violation, if the conflict could not be resolved (labeled a "Nuremberg defense" by critics)—we found that the meaningful changes occurred prior to 9/11 and were not influenced by an effort to help the government's interrogation efforts. We did find, however, that the "Nuremberg defense" issue was raised to APA officials during the Ethics Code revision process, but that they failed to follow up on it. Finally, we found that the handling of ethics complaints against prominent national security psychologists was handled in an improper fashion, in an attempt to protect these psychologists from censure.'

3. 'The substantial financial benefits in the form of employment, grants and contracts that DoD provided to psychologists around the country had a strong influence on APA's actions relating to the PENS Task Force (and therefore "relating to torture"), since preserving and improving APA's relationship with DoD (including the benefits

to psychology that flowed from it) formed an important part of the motive behind APA's actions. We did not find that APA was motivated by a specific contract or grant, or that APA itself actually received any substantial grants, contracts, or other payments from DoD during this period.

4. By explicitly declaring it ethical for psychologists to be involved in interrogations of detainees in DoD or CIA custody, while not setting strict and explicit limits on a psychologist's involvement in the intentional infliction of psychological or physical pain in these situations, APA officials were intentionally setting up loose and porous constraints, not tight ones, on this particular use of a psychologist's skill. This was especially true in the context of the time, which included (i) the government's known legal contortions that sliced the definition of torture down to a fragment, (ii) the widespread and credible claims that this kind of abuse had occurred, and (iii) the existence of a large loophole in the Ethics Code that allowed CIA and DoD psychologists to follow explicitly unethical orders and still be considered ethical as long as they tried to "resolve" the conflict.'

The report also includes some caveats, which they say limit the findings, but do not invalidate them. The fact that the APA accepted them all supports this position.

1. The note that the authors are not government investigators and so do not have subpoena powers.
2. The matters relate to national security and so the investigation covers areas that are classified.
3. Not all potential witnesses were prepared to provide testimony.
4. Time had elapsed between the events and the investigation.

2. Example of a Mission statement (Marburg University _ Germany):

https://www.uni-marburg.de/fb04/team-wagner/index_html-en?set_language=en

Professional psychology and psychologists will work to contribute to

- the counteraction of unequal opportunities,
- the compensation of existing disadvantages and discrimination, and
- the facilitation of developments that enable self-determined and socially responsible behavior.

These goals are guided by the [UN Universal Declaration of Human Rights \(1948\)](#) and apply to both individuals and groups of human beings.

This orientation has implications for the organization and content of psychologists' as well as psychological organizations' research, teaching, interventions and public relations.

Psychology conducts research in order to

- understand the process of social discrimination and to identify its causes and maintaining conditions.
- develop and test interventions that reduce social discrimination.
- address positive examples of equality and constructive conflict resolution and their maintaining conditions.

Teaching and education in psychology strives to

- familiarize psychologists with the latest international scientific knowledge and to enable them to critically reflect on this knowledge.
- enable psychologists to contribute scientifically to this knowledge.
- encourage psychologists, as scientists and citizens, to act responsibly and confidently and to actively take a stand for equality, especially with respect to their psychological knowledge.

With regard to public relations, we seek

- to make the insights of our research publicly accessible and
- to make it available for a critical, scientific, public, and political debate.
- We actively engage in such debates.
- Within this process, psychologists as well as psychological organizations actively follow a policy which ensures a close connection to these standards and independence from prevailing economic and political interests.

3. From the policy paper of the EFPA Board Human Rights & Psychology, 2015 'Psychology matters in Human Rights; Human Rights matter in Psychology'
<http://human-rights.efpa.eu/introduction/policy-paper/>

1. Professional psychologists have to accept and realize Human Rights as a normative standard for their professional behaviour.
2. In addition, professional psychologists and their professional organizations have to take a public position as professionals against the violation of Human Rights. Furthermore, professional psychologists are requested to publicly intervene if they with their scientific knowledge have the opportunity to foresee the negative consequences of certain kinds of public actions and threats of Human Rights violations. As stated in the EFPA Model Code (2015): 'Psychologists aim to actively prevent and report such actions as indoctrination, brainwashing or torture. Psychologists will report to the national association or relevant Human Rights bodies.'
3. Psychologists have to offer their support to alleviate the consequences of Human Rights violations if their professional knowledge and expertise can significantly contribute to a reduction in the negative consequences of those violations.
4. Psychologists are aware of the consequences of Human Rights violations and can raise their voice as experts with the public. Many are experts in alleviating the psychological consequences of violations. This implies continuous training in the knowledge of Human Rights and related human and social behaviors: CPD (continuous professional development).
5. It must be absolutely clear that no psychologist should ever be involved in the planning and conduct of torture.

References:

- Alleg, H. (1958). The question. New York: G. Braziller.
- David H. Hoffman, Esq. (2015). Independent Review Relating to APA Ethics Guidelines, National Security Interrogations, and Torture. <https://www.apa.org/independent-review/APA-FINAL-Report-7.2.15.pdf>
- Baçoğlu, M., Livanou, M., & Crnobaric, C. (2007). Torture vs other cruel, inhuman, and degrading treatment: Is the distinction real or apparent? Archives of General Psychiatry, 64(3), 277-285. doi:10.1001/archpsyc.64.3.277
- Behnke, S. (2006). Psychological Ethics and National Security. European Psychologist, 11(2), 153-154. doi:10.1027/1016-9040.11.2.153
- EFPA model code <http://ethics.efpa.eu/guidelines/>
- EFPA Board Human Rights and Psychology (2015). Psychology matters in Human Rights - Human Rights matter in Psychology. <http://human-rights.efpa.eu/introduction/policy-paper/>
- Harper, D. (2007). The complicity of psychology in the security state. In R. Roberts (Ed.), Just war : psychology and terrorism. Ross-on-Wye, UK: PCCS Books.
- Haslam, S. A., & Reicher, S. D. (2012). When prisoners take over the prison: A social psychology of resistance. Personality and Social Psychology Review, 16(2), 154-179.
- Reicher, S., & Haslam, S. A. (2006). Rethinking the psychology of tyranny: the BBC prison study. The British journal of social psychology / the British Psychological Society, 45(Pt 1), 1-40; discussion 47-53. doi:10.1348/014466605X48998
- <http://efpa.eu/news/efpa-deeply-shocked-by-conclusions-of-hoffman-report-about-involvement-of-apa-officials-and-us-psychologists-in-torture>
- <http://www.un.org/en/universal-declaration-human-rights/>

Abbreviations:

EFPA	European Federation of Psychologists' Associations
NIP	Nederlands Instituut van Psychologen
MAAs	Member Associations
ECP	European Congress of Psychology
APA	American Psychological Association
DoD	Department of Defence
CIA	Central Intelligence Agency
PENS	Report of the Presidential Task Force on Psychological Ethics and National Security

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