UN Committee Against Torture Says United States Must Reform Its Use of Solitary Confinement

By Sridevi Nambiar

On November 28, 2014, the United Nations Committee Against Torture released a 15-page report reviewing the United States’ compliance with the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The report cites the excessive use of solitary confinement in U.S. prisons and jails as a violation of CAT, and recommends a set of dramatic reforms.

The report is a follow-up to the Committee’s meeting with United States government officials on November 12 and 13 in Geneva. As a state party to CAT, the United States is expected to submit a “Periodic Report” detailing its adherence to the Convention, as well as respond to any questions, observations, and recommendations for change issued by the Committee. Over the two days, the United States delegation presented its latest periodic report for a ten-member Committee to review.

The U.S. government’s periodic report discusses some 55 separate issues of concern to the Committee Against Torture ranging from the treatment of immigrants in detention, the death penalty, police brutality, and sexual abuse of people in prison to the rendition and secret detention of terror suspects and their continued presence at Guantanamo Bay. In all cases, the United States insists that it is in compliance with CAT, even as several human rights and civil liberties organizations submitted shadow reports telling otherwise.

The U.S. periodic report also attempts to dismiss the Committee Against Torture’s concerns on solitary confinement—which the UN Special Rapporteur on Torture defines as “physical and social isolation of individuals who are confined to their cells for 22 to 24 hours a day,” and to which some 80,000 people are being subjected to every day in the United States. The U.S. report claims there is “no systemic use of solitary confinement in the United States.”

However, in Geneva, members of the Committee Against Torture raised multiple questions and concerns about solitary confinement in U.S. prisons and jails. The Committee Vice-Chairperson questioned the American delegation about measures taken to limit the use of solitary confinement, especially on children and other vulnerable individuals. Another Committee member asked about prolonged solitary confinement such as is being used in Louisiana, where individuals have been isolated for 40 years, and noted that such treatment caused “anxiety, depression and hallucinations until their personality is completely destroyed.”

Both in its periodic report and during the hearings, the United States government sought to assure the Committee Against Torture that sufficient restrictions on the imposition of solitary confinement are already in place. At the hearings, the Deputy Assistant Attorney General at the Department of Justice maintained that “U.S. courts have interpreted the Eighth and Fourteenth Amendments of the U.S. Constitution as prohibiting the use of solitary confinement under certain circumstances.” The U.S. periodic report further claims that The Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 limit the use of solitary confinement against persons with mental illnesses and other disabilities, while the Prison Rape Elimination Act offers protection from the same for children.

But in its “Concluding Observations” released last week, the UN Committee reaffirms that “it remains concerned about reports of extensive use of solitary confinement and other forms of isolation in US prisons, jails and other detention centres for purpose of punishment, discipline and protection, as well as for health-related reasons.”

The Committee lays forth several recommendations for the United States to ensure its policies on solitary confinement are in better compliance with CAT. It asks the U.S. government to restrict the use of solitary confinement “as a measure of last resort, for as short a time as possible, under strict supervision and with the possibility of judicial review.” Further it reasserts the need to ban the imposition of solitary confinement on “juveniles, persons with intellectual or psychosocial disabilities, pregnant women, women with infants and breastfeeding mothers in prison.” It also stresses that “regimes of solitary confinement such as those in super-maximum security detention facilities” need to be banned. Finally, the Committee once again brings attention to the lack of detailed information on the use of solitary confinement. It asks the United States to “compile and regularly publish comprehensive data on the use of solitary confinement, including related suicide attempts and self-harm.”
The Pope called for a ban on all crimes a life sentence denouncing sentences of life in prison. But Francis took his discourse a step further, calling an “arbitrary and merciless exercise of power over persons who have been deprived of freedom.”

Francis specifically turned his attention to supermax prisons. His term was carceri di massima sicurezza, which more literally translates to “maximum-security prisons”—but from his emphasis on extreme isolation and its consequences, it is clear that he was referring to the use of solitary confinement.

“One form of torture is sometimes applied by imprisonment in maximum security prisons,” the Pope said. With the motive of providing greater security to the community or special treatment for certain categories of prisoners, its main feature is none other than isolation. As demonstrated by studies carried out by different human rights bodies, the lack of sensory stimuli, the complete lack of communication, and the lack of contact with other human beings causes physical and emotional suffering such as paranoia, anxiety, depression, and weight loss, and significantly increases the chances of suicide.”

The Pope also warned against seeing prison as a cure for all of society’s ills, “as if for different diseases one could prescribe the same medicine.” He advised that “caution in the application of punishment should be the governing principle of all criminal justice systems,” and that governments should not, for any purpose, subvert “respect for the dignity of the human person.”

Pope Francis previously made headlines during his first Holy Week by washing the feet of twelve youth held at a juvenile detention center in Rome while celebrating the mass of the Last Supper, when Jesus washed the feet of his disciples.

In a papal mass just a few days before his speech on criminal justice, Francis told an assembly of Catholic bishops: “God is not afraid of new things. That is why he is continuously surprising us, opening our hearts and guiding us in unexpected ways.”

**About Solitary Watch**

Solitary Watch (www.solitarywatch.com) is a web-based project aimed at bringing solitary confinement out of the shadows and into the light of the public square. Our mission is to provide the public—as well as practicing attorneys, legal scholars, law enforcement and corrections officers, policymakers, educators, advocates, and people in prison—with the first centralized source of background research, unfolding developments, and original reporting on solitary confinement in the United States.

The print edition of Solitary Watch is produced quarterly and is available free of charge to currently and formerly incarcerated people, to prisoners’ families and advocates, and to non-profit organizations. To receive future copies, please send a request to the address or email above.

We also welcome accounts of life in solitary confinement, as well as stories, poems, essays, and artwork by people who have served time in isolation. Please send contributions to “Voices from Solitary” at the address above, and tell us whether you would like us to use your name or would prefer to remain anonymous.

Note: We regret that we cannot offer legal assistance or advice and cannot respond to requests for this type of help. Legal materials sent to us cannot be returned to the sender. We also cannot forward mail to others. Thank you for your cooperation.
The following account is by a young woman named Nicole who is currently being held in the segregation unit at Illinois’s Logan Correctional Facility, about three hours south of Chicago. Logan was repurposed from a men’s prison to imprison women from the shuttered Dwight and Lincoln Correctional Centers. The prison, which has a rated capacity of 1,106, currently holds 1,950 people. A December 2014 report by the John Howard Association described the dismal conditions at the “overcrowded [and] underresourced” prison. Shortly after Nicole’s arrival in segregation, a woman in the adjoining cell committed suicide. Her account, shows that even a few weeks or months in solitary confinement can have dire consequences on people’s physical and mental well-being. Nicole turned twenty-one while behind bars, and will celebrate her twenty-second birthday in solitary this year. —Victoria Law

My name is Nicole. I am currently housed in segregation at Logan Correctional Facility in Illinois. Here at this fine institution, we are locked down 24 hours a day. We shower every four days maybe. If we act up, they sometimes refuse to shower you, although that’s against regulations. I’ve gone 12 days without a shower. Now that we have a new warden, the rules have changed. Before she started working here, for example, you would not be segregated for an unauthorized movement. Now, you must do two months in this miserable place. You would think segregation is supposed to be for violent offenders? No, now everyone comes to segregation. My cellmate, Gina, was feeling homicidal and asked for a mental health evaluation. Instead, they threw her in segregation and said she refused housing. When you refuse housing, they give you three months segregation. Gina has been in segregation for nine days and still has no sheets or blankets because they lost some of her property. She sleeps on the cold, plastic mattress. I share one of my blankets. All these non-violent “offenses” and people are doing a very long time in segregation. Gina has also never, not once, gotten into trouble in the four years she’s been incarcerated! You want to know what violent offenses carry? They carry the least amount of time in segregation. If you get into a fight, you’ll do 15 days in seg. If you assault someone, you’ll do 30 days. Everything non-violent carries more than 30 days in seg!

You can’t even ask for mental help because they’ll throw you in segregation. I am in here because I had a seizure and was handcuffed and thrown into a wall by a lieutenant. I was not supposed to be handcuffed because I just had a seizure. I flipped out, panicked and spit on him. I’ve been in segregation six months. I should’ve went home December 3, 2014, but they are keeping me here until August 3, 2015. I have to be in segregation the whole time. The past six months have been hell. I’ve seen my friend commit suicide next door to me. While the police were waiting for her body to be transferred, they made jokes about how now there’s more bed space. My friend—RIP Shortybang—shouldn’t have even been in segregation. The police ignored her cries for help. They still ignore people when people say they are suicidal or homicidal. They don’t see us as someone’s daughter, mother, or sister...They see us as a number, as bed space, as criminals. I’ve talked to many women in this prison and I haven’t met one yet who hasn’t been abused, raped, etc., in their life. I’ve heard the worst stories. I don’t know about other women, but when I’m in segregation, alone, locked in this six foot by ten foot cell for 24 hours per day, I start thinking about my life. I have a very messed-up past. Mainly when I was younger, but that wasn’t that long ago.

I will turn twenty-two in seg on April 6th. Long periods of solitary confinement are not healthy, especially for women like me who have severe PTSD and depression. I’ve attempted suicide so many times I lost count! Now what makes anyone think it’s okay to put me alone in a cell for over a year? You might think I’m being treated by a psychiatrist? Yes, but she refuses to put me on the correct medications. I see the psychiatrist through a TV once every two months, maybe, and she refuses to look at my records and see that I need certain medications. So, if I’m having severe issues just trying to survive day by day, I know others are as well. That’s why so many people are yelling constantly that they’re suicidal. This is a very depressing place. Another serious issue, medical...I have been begging to see the doctor for six months since I got in segregation. I wrote grievances about health care in segregation.

I hope and pray that things will change back here. Even something as simple as how officers treat us would change a lot. I’ll do whatever I can from the inside and hope people listen to what I have to say. Just because I made one mistake in life doesn’t mean I deserve this suffering. I am somebody’s daughter. I have a great family. I should be home. I want to stop this from happening to others.
News Briefs

prisoners with psychiatric disabilities from neglect and abuse, including inadequate health care and the extensive use of solitary confinement. One such individual, Michael Anthony Kerr, died of dehydration after being in solitary confinement for 35 days. Recent reports have also highlighted the severe shortage of mental health personnel in the state’s prison system.

Texas—In February, the American Civil Liberties Union (ACLU) of Texas and the Texas Civil Rights Project (TCRP) released a report arguing that “solitary confinement is dangerous, expensive and makes Texas less safe.” A Solitary Failure: The Waste, Cost and Harm of Solitary Confinement draws on surveys, in-person interviews, and collaborative research conducted over an eight-month period. The ACLU and TCRP found that the Texas Department of Criminal Justice is trapped in “the outdated and expensive mindset of using solitary confinement as a routine correctional practice,” leading to inhumane, inefficient, and archaic conditions that permanently damage people held in prison and threaten public safety— all at the taxpayers’ expense.

National—In March, during a hearing before Congress on the Supreme Court’s budget, Justice Anthony Kennedy criticized the prison system in general, and solitary confinement in particular. “I think that the corrections system is one of the most overlooked, misunderstood institutions that we have in our entire government...Nobody looks at it,” Kennedy said. “And this idea of total incarceration just isn’t working—and it’s not humane. The federal government built...supermax prisons, with isolation cells. The prisoner we had come before our court a few weeks ago...had been in an isolation cell according to the attorney...for 25 years. Solitary confinement literally drives men mad.”

NATIONAL—In January, a coalition of civil and human rights advocates, faith-based and other organizations sent a letter to U.S. Attorney General Eric Holder expressing concern over the opening of a new federal prison in Thomson, Illinois, that will significantly increase the federal government’s capacity to house individuals in long-term isolation.

Sources indicate that the Thomson Correctional Center, projected to be activated by 2016, is intended to be a supermax prison, with 400 “Administrative Maximum” cells for extreme solitary confinement, and 1500 more “Special Management Unit” cells, where people will be held in 24-hour-a-day lockdown alone or with one other person.

The letter criticized the Bureau of Prisons (BOP) for planning to activate Thomson as a supermax prison while also claiming to be reducing the use of solitary confinement and other forms of isolation in the federal system. It also urges the Department of Justice to delay Thomson’s activation until the completion of a year-long audit on the use of extreme isolation across the BOP.

Canada—In February, advocacy groups filed two separate lawsuits alleging that solitary confinement as practiced north of the border constitutes cruel and unusual punishment, in violation of the Canadian Constitution. The lawsuits were sparked after the government refused to act on a series of recommendations made following the death of Ashley Smith. Smith, who was 18 years old and suffered from mental illness, died in a solitary confinement unit of self-strangulation while officers stood by and watched. Her death was ruled a homicide.