

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2014/12/05/un-committee-against-torture-says-u-s-must-reform-its-use-of-solitary-confinement/>

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by [Sridevi Nambiar](#) | December 5, 2014



On November 28, 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 Committees [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 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, after almost an 8 year gap since the last such review.

The U.S. governments 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. (Access them here: [American Civil Liberties Union](#); [Center for Constitutional Rights](#), [Legal Services for Prisoners with Children](#) and [California Prison Focus](#); [American Friends Service Committee](#); [NYCAIC](#); the [Correctional Association of NY](#); [NRCAT](#); [Truah](#); [Victorious Black Women](#), and the [Midwest Coalition for Human Rights](#).)

The U.S. periodic report also attempts to dismiss the Committee on Tortures 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. As per the U.S. report, 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. Committee Vice-Chairperson George Tugushi [questioned](#) the American delegation about measures taken to limit the use of solitary confinement, especially on children and other vulnerable individuals. Another Committee member, Alessio Bruni, asked about prolonged solitary confinement such as is being used in Louisiana, where individuals have been isolated for 30 years, and noted that such treatment caused anxiety, depression and hallucinations until their personality is complete destroyed.

Both in its periodic report and during the hearings, the United States government sought to assure the Committee on Torture that sufficient restrictions on the imposition of solitary confinement are already in place. At the hearings, David Bitkower, 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 (ADA) and the Rehabilitation Act of 1973 (Rehabilitation Act) limit the use of solitary confinement against persons with mental illnesses and other disabilities, while the PREA [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 even as the United States denies any systemic use. In the report, the Committee once again raises concerns on the use of solitary confinement for indefinite periods of time, its use against children and persons with mental disabilities, and the general lack of pertinent statistical data. The report also states that the isolation of prisoners for 22-23 hours a day as used in super-maximum security prisons is unacceptable.

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 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 disaggregated data on the use of solitary confinement, including related suicide attempts and self-harm.

Asked how he believes the U.S. government might respond to these recommendations, David Fathi, Director of the ACLU's National Prison Project said: We shouldn't hope for dramatic change. Even if the federal government were highly motivated, it has limited authority to affect conditions in state and local facilities, where ninety percent of prisoners are held. However, he hopes that the Committee's report may give an added push to states and localities that are already considering solitary reform.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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My Son Matthew McQueen Has Been In Solitary Confinement Since Nov. 8 2014 Right Before They Locked him up The Dr Said He Had A Server Hernia Around His Belly Button .They Transfer Him To Another jail still In Lockdown And This Jail Wont Let Him Have No Medical Attention They Wont Let Him Call His Parents On His Suppose One Hour Out Time No Visitor

My son also is in solitary confinement since Oct,12 2014. As of Dec.4 th we got visitation back but still no phone calls,my heart hurts for you..

Donna Im sorry to hear about your situation. My name is Kevin Haynes. If its OK with you I would like to send your son a therapeutic postcard from my website <http://www.kytecards.com>. If he writes me back, we can stay in touch through letters. Its not much but it can help. Feel free to contact me.

Yes Sir you sure can and thank you for answering my email his addy is Donald Willett 170847. 3337 Hwy 144 Owensboro,Ky 42303

My son is being held by the U.S.Marshalls in Owensboro Ky,he has been in solitary confinement since Oct.12 2014,has of Thursday Dec.4 th he had to be put on medication,he has not been convicted of any crime as of yet,We just got our visitation back Dec.4 th and he was so shaken I didnt know if he was going to be able to finish a 15 min visit,I love my son,he has a 10 year old little girl and it is cruel and harsh punishment,please I beg of you to tell me who to contact to get him out,They tell us he is not being punished,I need help now

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