



Statement by the American Civil Liberties Union (ACLU) to the UN Human Rights Council 22th session

March 20, 2013

Last year the U.N. Special Rapporteur on Torture presented his thematic report on solitary confinement (A/66/268), finding that solitary confinement can amount to cruel, inhuman or degrading treatment or punishment and even torture. Mr. Mendez called for the absolute prohibition of solitary confinement on juveniles and persons with mental disabilities, and recommended the implementation of alternative disciplinary sanctions. He also called for increased safeguards from abusive and prolonged solitary confinement, and the universal prohibition of solitary confinement exceeding 15 days.

Solitary confinement is an urgent and pervasive problem in the United States. On any given day there are over 80,000 people held in solitary confinement settings in U.S. prisons and jails. This number includes over 25,000 people who are held in so-called “supermax” prisons specifically designed for the sole purpose of holding people in long-term solitary confinement settings. Currently, 44 states and the federal government have such facilities. And this number includes children and people with mental disabilities. In no other country do we see solitary confinement practiced on such a massive scale. And in no other country do we see time spent in solitary confinement measured not in weeks and days, but in months, years, and decades.

Persons with mental disabilities are dramatically overrepresented in solitary confinement. Children are subjected to solitary confinement in juvenile facilities as well as in jails and prisons that otherwise house adults. Vulnerable LGBTI prisoners and immigration detainees are also placed in solitary confinement, both in civil and criminal detention facilities. In no other country do we see solitary confinement practiced on such a massive scale. And in no other country do we see time spent in solitary confinement measured not in weeks and days, but in months, years, and decades.

We believe solitary confinement should only be used in exceptional cases when deemed absolutely necessary to prevent death, serious bodily injury, or a major breach of prison security. Solitary confinement should in all cases be used for as short a time as possible and be subject to regular, substantive, and independent review. We strongly believe this practice should be prohibited against juveniles, pregnant women, women with infants, breastfeeding mothers, and persons with mental disabilities.

Mr. President,

Last year, before this Council, Mr. Mendez requested an invitation to conduct a fact-finding mission to the United States, including access to maximum security prisons.

As far as we know, the U.S. government has not yet extended an invitation and we call on the U.S. representative to take this opportunity to update the Council on when Mr. Mendez' request will be granted.

We believe the U.S. government should set a positive example and make good on its commitment to support the work of Special Rapporteur on Torture [A/67/151: http://www.un.org/ga/search/view_doc.asp?symbol=A/67/151] as articulated in its pledges to the General Assembly taken before its re-election to the Council.

Indeed, deeds not words matter most and it is long overdue for the U.S. to extend an official invitation to the Special Rapportuer on Torture to visit the country as soon as practically possible.

Thank you Mr. President.

humanrights@aclu.org