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On 10th Anniversary of Nelson Mandela's Passing, Senator Markey joins Congresswoman Bush in *End Solitary Confinement Act*

More than 122,000 US prisoners are being held in solitary confinement for 22 hours or longer

Washington (December 5, 2023) – On the 10th anniversary of Nelson Mandela's passing, who was held in solitary confinement for nearly six years, Congresswoman Cori Bush's (MO-01) *End Solitary Confinement Act* was introduced in the Senate by Senator Edward J. Markey (D-Mass.). This historic legislation would end solitary confinement in federal prisons, jails, and detention centers, with limited exceptions. The legislation would also create minimum standards for incarceration and due process protections, such as capping the time that incarcerated people are alone at four hours and requiring staff to meet them within one hour. These standards promote the de-escalation of emergencies over punishing people in detention. In addition, the legislation would incentivize states and cities to end solitary confinement in their facilities.

Individuals held in solitary confinement can be isolated in a small, concrete, windowless cell for 22 hours or longer. Human rights experts have noted solitary confinement can amount to torture linked to serious health issues—including suicide, heart disease, anxiety, and depression—and is tied to increases in recidivism. The Vera Institute of Justice reported more than 85 percent of people placed in solitary confinement are held there for minor violations, such as having too many bed sheets or an extra piece of fruit.

Solitary confinement disproportionately affects Black, Brown, and LGBTQ+ communities. Two recent studies found that nearly 60 percent of incarcerated Black men and 85 percent of incarcerated LGBTQ+ people reported facilities holding them in solitary confinement.

"Solitary confinement is a heinous and immoral practice that leaves lasting trauma on those subjected to it, disproportionately Black, brown and other vulnerable communities," **said Congresswoman Bush.** "It is past time we as a country refuse to allow this horrific form of torture to continue. I look forward to working with Senator

Markey on this groundbreaking, bicameral legislation that would put an end to this practice once and for all."

"Being forced into a small, concrete cell without windows for hours, days, weeks, and even months on end isn't rehabilitation, it's cruelty," **said Senator Markey.** "Solitary confinement is unjust and inhumane torture that disproportionately targets our nation's most vulnerable groups. I am proud to introduce legislation in the Senate that gets us closer to ending solitary confinement once and for all."

A copy of the legislation can be found HERE. A one-page summary can be found HERE.

Former President of South Africa Nelson Mandela spent nearly six years in solitary confinement, calling it "the most forbidding aspect of prison life." The United Nations adopted the Standard Minimum Rules for the Treatment of Prisoners, or "Mandela Rules" in 2015, which generally prohibited using solitary confinement except as a last resort.

In the United States, 33 states have passed bills limiting the practice for vulnerable groups, such as pregnant people, LGTBQ+ people, people with disabilities, elderly people, and juveniles.

Cosponsors in the Senate include Senators Elizabeth Warren (D-Mass.), Bernie Sanders (I-Vt.), and Peter Welch (D-Vt.).

Specifically, the *End Solitary Confinement Act* would:

- Ban solitary confinement in federal facilities with limited exceptions, including for sleep, medical quarantine, emergency de-escalation, and as part of a necessary lockdown.
- Provide additional protections against placing vulnerable persons in solitary confinement, such as LGBTQ+ individuals, elderly individuals, and individuals living with mental or physical illness.
- Mandate reporting on self-harm and suicide in facilities, and the duration and demographic breakdowns of solitary confinement use.
- Establish a community monitoring body to investigate individual complaints and systemic issues.
- Create a private right of action for violations of the statute.
- Decrease federal funds allocated to state and local entities that do not implement similar bans on solitary confinement.

The *End Solitary Confinement Act* is endorsed by more than 150 organizations.

"The *End Solitary Confinement Act* is a vital legislative step towards ending a barbaric practice that should not inform part of any contemporary policy-making," **said Jesse Franzblau, Senior Policy Analyst of National Immigrant Justice Center.**

"Solitary confinement inflicts deep mental, physical, and emotional scars on people in our communities. The effects of solitary confinement are so damaging that it can amount to torture under international law. The *End Solitary Confinement Act* is a commitment to stop this outdated, torturous practice," **said Delia Addo Yobo, Staff Attorney at Robert F. Kennedy Human Rights.**

"No one should be surprised that solitary confinement is inflicted on Black people at far greater rates. It's a weapon of racial oppression, just like the death penalty and prisons overall. Ending solitary confinement is one small step in reducing our addiction to punishment and redirecting resources toward healing trauma and stopping cycles of harm," **said Jami Hodge, Executive Director of Equal Justice USA.**

"The *End Solitary Confinement Act* won't just help over 11,000 people being held in extreme isolation in our federal prison system, it could also trigger other much-needed changes to the criminal legal system — and society as a whole. As one who spent three years in solitary confinement, I can say without a doubt that nothing in my life can compare to the psychological and physical toll solitary took on me," **said Johnny Perez, Director of the U.S. Prisons Program at the National Religions Campaign Against Torture.**

"This *Act* advances critical reforms that will help eliminate the vestiges of the long-term and often devastating harm of solitary confinement visited upon those who are subjected to this torturous practice, including impacted family members. We applaud our partners in the Senate for their courageous stance in advancing this bill," **said Tammie Gregg, Director of the American Civil Liberties Union's Stop Solitary Campaign.**

"The *End Solitary Confinement Act* is a beacon of progress, manifesting the collective commitment to human rights and justice. The introduction and passage of this landmark legislation will dismantle the walls of isolation and torture, and provide a blueprint for states and other jurisdictions to follow in order to fully eliminate this barbaric practice in America," **said Jessica Sandoval, Director of the Unlock the Box Campaign.**

"Prisons and immigration detention centers throughout the country use solitary confinement, and the threat of it, to silence dissenters, compel labor, and isolate Black, Brown, and LGBTQ people at disproportionate rates. The *End Solitary Confinement Act* is a monumental step toward eliminating this abhorrent practice in federal carceral

systems, and we celebrate its introduction in the Senate," **said CJ Sandley, Staff Attorney at Center for Constitutional Rights.**

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