

**Proposed Recommendations to the United States of America: Follow-up to the
Undersigned Organizations' Presentation to EMLER on May 2 in Minneapolis:**

Country Visit to the United States of America by the United Nations International Independent
Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement
from 24 April – 5 May 2023

Submitted by
RFK Human Rights and Atlas of Blackness



June 1, 2023

I. Introduction

These recommendations follow testimony provided to the United Nations International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement (EMLER) in Minneapolis, MN on May 2, 2023 by the above-signed organizations through Lucina Kayee, Executive Director of Atlas of Blackness and Delia Addo-Yobo, attorney at RFK Human Rights; and through testimony from Lucina Kayee, Antonio Williams, Myon Burrell, Elizer Darris, Breanna Buckhalton, Marvin Haynes, survivors of juvenile solitary confinement; and written testimony from Marvin Haynes, a currently incarcerated survivor of solitary confinement, read by his sister Marvin Haynes.

The testimony provided evidence of violence and other human rights violations perpetrated against Black foster youth both currently and formerly incarcerated by the State of Minnesota. The recommendations below include concrete actions to address systemic racism and human rights violations against Black youth and people of African descent in the context of law enforcement experiencing or who have experienced solitary confinement.

II. Recommendations

We recommend EMLER include the following concrete actions in its list of preliminary recommendations to address systemic racism and human rights violations against Black youth and people of African descent in the context of law enforcement experiencing or who have experienced solitary confinement:

1. Amend Rules 43 and 45.2 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (“the Nelson Mandela Rules”) to fully ban solitary confinement of youth, or people under the age of 25, under all circumstances.
2. Include Prohibition of Solitary Confinement of Children as one of the Optional Protocols of the Convention on the Rights of the Child.
3. Implement mandatory, free, and adequate mental health services for youth and people who experienced any form of solitary confinement as youths. This includes “back to basics” rooms, disciplinary room time (DRT), or registered seclusion rooms.
4. Tour facilities that impose solitary confinement or any form of isolation on youth, including Hennepin County Juvenile Detention Center (JDC) and Avanti Center. Document human rights abuses related to solitary confinement and issue a report on the findings.
5. Communicate with Minnesota Governor Tim Walz via Urgent Appeal or Letter of Allegation regarding harms of solitary confinement, especially as it pertains to youth and foster youth.
6. Include “Solitary Confinement of Children” as the “Seventh” Grave Violation of Children During Armed Conflict.

Testimony of Antonio Williams
May 2, 2023
Minneapolis, MN

I'm 37 years old and I was born in the Cabrini Green housing projects.

In the early 90s my parents moved me and my siblings to Minnesota. Shortly after that transition, my parents lost their parental rights and me and my siblings entered the foster care system.

Before I was 13 years old, I had lived in one foster home after another. I passed through over 30 of those places before graduating middle school.

My first experience with solitary confinement was while in a juvenile center called Bar None. At the age of 12 & 13 I was placed in solitary confinement for a few days.

Almost 2 years later at the age of 14 I ran away from a foster home. Less than a year later I turned myself in. I called my social worker at the time and he said to call the police and they would take me where I needed to go- The police came, put me in the back of their squad car and took me to JDC.

I spent the next 6 months in a kid's jail without having committed a crime. Most of that jail time was done in solitary confinement.

I heard yelling all the time. Other kids were suicidal and were being forcibly removed from their cells. And they would have their bedding taken from them by the jail staff early in the morning.

I was always an outgoing kid, social and approachable- what started happening to me though is I got quieter and I withdrew into myself. I stopped caring.

Less than 6 years later I ended up in an adult prison.

During the 14 years I was incarcerated I spent roughly 4 years in solitary confinement.

Solitary confinement as a child hyper amplified the self consciousness every preteen has. I felt damaged, unloved & ugly.

But the regular feelings of awkwardness & image consciousness morphed into an unhealthy feeling of being stupid ugly, unloved and irredeemable. I wasn't able to hold eye contact, I started to talk very softly- and I lashed out.

I internalized the lack of love I was being shown. I started to hate myself and I lost hope & belief that there was anything good in me or for me.

Much of that stayed with me as I got older.

The solitary confinement I experienced as an “adult” was a lot harsher.

I served 720 consecutive days in the maximum security prison’s solitary confinement unit but The solitary confinement in the Rush City prison stands out a little more: They only allow prisoners to flush their toilets every 30 mins and access cold water from our sinks once every 10 minutes; they leave the bright fluorescent lights on in the cells from 6:30am to 10:30pm. And we are not allowed to have bars of soap or a washcloth.

Years of sensory deprivation & over stimulation took a toll on my ability to be affectionate and to be shown affection. I developed horrible anxiety, migraines and depression. The scary part is not being able to yet identify all of the trauma Solitary Confinement has caused.

We are social beings- all the science shows that we are happier, healthier and we live longer when we are social, have friends and natural human contact and interactions.

Putting someone in Solitary Confinement is inhumane. Putting children in Solitary Confinement is sick and barbaric.

Policy makers in MN and the rest of the US must outlaw Solitary Confinement because we are literally torturing our citizens. We cannot call ourselves a civilized society if our responses to our pain, trauma, immaturity & lack of resources is uncivilized and inhumane practices.

Testimony of Marvin Haynes
May 2, 2023
Minneapolis, MN

What have your experience been in solitude confinement? I was sent to solitude confinement multiple times as a juvenile for lengthy amount confinement time but my hardest experience in solitude confinement were me going to trial falsely accused facing life from solitude confinement, while being mistreated by correctional officers for no apparent reason. Being told I would never see the light of day again. The few privileges that I were able to receive were taken away from me all because of me being placed in solitude confinement.

What was the impact as a child, how has it impact you as an adult. Solitude confinement impact me tremendously as a child. Causing me extreme anxiety, anger, depression, aggression, and suicidal thoughts. Now as an adult my social skills are lacking from them experience. I am more standoffish and less confident. More confined to myself.

What do think should be done about solitude confinement in Minnesota? Why is it important that policy making act today. Solitude confinement so be restricted to any one under the age of 18 year old. I have seen juvenile's attempt suicide because they could not handle solitude confinement. It is extremely important to act now because you could save someone life and help to rehabilitate the youth not cause them more problems mentally later down the line. ACT NOW...