



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

December 7, 2020

Nils Melzer
Special Rapporteur on Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment

Catalina Devandas-Aguilar
Special Rapporteur on the Rights of Persons with
Disabilities

Leigh Toomey
Vice-Chair of the Working Group on Arbitrary Detention

Dainius Puras
Special Rapporteur on the Right of Everyone to the
Enjoyment of the Highest Attainable Standard of
Physical and Mental Health

Joseph Cannataci
Special Rapporteur on the Right to Privacy

Dear Special Procedures Mandate Holders,

Thank you for your letter dated February 24, 2020. Please find the U.S. response enclosed.

Sincerely,

A handwritten signature in blue ink, appearing to read "DKronenfeld".

Daniel A. Kronenfeld
Human Rights Counselor

SUBJECT: U.S. Response regarding the Connecticut Department of Corrections

Thank you for your letter dated February 24, 2020, requesting information regarding the Connecticut Department of Corrections. We are grateful for the work you do across the globe to promote respect for human rights, as does the Trump administration.

The U.S. Department of Justice (Department) has forwarded your letter to the Special Litigation Section of its Civil Rights Division (Division) for careful review. The Special Litigation Section's work includes protecting the rights of people who are in prisons and jails run by state or local governments, including by bringing and pursuing cases, where it is alleged that a state or local government systematically deprives people in these facilities of their rights. For more information about the work of the section, please see <https://www.justice.gov/crt/special-litigation-section>. The Division receives hundreds of reports of potential violations each week. The information is collected and informs the Division's case selection. However, the Division cannot bring a case based on every report received.

The work of the Special Litigation Section is an example of how the United States complies with its obligations under international human rights law, including the human rights treaties that it has ratified. In this regard, we note that the letter's annex, titled "Reference to international human rights law," cites a number of non-binding documents such as UN General Assembly resolutions, a report from a former Rapporteur on Torture, a country visit report issued by the UN Working Group on Arbitrary Detention, and the Mandela Rules. We emphasize that these documents do not create rights or obligations under international law and are not binding on the United States. Furthermore, we note that in ratifying both the Convention Against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR), the United States entered a reservation indicating that it understood the term "cruel, inhuman and degrading treatment or punishment" in the treaties to mean the cruel and unusual treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments. Hence, the United States' international legal obligations applicable to the allegations are based solely on U.S. courts' interpretations of the Constitution.

With regard to your question about implementation of the Department's *Report and Recommendations Concerning the Use of Restrictive Housing*, the then-Attorney General announced the report in a speech at an American Correctional Association conference in January 2016. In March 2016, the President directed the Department to promptly undertake to revise its regulations and policies, consistent with the direction of the Attorney General, to implement the report's policy recommendations. In accordance with the recommendations and the President's order, the Federal Bureau of Prisons expanded its ability to divert inmates with mental illness to mental health treatment programs, established policies to discourage placement of inmates in restrictive housing during the final 180 days of their prison terms, and codified in Bureau policy documents the presumption that inmates should be housed in the least restrictive setting necessary to ensure safety and that inmates in restrictive housing should be returned to the general population as soon as it is safe to do so, among other actions. The report also features 50 "Guiding Principles," which were intended as "best practices" and "aspirational principles" for correctional systems in the United States. However, they "do not have the force of law and do

not create or confer any rights, privileges, or benefits to past, current, or future inmates or detainees housed by federal, state, or local correctional or detention systems, including the Federal Bureau of Prisons.” Nonetheless, the Department’s National Institute of Corrections’ website provides current and useful resources for correctional agencies regarding the safe and respectful management of restrictive housing populations (*see* <https://nicic.gov/restrictive-housing>).

We appreciate this opportunity to provide the above information concerning U.S. law, policy, and practice.

The United States Government avails itself of the opportunity to renew to the Mandate Holders the assurances of its highest consideration.