

UNITED STATES OF AMERICA  
Breaking the chain  
The human rights of women prisoners

AI Index AMR 51/47/99

Protecting the human rights of women prisoners

‘All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.’ Article 10(1) of the International Covenant on Civil and Political Rights (ICCPR)

‘Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.’ Article 2(1) of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture)

Just because a woman has been deprived of her liberty does not mean she can be humiliated, abused or treated inhumanely. Yet around the world countless women in prisons and jails are being targeted for human rights violations because of their gender and because they are vulnerable. Many are at risk of torture, including rape, and other forms of sexual violence. Many are denied health care that they desperately need. Many are singled out for cruel punishments, discriminated against and treated as sub-human.

On 8 March 1999, International Women’s Rights Day, Amnesty International launched a worldwide campaign to highlight the rights of women prisoners.

This booklet focuses on the plight of women prisoners in the USA. It charts a litany of human rights violations against women including rape and sexual abuse by prison staff, shackling of pregnant women, the denial and lack of adequate health care, and the unlawful detention of female asylum-seekers.

Although the US government proclaims itself as the champion of the rights and freedoms of the individual, it has shown scant regard for the human rights of women prisoners. It has failed to fully implement international human rights standards that would help protect the rights of prisoners. It has so far failed to ratify the UN Convention on the Elimination of All Forms of Discrimination against Women (the Women’s Convention), a vital charter of women’s rights. Amnesty International is a worldwide voluntary movement that works impartially to promote all the human rights enshrined in the Universal Declaration of Human Rights and other international standards.

Join us in our struggle.

Breaking the chain

This is Claudia Reddy. Two armed guards are standing outside her hospital room to prevent her from escaping. She has terminal cancer, but has been turned down for parole and compassionate release, even though she is nearing the end of a prison sentence for killing her abusive husband. After this picture was printed in the media, shackles were brought out and she was chained to her bed while unconscious. She died in February 1998, still in the custody of the Californian prison authorities.

Prisoners have just as much right as everyone else to be treated humanely. But in the USA, women are often the victims of prison regimes whose practices flout human dignity and international human rights standards.

If you are a woman prisoner, you may be guarded by male officers who are allowed to touch every part of your body during searches, and to view you while you are undressed. If you break disciplinary rules in some prisons, you may have to spend at least 22 hours a day in your cell, exposed to male guards even when you defecate.

Across the USA, procedures against sexual assault by staff, including rape, have often proved ineffective. And if you are abused, you may even be too afraid to speak out, because you have seen how guards treat women who stand up for themselves.

If you need medical care, you will have to persuade a guard that you are sick, and then wait for maybe days or even weeks to see a doctor. Like Claudia, you may be chained to your hospital bed when you are seriously ill, or even if you are in labour.

If you are seeking asylum in the USA, perhaps fleeing death in your home country, you may be locked up and treated like a criminal.

The USA has failed to meet its responsibility to respect the human rights of women prisoners. All those responsible for its jails and prisons, from local guards to the President of the United States, must commit themselves to ensuring that women's human rights are guaranteed. The time to break the chain of abuse is now.

#### An abused population

There are 138,000 women in US jails and prisons, three times as many as there were in 1985. They comprise around eight per cent of the country's total inmates. Nearly half of all women prisoners were sexually or physically abused prior to their incarceration according to recent reports, and over three-quarters of women in prison were sentenced for non-violent offences. The expansion of prisons and jails has simply not kept pace with the growing number of women inmates, often creating overcrowded conditions.

Women in prisons and jails across the USA have suffered a horrifying range of human rights violations.

Some violations arise from the misuse of methods of restraint. Prisoners are commonly shackled during transportation, for example, even if they pose no threat to guards. Pregnant women are no exception to this rule, despite the risk of miscarriage if they fall.

Shackles are sometimes not even taken off when women go into labour. "[My] shackles were not removed until 30 minutes prior to my delivery," Warnice Robinson, who gave birth while imprisoned in Illinois, told Amnesty International, "[imagine] not being able to adjust myself to even try to feel any type of comfort".

In December 1998, the Illinois Department of Corrections reportedly decided that pregnant women prisoners would no longer be restrained while in hospital, or while being transported to or from hospital. However, prisons in other states continue the practice.

Although shackles are removed during the birth itself, they are in some instances reapplied while a woman is suckling her baby for the first time. A Washington DC court has described the practice of shackling women in labour as "inhumane".

Shackles are also used to chain women to hospital beds, even though they might be seriously ill and in no condition to move, let alone escape. One woman, recently released from an Illinois prison, told Amnesty International how she awoke from surgery to find herself shackled to her bed.

Restraining chairs are another method of restricting inmates' movement. In some cases they have become a routine method of control, despite the risks posed to prisoners' health by prolonged immobilization.

They have also reportedly been used to torture and punish inmates. When in 1996 a woman was overheard by guards at Sacramento County Jail, California, complaining about her treatment, she was hooded and strapped into a restraining chair. In 1997, another woman in the same jail was

reportedly held in the chair, naked and hooded, for more than eight hours in full view of male guards and other jail staff who taunted and ridiculed her.

The use of stun belts and stun shields has potentially dangerous consequences for inmates. However, such devices are being increasingly used in US facilities. In Muncy Prison, Pennsylvania, in 1996, prison staff used an “Electronic Body Immobilizer Device” to subdue a woman who was distraught after a warrant had been read for her execution. The Department of Corrections informed Amnesty International that the device was used because she had refused to obey staff instructions and to prevent her from injuring herself.

The mechanisms available in the US to prevent these human rights abuses and to provide redress are clearly inadequate. Prison and jail standards are deficient and few states have effective, independent bodies to monitor how inmates are treated. As a result, hidden behind the walls of prisons and jails, untold numbers of women continue to suffer human rights abuses.

(Caption)

Warnice Robinson

Members of the Maricopa County Jail’s all-female “chain gang” carrying a coffin to its burial place, Phoenix, Arizona  
© Stan Grossfeld/Boston Globe

#### Sexual abuse

Susan Shinn is paralysed below the waist and requires a wheelchair. She is one of a group of six women who claim that, for over five years, they suffered “legalized sexual molestation” at Albion prison, New York State.

A lawsuit taken out by the women against the prison authorities describes their sexual abuse by male guards, stating that officers disregarded routine search procedures in order to “sexually grope and fondle” them, and to make “sexual and obscene comments about the[ir] bodies”.

The womens’ allegations are shocking, but they are not unusual. Every year, there are reports that women are being sexually abused by staff in jails and prisons across the US.

US equal opportunities law means that men cannot be refused employment in female facilities. Male guards may therefore be required to conduct pat-frisk body searches, and to view women while they are undressed. No matter how scrupulously male guards carry out these routine procedures, they constitute fundamental attacks on women’s privacy.

The procedures are open to deliberate abuse by guards, and have “led to serious allegations of sexual abuse of women”, according to the UN Human Rights Committee.

“Nearly every inmate we interviewed reported various sexually aggressive acts of guards”, a US Justice Department investigation into Michigan prisons reported in 1995. “A number of women reported that officers routinely ‘corner’ women in their cells or on their work details in the kitchen or laundry room and press their bodies against them, mocking sexual intercourse. Women described incidents where guards exposed their genitals while making sexually suggestive remarks.”

In 1997 the states of Michigan and Arizona were sued by the US Justice Department for failing to protect women from sexual misconduct, such as sexual assaults and “prurient viewing during dressing, showering and use of toilet facilities”.

Incidents of sexual abuse, including insults, sexual coercion and rape occur in many facilities across the country. In October 1997 the former Sheriff of Grant County, West Virginia, was sentenced to seven years’ imprisonment for forcing female jail inmates into sex acts with law

enforcement officials, while a former police officer from the same county was sentenced to five years' imprisonment for raping a female detainee.

In 15 states, there are no laws criminalizing sexual contact between staff and inmates. In these states, and in some others that do have such laws, consensual sex between staff and inmates is not considered a crime. However, the severe disparity of power existing between guards and inmates means there is no such thing as real consensual sexual relations in prisons.

International human rights standards state that only female staff should supervise and attend female prisoners. Amnesty International believes that the nature and extent of sexual abuse in US prisons and jails shows an urgent need for compliance with these standards.

The authorities must take all available measures to ensure that rape and other sexual abuse of inmates by staff does not take place. International standards such as the Convention against Torture require that all alleged incidents should be independently investigated and those found responsible for abuses brought to justice.

(Caption)

Robin Lucas is one of three women who alleged in a lawsuit that guards at a federal prison in Dublin, California, had beaten and raped them, and sold them for sex to male inmates. In 1998 the Federal Bureau of Prisons paid them \$500,000 to settle their lawsuit.

#### Retaliation and redress

Ill-treatment, rape and other sexual abuse in jails and prisons in the USA occur partly because formal procedures for dealing with these abuses are often ineffective. Guards abuse women safe in the knowledge that they will probably never be disciplined.

In many cases the suffering of women prisoners is compounded because they are too afraid to speak out for fear of reprisals. As the Justice Department stated in 1995 following its investigation of prisons in Michigan, "Many sexual relationships appear to be unreported due to the presently widespread fear of retaliation and vulnerability felt by these women".

During a 1994 lawsuit by women prisoners, a Washington DC court described the policies and procedures of the District prison authorities for dealing with sexual misconduct as "of little value because [they] address the problems of sexual harassment of women prisoners with no staff training, inconsistent reporting practices, cursory investigations and timid sanctions." The court said that by leaking information about reports of sexual misconduct, prison officials had coerced women prisoners and staff into silence, and had insulated themselves from scrutiny.

One of Susan Shinn's co-plaintiffs in New York State describes her own terrifying ordeal of sexual abuse and retaliation. She reports that during a pat-frisk, a male officer rubbed his penis up against her, grabbed and squeezed her breasts, then propositioned her. But when she cursed at him, his response was to write a misbehaviour report against her for "harassing an officer". Her violent and degrading treatment at the hands of prison officers, she later reported, was one of the causes of a subsequent suicide attempt.

The culture of abuse can be all-enveloping. A former prison guard in Michigan told Amnesty International that other staff harassed and intimidated her from the day she reported the abuse of a prisoner. She reported that in April 1997 she was physically attacked by an unknown person

within the prison, in an area that was out of bounds to prisoners. She added that after her attack she heard someone say, “we got that snitching... bitch”.

‘You know your rights are being violated but there’s nothing you can do about it because you are a prisoner.’

Elizabeth Bouchard, an inmate of Framingham Prison, Massachusetts, speaking on local radio in October 1998.

(Caption)

A women’s cell area in

Franklin County, Tennessee, October 1995

© Associated Press/Chattanooga Times

### Health

International standards state that inmates have a right to adequate medical care. But all too often, US prisons and jails conspicuously fail to meet women’s health needs.

Sherrie Chapman first found suspicious lumps in her breasts in 1985. She says that for nine years, she pleaded with medical staff at the California Institute for Women, a women’s prison, for medical treatment, telling them she had two close relatives who had died of breast cancer. She says she was not examined by outside medical staff until the end of 1994. By January 1996, the lumps had been diagnosed as malignant, and both of her breasts had to be removed.

Debra Gant, incarcerated at the Correctional Treatment Facility, a prison in Washington DC, very nearly bled to death in July 1996 because of a ruptured fallopian tube, and had to have an operation to remove the tube and one of her ovaries. In a legal action against the authorities, Debra Gant reported that although she had been suffering severe vaginal bleeding and abdominal pain for over a month, her constant calls to staff for medical attention were disregarded.

Lack of appropriate mental health care is just as much of an issue. Many women experiencing mental problems appear to be given medication almost as a matter of course because other forms of more appropriate treatment, such as counselling or psychotherapy, are unavailable.

In 1997, the US Department of Justice reviewed the treatment of a woman who died only days after her June 1996 transfer from hospital to the Sybil Brand Institute, a jail in Los Angeles. The investigation concluded that “there appear to have been numerous serious problems with the mental health care this inmate received” in jail, and that it appeared “the inmate did not receive the proper dosage of prescribed medication”.

A US Justice Department investigation into Julia Tutwiler prison for women in Alabama concluded in 1995 that the prison’s mental health care program was “almost inexistent”.

The consequences of failings in healthcare can be fatal. Jane B., a 36-year-old mother of two serving a two-year sentence at the Central California Women’s Facility, suffered from a severe gastro-intestinal disorder. Despite her requests for help, according to a lawsuit on behalf of all the women in the prison, she was not given effective medical or psychological care. She slowly starved to death.

(Caption)

Sherrie Chapman

Photo: Legal services for prisoners with children

Joann Walker had open lesions, fevers, and was coughing up blood, yet the staff at the Central California Women's Facility reportedly said there was nothing wrong with her. After being released on compassionate grounds, she died in July 1994. (C) Judi Parks

### Supermax prisons

In California, female prisoners classified as a "threat to safety or security" may be held in long-term isolation in the Security Housing Unit (SHU) at Valley State Prison. Women in the SHU spend between 22 and 24 hours a day in small, concrete cells, without work or education, and eat, wash and defecate observed by male guards. Every time the women leave or return to their cells, they are strip-searched and shackled.

A large proportion of women in the SHU have been diagnosed as suffering from mental health problems. Inmates may spend years, or even their whole sentence, confined to the SHU for successive, and in some cases minor, disciplinary infractions.

A psychiatrist who has investigated similar units has told Amnesty International that the harsh conditions can induce psychosis or exacerbate existing mental illness. A lawyer representing women at the prison told Amnesty International that one woman constantly had her stay in the unit extended because she covered a viewing slot in her cell door when using the toilet, in breach of the rules. The repeated punishment of the woman's desire for privacy had mentally broken her. "Supermax" facilities such as the Valley State SHU are proliferating throughout the USA prison system — sometimes an entire prison is a "supermax" facility. Many of the conditions in these facilities violate international standards for the treatment of prisoners.

### (Caption)

Demonstration for women prisoners at Chowchilla, California, 4 October 1997

© California Coalition for Women Prisoners

### Asylum-seekers

Although Maja Donaj and her husband Nikola, both from Montenegro, were being held in the same detention centre, they could only see each other through a plexiglass wall. In total, they spent 20 months in detention after they arrived in the USA, and were only released following an asylum hearing in December 1998. Part of the reason for the delay was that the Immigration and Naturalization Service (INS) had lost the transcript of their original asylum hearing.

International standards seek to protect asylum-seekers, stating that they should be detained only when strictly necessary, under certain clearly defined conditions, and only as a last resort.

However, untold numbers of asylum-seekers languish in US detention facilities. Held on orders of the INS, many are detained for longer than is allowed under international law and fall victim to institutional incompetence, harsh treatment and the injustice of being held alongside people charged with criminal offences.

Because there are usually small numbers of women asylum-seekers in a given jail, they may feel acutely isolated. Their smaller numbers often mean that they may be mixed with criminal offenders. Since their stays in jails are indefinite and they may be transferred at any time, their access to legal assistance is limited or non-existent.

In some states and detention facilities, female asylum-seekers are handcuffed and shackled — in one facility, even while being transported within prison grounds.

The INS has recently set out minimum standards which, if implemented, would improve existing practice. However the standards do not apply to jails, and monitoring the new standards is to be carried out by the same people who are in charge of the detention facilities.

The US must face up to its obligation to treat asylum-seekers with the justice and dignity they deserve.

Yudaya Nanyonga, a Ugandan asylum-seeker, began crying uncontrollably when told in June 1998 she would be assigned to the maximum-security section of York County Prison, Pennsylvania. In response, she says, prison officials injected her, apparently with sedatives, stripped and handcuffed her. She reports regaining consciousness two days later with no memory of how she had been removed from the restraints, or of how her bra and underwear had been put back on. A prison official has claimed these measures were part of normal operating procedures taken for the detainee's own safety.

#### Recommendations to protect women prisoners in the USA

##### On sexual abuse

- \* All forms of sexual misconduct should be expressly prohibited and all complaints thoroughly investigated. Women inmates who make complaints should be protected from retaliation. Appropriate redress and care should be provided to victims of rape and sexual abuse in prison.
- \* Staff and inmates should be informed of inmates' rights, and those individuals who violate these rights should be promptly brought to justice.
- \* Women prisoners should be attended and supervised only by women officers, in line with the Standard Minimum Rules for the Treatment of Prisoners, 53(3).

##### On restraints

- \* Restraints should only be used as a last resort.
- \* The unnecessary use of restraints on pregnant women should be prohibited. The use of restraints on women about to give birth, and immediately after the birth, should not be allowed under any circumstances.

##### On health care needs

- \* Appropriate physical and mental health care for female inmates should be accessible, and the quality of care should be of professionally recognized standards.

##### On 'supermax' detention

- \* The use of 'supermax' units should be reviewed and safeguards introduced to ensure that no prisoner is put in long-term isolation. The mentally ill or those at risk of mental illness should be removed from supermax units.

##### On asylum-seekers

- \* Asylum-seekers must be treated in accordance with international standards. They should never be detained in the same facilities as people charged with criminal offences.

### On international human rights standards

\* The US government should ratify the Women's Convention without reservations and the (first) Optional Protocol to the ICCPR, and recognize the competence of the UN Committee against Torture to receive and act on individual cases.

### On domestic human rights safeguards

\* Comprehensive standards that reflect international human rights law for the treatment of prisoners should be developed and promoted, and used to guide all detention and correctional facilities.

\* Independent and effective monitoring bodies should be established to investigate allegations of abuses in prisons and jails and to ensure effective redress.

\* All prison personnel should undergo training on human rights of prisoners based on international standards.

### What you can do...

- 1 Publicize Amnesty International's concerns on the human rights of women prisoners in the USA in your organization, school or community.
- 2 Tear off the attached postcards, and send them to President Bill Clinton and Attorney General Janet Reno by 30 June 1999. You may also write letters to the President and Attorney General using the addresses on the postcard, or e-mail [president@whitehouse.gov](mailto:president@whitehouse.gov) for the President, and [web@justice.usdoj.gov](mailto:web@justice.usdoj.gov) for the Attorney General.
- 3 Contact your friends, relatives and colleagues in the USA and inform them about Amnesty International's concerns. Ask them to write to their Federal and State officials about these and to act on Amnesty International's recommendations to protect the human rights of women prisoners.
- 4 Join your local Amnesty International group or chapter.

For more information about Amnesty International, our campaign to counter human rights violations against women, and our campaign for human rights in the USA, contact Amnesty International in your own country or write to: Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom  
 Amnesty International website: <http://www.amnesty.org>  
 US campaign website: <http://www.rightsforall-usa.org>

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Cover photograph: Demonstration for women prisoners at Chowchilla, California, 4 October 1997. © California Coalition for Women Prisoners

The information in this booklet covers the period up to January 1999



Postcards

Rights for all  
amnesty international

President Bill Clinton  
The White House  
Office of the President  
1600 Pennsylvania Avenue Washington DC 20500  
United States of America

Dear President Clinton,

Every prisoner has the right to be treated humanely. Yet in prisons and jails across the USA, women have been tortured and ill-treated..

I want to see a stop to the rape and sexual abuse of women prisoners by the staff of jails and prisons. I want to see an end to pregnant women being chained. That adequate health care is guaranteed to all. That no more female asylum-seekers are unnecessarily detained.

Women who have been abused should be free to speak out, free of the fear that they could be victimized by guards. US authorities must ensure that the staff responsible for such abhorrent actions are brought to justice.

I urge you to do everything in your power to promote respect for the international human rights standards governing the treatment of women in prisons and jails.

In particular, I ask you to continue your efforts to obtain full Senate ratification of the UN Convention on the Elimination of all forms of Discrimination against Women. I also urge that US reservations to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to the International Covenant on Civil and Political Rights, be withdrawn.

Yours sincerely,

Name: .....

Address: .....

.....

Janet Reno  
Attorney General  
Department of Justice  
950 Pennsylvania Ave. N.W.  
Room 440  
Washington DC 20530  
United States of America

Dear Attorney General,

Every prisoner has the right to be treated humanely. Yet in prisons and jails across the USA, women have been tortured and ill-treated.

I want to see a stop to the rape and sexual abuse of women prisoners by the staff of jails and prisons. I want to see an end to pregnant women being chained. That adequate health care is guaranteed to all. That no more female asylum-seekers are unnecessarily detained.

Women who have been abused should be free to speak out, free of the fear that they could be victimized by guards. US authorities must ensure that the staff responsible for such abhorrent actions are brought to justice.

I urge you to do everything in your power to promote respect for the international human rights standards governing the treatment of women in prisons and jails.

In particular, I ask you to ensure that rigorous national standards are established to guide all prisons and jails that reflect international humanitarian law for the treatment of prisoners, and that you ensure that federal prisons comply with all international standards.

Yours sincerely,

Name: .....

Address: .....

.....