

Human Rights Watch

Children's Rights

<https://www.hrw.org/news/2009/06/24/jails-must-take-measures-stop-prisoner-sex-abuse>

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"I'm afraid to go to sleep, to shower or just about anything else. I am afraid that when I am doing these things, I might die at any time. Please, sir, help me."

For years, we have been shocked by stories of the abuse - much of it sexual - of security detainees in U.S. custody in Iraq, Afghanistan and Guantanamo Bay.

But prisoners are not just abused overseas. Rape and sexual violence are all too frequent here in our own backyard.

If America is to reclaim its moral authority as a defender of human rights and dignity, it must start at home.

The plea quoted above came from Rodney Hulin, who was just 16 when he entered a Texas prison to serve an eight-year sentence for setting fire to a neighborhood dumpster. He was five feet two inches tall and weighed 125 pounds.

Rodney was raped almost immediately by his fellow inmates. After receiving medical treatment for tears in his rectum, he was returned to the same unit where he had been raped and where he continued to be raped. Prison officials refused his requests for protective custody. According to his parents, he was told that he needed to "grow up."

In response to Rodney's story and many like his of prison rape by other inmates or by staff, Congress passed the Prison Rape Elimination Act in 2003. PREA established, among other initiatives, the National Prison Rape Elimination Commission. For the past four years I have had the privilege to serve as one of the commissioners.

We were charged with undertaking a comprehensive legal and factual study of the impact of prison sexual abuse on individuals, governments, communities and social institutions. Our mandate was to develop zero-tolerance national standards to prevent sexual abuse in prisons, jails, lockups, juvenile, immigration and community correction facilities. As the Supreme Court eloquently stated fifteen years ago in *Farmer v. Brennan*, sexual abuse is "not part of the penalty that criminal offenders pay for their offenses against society."

Fixing the problem starts with determining why prison rape occurs. The answer does not lie solely with the perpetrators. Rape is committed by individuals, but it becomes systematic and widespread when officials deny its significance as a psychologically and physically devastating abuse that undercuts the very purpose of imprisonment.

The commission learned from corrections officials, survivors of rape, advocates and academics that prisons become rife with rape only when officials fail to take rape seriously and do not institute sensible measures to prevent and punish it.

The commission's work also confirmed that some prisoners are more at risk of sexual abuse than others. For example, among men, the young, small, physically or mentally ill, or those who appear to be homosexual or transgendered are more at risk of inmate on inmate abuse than others.

Officials know this - but all too often in the past they have failed to use their knowledge to ensure vulnerable prisoners receive special protection.

We must educate both inmates and staff about the high costs of sexual abuse and train them on how to recognize and prevent sex crimes in correctional facilities. Inmates should know that they do not have to bargain sexual favors for privileges from staff. They should know that if they report threats of sexual abuse by staff or other inmates that their reports will be taken seriously and investigated, and they will be protected from retaliation by the perpetrators.

Most important, both staff and prisoners must know that rape and abuse are never appropriate or permissible.

And they must know that there are consequences. Staff who rape inmates should be fired and criminally prosecuted. Inmates who rape

other inmates should also be punished, including through criminal prosecution.

All too often, perpetrators are allowed to simply walk away, as in the recent case of a principal at a Texas correctional school who subjected his charges to long-term and repeated abuse. He resigned quietly and became principal at a charter school in another part of the state.

Or the penalties amount to no more than a slap on the wrist: the punishment of the prison sergeant who raped a Colorado inmate for five months in 2006 and brutally sodomized her was only sixty days in a county jail and five years of probation.

The national standards that the commission has developed will lead to the prevention, detection and punishment of prisoner sexual abuse. I look forward to the attorney general promulgating final rules based on the standards within the next year.

Unfortunately, it will be too late for Rodney Hulin. After 75 days in prison, he hanged himself.

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