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Stemming the Harm: Promoting the Human Rights of Women Prisoners

Tuesday, July 12, 2011, 1:30- 3:00pm

Session Organizers:

**Rachel Herzing, Groundswell Fund
Kazu Haga, Peace Development Fund
Laura Katzive, Wellspring Advisors**

Facilitator:

Rachel Herzing, Program Officer, Groundswell Fund

Panelists:

**Tina Reynolds, Chair, Women on the Rise Telling HerStory
LeaJay Harper, Young Mothers United Program Coordinator, Center for Young Women's Development
Kazu Haga, Program Coordinator, Peace Development Fund**

Sponsors:

Wellspring Advisors; Groundswell Fund; Peace Development Fund

Rachel Herzing introduced the session by highlighting the importance of supporting grassroots organizing. She argued that top-down strategies by themselves cannot be effective, and that support for grassroots organizing and supporting movements is critical.

Human rights violations committed by the United States have created a climate of acceptance for human rights violations. The prison population in the U.S. reflects some of the most marginalized groups around the world. She explained that the session would use the U.S. prison system as one example; however that the lessons learned would be applicable to multiple sectors and countries.

LeaJay Harper opened by sharing about her organization's work with young women in juvenile detention in San Francisco. The Center for Young Women's Development started as a street survival project operating from a harm reduction model for young women on streets and expanded to offer leadership, political education, and life skills programming.

The Young Mother's Bill of Rights was created in response to the results of a survey on discrimination against LGBTQ youth and the mistreatment of young mothers within juvenile

facilities, and it gained support from staff, in part due to the abuses it reported. In one such instance a young woman miscarried in her cell because the guards ignored her calls for help. The Chief of Probation signed the Young Mother's Bill of Rights in 2007, and it is now administrative policy in San Francisco.

The Center for Young Women's Development is now working on state-wide public policy. A bill passed in 2005 that prohibits shackling during labor in California, however this applies only during labor and not in the transportation of women to the hospital. Advocates are now working on expanding the bill to prohibit shackling of any pregnant woman in any facility during transport. It is critical that affected women are at the forefront of these actions, and the Center has created a 12-week policy curriculum on how an idea becomes a bill and how to use media advocacy effectively.

Kazu Haga made the connection between international human rights standards and the abuses occurring within prisons in the United States by citing Article 27 of the Fourth Geneva Convention and Articles 7 and 10 of the Covenant on Civil and Political Rights. He also raised that Article 23 of the UN Standard Minimum Rules for the Treatment of Prisoners addresses pre- and post-natal treatment of women, and Article 1 of the UN Convention against Torture prohibits pain or suffering due to actions or acquiescence of any public official. The conditions inside U.S. prisons constitute torture and violations of human rights.

Kazu discussed the human rights framework as it applies to the U.S. prison system, pointing out that not many people argue there is a need for it. In the context of the U.S., a social justice framework can be labeled as "communist." Human rights funders have a big role to play in spreading the human rights framework and supporting grantees that use it in their work.

The U.S. prison system:

- All conflict has a history. In the U.S. we just look at those easily identifiable moments, for example, did that person commit the crime? This is a fundamentally flawed way of addressing criminal justice.
- If that person did indeed commit the crime, he/she is thrown into a violent and racist environment in prison, and then released back into society without much support.
- The U.S. has a 40-60% recidivism rate (the rate at which a person ends up back in prison within 3 years of their release). Is there any other industry in which we create a product with a 40% failure rate and still continue to invest millions of dollars in it?
- The Stanford prison experiment highlighted the degrading and dehumanizing conditions of prisons. Participants were randomly assigned as either prisoners or prison guards. Within a week they had to cancel the experiment because people were being traumatized. The experiment was about putting good people into bad environments and seeing how they behave. Sometimes an environment is so extreme that people's choices are limited.
- We need to see crime as a public health issue and stop taking an individualist approach to correcting it. This involves looking at the environmental factors that lead to crime.

What funders can do:

- Funders should recognize and frame issues as human rights issues.

- Support grassroots organizing, especially since its role is often undervalued. Grassroots organizations are the experts because they know the affected communities. Their stories give movements legitimacy.
- Policies and governments are tools used by the people. If the people are still corrupt, then these tools will not work until the culture changes. This is more difficult to measure, but we need to start evaluating the effectiveness of organizing differently.
- Funders can't build relationships with grantees based on money alone. We need to open doors for organizations to do their work.
- Break down barriers between grassroots groups and funders. One way to ensure this is to hire former organizers.
- Help spread the word. Sometimes groups don't have the capacity to conduct a full media campaign, so it is helpful when funders share information via their networks.
- International funders can help hold the U.S. accountable to human rights standards.

Tina Reynolds further explored the issues facing young women in prison. She asserted that women's experiences in prison are largely invisible. Women often spend the length of their reproductive years in prison, and if a woman is married, she can procreate while in prison.

Our moral constructs of society say that women shouldn't make mistakes, and if they do, they are not competent to keep their children. This construct leads to women losing their feelings of self-worth, which renders them less likely to fight.

During the process of drafting the anti-shackling legislation, advocates realized that most people didn't know what five-point restraints look like, and furthermore were not even aware that women in labor were shackled. Fourteen states now prohibit the shackling of women in labor, as well as during the delivery and post delivery transport back to the prison. In states where shackling during transport is still legal, correctional officers decide whether or not a pregnant woman will be chained to the van by one arm during transport to the hospital.

The question remains of how to increase awareness on these issues. Funders can become more educated about these issues and by collaborating with organizations, the power of both will increase. The conditions that women face in prison are inhumane and constitute torture. People are re-traumatized early in life by the prison system, and this lowers a person's self-worth. We need to offer opportunities for empowerment.

Question and Answer:

Q: How do funders and advocates make better connections between grassroots organizing and advocacy work? Can you provide some examples of what has worked and what hasn't?

A: Funders can bring grassroots organizations to the table to meet with legislators or UN officials. Funders can also play a role in making connections between grassroots groups.

One example is the criminal justice funders activist network. The network looks at where foundations and organizations are operating and discusses how they can collaborate together effectively. It is important for funders to have a sense of the field. For example, if a small foundation is working with a community of groups and a large foundation comes in and chooses a "star child" to be the expert, the larger foundation jeopardizes the work. A lot of larger

organizations take credit for work done with smaller groups and it is important for funders to be cognizant of this when making funding decisions.

Out of \$380 million philanthropic dollars, 1% goes to criminal justice reform, even though many issues overlap with criminal justice.

Q: Is human rights language used in the criminal justice field?

A: In some cases people use a human rights framework, but more coordination needs to happen throughout the movement. The human rights framework tends to be used by people with a legalistic perspective, for example organizations working on the death penalty. There is less traction for human rights language with groups working on more systemic things, for example, with policing.

Q: What about the use of isolation in American prisons and the definition of that as torture? This is an entry point through which to talk about human rights. Who is doing that?

A: The California prison focus is on isolation units, which is legalistic in its approach. The American Friends Service Committee's main program that did work inside prisons was defunded. The Correctional Association revealed a lot about the conditions of confinement work. Right now there are thousands of prisoners on a hunger strike in California regarding isolation.