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Soldiers and Prisoners: Sexual Violence in Closed Institutions

Tuesday, January 24, 2012

3:15 pm - 4:45 pm

Session Organizers:

- Heidi Dorow, Program Officer, Wellspring Advisors
- Puja Dhawan, Manager, Initiatives for Women and Girls, Novo Foundation
- Pamela Shifman, Director, Initiatives for Women and Girls, NoVo Foundation

Facilitator:

- Matt Foreman, Program Director, The Evelyn and Walter Haas, Jr. Fund

Panelists:

- Anu Bhagwati, Executive Director, Service Women's Action Network (SWAN)
- Lovisa Stannow, Executive Director, Just Detention International

Sponsors:

- Wellspring Advisors
 - Novo Foundation
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The session opened with participant introductions and sharing about who already funds work in these areas.

- The Walter and Elise Haas Fund supports immigrant rights and LGBT equality but doesn't specifically give money to these issues.
- Josie Hadden funds work related to trafficking and sexual violence on U.S. bases around the world.
- Novo Foundation supports ending violence against women, including violence within closed institutions.
- Groundswell Fund supports work related to reproductive justice and shackling in prison
- HIVOS has supported this work for awhile.
- Fund for Nonviolence has a program on justice with dignity program, but doesn't fund these issues specifically, but has funded groups working on the rape elimination act.
- Arcus funds a number of groups in this space.
- General Service Foundation supports groups who work with the prison system and then those who work with ICE, but there is often not a connection between the two. Advances in one don't always happen in the other.
- Central American Women's Fund supports sexual violence prevention.
- Overbrook Foundation has supported work on violence in prisons.

- Skoll Foundation supports anti-trafficking work in the Philippines.
- US Human Rights Fund supports criminal justice and immigrant rights work.
- Global Fund for Women does look at militarism. In MENA region supports groups working with women in prison in Palestine, Iraq and Israel.
- Emily Martinez with Open Society Foundations and Diana Samarasan with Disability Rights Fund are interested in hearing if violence within psychiatric institutions relates to the speakers' work. By focusing specifically on violence against persons with disabilities within closed institutions do we lose sight of the bigger problem of a hugely overcrowded prison system and violence against others?
- Tikvah Fund has a small docket on criminal justice.
- LaShawn Jefferson at the Ford Foundation doesn't fund these issues specifically, but they are close to her heart. How do women's statuses in society impact what happens within closed institutions?

Lovisa Stannow shared that the Department of Justice estimates that 216,000 people in prisons or jails are sexually assaulted each year and that of those who are sexually assaulted, it happens between 1-5 times. The highest rates are in youth facilities. One in eight kids in detention are sexually abused and in 80% of these cases, the perpetrators are staff. This problem is preventative; we can end sexual violence in institutional settings.

Anu Bhagwati, a former Marine officer, is now Executive Director of the Service Women's Action Network (SWAN). As an officer she witnessed how cases of sexual assault would be swept under the rug by mid-grade officers. According to the Department of Defense, over 19,000 service members were sexually assaulted or raped in 2011. Survivors of sexual assault in the military are usually the youngest, lowest ranking men and women. About 90% of survivors do not report the assault.

Q: Do you see similarities between sexual violence within the military and sexual violence within prison?

There are two main parallels:

1. Clear hierarchies
2. Very high underreporting of sexual assault. There is a near certainty that if you file a report, no one will be there to help you. Military law can be extremely restrictive. Even though there is a policy on paper, the system is corrupt. The high level officer deciding on the case can be young (25 years old) with no legal training, while the case survivor is 18, and offender is 35 and high ranking.

Q: What are driving factors behind not reporting?

- Rank and power. Survivors are often living with their perpetrators.
- There is no third party system to adjudicate justice.
- The majority of victims are really young. They are indoctrinated to obey orders and they feel pride from that.
- Sense of betrayal –someone you hold strong respect for, often a father figure, does this.
- There is nowhere to go. You cannot leave and join another unit, if you do, you go to military jail.

Q: What are the roles of homophobia and misogyny?

- Both are present in basic training, used as a performance incentive. The weaker you are, the more gay you are or more feminine.

- Repeal of don't ask don't tell does help, as you can't be legally kicked out based on sexual orientation. Women and women of color are discharged disproportionately based on how many serve over all.
- The vast majority of rape survivors in prison are men, as most people in prison are men. In the prison setting strength and weakness are defined along traditional gender roles. Gay men are at extremely high risk of abuse. Once you have been declared a woman in a prison setting, you will be someone's "bitch".

Q: What do you mean by this being preventable?

- This is a crisis we can end. We need to put in place strong leaders and policies that explain to staff and inmates what to do when they feel threatened. We then must ensure that acting upon these policies is rewarded and not punished.

Q: Within prisons a warden can have a huge impact on safety. Is it the same in the military or not? Is that a difference between the two situations?

- One challenge with changing military culture is that we are dealing with American society. The military is viewed by most as the most heroic entity we have in U.S. We assume that good men join. My organization and other advocates have to explain that while most servicemen and women are heroic, there are also really bad people that join. Nothing that can be done if your commander decides not to support you. You are prohibited from taking the case to federal court.

Q: What are your points of access and can you share a success story?

- SWAN was closely involved in the "don't ask don't tell" repeal. Litigation is the best tool we have. We go straight to the head of the Department of Defense; with this issue, rank matters. When we shame the military and show people that military men and women are abused, we make progress. 50% of survivors of sexual assault in the military are men.
- In 2003 Just Detention International helped push through the Congress Federal Prison Rape Elimination Act. The framing of this was extremely helpful, if you voted against this, you looked as though you were supporting prisoner rape. On a more micro level, we ran a project at an overcrowded California prison that had a large population of gay men and transgender women. Many sexual harassment complaints were voiced by transgender women with regard to PAT searches. The prison staff would assert that there were no women in the prison, only men. JDI was able to re-train the staff to turn their hands when patting the breasts of transgender women.

Q: How much is the media part of the strategy?

- SWAN gets calls from the media who want a particular kind of story – a young white victim recently returned from the battlefield. There was recently a suit against Rumsfeld by 32 survivors that led to a big transformation on how the media covers sexual violence within the military. There is no more victim blaming like there was before and there are conversations on this topic within the Republican party. There is a fantastic film about this that premiered at Sundance, "The Invisible War."
- For the Secretary of Defense to have a press conference solely on sexual violence in the military is huge. His predecessors were both sued.

Q: How do you fight against the thinking that a person is in prison, so he or she deserves to face sexual assault?

- Over the past ten years we have made great strides in changing perceptions with the major media, but this hasn't happened with all outlets, i.e. SNL still has prisoner rape skits.
- Even though this issue cuts across so many issue areas – criminal justice, LGBT rights, sexual violence – it seems as though there isn't a lot of foundation support.

Q: What are some of the challenges to funding this issue? What do funders say to you? How could the field help?

- It is what they don't say that is really telling. There is an undercurrent of anti-militarism and anti-war with foundations. We need to take responsibility for our own institutions. We can fix this.
- SWAN is the only organization addressing sexual violence within the military. Veteran organizations often take on the personality of military and don't make room to discuss homophobia, race and patriarchy. SWAN is very careful with messaging so that people who care about treatment of young men and women will care about this issue.

Q: What is the top thing on your list that you can't do without more resources?

Ms. Bhagwati: All of the bills that will fix this problem have already been written. It is about carving out the bandwidth. We need to build stronger relationships with big human rights and civil rights organizations.

Money is put into supporting troops once they get home. What about while they are within the institution?

Ms. Stannow: Very little money is going to criminal justice in general and 1% of the criminal justice funding is going to conditions of confinement. The world of criminal justice is divided into: prevention efforts, conditions of confinement and re-entry. This division is artificial; we need to see this holistically. Ten million people pass through U.S. prisons and jails every year. If we don't focus on the time while they are in prison (sexual violence, verbal and emotional abuse), post-prison interventions will not be successful.

We are an advocacy organization that works on policy reform and provides technical assistance. We are the only organization in the U.S. that is dedicated to sexual abuse in detention. We recognized that while don't do direct service work, we have to give back to survivors in some way. When we receive letters from survivors, we now send a personalized letter and packets with information regarding assistance. This work in particular has been difficult to fund.

Question & Answer:

Q: Does SWAN focus any of its work on addressing sexual violence by military personnel on civilians?

- We'd love to, but don't have the capacity. The scale of that problem is monumental. There is definitely a connection. There are so many cover-ups, but during a time of war, it is very difficult to get commanders to focus on anything other than war making.

Q: Do you conduct prisoner education around self protection?

- Inmates need to know how to report sexual violence and how to protect themselves. We are working on peer education: identifying and training inmates to become sexual abuse awareness trainers. Once prisoners know what their rights are, the culture in the yard changes.

Q: Why do you think the floodgates opened with “don’t ask don’t tell”? What has changed? What is education process for service members?

- Sexual assault office created seven years ago as a token office. We finally got the director fired; the Department of Defense can no longer hide behind that office.
- Last year if someone requested base transfer there was no guarantee. Now service men and women are guaranteed expedited transfers with sexual abuse allegation.
- The Farris Doctrine prevents service members from bringing cases to court. This is now being actively challenged. Medical malpractice has been the largest issue.

Q: Have you seen any research that collects data about effects of sexual violence on prison workers themselves?

- As far as I know, nothing. We do hear frequently that staff are incredibly troubled and most do not condone sexual abuse. They often suffer under an intense code of silence where loyalty to fellow staff members who commit abuse is expected. Corrections officials have a low life expectancy and quality of life upon retirement.

Q: What about sexual violence in other closed institutions?

- With JDI, it’s a bandwidth issue. Our definition of detention within our work does not include psychiatric institutions.
- There are hundreds of cases of sexual assault within VA hospitals. SWAN is working to change the climate of VA hospitals.

Closing Remarks

Three reasons why we need to care:

- We are talking about real people, our neighbors and friends. They have the same human rights as us.
- When the government takes away someone’s freedom, it has the responsibility to keep that person safe.
- What happens in prison does not stay in person. The majority of prisoners have committed minor nonviolent offenses and when they come out they will interact with all of us.

When you meet a veteran, remember that you don’t know what he/she has gone through. Listen and don’t assume. People often assume that someone can be hurt only through “traditional war”.