



Stakeholders Report to the Human Rights Council Working Group on the Universal Periodic Review of the United States

Treatment of Incarcerated Women and their Children

Respectfully submitted
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Reporting Organizations

The American Friends Service Committee (AFSC) is a Quaker faith-based organization that promotes lasting peace with justice, as a practical expression of faith in action. AFSC's interest in prison reform is strongly influenced by Quaker (Religious Society of Friends) activism addressing prison conditions as informed by the imprisonment of Friends for their beliefs and actions in the 17th and 18th centuries. For over seven decades AFSC has spoken out on behalf of prisoners, whose voices are all too frequently silenced. We have received thousands of calls and letters of testimony of an increasingly disturbing nature from prisoners and their families about conditions in prison that fail to honor the Light in each of us. Drawing on continuing spiritual insights and working with people of many backgrounds, we nurture the seeds of change and respect for human life that transform social relations and systems. AFSC works to end mass incarceration, improve conditions for people who are in prison, stop prison privatization, and promote a reconciliation and healing approach to criminal justice issues.

Echoes of Incarceration (Echoes) is an award-winning documentary initiative produced by youth who are directly impacted by the criminal justice system. The project provides hands-on video production and advocacy training for young adults and creates documentaries and video journalism pieces based on the life experiences of the filmmakers themselves. Echoes project has created films for Sesame Street, Upworthy, NowThis News, screened work at the White House in 2014, and was named a Robert Rauschenberg Artist-As-Activist Fellow in 2017. Its goal is to explore all the ways the criminal justice system interacts with, and misunderstands, young people, while harnessing the intelligence, energy, and creativity of youth to rethink our understandings of crime and punishment.

Executive Summary

There are nearly 1 million women and girls in the United States that are under some form of criminal justice control across prisons, jails, parole and probation. They are being controlled by a system that was not designed for them. This results in needs not being met, abuse being experienced.

Women incarcerated in the United States are often denied access to needed mental healthcare, reproductive care, parental rights, education and training, the courts, release services and reentry support.

Transgender women incarcerated in the United States face additional challenges that are not be properly addressed. They are often housed in male facilities, denied gender-affirming care and face abuses because of their identity.

If the United States is to honor its commitment to the Universal Declaration of Human Rights, it must remedy the injustices experienced by women in its jails and prisons and their children.

Introduction

As the Religious Society of Friends was formed, Quakers were imprisoned as they followed their evangelist leadings for acts of blasphemy, public speaking, refusal to swear oaths, and disturbing the peace, among other behaviors.

In response to their own experiences with incarceration, Quaker began reform efforts that initially focused on the atrocious conditions in prisons and jails. In the United States, prisoners were held in large rooms – often 30 to 40 together. Prisoners had to pay fees for their food and for all services, such as unlocking their irons so that they could attend their trial.

The incarcerated women that Friend Elizabeth Fry encountered had inadequate clothing and bedding for themselves and their small children, who were frequently jailed with them. Fry organized a society to help women prisoners school their children and make their own bedding and clothing.

In 1917, members of the Religious Society of Friends (Quakers) formed the American Friends Service Committee (AFSC), as a Quaker faith-based organization charged with promoting lasting peace with justice, as a practical expression of faith in action.

In the 1970's, led by the uprising at the Attica Correctional Facility in New York State, the Board of the AFSC wrote a minute¹ calling for among other things, a moratorium on the building of new prisons and committed the AFSC to work towards prison abolition.

Over the last 50+ years, the AFSC has lived into this minute in various ways including paying particular attention to the incarceration of women in the United States. Today, AFSC works diligently to ensure that incarcerated women are treated humanely, to challenge systems that cause the incarceration of women to have grown at twice the pace of men's incarceration in recent decades², the marginalization and traumatization of women on both sides of the prison walls and the disproportionate reach into families and communities when women are incarcerated.

¹ minutes represent the wording of a decision or an agreed upon action to be taken by the meeting or church.

² Kajstura, Aleks and Sawyer, Wendy "Women's Mass Incarceration: The Whole Pie 2024", *Prisonpolicy.org*, March 5, 2024,

<https://www.prisonpolicy.org/reports/pie2024women.html#:~:text=Women%20are%20more%20likely%20than,and%20experience%20serious%20psychological%20distress>.

Echoes of Incarceration, founded in 2014, as the rates of children of incarcerated parents in the United States skyrocketed by decades of mass incarceration, believes that if young people are the most severely impacted by the justice system, they should be given both tools and a platform to raise their voices and advocate for reform. It believes that both justice and public safety can be greatly increased by listening to youth and centering their voices in our justice system.

For eleven years, the Echoes project has focused on the issue of parental incarceration. We created a series loosely based on the Bill of Rights for Children of Incarcerated Parents, each looking at experiences of children ranging from the moment of a parent's arrest, the experience of caregivers, the experience of visiting parents in prison, maintaining ongoing relationships with incarcerated parents, and a series of portraits of resilient youth who have overcome parental incarceration. We give films away for free sending them to prisons, colleges, and conferences across the country.

Throughout the process, Echoes youth are provided with job skills, mentoring, and professional experience on freelance productions. As a team Echoes practices restorative justice and mindfulness and makes personal development and self-care central to its work.

The AFSC and Echoes issue this report to shine a needed light on the truths around the myriads of longstanding and ongoing injustices and violations of Articles 5 and 25 of the Universal Declaration of Human Rights by the United States and experienced by women, girls and trans women when incarcerated in the United States along with their children. Additionally, this report identifies remedies and recommendations that would align United States with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

This empirical report is grounded in testimonials received from members of the targeted community (incarcerated and formerly incarcerated), their children, loved ones, advocates and caregivers.

Universal Declaration of Human Rights

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

In its 2020 report for its Universal Periodic Review, the United States State Department wrote *“The United States is committed to protecting the rights of incarcerated persons, and we regularly investigate, monitor compliance, and, where necessary, take legal action to secure the constitutional rights of incarcerated people, including the right to practice their religion. 55. We have also taken action to prevent assaults on the dignity of prisoners that may come from other prisoners. The independent National Prison Rape Elimination*

Commission, established by Congress under the Prison Rape Elimination Act, was charged with studying the impact of sexual assault in correction and detention facilities and developing national standards for the detection, prevention, reduction, and punishment of prison rape. In 2005, the Commission released its report which detailed progress made in improving the safety and security in these facilities as well as areas still in need of reform. The United States is working to address these issues. The Department of Justice is in the process of developing comprehensive regulations to effectively reduce rape in our nation's prisons. In addition to working to ensure that prisons and jails meet constitutional standards, alternatives to incarceration are being utilized by states, including intensive probation supervision, boot camps, house arrest, and diversion to drug treatment.”³

In that same year, the United States Department of Justice issued a report that substantiated what women incarcerated at the Edna Mahan Correctional Facility for Women in New Jersey (EMCF) have been saying for years, namely, that the facility is beset by a culture of sexual violence against the women.

Many women have testified that over the years, they saw too many abuses at the women's prison to count, including male and female officers who sexually assaulting inmates, groping prisoners and demanding sexual favors for access to essential items, including sanitary pads, and forbidden treats, like bubble gum. An incarcerated woman identified as Brown testified that when she asked a guard for a roll of toilet paper, he fired back a question of his own. "I was told, 'What are you going to do for me?'" recalled Brown, who was serving a 21-year sentence for kidnapping. Brown was confused but quickly realized what the corrections officer was suggesting. "Then, it hit me. You know what it meant. Are you going to give them oral sex?" Brown said.

Other women testified they were sexually assaulted and harassed by corrections officers who came into their cells or rooms in the prison's minimum-security cottages regularly with no oversight. They alleged prison cameras were pointed at walls and ceilings so abuse would not be seen. A.F. said she was sexually assaulted by a corrections officer who had access to the cottage where she was assigned whenever he wanted.

Others testified they were groped during strip searches and forced to sit naked in holding cells while guards stared. Those who filed complaints said they were placed in solitary confinement or put in cells alone with minimal clothing on suicide watch while their personal items were damaged or destroyed.

In a 2023 article by the Guardian⁴, women incarcerated at the California Institution for Women shared similar stories of mental, sexual and physical abuse. In May, a former officer there was charged with nearly 100 counts of sexual violence. Authorities say he is suspected of harassing, assaulting and raping at least 22 women in custody from 2014 to 2022. Many women incarcerated there talked about the psychological toll of repeated sexual abuse in prison. They describe an intense struggle with shame, anxiety, fear, depression, suicidal ideation and post-traumatic stress from living in an environment where abuse was normalized. Compounding their challenges, many women who are incarcerated have already experienced trauma in their past. Studies in the US have found that 60% to 80% of incarcerated women experienced sexual violence or domestic abuse before they were jailed, making them especially vulnerable to revictimization.⁵

Women's access to adequate healthcare while incarcerated is another example of how the United States falls woefully short. The United States prison system is generally built on a male-specific model, leaving many correctional facilities significantly unprepared to meet the unique biological, psychological, and social health needs of women. This has a negative impact on the health of incarcerated women that must be addressed.

A 15-year-old girl incarcerated in an adult prison in Pennsylvania recently shared her experience of receiving gynecological care for the first time. She explained how, after an hour of waiting, being brought into a room where medical providers saw patients. The first thing she noticed about the room was how dated it was. The medical provider, an older woman, put on latex gloves as she told me that I would be receiving a Pap smear. The provider did not explain what a Pap smear was or what the exam would consist of. She felt scared and confused. The provider instructed me to lie back on the exam table and put her feet in the stirrups. She complied, bracing herself. As a victim of sexual assault, she immediately tensed at the thought of someone probing her body. She was not given the option to refuse, and to her knowledge parental consent was not required.

C.B. talks about her time in a Virginia State prison: *"It has been 18 years of walking on concrete, of sitting on metal stools and hard plastic chairs. Eighteen years of sleeping on a mat that is barely 5 inches thick and provides little cushion from my metal bed. I*

⁴ Levin, Sam "The women trapped in prison with abusive guards: 'They hold my life in their hands'", *theguardian.com*, October 29, 2023, <https://www.theguardian.com/us-news/2023/oct/29/womens-prison-guards-sexual-abuse>

⁵ <https://www.vera.org/newsroom/new-report-sheds-light-on-women-in-jail-the-fastest-growing-population-behind-bars>

understand that prison is not designed for our comfort, but it should not be the cause of our deterioration either.”⁶

Poor and inadequate reproductive healthcare is another challenge faced by incarcerated women in the United States. Despite incarcerated people’s greater need for comprehensive health care, particularly reproductive health care, health care for incarcerated people across the United States has gaps and is not standardized. Women are often denied care, services and products associated with menstruation care; the quality of prenatal and obstetric care, when given, is universally below par. Postpartum care is essentially non-existent and access to abortions carries a multitude of obstacles and stigmas.

It was 5:00am when D.S. went into labor at the Denver County Jail. Instead of getting her and her baby immediate medical attention, nurses and deputies at the jail decided to take a “wait and see” approach to their care. Hours pass as video footage from her cell shows D.S panicked and crying in agony as her labor progresses. Still, jail and medical staff did nothing. At 10:30 a.m. D.S. screamed and begged for help, but still, no one came. At 10:44 a.m. her son was born, both alone.

There are countless stories of women forced to give birth while handcuffed or shackled. One woman shared this story *“When they shackled me I had two handcuffs, one was on my wrist and the other one was attached to the bed...My leg and my arm were attached to the bed so there was no way for me to move and to try and deal with the labor pains. And the metal, cause when you’re swollen, it would just cut into your skin. I had bruises after the fact that stood on me for three weeks. I mean, purple bruises from my ankle and my wrist from them having them shackles and handcuffs on me. Even when I had to get an epidural, they didn’t take the shackles and the handcuffs off. I just had to bend over and just pray that I could stay in that position while they were putting that needle in my back through the whole procedure. Not once did he [the correctional officer] try and loosen them. And the doctor asked him, you know, ‘Can’t you take them off of her? She can’t go nowhere. She can’t walk. She’s not goin’ nowhere.’ ‘It’s procedure and policy. Can’t do it’”⁷*

In January 2025, President Trump signed an executive order requiring the trans women incarcerated by the Federal Bureau of Prisons be housed in men’s prisons while also deny gender affirming care to those incarcerated. This order puts the lives and wellbeing of these women in jeopardy.

⁶ <https://prisonjournalismproject.org/2023/03/30/prison-caused-me-so-much-pain/>

⁷ Mahtani, Riya, “Parenthood Behind Bars: The Reality of Childbirth in Prisons”, *thepraxisproject*, September 20, 2021, <https://www.thepraxisproject.org/blog/2022/9/20/parenthood-behind-bars-the-reality-of-childbirth-in-prisons>

For years, prisons and jails across the United States have placed transgender women in segregation without regard for their safety and mental wellbeing. They have been denied protections from rape, abuse, ridicule, stigmatization and gender affirming care.

M.H., a 23-year-old transgender woman was housed in the male part of the Broome County Jail. She was beaten by corrections officers after she said she felt uncomfortable stripping in front of them. She was subjected to illegal strip searches and forced to shower in front of male staff and other men in custody. She was denied her prescription medications, including antidepressants and hormone treatments. Being off her treatments caused her to experience painful withdrawals.

T.M. started her transition while incarcerated with the Colorado Department of Corrections (CDOC), which repeatedly denied her gender-affirming care. She had to make multiple appeals before she could access hormone replacement therapy, she recalls, and she experienced severe depression because she was unable to treat her gender dysphoria. Even a recommendation by a CDOC psychiatrist wasn't enough to qualify her for surgery. Her safety was also compromised. She was denied transfer to a women's prison and constantly harassed and misgendered by staff and inmates while housed in men's facilities. She endured sexual advances from other inmates and was punished through solitary confinement for speaking out when faced with threats against her life. Survival was exhausting.

Article 25

Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

According to Prison Policy reporting, over half (58%) of all women in U.S. prisons are mothers, as are 80% of women in jails, including many who are incarcerated awaiting trial simply because they can't afford bail. Most of these women are incarcerated for drug and property offenses, often stemming from poverty and/or substance use disorders. Most are also the primary caretakers of their children, meaning that punishing them with incarceration tears their children away from a vital source of support. And these numbers don't cover the many women preparing to become mothers while locked up this year: An estimated 58,000 people every year are pregnant when they enter local jails or prisons.

The separation of mothers and children by carceral systems has far-reaching and long-lasting negative impacts on the mother and their children. Roughly 870,000 women living in the U.S. had ever been separated from their minor children by a period of imprisonment as of 2024.

An estimated 1.3 million people living in the U.S. had been separated from their mothers before their 18th birthdays due to their mothers' imprisonment, also as of 2010.

The scale of maternal incarceration – and its related harms – is monumental. But to be clear, these are estimates of how many children there were among the roughly 1 million women alive in 2010 who had ever been to prison and only includes children who were minors when their mothers were in prison. These estimates are therefore very conservative, as they do not include the many, many more women who have ever been booked into a local jail.

Z.S. tells the story of their separation from their mother: I remember the day my mother was arrested. She had a warrant for her arrest for a shoplifting charge. I remember the officers coming to the house asking for my mother, and my stepdad said that she wasn't around. The officers entered the house and started looking around for her. She was hiding in the closet, where they eventually found her. I guess they just assumed that my stepdad was my father because they never asked.

We eventually went to stay with my grandmother for the whole time my mother was locked up, which turned out to be about ninety days. I never had a space to talk to anyone about my mother's incarceration. There wasn't any support for my grandmother, who automatically became our caregiver. It was a thing we weren't allowed to talk about, it was viewed as my mother's personal business. I didn't receive any support from my school community. I'm not even sure if my school knew that my mother was incarcerated, except that I started getting a free train pass from the school, due to my grandmother living in a different part of New York. All I know is that no one ever talked to me about it. It was a very tough time for me during that moment. Little did I know that it would impact me well into my adulthood, and I would follow in my mom's footsteps.⁸

N.S.' story is all too familiar. Family bonds are often severed beyond repair when a mom is incarcerated. They can lose parental rights; children become resentful and separate themselves; visits are difficult because of distance, time and costs and burdens are imposed on other family members, mostly grandmothers.

⁸ <https://thenext100.org/the-resilient-children-of-incarcerated-parents-interviews/#:~:text=ZS:%20I%20remember%20the%20day,follow%20in%20my%20mom's%20footsteps.>

Recommendations

Informed and guided by the many women and their allies who shared their experiences and perspectives to this report along with the inspiration of the “Nelson Mandela Rules”, the American Friends Service Committee offers the following recommendation for the treatment of women and girls incarcerated in the United States.

- Correctional facilities should provide all women access to mental health services, including services specific to trauma and addiction, and individualized mental health treatment.
- Incarcerated women, who are in their reproductive years, should have access to adequate reproductive healthcare, including prenatal care, family planning, and postpartum care.
- No women should be shackled during labor and birth.
- All women receive comprehensive, quality, and gender- and trauma-informed care, including preventive, behavioral health, and pregnancy-related care, reentry services, and access to necessities such as menstrual products.
- All women should have access to education, vocational training, and job programs.
- All women should be supported finding employment after release.
- All women should be housed in facilities consistent with their wellbeing.
- The United States should invest in programs that address the root causes of the incarceration of women including poverty, lack of opportunity, trauma and bias law enforcement.
- All women should be supported with long-term community follow-up, including case management after release.
- Women should be supported in maintaining family connections, especially with their children.
- Children of incarcerated moms and parents should, according to the Children of Incarcerated Bill of Rights:
 - have the right to be kept safe and informed at the time of thier parent's arrest.
 - have the right to be heard when decisions are made that impact them.
 - have the right to be considered when decisions are made about thier parent.
 - have the right to be well cared for in their parent's absence.
 - have the right to speak with, see and touch thier parent.
 - have the right to support as I struggle with thier parent's incarceration.
 - have the right not to be judged, blamed or labeled because of their parent's incarceration.
 - have the right to a lifelong relationship with their parent.

Conclusion

The United States continues to be one of the worst offenders when it comes to mass incarceration as the rate of incarceration of women continues to grow disproportionately. Only 4% of the world's female population live in the United States yet 33% of the population of incarcerated women are in the U.S. We must move away from that trend. Tough on crime policies, the "war on drugs", the criminalization of poverty and racism are devastating the lives of women, their families and their communities.

i <https://www.susu-osborne.org/bill-of-rights>