

UNITED NATIONS COMMITTEE ON THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN
January 14, 2005 - QUNO
BY BONNIE KERNESS

I've been working with the American Friends Service Committee as a human rights advocate on behalf of prisoners in the United States for the past 30 years. The relationship between women living in poverty and women being incarcerated is indisputable. There are currently over 950,000 women in criminal justice custody in the US with thousands of those living under other forms of social control such as parole or probation. Since 1980 the number of women entering prisons in the US has risen almost 400%, double the rate of men. Nearly a quarter of these women are mentally ill, with untold numbers being infected with AIDS. 40% held no jobs prior to imprisonment; two thirds of them are women of color and 60% of them are mothers of an estimated 1.3 million minor children. Incarcerated women bear a double burden of punishment: their children "do time" with them. The average age of the women in prison is 29 and 58% haven't finished high school. Without any fanfare, the "war on drugs" in this country has become a war on women and it has clearly contributed to the explosion in the women's prison population.

I'd like to share some of the voices of the women in prison that I hear during my day:

From New Jersey, "We are forced to sleep on the floor in the middle of winter with bad backs and aching bodies, cold air still blowing from the vents no matter what the temperature was outside. At two o'clock in the morning they wake you up and tell you to clear the room. They go through your personal belongings and then put them in the trash...."

From Texas, "the guard sprayed me with pepper spray because I wouldn't take my clothes off in front of five male guards. Then they carried me to a cell, laid me down on a steel bed and took my clothes off. They left me there in that cell with that pepper spray in my face and nothing to wash my face with. I didn't give them any reason to do that, I just didn't want to take my clothes off.

From Arizona, "the only thing you get in isolation is a peanut butter sandwich in the morning, a cheese sandwich in the afternoon and for supper another peanut butter sandwich. If you want a drink here, you have to drink toilet water..."

From Missouri, “When I refused to move into a double cell, they came into my cell and dragged me out and threw me on my back. I was beaten about my face and head. One of the guards stuck his finger in my eye deliberately. I was rolled on my stomach and cuffed on my wrists with leg irons on my ankle. I was made to walk a thousand feet with the leg irons. Then they put me in a device called a restraint chair. When they put you in this chair your hands are cuffed behind your back and tucked under your buttocks. They stripped me naked.... and kept me there over 9 hours until I fouled myself on my hands which were tucked underneath me through a hole in the chair.

These past years have been full of thousands of calls and complaints of an increasingly disturbing nature from prisoners and their families throughout the United States. The proportion of those complaints coming from women has risen, with women describing conditions of confinement, which are torture. They suffer from sexual abuse by staff, with one woman saying, “I am tired of being gynaecologically examined every time I’m searched.” Another prisoner put it, “That was not part of my sentence, to...perform oral sex with officers.” Women have reported the inappropriate use of restraints on pregnant and sick prisoners, including one woman whose baby was coming at the same time the guard who had shackled her legs was on a break somewhere else in the hospital.

Other abuses include medical care, which is often so callous that it is life threatening. We have received reports about a woman who died of pancreatic disease that went undiagnosed, about a mentally ill woman who was confined naked in a filthy cell where she ingested her own bodily waste, about a woman who suffered burns over 54% of her body and gradually lost mobility when she was denied the special bandages which would keep her skin from tightening, and from a woman who unsuccessfully begged staff for months to allow her to see a doctor. This particular woman was finally diagnosed with cancer, in enormous pain, with no pain medication. She died nine months after the diagnosis. I am currently dealing with a young woman with breast cancer at a prison in New Jersey where every agonizing stage of her medical care from chemotherapy to radiation has been achieved only by a war of calls and letters on her behalf.

Couple all of this with the lack of treatment for substance abuse, lack of counseling services, concerns about the inappropriate use of psychotropic medications, inappropriate use of restraints and you have an increasingly clear picture of what life is like for women in prison. Add the use of prison labor and the picture of the prison system continues to unfold. If you call to find out about NJ Tourism, you are very likely talking to a female prisoner - one who is working for \$.23 an hour with no vacations, union or any way to address working conditions.

There is no way to look into any aspect of prison or the wider criminal justice system without being slapped in the face with the racism and white supremacy that prisoners of color endure. If we dig deeper into these practices, the political function they serve is inescapable. Police, the courts, the prison system and the death penalty all serve as social control mechanisms. The economic function they serve is equally as chilling. I believe that in the US criminal justice system, the politics of the police, the politics of the courts, the politics of the prison system and the politics of the death penalty are a manifestation

of the racism and classism which governs so much our lives. Every part of the criminal justice system falls most heavily on the poor and people of color, including the fact that slavery was guaranteed in the United States by the 13th amendment of the US Constitution. Although prison labor is not a focus today, involuntary prison slavery is real.

I work with Black and Latino youth and those young people tell me that the police feel like an occupation army as if inner cities were militarized zones. They feel that the schools and the courts are used as a feeder system to filter young blacks and Latinos into prisons where those bodies are suddenly worth a fortune. I've heard people say that the criminal justice system doesn't work. I've come to believe exactly the opposite - that it works perfectly as a matter of both economic and political policy.

I don't believe it is an accident that the young adolescent of color worth nothing to this country's economy suddenly generates between 30 and 60 thousand dollars a year once trapped in the criminal justice system. The expansion of prisons, the court and police systems has been a boon to everyone from architects, plumbers, and electricians to food and medical vendors – all with one thing in common – a paycheck earned by keeping human beings in cages in human warehouses. The criminalization of poverty is a lucrative business and we've replaced the social safety net with a dragnet. I doubt that this would be tolerated if we were talking about mostly white folks or mostly rich folks. Not unlike the US era of chattel slavery, there is a class of people dependent on mostly poor people and bodies of color as a source for income. I suspect that these same dynamics are occurring internationally.

In 2002 the AFSC published a pamphlet called “Our Children's House”, which contains the testimonies of the very young who have been sentenced to county youth detention facilities. One young woman who was placed in such a facility when she was 12 said they told her she had no name, that she was now number 5. When I began those interviews, I was unprepared for youngsters who were so afraid to talk that they wouldn't allow the use of their names. They described being held in isolation and used sexually. They talked of hearing, seeing and smelling things, about enduring treatment that is inappropriate for anyone, let alone children. As they spoke it was clear that it was the adults around them who were the lawless. Not only are these children taken from their families, they lose any chance at an equitable future.

I sit on the Board of the World Organization For Human Rights/USA. In 1998 we wrote the Shadow Report on the Status of Compliance by the US Government with the International Convention Against Torture. We found that the US was not meeting its obligations under that treaty, mentioning the treatment of women in US prisons in particular. Given what has happened Abu Grab, given that the potential Attorney General for the US seems to sanction torture, given that the US heavily exports its concepts in everything from architecture, use of long term isolation, use of devices of torture and business philosophies of making money off of poor, bodies of color – it becomes imperative that more long term attention is given to what is happening to women in prison globally. AFSC has become so concerned about the use of isolation, sometimes

keeping people in lockdown for years, that we are launching a nationwide effort to stop this practice in US prisons. That this is happening to imprisoned men, women and children is unconscionable. The increase in the number of women in prisons world wide certainly has nothing to do with a global increase in the crime rates by women and girls.

Each and every one of the practices that the girls and women have testified to are in violation of dozens of international Treaties and Covenants. These practices violate the United Nations Convention Against Torture, the UN Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention on the Elimination of Discrimination Against Women, UN Minimum Rules for the Treatment of Prisoners, the UN Convention on the Rights of the Child and a dozen other international and regional laws and standards. The practices also fit the United Nations definition of genocide.

We need to alter the core of every system that slavery, racism and poverty has given birth to, particularly the criminal justice systems. There are many things we can do to push for social change. The need for outside advocates on behalf of our sisters in prisons is acute. Unfortunately, it's been my experience over the 30 years that women do not reach out to advocate on their own behalf. Perhaps we are too used to being the care takers.

We must stop violations of human rights, particularly those of women and children. We must change the economic and racial profiling of arrest and sentencing practices. We need to decriminalize poverty, mental illness and in many cases, lesbianism. We must eliminate solitary confinement, torture and the use of devices of torture. We must support a vigorous monitoring of police, the court and prison systems with a global review process. We need to ensure enhanced use of international law. We desperately need to redirect the dollars going into prisons that belong in communities, in schools. The link between poverty, race, discrimination, sexual orientation and prisons cannot be denied.

The AFSC has always recognized the existence and continued expansion of the penal system as a profound spiritual crises. It is a crisis that allows children to be demonized. It is a crisis which legitimizes torture, isolation and the abuse of power. It is a crisis which extends beyond prisons themselves into school and judicial systems. I know each time we send a child to bed hungry that is violence. That wealth concentrated in the hands of a few at the expense of many is violence, that the denial of dignity based on race, class or sexual preference is violence. And that poverty and prisons are a form of state-manifested violence.

Many years ago, a Vietnamese sister noted that, "When women become massively political, the revolution will have moved to a new level. We need the help of international bodies such as yours to ensure that real, world wide social change remains a priority. I can think of no surer way than to be fully present and advocate on behalf of those women and girls who are being used in the most calculated of ways.

Each of us needs to be clear on the connectedness between slavery and the criminal justice system, between US domestic policies towards people of color and US international policies towards countries of color. We need to develop an international

sisterhood of concern and say “not in my name” will these atrocities be committed any more. Over the years I have found it important to remind myself that the Department of Corrections is more than just a set of institutions, it is also a state of mind.

Thank you.