

SHACKLING OF PREGNANT WOMEN IN CUSTODY

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Jails and prisons use restraints on women in labor and delivery as a matter of course regardless of whether a woman has a history of violence (*which only a minority have*), regardless of whether she has ever absconded or attempted to escape, and regardless of her state of consciousness.

NUMBER OF BIRTHS BEHIND BARS

Presently, the Bureau of Justice Statistics (BJS) does not routinely document the number of incarcerated pregnant women or the number of babies born behind bars. However, in 1997-98 alone, BJS did document that more than 2,200 pregnant women were incarcerated and more than 1,300 babies were born in prison. In 2007, the Bureau of Justice Statistics stated that, on average, 5 percent of women who enter into state prisons are pregnant and in jails 6 percent of women are pregnant.

MEDICAL HARM TO MOTHER AND CHILD

The American College of Obstetricians and Gynecologists (ACOG) released a statement in June 2007, supporting an end to the practice of shackling mothers in labor and delivery as “physical restraints have interfered the ability of physicians to safely practice medicine by reducing their ability to assess and evaluate the physical condition of the mother and fetus, and have similarly made the labor and delivery process more difficult than it needs to be; thus, overall, putting the health and lives of the women and unborn children at risk.”

LEGISLATION IN UNITED STATES

Only ten states have legislation regulating the use of restraints on pregnant women: California, Colorado, Illinois, New Mexico, New York, Pennsylvania, Texas, Vermont, Washington, and West Virginia. In the other 42 states, the District of Columbia, no such laws exist.

DEPARTMENT OF CORRECTIONS POLICIES

Seven Correctional Departments have no formal written policy governing the use of restraints on pregnant women: HI, IN, IA, ME, NH, NJ and NC.

Only five state departments of corrections and the District of Columbia have written policies stipulating that no restraints are to be used on inmates during labor and birth: CT, FL, RI, WY and DC .

Twenty-three state departments of corrections allow the use of restraints during labor. Louisiana prisons have no restrictions on the application of restraints, other than specifying that pregnant women should not be restrained face-down in the four-point position.

INTERNATIONAL LAW

The UN standard for the Treatment of all Prisoners, Rule 33, states that shackles should not be used on inmates unless they are a danger to themselves or their children, others or property, or have a history of absconding. RPHR considers the routine use of shackles and other restraints on pregnant prisoners, when *it is not medically advisable*, a cruel, inhuman and degrading form of treatment in violation of both the UN Convention against Torture and the International Covenant on Civil and Political Rights, both of which the USA has ratified.



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