



# ENVIRONMENTAL JUSTICE STRUGGLES IN PRISONS AND JAILS AROUND THE WORLD

THE 2020 ANNUAL REPORT OF  
THE PRISON ENVIRONMENTAL JUSTICE PROJECT

**GLOBAL ENVIRONMENTAL  
JUSTICE PROJECT** UC SANTA BARBARA

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# Author Biographies

## David N. Pellow:

Dr. David N. Pellow is the Dehlsen Chair and Professor of Environmental Studies and Director of the Global Environmental Justice Project at the University of California, Santa Barbara where he teaches courses on social change movements, environmental justice, human-animal conflicts, sustainability, and social inequality.

He has published a number of works on environmental justice issues in communities of color in the U.S. and globally. His books include: *What is Critical Environmental Justice?* (Polity Press, 2017); *Keywords for Environmental Studies* (editor, with Joni Adamson and William Gleason, New York University Press, 2016); *Total Liberation: The Power and Promise of Animal Rights and the Radical Earth Movement* (University of Minnesota Press, 2014); *The Slums of Aspen: Immigrants vs. the Environment in America's Eden* (with Lisa Sun-Hee Park, New York University Press, 2011); *The Treadmill of Production: Injustice and Unsustainability in the Global Economy* (with Kenneth Gould and Allan Schnaiberg, Paradigm Press, 2008); *Resisting Global Toxics: Transnational Movements for Environmental Justice* (MIT Press, 2007); *The Silicon Valley of Dreams: Environmental Injustice, Immigrant Workers, and the High-Tech Global Economy* (with Lisa Sun-Hee Park, New York University Press, 2002); *Garbage Wars: The Struggle for Environmental Justice in Chicago* (MIT Press, 2002); *Urban Recycling and the Search for Sustainable Community Development* (with Adam Weinberg and Allan Schnaiberg, Princeton University Press, 2000); *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement* (editor, with Robert J. Brulle, MIT Press, 2005); and *Challenging the Chip: Labor Rights and Environmental Justice in the Global Electronics Industry* (co-editor, with Ted Smith, David Sonnenfeld, and Leslie Byster, Temple University Press, 2006). He has consulted for and served on the Boards of Directors of several community-based, national, and international organizations that are dedicated to improving the living and working environments for people of color, immigrants, Indigenous peoples, and working class communities, including the Central Coast Climate Justice Network, Community Environmental Council, Global Action Research Center, the Center for Urban Transformation, Greenpeace USA, International Rivers, Community Environmental Council, the Fund for Santa Barbara, the Prison Ecology Project. He earned his B.A. in

Sociology and Religious Studies at the University of Tennessee, Knoxville in 1992. He earned his M.A. and Ph.D. in Sociology from Northwestern University in 1998.

### **Fabiana R. Lake:**

Fabiana Lake is a fourth year Environmental Studies major with a minor in Latin American and Iberian Studies. Within these disciplines she is focusing on the intersection of minority's rights and environmental injustices. Fabiana has worked as a photographer for UCSB Sustainability and volunteered as a teacher's assistant with underprivileged Colombian children and Venezuelan refugees in Medellin, Colombia. She is currently working with the Santa Barbara Immigrant Legal Defense Center educating undocumented families on their rights relating to immigration. These experiences have revealed to her how deeply unequal the world is, and developed her passion to amplify voices of the oppressed.

### **Cambria A. Wilson:**

Cambria Wilson is currently pursuing an Environmental Studies degree at UCSB. She has been Publicity Chair for the Environmental Justice Alliance, a teacher for the Educating Future Leaders Program, and researched conservation in Chile by observing the relationship between Mapuche peoples and local ecosystems. Now, she works for the Prison Environmental Justice Project. She aims to amplify awareness surrounding intersectional challenges of environmentalism and social equity by demonstrating progressive action for marginalized demographics, providing a space for constructive discourse, and encouraging collaboration. She is passionate about helping people help themselves and each other by creating a culture of consciousness and unity.

### **Elijah J. Baker:**

Elijah Baker currently works with UCSB's Environmental Studies Program as an undergraduate advisor. He graduated from UCSB with a B.A. in Environmental Studies and a minor in Professional Writing in March of 2018.

Originally from Barstow, CA, Elijah feels a connection to the struggle for environmental justice and social equity that disadvantaged communities so often experience. He is passionate about social justice and aspires to work with, and for, frontline communities fighting for environmental justice. He is particularly interested in the intersection of policy and climate justice.

# Acknowledgements

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The Prison Environmental Justice Project is an initiative of the University of California Santa Barbara's Global Environmental Justice Project and this report can be found at <https://gejp.es.ucsb.edu/>

# ENVIRONMENTAL JUSTICE STRUGGLES IN PRISONS AND JAILS AROUND THE WORLD

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## EXECUTIVE SUMMARY

Prisons and jails around the globe are sites of heart-wrenching, stomach-turning violence and brutality, perpetrated by the governments and corporations that build and manage them. These abuses intersect with and reinforce a myriad of environmental injustices. Specifically, the evidence of water contamination, air pollution exposure, poor nutrition and woefully inadequate medical care, torture and neglect in carceral facilities around the world is widespread and overwhelming. What we document in this report are the many ways that environmental injustices also reflect what we call the incarceration-extraction nexus--those intersections between the act of extracting people out of our communities and caging them in prisons and jails where they are subjected to a range of abuses, and the act of extracting wealth from and poisoning our ecosystems. In some instances, we find that entire communities are living in “open air prisons” wherein their daily lives, freedoms, and mobility are restricted and controlled by occupying governments. In those cases, while the people are not being extracted, their labor and ecological resources usually are, and they face additional environmental and public health threats associated with colonization. In this Annual Report, the UCSB Prison Environmental Justice Project provides data, stories, and analysis of these challenges in great detail. We offer historical data and narratives to provide context and a deeper understanding of how we got into this mess. We also present myriad examples of how prisoners and their allies are fighting back to create more livable conditions in these facilities and to ultimately abolish the prison industrial complex as we know it.

Chapters 1 and 2 offer historical and contemporary examinations of the use of prison labor in the U.S. and other nations, with specific attention to how this system of racial domination has changed and resisted change over time. We draw the reader’s attention to the many links between forced/enslaved labor and the ways in which governments and corporations use inmates to perform undesirable and dangerous work associated with climate change-driven “natural disasters.” Chapter 3 explores cases of water contamination in jails and

immigrant prisons in the U.S., with an emphasis on highlighting resistance efforts by prisoners and their allies on the outside. That focus underscores the fact that we can all be leaders in the movement for environmental justice and prison abolition, no matter which side of the prison wall you live on. Chapter 4 takes the reader on a journey around the world to examine horrifying conditions in prisons where food injustice, rampant disease, forced labor, abysmal sanitation, medical negligence and overcrowding are prevalent. We then consider, in Chapter 5, the ongoing racist, state violence against ethnic, religious and/or cultural “minority” groups in China and Israel, detailing the persecution of the Palestinian people, the Uyghurs, Tibetans, and Falun Gong followers. This persecution takes many forms, including inside formal carceral facilities and inside what are often called open air prisons--where entire communities are under siege by an occupying governmental power. These ongoing forms of institutionalized violence and genocide engender outrage and resistance, and the Prison Environmental Justice Project stands in solidarity with the movements fighting for the liberation of these oppressed communities. Finally, Chapter 6 presents a more hopeful consideration of successful efforts at decriminalization and prison reform from various nations, demonstrating that, in addition to being inherently harmful and counterproductive, prisons and imprisonment are anything but natural or inevitable, and can be challenged, changed, and, ultimately abolished.

We invite you to read each chapter, to engage the writing, arguments, and evidence, and to contact us with questions, concerns, or suggestions, and we implore you to join the movements for prisoner rights, environmental and climate justice, human rights, and abolition. The Prison Environmental Justice Project is an initiative of UCSB's Global Environmental Justice Project and this report can be found at <https://gejp.es.ucsb.edu/>.



# ***A History of the Carceral System in the United States of America***

By: Fabiana Lake and  
Cambria Wilson

The United States of America incarcerates far more people than any other country. While making up only four percent of the world's total population, the U.S. holds a staggering 25 percent of the prison population. Black and brown people are incarcerated at far higher rates than white people in the U.S. and, throughout history, numerous laws have been passed to ensure this arrangement. In the U.S. today, Black people are 5.9 times more likely to be imprisoned than a white person, while a Hispanic person is 3.1 times more likely to be imprisoned than a white person.<sup>i</sup> According to the Bureau of Justice (the US Department of Justice's primary statistical agency), Native Americans are also incarcerated at a rate 38% higher than the national average.<sup>ii</sup> These tragic truths are the legacy left by those who opposed the abolition of slavery. Our prison system began with convict leasing directly after the era of chattel slavery, which was a way for the South to continue to legally profit off of Black people's labor and disenfranchisement. The system morphed and changed throughout history, gradually becoming what it is today. While changes and improvements have been made since the beginning of the carceral age of America, in examining the past, we see far too many aspects that have yet to see reform. This persistence of injustice is by design, and is one of many reasons why so many scholars and advocates call for the abolition of the prison system.

### **The Convict Leasing Era**

The practice of convict leasing was most prevalent in the Southern United States, began in the mid 1800s and, depending on the state, ended somewhere between 1896 and 1928. Most states began convict leasing after the formal end of the chattel slavery period, when the 13th Amendment passed (although a select few like Alabama and Texas began convict leasing prior to the Civil War).<sup>iii</sup> Many slave plantations, such as Angola in Louisiana, Eastham in Texas, and Parchman in Mississippi were simply converted into convict labor farms after the U.S. Civil War.<sup>iv</sup> In the wake of the Civil War and the legal abolition of slavery, convict leasing emerged as a new form of cheap, exploitative labor designed to maintain white supremacy and Black subjugation. Most states began their leasing era by paying lessees to take convicts off of their hands. After a few years, states realized the profit potential of convict leasing, and began to charge private contractors for the convicts, creating a huge source of revenue for states'

treasuries. State governments were inspired to derive as much profit from this new source of revenue as possible, so in 1875, many Southern states passed laws stipulating that theft of property with a value of \$2 or more was punishable by one to five years in prison. Mississippi had its own version of this legislation, called the Pig Law, which deemed any theft of a cow or pig a form of grand larceny, punishable by up to 5 years in prison. These laws were directed at the Black community and poor whites, and they caused the prison population to skyrocket. Between 1876 and 1882, the South's prison population increased by 50%.<sup>v</sup> Between 1872 and 1890, Tennessee's inmate population increased by 80%, and between 1871 and 1879, the state of Mississippi quadrupled its incarcerated population.<sup>vi</sup> The most common method of leasing was a system in which lessees paid a set sum for a group of convicts, and were then in total control over every aspect of their lives; this included convict's diets, a guard force to ensure convicts did not escape, housing and labor, and lessees then reaped all profits from the convicts' labor. The state's oversight was minimal, so lessees frequently perpetrated severe abuses with respect to inmates' diets, living conditions, and working conditions and schedules, leading to thousands of deaths among workers.<sup>vii</sup>

Most states' incarcerated populations were heavily Black, extremely disproportionate to the overall racial composition of the respective state's population. In 1873, 185 out of 219 inmates in Alabama were Black. In 1901, South Carolina convicted 80% of arrested Blacks, while only convicting 60% of arrested white people. At the turn of the 20th century, Texas was

incarcerating Blacks at seven times the rate of whites.<sup>viii</sup>

Perhaps the most chilling fact about the convict leasing system was that it was far deadlier than chattel slavery in the U.S.



*Photo 1: Male prisoners hoeing in a field. Digital Image. Innocence Project.*

because lessees only rented inmates and did not own them (as compared to the chattel slavery system); thus they had less investment and less incentive to care for their workforce. An Alabama inmate guard in a coal mine recalls being instructed to shoot to kill, since "a dead convict didn't cost nothin'".<sup>ix</sup> While chattel slavery masters had to ensure the survival of the entire enslaved population, including the elderly and sick, lessees only got the best, hardest working, physically fit inmates, and frequently worked them to death. Under convict leasing, inmates mainly worked on cotton and other agricultural plantations, coal mines, turpentine farms, brickyards and sawmills.<sup>x</sup> Convicts worked for as long as there was light, sometimes waking up at 4:30 a.m. to begin the job, and workdays tended to be 12-15 hours long. Inmates had to work through sickness, and if they complained, they were often brutally whipped. Lessees were able to work inmates so hard because they were simply renting the inmates as a body, as historian Dr. Matthew J Mancini titled his book, the motto was "one dies, get another;" convicts were disposable.<sup>xi</sup> Lessees working inmates to death was tragically common. According to historian Dr. David Oshinsky, author of *Worse Than Slavery*, "Not a single leased convict ever lived long enough to serve a sentence of ten years or more".<sup>xii</sup>

After 12-15-hour days, inmates retired to living conditions that rivaled the atrocities of the work day. Many inmates lived in converted boxcars or cages in which they could not fully stand erect. They were given one bucket as a toilet. The housing was overrun with vermin, lice and other insects and was generally always filthy. In railway camps, inmates were often chained together by smaller chains connected to one central chain in the middle of their quarters.<sup>xiii</sup> Inmates were not given sufficient clothing. Those who worked in the Alabama coal mines were legally entitled to one change of clothes per week. However, when a fire started in the living quarters near one mine and the fire Marshall investigated, he found that inmates never changed their mining suits, which were called muckers. One inmate informed investigators, "you don't change muckers at all...Just wear it out. Wear it out and when you do, they give you a new suit."<sup>xiv</sup> This, the fire Marshall reasoned, had contributed significantly to the fire, considering the muckers were covered in grease from weeks in the mines. Insufficient clothing for inmates was an issue all around the South. Inmates in Mississippi frequently got frostbite during the winter because they were not given shoes during the cold months. In 1884, a group

of convicts in Mississippi was being transferred to a new location, and they were not allowed to walk through the town because they were “emaciated, half-clothed, frostbitten convicts,”<sup>xv</sup> and lessees knew that if the public witnessed the horrid treatment of this convict group, resistance would ensue. Inmates in Tennessee generally had no pajamas and slept naked, two in a bed, and Texas inmates were given neither socks nor underwear, and had the same clothing no matter the season.<sup>xvi</sup> Diseases like smallpox, scurvy, syphilis, typhoid, pneumonia, dysentery and countless others ran rampant in the labor camps, often taking the lives of inmates. Between June 1<sup>st</sup> and November 30<sup>th</sup> of 1872, 20 Mississippi inmates died of malaria and pneumonia. An inmate in a Texas jail said that the inmates around him had such bad scurvy that their teeth were falling out.<sup>xvii</sup> One especially troubling practice was that the Tennessee penal system found a way to profit off of the dead bodies of inmates, by selling them to medical schools in Nashville.<sup>xviii</sup>

Convict deaths generally resulted from a lack of sanitation, being overworked, and poor diets. Inmates were often underfed and food was generally rotten or undercooked. Convicts throughout Tennessee complained that the only meat they were given was in an unappetizing, undercooked stew. Besides this, they mainly subsisted off of bread and molasses, with occasional fruits and vegetables.<sup>xix</sup> In Texas, “the meat ration was only hog ... with the excrement still on them, and only half cooked.”<sup>xx</sup> These appalling diets, along with abysmal living conditions and harsh labor conditions allowed lessees to save money on caring for inmates, and therefore maximize profit.

The convict leasing system, although it was a known evil to many Southerners, persisted for so long because it was incredibly lucrative. In 1883, Alabama brought in 10% of its total state revenue from convict leasing, and in 1898 that number increased to 73%, while the state only spent \$45 on bedding that year.<sup>xxi</sup> Between 1888 and 1928, Alabama leased the majority of its inmates to Tennessee Coal, Iron and Railroad Company (TCI), and during that period, TCI merged with United States Steel, creating the US’s first billion-dollar corporation. Not only was each state and lessee profiting greatly from convict leasing, but subleasing (when lessees lease their convict workforce to another contractor) was made legal in most southern states, creating three tiers of profit derived off of the backs of inmates.<sup>xxii</sup> Subleasing was accompanied by the

same host of issues associated with leasing, but was further removed from state oversight, and therefore even more inhumane with worse conditions than lease conditions.

In 1896, Tennessee abolished convict leasing, and soon after, other states followed suit, with Arkansas being the last in 1928.<sup>xxiii</sup> Convict leasing ended in Tennessee, as well as other states in part due to public outcry. Free miners could not get jobs because the convict system rivaled their work, and cost employers less. Leasing often depressed free labor wages, which meant employers could get skilled labor for close to convict labor prices. Free miners in Tennessee violently protested against convicts “taking” their jobs.<sup>xxiv</sup> This sort of situation occurred in other states as well. For example, in the state of Texas, a combination of public outcry and pressure from progressive government officials contributed to the abolition of the system.<sup>xxv</sup> Another reason that convict leasing ended was that putting inmates to work on state-owned farms was becoming more lucrative than leasing.<sup>xxvi</sup> There were many factors contributing to the end of the leasing system, but the primary issue was money. States did what was in their economic interest, and in the early 1900s, that meant putting an end to leasing.

### **Convict Leasing’s Replacement: Parchman Penal Farm in the Early 1900’s**

The end of the convict leasing system was portrayed as a huge improvement in human rights. However, many of the issues that had plagued convict leasing persisted under the new state run system. Angola, Eastham, Parchman and other slave plantations that became convict leasing plantations were purchased by the state, so convicts saw no change in the abolition of leasing.<sup>xxvii</sup> Forced labor, horrible living conditions causing disease and death, insufficient and inedible food, torture, racism and exploitation plagued the carceral system far past the end of the convict leasing era. The shift from private forced labor to public forced labor brought minimal reforms.

The state of Mississippi purchased the Parchman Penal Farm in 1901, because of its prime location for growing cotton.<sup>xxviii</sup> In the first half of the 20<sup>th</sup> century, it appeared that the only thing that had changed at Parchman plantation since the chattel slavery era was the forced labor systems title. The prison population was 90% black and the warden lived in a mansion,

with inmate servants tending to his every need.<sup>xxix</sup> On the farm, inmates worked 12-15 hour days with the blazing hot sun beating down on their backs. Convicts were overseen by people known as Trusty Shooters--armed inmate guards, chosen based upon their ability to intimidate other inmates; they were often murder convicts. On the farm, inmates died of heatstroke, of being overworked, and of disease and shackle poisoning, which is caused by iron shackles rubbing on bare skin and thus poisoning the inmates.<sup>xxx</sup> Inmates lived in squalor--there were open ditches full of medical waste and sewage around the plantation. Drinking water was contaminated and one inmate recalls having to crumble his cornbread on top of his food so as to not see the bugs that infested his meal. Mattresses were rotting and vermin and bugs infested all parts of the facility.<sup>xxxi</sup> 80 inmates shared three wash basins made from cut open oil drums. Broken windows were stuffed with rags to keep out the cold.<sup>xxxii</sup> Inmates were tortured using a variety of methods. For example, they would routinely sing freedom songs, and if they refused to stop, their bedding would be confiscated. When a group of protesters was incarcerated at Parchman, the facility stuffed eight inmates into one cell; the inmates were stripped naked and fed laxatives, causing the one toilet in the cell to quickly overflow.<sup>xxxiii</sup> These abysmal conditions and cases of torture continued well into the second half of the 20<sup>th</sup> century. A prison reformist gathered information on murders, rapes, beatings and tortures at Parchman between 1969 and 1971. This report outlined heinous incidents like "Humes, George – Handcuffed to bars, on tiptoes for 2 days without food, water or bathroom facilities."<sup>xxxiv</sup> Parchman's primary purpose was profit, not reform, and in that it was successful. In its first two years in operation, Parchman brought in the equivalent of \$5 million today.<sup>xxxv</sup>

In 1971, a class action lawsuit regarding the living and working conditions at Parchman resulted in a judge ordering an end to the Trusty System at Parchman, and major improvements in the facility. While this lawsuit improved Parchman a bit, the facility still had a long way to go in terms of humane treatment; for example, it was not until 1971 that Mississippi outlawed the whipping of inmates.<sup>xxxvi</sup> Many inmates and visitors say that while the image of Parchman has improved over the years, the reality remains the same: inmates pick fruits and vegetables instead of cotton, but still toil long hours in the blazing sun. There have been scant if any improvements in sanitation, water and food quality over the years.<sup>xxxvii</sup>

These deplorable conditions that Parchman inmates experienced were fairly consistent across the American South in the 1900s. Texas prisoners were underfed, barely clothed and plagued by diseases like tuberculosis, syphilis and much more. In 1911, 2,910 out of the state's 3,471 inmates worked in the fields, the highest percentage of inmates working in the fields that Texas had ever seen.<sup>xxxviii</sup> Inmates were supposed to be paid for their labor, but they almost never saw this money, and in the 1910s, the carceral system was mired in debt, so its supervisory board voted to suspend convict payments. Torture methods also saw changes; the whip was replaced by the dark cell in Texas in the 1910s. The dark cell was a 7 foot by 7 foot box with little ventilation. Dark cell sentences began as a few hours, but guards considered this to be too short, so they extended it to days. In one horrific example, 12 inmates were left in a dark cell for 16 hours, and when the guards opened the doors, eight inmates had perished and the remaining four were gasping for breath at the ventilation pipes on the floor.<sup>xxxix</sup> Racism was extremely prevalent in the Texas system. The Texas prison system was particularly racist because until the 1980s, the state did not have a single prison facility outside of the slavery belt, which was where all the slave plantations had previously been located due to prime agricultural conditions.<sup>xl</sup> Each of the plantations had changed ownership through an evolution of parallel systems of oppression: from slave masters, to lessees, to the state. Inmates across the country resisted the harsh labor requirements of imprisonment. In Texas, self-mutilation became common in the 1930s and 1940s as a method of resisting forced labor. From 1940 to 1944 there were 273 reported cases of self-mutilation in Texas.<sup>xli</sup> The most common form was severing achilleas tendons, rendering inmates unable to work. Inmates also tried "bugging"--cutting a wound, then packing it with lye to create a festering sore.<sup>xlii</sup> In the 1930s, 31 inmates at Angola prison plantation cut their achilleas tendons to protest working conditions.<sup>xliii</sup> Harsh working conditions called for extreme resistance.

By the mid 20th century, the rhetoric politicians used to describe the criminal legal system transitioned from blatant racism to "law and order." A multitude of laws were passed in tandem with cultural influences, thus perpetuating the growth of the carceral system. Perhaps, the most notable of which was President Richard Nixon's War on Drugs, which was formally declared in 1971, despite the then-current decline in drug use in the United States.<sup>xliv</sup> From

President Ronald Reagan's Anti-Drug Abuse Act of 1986 to President Bill Clinton's Habitual Offender Laws (also known as the Three-Strikes laws) of 1994, dozens of new crimes were defined and sentencing became more severe. Meanwhile, budgets for carceral facilities were increased by billions of dollars, as were contracts with private companies. Decade after decade, the amount of incarcerated people per capita increased until the United States held the most inmates in the world, by far. In 1972, the United States held less than 350,000 people in prisons and today, it holds 2.2 million--more than any other nation on earth.

### **Today: Parchman's Current State**

Throughout the years since the era of chattel slavery, the incarceration of Black people, other people of color, and lower income whites has changed and reflects the optics of reform. However, even a casual observation of the Parchman Penal Farm today illustrates just how little progress we have made. Mississippi is the poorest and blackest state in the nation, and of the state's inmates, 80% are Black, while only 37% of the state's free population is Black.<sup>xlv</sup> A report detailing conditions inside the facility was published in 2019. The report found that Parchman lacked water, lights and electric power. Many toilets and sinks were not working, and roofs leaked. The report concluded that there was black mold in the prison cells, considerable volumes of raw sewage around the facility, and exposed wiring. Moreover, water pipes were rusty and moldy and the facility was overrun by a variety of animals and vermin.<sup>xlvi</sup> Unit 29 in particular--a complex of 12 buildings--was singled out for its failing infrastructure. The unit is uninhabitable, yet inmates are kept there nonetheless. There have been reports of inmates having no access to running water or electricity for weeks. Inmates have had to wade through a mix of sewage and water in their cells due to lack of plumbing services and poor sanitation. There have also been reports of water pipes breaking and water pouring into cells.<sup>xlvii</sup> In January 2020, videos and photographs surfaced, showing brown water coming out of the tap that inmates said smelled like sewage, with no other source of bath water or drinking water.<sup>xlviii</sup> One inmate claimed that the highest rates of cancer in the Mississippi Department of Corrections system are a result of the polluted water that they are forced to drink.<sup>xlix</sup> The facility's walls are covered with mildew and black mold. According to the World Health

Organization, mold exposure can result in the increased prevalence of respiratory disorders, asthma, allergies, and damage to one's immunological system.<sup>l</sup>

Inmates are inadequately fed and one inmate reported being given empty trays at meal times, which made it appear on camera as if prisoners are being fed, thus leaving officials protected from public criticism while inmates go hungry. Other inmates said they had not been fed in 10 hours. When inmates are fed, ratios are miniscule and meat is usually rotten.



*Photo 2: Tap water from Parchman Prison: the only water inmates are provided with to bathe in and drink. Digital Image. Twitter @PrisonReformMvt.*



*Photo 3: A meal served to Parchman inmates. Digital Image. Clarion Ledger.*

Inmates are not given mattresses and are forced to sleep on the freezing concrete, which is sometimes wet and covered in blood due to outbreaks of violence, such as the riots that occurred in 2020.<sup>li lli</sup> These conditions have contributed to a variety of illnesses and inmates are rarely able to get medical attention. In January, over 20 inmates died in Parchman. Most deaths were either suicides or homicides due to violence or riots that were in large part a response to Parchman's failing infrastructure and living conditions. Inmates have grown increasingly more violent as a result of the unbearable situation at the facility.<sup>liii</sup> In 21st century America, inmates are living no better than they were in the 1800s under convict leasing.

## Conclusion

Throughout American history, the carceral system has been used as a form of free labor, as well as punishment - often extremely disproportionate to crime - with minimal, if any emphasis on reform and rehabilitation. Considering that the carceral system began its ascent in the wake of slavery, it is no surprise that the system has been riddled with severe racism across the totality of its existence, and remains so today. The commodification of black and brown labor has proven to be extremely lucrative, and power-hungry officials place profit over humanity, severely exploiting vulnerable populations like inmates. On top of forced labor, prisoners are subjected to horrendous environmental injustices including inedible food, lack of clothing and bedding, dilapidated infrastructure and lack of medical care. The carceral system has seen changes and reforms through the years. However, the fact that it is still seen as a profit driven industry rather than a social service that produces reform and rehabilitation severely inhibits any significant, beneficial change from being implemented.

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<sup>i</sup> "Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System," The Sentencing Project, accessed August 30, 2020, <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>.

<sup>ii</sup> The Sentencing Project, "Report to United Nations-- Regarding Racial Disparities in the United States Criminal Justice System," Report of The Sentencing Project to the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance - Regarding Racial Disparities in the United States Criminal Justice System, March 2018, <https://communityresourcehub.org/resources/report-of-the-sentencing-project-to-the-united-nations-special-rapporteur-on-contemporary-forms-of-racism-racial-discrimination-xenophobia-and-related-intolerance-regarding-racial-disparities-i/>.

<sup>iii</sup> Robert Perkinson, *Texas Tough: The Rise of America's Prison Empire* (175 Fifth Avenue, New York, New York: Metropolitan Books, 2010).

<sup>iv</sup> Matthew J. Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928* (Columbia, South Carolina: University of South Carolina Press, 1996).

<sup>v</sup> Mancini.

<sup>vi</sup> Mancini.

<sup>vii</sup> Mancini.

<sup>viii</sup> Perkinson, *Texas Tough: The Rise of America's Prison Empire*.

<sup>ix</sup> Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928*, 37.

<sup>x</sup> Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928*.

<sup>xi</sup> Mancini.

<sup>xii</sup> David M. Oshinsky, *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York, New York: FREE PRESS PAPERBACKS, 1996), 106-7.

<sup>xiii</sup> Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928*.

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- xiv Mancini, 65.
- xv Mancini, 138.
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## Photos, Graphics and Figures:

Title-page Photo: Photo of Alcatraz Prison. By Emiliano Bar. 2 January 2019

<https://unsplash.com/photos/PaKHbtTDqt0>

Photo 1: Male prisoners hoeing in a field. Digital Image. Innocence Project. 29 May 2020.


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Photo 2: Tap water from Parchman Prison: the only water inmates are provided with to bathe in and drink. Digital Image. Twitter @PrisonReformMvt. 10 July 2019.

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Photo 3: A meal served to Parchman inmates. Digital Image. Clarion Ledger. 17 July 2020.

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A photograph of firefighters in red gear and helmets battling a large fire at night. The scene is illuminated by the intense orange and yellow flames, which are visible in the background. The firefighters are positioned in a line, facing the fire. The overall atmosphere is one of urgency and danger.

# ***Prison Labor and Vulnerability:*** From Environmental Disasters to Disasters of Consumer Capitalism

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By: Cambria Wilson and  
Elijah Baker

Prison labor is so ingrained in our cultural fabric that many of us do not question its widespread use or our own relationship to it. Many big companies like Chevron, Nintendo, Walmart, Victoria's Secret, Whole Foods, Starbucks, and AT&T have, and continue, to use prison labor to manufacture, farm, and assemble many of the goods we purchase. In this chapter, we argue that incarcerated people qualify as a vulnerable community with few legal protections, despite the far-reaching impact of their work. Prison labor is a complex and nuanced subject, and there are points passionately argued on each side. Proponents contend that the work gives inmates an opportunity to earn their keep, learn new skills, and, ultimately, be more prepared to return to life after incarceration. However, while there are likely examples of non-exploitative prison labor programs, we conclude that the current system of prison labor in the U.S. is inherently harmful because inmates lose many of their basic human and labor rights. We argue that, because inmate labor touches so many aspects of civilian life, they must decide where they stand on this issue. To better understand the underpinnings of prison labor and how it is both a human rights and environmental justice concern, we need to understand its foundation in the United States, explore some of the critical forms of prison labor we rely on, and consider how prison labor abroad also touches our lives.

### **Legal Background**

The expansion of prisons and prison labor in the U.S. can be traced back to the abolition of slavery. The 13<sup>th</sup> Amendment, which made it illegal to force another human being into indentured servitude, includes a clause that explicitly allows prison labor. Section 1 of the 13<sup>th</sup> Amendment reads: "Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."<sup>i</sup> This exception within the 13th Amendment created a loophole for states to criminalize the behavior of freed Black Americans and to force them into servitude.<sup>ii</sup> The first forms of prison labor, a period defined by "convict leasing", is described in-depth in Chapter 1, [A History of Incarceration in the United States](#). Since this clause has not been amended, slavery can, and still does, exist in the United States as a form of punishment for incarcerated persons. America's racist history of enslavement continues today through

prison labor, where African Americans and Latinos make up 56% of our prison population, despite being only 29% of the United States population.<sup>iii</sup>

There are essentially three different prison systems in the U.S.: public prisons, which are operated by the federal or state governments, private prisons, which operate in the same fashion as a corporation, and immigration detention centers,  $\frac{2}{3}$  of which are operated by private prisons.<sup>iv</sup> Though the work and the vulnerabilities inmates face varies based on the type of prison, inmate labor is a common practice across each of these systems.

In fact, "all individuals incarcerated in a federal prison who have been medically cleared are required to work."<sup>v</sup> Inmates are excluded from various labor laws that free people consider a basic human right, including Title VII of the Civil Rights Act of 1964, the Fair Labor Standards Act, the Equal Pay Act, the National Labor Relations Act, and the Federal Tort Claims Act, since they are not considered "employees" of the prison.<sup>vi</sup> In other words, prisoners are not entitled to protections against racial or gender discrimination, nor do they have the right to safe working conditions, to unionize, or to fair wages under the United States law.<sup>vii</sup> The average wage for prison labor varies by prison, gender and type of labor, but fluctuates between \$0.12 to \$1.15 an hour on average for federal inmates, while for state inmate wages range from \$0.13 to \$0.32, compared to the \$7.25 per hour federal minimum wage.<sup>viii</sup> As of 2017, state laws in Alabama, Arkansas, Florida, Georgia, and Texas allowed inmates to be required to work for \$0.00 per hour.<sup>ix</sup> Some states, such as Virginia, Ohio, New Jersey, Florida and Georgia, allow inmates to earn time off of their sentences instead of being paid a wage.<sup>x</sup> There is also no set retirement age in U.S. prisons and it is legal to deny prisoners' requests for time off for medical leave. In addition, inmates are not guaranteed the right to choose their jobs, are often not informed of the risks of their employment, and can be punished for refusing to work. These punishments can include solitary confinement, loss of privileges, and, in some instances, loss of accrued "good behavior" privileges.<sup>xi</sup>

Past court rulings have found that inmates, who can be forced into performing labor under the 13th Amendment, are not technically employees of the prison system. As such, they are not entitled to any of the listed workers' rights and protections that are guaranteed to all employees in the U.S.<sup>xii</sup>

## **Prison Labor & Vulnerability in Disasters**

### ICE and Immigrant Detention

As of March 2020, “Over 37,000 people are in ICE (Immigration Customs and Enforcement) facilities nationwide, and about half of them have not been formally accused or convicted of any crime aside from civil immigration violations”.<sup>xiii</sup> As reported by The New York Times, “immigrant detention is civil confinement, not criminal. People held in these facilities are not charged with any crime; they are being detained while awaiting asylum or deportation hearings.”<sup>xiv</sup> However, even though detainees may not have been “duly convicted” of a crime, they are still regularly forced to partake in laborious work, through the sardonically named Voluntary Work Program. Detainees are often made to do all the work that you might imagine facility staff doing: cooking, cleaning, laundry, etc.<sup>xv</sup> Detainees report being punished for taking time off or refusing to work, and have experienced essential items being withheld from them by staff members.<sup>xvi</sup> In addition, ICE detention centers are only required to pay detainees \$1.00 a day, a rate set by Congress in 1950.<sup>xvii</sup> In ICE Detention centers, detainees frequently need to purchase supplies for themselves at an inflated price from the central store. For example, the New York Times reports that 4 ounces of toothpaste sells for a shocking \$11.00.<sup>xviii</sup> As of this writing, there are 6 active lawsuits currently filed against ICE detention facilities, alleging abuse through the Voluntary Work Program.<sup>xix</sup>

### Natural Disasters

Incarcerated people often play vital roles in ensuring the safety and wellbeing of non-incarcerated communities. This is questionable since data suggests that while inmates work to mitigate the damage of manmade and natural disasters, they are incredibly vulnerable to these disasters themselves. This is due to a plethora of reasons, including lack of access to essential resources, utter dependence on those in positions of authority, physical immobility and, of course, the increasing severity of climate related events. Additionally, imprisoned people have been strategically excluded from the majority of government and public discussions regarding emergency preparedness and who qualifies as a vulnerable population. Out of 47 state

emergency planning documents (Delaware, Tennessee & New Jersey's are unavailable to the public), only 32% of states identified inmates as a vulnerable population; that same percentage of states also define inmates as a labor source and as a "hazard" because they are viewed as a threat to public safety. Moreover, 18% of state reports described incarcerated people solely as a labor source, and not a vulnerable population. In fact, 64% of states directly mention the utilization of Inmate Labor Force (ILF) in their emergency response and recovery activities. Furthermore, 17 different emergency response and recovery activities were explicitly assigned to inmate labor forces within these reports (and more than one third of the states doing this are located in the South).<sup>xx</sup> Where there is a clearly defined plan requiring the protection of detainees, lack of funding and training often leave facilities and staff unprepared to enact such plans.<sup>xxi</sup> Simply put, inmates lack the agency and resources to protect themselves, and their superiors are seldom able to protect them as well. Judging by the way states define their incarcerated populations, detainees are more likely to be regarded as labor sources or hazards than as potential victims of natural disasters and other emergencies. In identifying inmates specifically as a threat or a cheap source for disaster cleanup, states are much less likely to view incarcerated lives as valuable and worth prioritizing. We have to reevaluate how we think of inmates to prevent adding to the social abuse and isolation that imprisonment inherently imposes upon them.

### Hurricanes

Inmates are routinely treated unjustly in the wake of extreme hazards, and yet they are still expected to mitigate harmful effects for others. In 2016, when Hurricane Harvey, a Category 4 storm, made landfall in Beaumont, Texas, over 8,000 inmates in three different state prisons and one federal facility were left to face that threat with no assistance.<sup>xxii</sup> None of them were evacuated. Rather, they were forced to remain in place as trees, utility poles, and electrical lines fell around them and water levels rose. Winds reached up to 130 mph<sup>xxiii</sup>, and dumped almost 52 inches of rain.<sup>xxiv</sup> After the storm subsided, prisoners had to sit in floodwater for multiple days, which carried harmful pathogens, petrochemicals, and debris. They were potentially exposed to human and livestock waste, industrial hazardous waste of chemical,

biological and radiological nature, as well as carcinogenic compounds, all of which were found in the flood waters during this period.<sup>xxv</sup> According to the Centers for Disease Control and Prevention, exposure to flood water can cause skin rashes, wound infections, gastrointestinal illness, boils, and burning of eyes.<sup>xxvi</sup> Furthermore, prisoners had little to no access to medicine, clean drinking water or food amid these circumstances. Authorities refused to relocate 1,800 people even when drinking water was compromised, food was running concerningly low, sewage had greatly overflowed, and facilities had lost power.<sup>xxvii</sup> Facility managers showed no remorse for inmates who suffered these conditions. In fact, correctional facilities misled the public into believing they were perfectly equipped to evacuate and care for them. Bureau of Prison officials posted pictures of staff handing out bottles of water to inmates during the evacuation periods. However, the employees pictured had not worked at these facilities in years. The Texas Department of Criminal Justice also shared photos of gyms containing excess cots for evacuated prisoners, implying that supplies and basic necessities were in abundance. In fact, inmates were sleeping on the ground.<sup>xxviii</sup> Interestingly, these inmates were the same ones who were forced to fill sandbags to brace the floodwaters days before.<sup>xxix</sup> Despite participating in prevention and damage mitigation efforts, inmates saw neither respite nor mercy. Not only were they participating in this labor, but they were given no choice. <sup>xxx</sup>

Hurricane Irma in 2017 exemplifies nearly identical themes. Incarcerated people in Georgia and South Carolina facilities were ordered to participate in both preparation and recovery efforts. 31 prisons that were not evacuated faced conditions comparable to Hurricane Harvey.<sup>xxxi</sup> Following the storm, the Georgia Department of Corrections recruited prisoner work crews to aid in the removal of hurricane-related debris. Similarly, the Florida Department of Corrections sent approximately 180 work squads of 5 to 10 inmates to clean up hazardous material in Florida for no pay.<sup>xxxii</sup> Incarcerated persons were sent to multiple locations across Florida, including Dixie, Gilchrist and Franklin Counties as well as the city of Avon Park.<sup>xxxiii</sup>

## Wildfires

Prison labor is also widely utilized to combat the ever-growing wildfires that rage every year, especially in California. As of 2016, at least 10 other states use incarcerated people as firefighters, and the system in California one of the most extensive.<sup>xxxiv</sup> There are 43 “conservation camps,” which, according to the California Department of Corrections and Rehabilitation (CDCR), “provide able-bodied inmates the opportunity to work on meaningful projects throughout the state.” Moreover, CALFIRE crews recruit inmates via the partnership between the CDCR and the California Department of Forestry and Fire Protection.<sup>xxxv</sup> In total, over 4,000 inmates participate in this program, making up about 30-40% of the state’s forest fighters.<sup>xxxvi</sup> These incarcerated people play a huge role in mitigating damage from wildfires in California, and they



*Photo 1: Inmates fight California fires. By David McNew.*

make considerable sacrifices in doing so. Most of the time, crews stand ready and are responsible for maintaining and protecting about 33 million acres of state and private lands. CALFIRE responds to 350,000 emergencies a year. In 2017, some inmates worked shifts up to 72 hours straight to protect properties of evacuated people.<sup>xxxvii</sup> Furthermore, detainees who do this work generally face disproportionate danger in comparison to their civilian counterparts. That is because civilian firefighters are mostly stationed further from the flames, doing activities like driving water trucks and flying helicopters. Meanwhile, inmates are usually at the front lines since they are specifically trained to cut firebreaks (trenches or other spaces cleared of combustible material) or to halt and/or redirect flames. Examples of prisoners who have been hurt on the job are Frank Anaya, 22, who was fatally wounded by a chainsaw, and Matthew Beck, 26, who was crushed by a falling tree. Inmates regularly work 24 hour shifts for no pensions, no workers’ compensation, and no guaranteed promise of future employment.<sup>xxxviii</sup> This is especially unethical considering that, according to the CDCR, imprisoned firefighters

save state taxpayers about \$100 million annually, which would have been spent on civilian firefighter wages.<sup>xxxix</sup> Yet, they are paid \$2-5 daily, with an additional \$1 per hour when they are in contact with a fire.<sup>xl</sup> Conservation camps do provide firefighter training to their inmates, yet it can be as little as 3 weeks compared to 3 years required of non-incarcerated firefighters. In the summer of 2020, California Governor Gavin Newsome signed bill 2147, which will allow some former prisoners to have their felony convictions expunged, which will remove a major barrier to their ability to become civilian firefighters.<sup>xli</sup>

### Deepwater Horizon Oil Spill

As illustrated by Hurricanes Harvey and Irma and the California wildfires, inmate labor is utilized pre-, post- and during natural disasters. However, work involving contact with hazardous contaminants and other environmental threats is not limited to events such as hurricanes and wildfires; it can also be utilized as a result of direct human error in industrial and technological disasters. In April of 2010, BP's Deepwater Horizon spill in the Gulf of Mexico resulted in devastating effects on humans and wildlife alike. The whole world watched as our oceans turned black and, for months, we wondered "How are they going to clean this up?" The answer, in part, was with prison labor. Louisiana inmates were quickly recruited for cleanup efforts, and sent out to sites with scarlet pants and t-shirts labeled with the descriptor "Inmate Labor." Local residents, many of whom had recently lost their sources of income to the spill (e.g., in the seafood industry), expressed desire to fill these jobs as well as outrage that BP had outsourced instead of considering them first. After that story hit the news, inmate attire was



*Photo 3: BP Using Prison Labor in Oil Spill Cleanup. By Prison Watch Network.*



*Photo 2: BP Hires Prison Labor to Clean Up Spill While Coastal Residents Struggle. By Golden Age of Gaia.*

changed to be more discreet: oil-resistant coveralls and shirts with the BP logo. Inmates were transported in unmarked white vehicles between the site and the Lafourche Parish Work Release Center (LPWRC). BP then claimed that they “didn’t know” if prisoners were still being used for cleanup. Despite these efforts to divert attention from inmate labor, it should be noted that 70% of Louisiana’s prisoners are Black, as were the majority of workers on the site, while 90% of the local coastal residents were white. Nevertheless, BP policy prevented the inmates from speaking publicly about their work.<sup>xlii</sup>

Crews worked 12 hours a day, and were exposed to noxious, toxic oil fumes during that time. The coveralls were made up of high-density polyethylene taped to their plastic-covered steel-toed boots.<sup>xliii</sup> Exposure to crude oil spills has been linked to a variety of medical conditions, including hematopoietic, hepatic, renal and pulmonary abnormalities. In a 2014 study, 117 subjects who were exposed to the oil spill were examined and more than 70% had creatinine levels near the upper limit of normal range while 23% had levels higher than the threshold. Moreover, hemoglobin and hematocrit levels were found at the upper limit of normal in over two thirds of the subjects. This suggests that those who participated in the cleanup were at higher risk of developing alterations in liver function and hematological profile (blood, blood proteins and blood-producing organs).<sup>xliv</sup> Because the US inmate population is disproportionately made up of people of color, especially Black people, when companies like BP use their labor to clean up environmental hazards, this inherently becomes an issue of environmental justice.

Despite having eager workers ready and requesting to fill these positions, BP chose to use inmate labor instead for a large part of its oil-spill cleanup response. In addition to the benefit of not having to pay inmates minimum wage, or having to provide them with proper protective equipment, BP was able to secure government-funded recompensation for hiring “local labor.” This financial allocation was made possible by President George W. Bush’s Welfare to Work legislation, which awards private-sector employers for hiring “risky groups” up to \$2,400 for every work release inmate hired. Additionally, companies can pocket up to 40% of the wages paid to the “target group workers” annually.<sup>xlv</sup> This further highlights corporate

dependance on inmate labor and their willingness to subject people to hazardous conditions for profit.

## COVID-19

We demonstrate another example of the inmate experience with the COVID-19 pandemic, further highlighting how incarcerated folks are often the first to be tapped to meet gaps in production. For example, at New York's Great Meadow Correctional Facility, inmates were recruited to manufacture hand sanitizer in order to meet the sudden and urgent demand as the COVID-19 pandemic took hold of the nation. Inmate labor was also used to address shortages of personal protective equipment (PPE) for the state. Correctional facilities in Indiana, Tennessee, and Washington also began manufacturing hand sanitizer in addition to 200 masks and gowns per day for law enforcement and first responder use.<sup>xlvi</sup> In Ohio, inmates were charged with producing 2 million masks and over 40,000 gowns for the state's facilities.<sup>xlvi</sup> Furthermore, in accordance with the Pandemic Influenza Surge Plan For Managing In-and-Out-of-Hospital Deaths in New York City, Mayor Bill de Blasio announced that in case the city runs out of refrigerator units to store unidentified bodies, they will be held at Hart Island, a cemetery managed by the Department of Corrections. New York's Rikers Island inmates have been offered \$6/hr to dig graves.<sup>xlvi</sup>

Some factories and workshops have even been repurposed to make materials to help combat coronavirus in Louisiana, where inmates produced about 60,000 containers worth of hand sanitizer at the beginning of the crisis.<sup>xlvi</sup> In five facilities, inmates made over 74,000 cloth face masks, 300 gowns, and over 1,200 face shields.<sup>i</sup> Wendy Matherene, mother of inmate Jonathan West, says her son was recruited for a job in June of 2020 due to the shortage of prison facility workers. Although he has severe mental health challenges and is on medication that makes him drowsy, he is in charge of patrolling areas where inmates on suicide watch are held. Now, he experiences shifts that last from 6pm to 6am with no notice. Ivy Mathis, who spent 26 years at the Louisiana Correctional Institute for Women, says her friends who remain in custody are being "cycled through jobs they aren't trained to take" in order to handle the increased demand for a range of products needed during the pandemic.<sup>li</sup> In addition, inmates

in Oregon, Pennsylvania, and North Carolina participate in laundry services for hospitals, hotels, and universities wherein they transport, sort, and wash potentially infectious gowns, bedding, and linens. In Oregon, 75% of the laundry processed by the state's correctional industry service is for the state's hospitals.<sup>lii</sup> Inmates aren't only being asked to create PPE or process hospital bedding to fight the COVID-19 pandemic. Beginning on November 16, 2020, inmates from the El Paso County Jail in Texas had been hired at a rate of \$2.00 an hour to move the bodies of recently deceased COVID-19 patients from hospitals into refrigerated "mobile morgues".<sup>liii</sup> As we mentioned previously, Texas allows their inmates to be paid at a rate of \$0.00 an hour for their labor.<sup>liv</sup> Though inmates volunteered for this position, the fact that this might be their only opportunity to earn money for their work while in prison is an undeniable factor in their decision to work.



*Photo 4: Inmates move bodies as coronavirus deaths overwhelm El Paso hospitals. By Ivan Aguirre.*

Allowing inmates to work without an hourly wage reduces their agency to truly opt-in to paid work, and can place an undue burden where inmates feel pressured into dangerous or uncomfortable work for money.

The myriad jobs inmates have been tasked with throughout the COVID-19 pandemic re-emphasizes society's readiness to exploit prison labor, while refusing to protect inmates from the same disasters they are working to prevent, fight, or clean up. COVID-19 has claimed many lives, but for months during 2020, activists and prisoners asked for the early release of prisoners. These calls for early release were widely dismissed in the U.S., and those in power squandered precious time to save lives. The inability to socially distance yourself from others in prison is the greatest vulnerability prisoners face in the coronavirus pandemic. Coupled with the widespread lack of protective equipment and decent medical care, this produced the perfect conditions for prisons to become COVID-19 hotspots.<sup>lv</sup> Under massive public pressure,

many prisons instituted early release programs to reduce the spread of COVID-19, but only after prisons became COVID-19 hotspots.<sup>lvi</sup> Inmates rely on their captors to care for them, and time and again, prisoners have only been acknowledged when they provide a service to this country. We argue that overcrowding, unsanitary facilities, and the inability to take precautions to protect oneself from an airborne virus is an environmental justice issue.

### **Prison Labor in the Context of U.S. Capitalism**

Louisiana State Penitentiary, more commonly known as Angola Prison, also demonstrates patterns discussed earlier in this chapter. However, rather than considering inequities and maltreatment within the context of a natural and/or human-caused disaster, this case illustrates vulnerability on a daily basis. First, it is important to consider the historical context. In fact, the name Angola Prison originated from the time that the territory was used to host a number of plantations. It imprisoned so many slaves that it was labeled as a reference to where these people were stolen from: Angola. The plantation was purchased in 1870 by Confederate Major Samuel L. James, who transformed it into James Prison Camp and later sold it back to the state in 1900.<sup>lvii</sup> It sits on 18,000 acres, which is roughly the size of Manhattan, and holds more people serving life sentences than the prisons in the states of Alabama, Arkansas, Mississippi, Tennessee and Texas combined.<sup>lviii</sup> The facility is massive, and, in addition to the inmate living quarters, consists of a cemetery, airstrip, museum, and recreational facilities, including a swimming pool, tennis court, walking track, and even a golf course--none of which are accessible to inmates. Additionally, the grounds contain livestock and vast fields of crops such as cabbage, wheat, corn, soybeans, milo (sorghum) and cotton.<sup>lix</sup> There are pecan and peach orchards, and even a crawfish pond.<sup>lx</sup> However, these food sources are not there to feed the prisoners; they are there for inmates to harvest and sell to those on the outside. For as little as 2 cents per hour, incarcerated people perform back-breaking labor as guards patrol on horseback while carrying shotguns. Consider the origins of the prison, the fact that the majority of employees are white,<sup>lxi</sup> and that inmates are punished if they refuse to work. One might recognize the alarming echoes of chattel slavery and the abuses that are inherent in that system of brutal exploitation. It is also important to recognize the harms

associated with agricultural work, including exposure to pesticides and extreme weather, as well as exhaustion from repetitive motion, of which puts workers at risk.<sup>lxii</sup> The Louisiana State Penitentiary has been criticized and sued for its mistreatment of inmates, not only related to its harsh labor conditions, but also concerning violations of basic human rights like healthcare and adequate shelter. Even during the pandemic, the safety and wellbeing of inmates held there were not prioritized; detainees who tested positive for COVID-19 in other prisons across the state were transferred to units at Angola, contributing to the possibility of a coronavirus hotspot.<sup>lxiii</sup> Although this is only one particular case study, it illuminates the horrifying conditions that are considered tolerable by the United States government.

### **Prison Labor in the Context of Global Capitalism**

It is important to note that just as prison labor in the United States is inextricably linked to the U.S.' economy, so too is prison labor that takes place in other countries. Many goods that U.S. consumers purchase are produced by prisoners in other countries. A glaring example is in China, where prisoners are often forced to work in abysmal conditions, for incredibly long hours, making goods that end up on the shelves of our stores. From Christmas cards and Christmas lights, to pre-peeled garlic, to cigarette lighters, prisoners in China's Laogai camps manufacture goods that impact Western consumers in a variety of unexpected ways.<sup>lxiv</sup> Laogai, the abbreviation for Láodòng Gǎizào, means "reform through labor." Although these camps have been condemned by international observers for many years, there are over 1,000 of these facilities and they can be found in every major city in China.<sup>lxv</sup> There are currently an estimated 4 million detainees in Laogai camps, many of whom are forced to work in industries ranging from agriculture, to mining, to manufacturing. Detainees have no formal sentencing nor a fixed amount of time served. These people are forced to partake in brutal, and often lethal, work. According to the Laogai Research Institute in Washington DC, upwards of 40 million people have died as a result of living in these camps since 1950, a figure that exceeds the number who died under Stalin's Gulag and Hitler's concentration camps combined. One Tibetan woman who was imprisoned under this system recalled "[starvation] was so horrible that we began to eat the leather from our shoes. Do you understand? We ate our shoes."<sup>lxvi</sup> Harry Wu, a former

inmate, released footage of prisoners who were forced to produce textiles while naked. Prisoners in these camps are regularly physically and mentally abused to a severe extent. Rape and beatings occur on a nearly daily basis.<sup>lxvii</sup>

In Xinjiang, Muslim Uyghurs and other detainees endure similar conditions. People work 12-20 days with daily production quotas such as 3,000 cigarette lighter heads or 1,000 underwear garments. One former inmate said he worked so vigorously that his fingernails were worn off and the skin of his fingertips had peeled off. This is not an uncommon phenomenon. A common task that prisoners are forced to do is peeling garlic, with a quota of about 30-40 kilograms a day. According to former inmates, people often suffered losing their fingernails and were forced to continue working. If prisoners were able to meet the quota, it would be frequently increased. If prisoners did not meet their quota, they would be forced to work overtime. One person said they weren't even allowed to wipe away their sweat, let alone stretch during their shifts.<sup>lxviii</sup>

Some jobs were not only laborious, but also dangerous in nature. One inmate said his job was to apply glue to various products, and was never informed of the nature of the toxic ingredients he worked with. However, he deduced that the glue was toxic because during shifts his eyes were severely irritated and now he suffers from permanent damage to his eyes. Another person was assigned to work in a brick kiln, where the temperatures could reach 140-160 degrees Fahrenheit. This resulted in scalding wounds and hair scorching. Authorities do not provide temperature resistant shoes, so inmates stand on one foot shifting from left to right in order to minimize burns and blisters. Allegedly, new prisoners "couldn't even last five seconds before having to run out of the kiln. But whenever the manager saw someone running out, he would flog them with a pipe." Some workers even tried and failed to commit suicide and were beaten with an electric baton as punishment.<sup>lxix</sup> The Chinese government relies so heavily on the labor of detainees that products from the camps are even components of the state's economic plan.<sup>lxx</sup> The Chinese government values the economic benefits of this exploited labor regardless of the fact that it results in clear violations of basic human rights.

Millions of those of us living in the West have intimate familiarity with the products of these people's suffering. The aforementioned garments and textiles, food, and cigarette

lighters, all end up on the shelves of stores all over the world where consumers shop without thinking twice. In 2019, 6-year-old Florence Widdicombe of South London was writing notes to her classmates on Christmas cards when she found that one contained a message from prisoners in Shanghai Qingpu Prison in China begging for help.<sup>lxxi</sup> According to The Independent, Chinese detainees also manufacture fairy lights, bulbs, and other festive decorations for the global supply chain during the holiday season. After bidding on Christmas decorations passes, production simply shifts to focus on other ornamentation for celebrations like the Chinese New Year.<sup>lxxii</sup>

And while the U.S. has passed laws that aim to ban the importation of goods made from prison labor, goods from Laogai camps end up in U.S. and Western consumer markets regardless. In fact, freed prisoners from Laogai camps report that their captors would “openly delight in the fact that the retail giants purchasing the goods had no idea of the circumstances in which they’d been made.” Laogai camps are able to send manufactured goods to large bidding locations where these products are then sold to buyers around the world.

Even though U.S. legislation exists that attempts to prevent goods produced by foreign prison labor from entering our markets, oftentimes prisoners in the U.S. make goods explicitly for sale within the U.S. For example, the United States Department of Justice even advertises their inmate workforce to the private sector with marketing brochures flaunting its “cost-effective labor pool” and “Native English and Spanish language skills.” Today, about 17,000 inmates in the U.S. work in more than 50 government factories, farms, and call centers. UNICOR, the federal prison industry corporation in the U.S., brought in \$300 million in total government and private-sector sales in 2018, according to their midyear sales report.<sup>lxxiii</sup> Yet, these same facilities do not allocate the resources necessary to provide adequate healthcare or even safely evacuate inmates when a Category 5 hurricane is heading their way. Even supposedly ethical industries held in high regard are implicated. SolarCity, one of the largest solar power companies in the U.S., leases labor through UNICOR. Inmates at the Federal Correctional Institution in Sheridan, Oregon are being paid \$0.93 cents hourly by UNICOR to manufacture solar panels.<sup>lxxiv</sup>

## Summary and Next Steps

From the case studies presented here, we find that prison labor is utilized in a wide variety of contexts and purposes. We divide the work of incarcerated populations into two primary categories: 1) protection of non-incarcerated folks from hazards both directly and indirectly tied to human error and 2) providing luxury and convenience to consumers. Whether it is in defense from fires, oil spills and global pandemics, or affordable yet stylish new shoes and brand-new energy-efficient solar panels, it is fair to say that at least some aspect of our lives is tied to incarcerated labor. Thus, it is our responsibility to be informed and consider this system that we coexist with and provide taxpayer support for.

While we as individual readers may not have the ability to single handedly reform the world's economic dependence on prison labor, there is significant work we can do. We can demand basic human rights for all, especially for those who put their lives on the line to protect us. It is abhorrent that BP created the largest oil spill in U.S. history, used prison labor to clean up the mess, and received a government tax break for hiring "local labor." It is horrific that prisoners are asked to make PPE to keep us safe from a global pandemic, but left in close contact with each other when there were known cases of COVID-19 in many prisons. If incarcerated people are going to continue serving as key workers in society, they should be entitled to protections for doing so. This goes beyond sufficient access to food, clean water and air, and basic medical care. We propose a shift in legislation that would grant prisoners access to the same workers' rights that free people have, including the right to safe working conditions, the right to earn the federal minimum wage for their labor, and, perhaps most critically, the right to decline work that they feel is too dangerous to perform. We also demand the mandated inclusion of prisons in formal emergency planning. Additionally, it is in everyone's best interest to have transparency. Consumers deserve to know whether the products they are purchasing were made using prison labor. Change is possible, because in September of 2020, California passed AB 2147, a bill that gives former inmates the opportunity to pursue careers as firefighters after their release. Previously, those who worked as firefighters while incarcerated were barred from entering the same workforce once released because of many barriers, despite the fact that inmates have been deployed to fight fires since World War

II.<sup>lxxv</sup> While there was an internal desire for the state of California to increase its firefighting force as a result of prisoner early release due to COVID-19, and the worst fire season in California's history, this is still an example of a right being restored to formerly incarcerated folks. It shows that, with the right conditions and significant public pressure, we can demand and realize change.

Finally, if we are outraged at the injustices that occur in prisons built on US soil, we cannot neglect the same systems that exist elsewhere. We have to consider prison labor outside of the US because those incarcerated persons make many products that U.S. residents consume and rely upon. These products include cotton,<sup>lxxvi</sup> peeled garlic, cigarette lighter heads, and undergarments, underscoring that the fruits of international inmate labor are not as distant from the average American consumer as one might assume.<sup>lxxvii</sup>

Perhaps in recognizing our reliance on the suffering and hardships of imprisoned people, we can find the motivation to dignify their work and existence not just because it is economically beneficial or convenient, but because it is the right thing to do. It is apparent that the United States economy, among others, utilizes the vulnerable population of prisoners to fill gaps in production and to maximize monetary benefits for big businesses. In doing so, they have successfully manipulated the majority of its citizens into being largely unaware of the blatant abuses of inmates' environmental and human rights. Incarcerated folks are forced to put themselves at risk for us, while we leave them with few to no protections when faced with the same crises. Similarly, we utilize incarcerated labor for a range of everyday consumer goods. In either situation, we are complicit in a system that exploits people who legally cannot opt out and who do not have a shred of the protections most of us are afforded daily. That is atrocious and it must change. We can ensure that we listen to prisoners speaking up about their conditions and support their demands for better treatment. Finally, many advocates will point out that a particularly effective way to address the violence and brutality of imprisoned labor would be to implement policies of wide scale decarceration, decriminalization, and abolition. In a world without prisons, there would be no prison labor, and we could then focus our energies on the spectrum of other existing forms of labor exploitation.

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Title-page Photo: Inmate firefighters walk along Highway 120. By Jae C. Hong.

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# ***"The Water was black":***

The Fight for Clean Water in U.S.

Prisons and Jails



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*By: David N. Pellow*

"The water was black. Most of the time it was black." Benjamin served time at Deuel Vocational Institution, near Tracy, California. During his time there he recalled, "I couldn't drink water so I couldn't hydrate myself, so I lost a lot of weight."<sup>i</sup> His experience is reflective of a disturbing trend in carceral facilities throughout the U.S. In 2007, Prison Legal News—the publication with the largest circulation in U.S. prisons—released a major report on water quality in the nation's carceral facilities. It stated,

"Aging infrastructure concerns are not limited to America's highways, bridges and dams. Today, crumbling, overcrowded prisons and jails nationwide are bursting at the seams -- literally -- leaking environmentally dangerous effluents not just inside prisons, but also into local rivers, water tables and community water supplies. Because prisons are inherently detested and ignored institutions, the hidden menace of pollution from them has stayed below the radar."<sup>ii</sup>

The living conditions and the built environment in prisons and jails across the U.S. are often dangerous, filthy, toxic, and life-threatening. Toxic water is a routine threat facing persons incarcerated in the U.S. If "water is life" then the fact that it is difficult to find a jail or prison in the U.S. without contaminated water highlights the reality that the carceral system is, at minimum, a space of constant threats to health and wellbeing, and at its worst, a site of death and ecocide. And while there is a spectrum of environmental health threats facing incarcerated persons, in my research it is clear that water quality is one of the most frequently cited risks, a conclusion supported by other researchers studying the violation of federal environmental laws in prisons.<sup>iii</sup> This chapter features cases that reflect the depths of water justice struggles in prisons and jails in the U.S. The bottom line is that prisons and jails are inherently unsafe, unhealthy, and environmentally unjust. The problem of water contamination also reflects the incarceration-extraction nexus, as imprisoned people siphoned out of their communities into cages are exposed to water that has been injected with toxins and extracted from rivers, aquifers, and other sources and imposed on the bodies of the juridically enslaved.

This multiply-layered violence also represents an opportunity for people of conscience to locate points of vulnerability within the carceral system through which to resist and, eventually, to unmake it.

### Charleston, West Virginia: South Central Jail

“We (the inmates) have been forced to drink MCHM contaminated water, survive staff’s excessive force & constant neglect, and deal with constant hunger due to insufficient food services...We are human beings and we really deserve to be treated like it.” These words appeared in a petition authored by Eric Ayers, who served time at the South Central Regional Jail, an overcrowded facility in Charleston, West Virginia. That jail was the site of a major environmental justice struggle that stemmed from a toxic threat entering the jail from an external industrial polluting source.

On January 9, 2014, between 7,500 and 10,000 gallons of toxic MCHM leaked from a faulty storage tank at Freedom Industries into the ground, which, in turn, leaked into the Elk River, a tributary of the Kanawha River. The chemical spill reached the intake pipe of West Virginia American

Water—the public utility that treats and distributes water to the region. When its carbon filtration system was overwhelmed by the enormous volume of toxic chemicals



*Photo 1: Satellite view of South Central Regional Jail and Correctional Facility. Photo by Inmate Aid.*

that afternoon, West Virginia American Water contacted its customers and instructed them to cease using their tap water.<sup>iv</sup> West Virginia’s Governor, Earl Ray Tomblin, responded with a declaration of a state of emergency, which was followed by school closings, the deployment of the National Guard, and numerous volunteers mobilizing to deliver bottled water to some

300,000 residents across nine counties who were impacted. Area businesses and even the West Virginia state legislature shut down. On President Barack Obama's orders, the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security delivered nearly 400,000 gallons of drinking water to the residents.<sup>v</sup> That was an impressive effort, but it left out one particular population: the more than 400 inmates in the South Central Jail, who had no way of accessing clean water during this crisis.

Joe DeLong, director of the West Virginia Regional Jail Authority, told journalists that inmates at the jail were completely protected from the toxic water because the staff allegedly provided them with eight bottles of water per day during the "do-not-use" period, so that inmates had "essentially no access to the contaminated water."<sup>vi</sup> These claims were later proven false. The "do-not-use" order issued by the government was lifted after five days.

MCHM is more properly known as 4-methylcyclohexanemethanol and, in its crude form, is a chemical used to process coal to remove some impurities that contribute to pollution when combusted. In other words, the roots of this crisis and industrial accident are linked to the extraction and burning of coal, which contributes directly to global climate change and disruption. Freedom Industries stores and distributes chemicals to other companies that process coal. Nearly two weeks after the spill, Freedom Industries informed authorities that a second chemical—polyglycol ethers (PPH)—was also in the leaking tank. PPH is a solvent commonly used in paint products. According to several sources, MCHM can cause nausea, vomiting, dizziness, headaches, diarrhea, burning and irritated skin and eyes, itching, rashes, and difficulty breathing.<sup>vii</sup> The day of the spill, many residents reported a sweet, licorice-like odor emanating from the Elk River and their tap water. In the wake of the spill, more than one hundred people were hospitalized, seeking treatment for nausea and vomiting, and several died.<sup>viii</sup>

To the relief of many, no fish kills were reported after the spill, which was a concern because the Elk River is the last remaining habitat for the diamond darter, a fish on the endangered species list.<sup>ix</sup> The Freedom Industries leak was the third major chemical accident to occur in the Kanawha Valley in a period of just five years—the other two being at Bayer CropScience and DuPont.<sup>x</sup> This region is also known as "Chemical Valley" because of the

density of industries in the area that focus on the processing and production of toxic chemicals. Going further back into history, we find that the Chemical Valley area is also home to two infamous examples of environmental injustice: the drilling of the Hawks Nest tunnel in Gauley Bridge, West Virginia (just a few miles from Charleston), in the early 1930s, which killed hundreds of workers who succumbed to silicosis as a result, with the heaviest death toll on migrant Black workers, in what scholars have called American's worst industrial disaster<sup>xi</sup>; and a massive chemical leak at a Union Carbide plant in the working class town of Institute, West Virginia (less than an hour's drive from Charleston) in 1985, which involved the release of a cloud of methyl isocyanate (MIC), the same chemical that killed 2,000 people the year before in the Union Carbide disaster in Bhopal, India.<sup>xii</sup>

An investigation by the media outlet ThinkProgress found that inmates reported being given only as much as 16 oz. of water each day, which meant that they had to use contaminated tap water in order to have enough water for drinking, face washing, and teeth brushing. Perry Changes, a former inmate who was at the jail at the time, remembered, "We got three 8 oz. jugs of water a day. I don't think that's enough water. We thought we was going to pass out."<sup>xiii</sup> Inmates had a simple but horrifying choice: they could drink the toxic water and likely get sick, or face the pain of dehydration. Perry Changes chose the latter for much of the time and recalled, "My head hurt like a hangover for days."

Moreover, many of the inmates indicated that they were experiencing health problems that occurred after they were exposed to the MCHM-laced water, including skin rashes, respiratory infections, and fainting.<sup>xiv</sup> Jason Clendenin was an inmate at the time who wrote the following in a letter to the activist group West Virginia Water Hub: "After water was turned on, I had to go to the medical unit because I felt pain in my liver. The medical unit took a blood test, but I never got the results back....A couple of days later I was standing in the chow line, and got dizzy and got lost eyesight. A guy behind me caught me when I fell."<sup>xv</sup> Inmate Eric Ayers—the author of the above-quoted inmate petition at the jail—told ThinkProgress that during the period when water contamination was evident, "I was just extremely exhausted...I got headaches, felt like I couldn't do anything. My urine was dark yellow, almost orange."<sup>xvi</sup>

In a chilling development, inmates described a jail policy put in place the month after the chemical spill (in February 2014), declaring that any inmates asking for medical attention more than three times per month would be placed in medical isolation until a doctor was available; and if there were no empty beds there, they would be sent to solitary confinement—which many activists believe was a clear human rights violation. Since the water inside and outside the jail was contaminated, there were negative impacts on human health on both sides of the facility. Area hospitals reported an increase in emergency room visits and a survey by the Kanawha Charleston Health Department estimated that nearly 1 in 3 affected residents (as many as 100,000 persons) experienced negative health impacts.<sup>xvii</sup>

Inmates responded with desperation and creativity. Prisoner Michael Moss told ThinkProgress, “I saw a guy make coffee out of toilet water.” Others decided they had enough and resisted through other means. For example, as noted earlier, inmate Eric Ayers penned a petition that was signed by some two dozen of his fellow inmates. Moreover, at least two “pods” of prisoners staged a protest in order to demand sufficient water immediately following the spill. Michael Moss was one of many inmates who refused to return to his cell for the nightly lockdown one evening. “We told them, ‘we just want water’...They told us to get back in our cell and we could talk about it.” The following day, he and the others were put in “the hole” for “inciting a riot” and “obstruction.”<sup>xviii</sup>

A community-based prisoner support initiative called The Stories from South Central Project, reported that, according to at least five eyewitnesses, around a dozen inmates participated in the strike to demand access to clean water. The strikers were lying down peacefully with their hands over their heads. Prison officials responded by placing several of them in solitary confinement for fifteen days or more. Danny Vorbach, a 68 year-old Vietnam veteran, served as a negotiator with the guards on behalf of the inmates. According to this report, a shift supervisor pushed him down several stairs in retaliation for his role in supporting the strike, which broke his dentures. He was also punished with a month in solitary confinement and a write up for Failure to Obey.


Tyler Roy was one of the strikers and described his experience in a letter to supporters:

"[M]yself and several other inmates started asking employees for water to drink. We also needed it for brushing our teeth, and normal everyday hygiene. They then refused to give us any water. We asked for their supervisor thinking he could help our situation. But the same thing occurred. NO WATER. We then sat down on the floor, and asked for water. The EXACT WORDS were 'We don't want any trouble, we just need water.' They summoned at least 20 to 30 officers to make us lock in our cells. After a few moments we did so. The next day a shift supervisor and couple officers came and moved 6 of us out. They put us in the 'Hole,' and claimed we had started a riot."<sup>xix</sup>

Many inmates filed formal grievances but never received responses from jail authorities. A number of inmates' family members called the jail demanding information and improvements to their situation, but few felt the jail's leadership responded adequately. Phyllis Johnson's son Jamaa was incarcerated in the jail at the time and she was horrified at the way the authorities responded: "I didn't know human beings could treat other human beings like that."<sup>xx</sup>

Given the clear neglect of prisoners at the South Central Jail, a group of community volunteers from two groups—West Virginia Clean Water Hub and Radical Action for Mountains' and People's Survival (RAMPS)—mobilized and visited at least 50 inmates there. They recorded their stories regarding the conditions in the facility after the spill and reported that the majority of inmates they spoke with indicated illness and other health symptoms that arose in the wake of the chemical spill, including:

- headaches/migraines
- dehydration
- vomiting and diarrhea
- respiratory problems
- rashes, bumps, and other skin conditions
- back pain, stomach pain/nausea, intestinal pain, and organ pain
- spikes in temperature (up to 105 degrees)
- tooth pain, burning gums and throat, oral blisters, jaw and lip abrasions

- 
- blurry vision and eye irritation
  - fainting
  - swollen joints
  - weight loss<sup>xxi</sup>

Roberta Stewart was an inmate at the jail who reported experiencing irritated, red, and itching eyes, as well as major dental problems like a disintegrating crown and enamel coming off her teeth. She filled out a third medical request and was placed in isolation for eight days per the punitive policy noted above. During that period, she received no medical attention. Another inmate, Johnie Mason, asked for medical care to attend to the blisters and abrasions in his mouth. Nurses told him that the problem was “in his head,” but upon being transferred to another facility (Salem Correctional Center), Mason was diagnosed as having oral blisters and abrasions on his jaw “caused by the chemical spill.”<sup>xxii</sup>

In a collective letter written by several inmates at the jail, they argued, “We contend that issues arising from the chemical spill are indicative of a larger pattern of violence, abuse, and negligence in South Central Regional Jail that has been systematically perpetrated and tolerated by jail staff and administration since long before January 2014.” That list of alleged violations included: inadequate medical care; a new policy of prohibiting contact with spouses, children, and loved ones during “contact” visits; lack of access to clean showers (in violation of jail policy); overcrowding, which resulted in inmates being forced to sleep on the floor (in violation of jail policy); lack of educational and rehabilitative opportunities; lack of proper nutrition and the failure to meet the needs of inmates’ medical and religious dietary restrictions; a pattern of beatings and excessive force against inmates perpetrated by correctional officers; and the perpetration of racial discrimination—including acts of physical violence—by correctional officers, that specifically target Black inmates. The letter included a series of demands that would address each of these issues, including third party water testing, provision of adequate and universal medical care for the inmates, dismissal of all charges against those who participated in the peaceful strike, and a public acknowledgement of the government’s failure to provide inmates with clean water during the chemical leak crisis.

Nearly three years after the Freedom Industries MCHM leak, a number of lawsuits were settled. Gary Southern, the executive of Freedom Industries, paid a fine of \$20,000 and agreed to serve one month of jail time, after a court found that the company was negligent in maintaining its storage tanks and that the spill was “completely preventable.” His company, Freedom Industries, filed for bankruptcy one day after the spill occurred, and was therefore able to avoid legal liability for the accident. Thomas Johnston, the judge presiding over the case in a U.S. District Court in Charleston, West Virginia, argued that Southern’s actions were negligent rather than criminal: “The defendant is hardly a criminal...He has no criminal history and has been a businessman most of his life. His crimes are those of careless omission.”<sup>xxiii</sup> Maya Nye, an activist with the West Virginia-based group People Concerned About Chemical Safety, echoed many others who were furious at this decision. She stated, “That shows you the difference between when poor communities or communities of color are affected and when communities with more wealth and more political clout are affected.” True to its politically conservative roots, the state legislature of West Virginia passed a law immediately after the 2014 accident that required increased monitoring and enforcement of safety protocols for above-ground chemical storage tanks, and then promptly passed another law the following year exempting most tanks from that oversight.<sup>xxiv</sup> In November of 2016, a federal judge approved a settlement of \$151 million that two companies—Eastman Chemical and West Virginia American Water Company—were to pay to the plaintiffs in a class action lawsuit involving 224,000 residents of West Virginia and 7,300 local businesses affected by the Freedom Industries chemical spill of 2014. The judge ruled that Eastman failed in its duty to inform Freedom Industries that MCHM is corrosive and would likely eat through the storage tanks, and that the water company engaged in a breach of duty because it delivered poisoned water to its customers.<sup>xxv</sup> South Central Jail inmates as a class were not included in these settlements.

### **Immigrant Prisons and Water Contamination**

Many prisons are located on or near current and former waste dumps and toxic waste sites, which can place inmates’ health at risk from toxic water and air exposure. For example, the

largest immigrant prison in the nation is in Dilley, Texas, a place often called “the waste epicenter” of the Eagle Ford Shale, a 30-county region where 20 saltwater disposal wells pump fracked wastewater back into the ground.<sup>xxvi</sup> The Karnes County Civil Detention Center is another immigrant prison in the region and has been described as the “drilling epicenter” of the Eagle Ford Shale, a region with several well blowouts, local evacuations, and the majority of residents reporting major environmental health problems. The water at the prison is heavily chlorinated and immigrant prisoners report that it smells and tastes foul.<sup>xxvii</sup> As is the case at many immigrant prisons around the nation, inmates routinely resist through hunger strikes, sit-ins, and other means of protest and defiance against this brutal system.

In March of 2015, at least 78 immigrant women and mothers imprisoned at the Karnes County Residential Center began a hunger strike to demand their release and the release of their children. This action was a response to the increasing incarceration by the federal government of undocumented persons and families seeking asylum from dangerous conditions in Mexico and Central America. This action was also a response to the horrific conditions within the Karnes immigration prison, with a particular emphasis on the problem of contaminated water there. Immigrant prisoners do have the option of buying bottled water from the facility, but at \$2.50 per bottle that is considered quite costly for many migrants who have come to the U.S. with not much more than the clothes on their backs. The Karnes prison is run by the GEO group, the nation’s largest for-profit prison company, which has been accused of a long list of abusive practices directed at prisoners across the nation.<sup>xxviii</sup>

Karnes County is in the midst of an oil and gas boom made possible by innovations in hydraulic fracturing, or fracking. Fracking involves injecting massive volumes of water and toxic chemicals into underground shale formations to access previously unreachable deposits of natural gas or petroleum, and is associated with a range of environmental and public health harms.<sup>xxix</sup> There are more than 2,000 wells siphoning fossil fuels from the ground in the area, using a cocktail of chemicals that are associated with health problems like brain damage, cancer, and respiratory disorders. The Karnes County Residential Center is within one hundred feet of many gas flares and pumpjack oil wells, which emit toxic fumes. Priscilla Villa is an activist and organizer with the NGO Earthworks, which seeks to address and reduce the

hazards from coal, oil, and gas extraction. She noted that, unlike free residents on the other side of the prison walls, “The prisoners have no choice but to inhale the toxic fumes coming from these sites.”<sup>xxx</sup> Scientists have documented the fact that environmental toxicants from fracking are deeply harmful to human health, and even more so for young children and expectant mothers, producing neurological development disorders.<sup>xxxi</sup>

The Southwest Workers’ Union is a Texas-based NGO that organizes grassroots social change movements at the intersections of immigration, race, gender, citizenship, labor, and environmental justice, and issued a statement of solidarity for the hunger strikers, which read in part:

Southwest Workers’ Union (SWU) stands in solidarity with the 78 mujeres, and mothers at Karnes County Residential Center in Texas...As a migrante community, it is our responsibility to support the mujeres who are committing their minds, and bodies for justice for their families in the borderland. The unfair actions partaken by ICE, GEO Group, and Karnes City are the perpetual behavior of anti-immigration, environmental racism, sexism, and classism from a capitalistic state...Texas has a track record of exploitation, therefore women, like the environment, are seen as a form of profit. Karnes City, located on the Eagle Ford Shale, is one of the largest sites of Hydraulic Fracturing (fracking) in the US and home to many acts of environmental destruction. The proximity of the detention center to the extraction sites is a threat to the health of the incarcerated children along with their mothers. The cumulative effects of being exposed to contaminated air and water is known to cause short and long term health problems such as respiratory issues, reproductive illness, and cancer. The compañeras refuse to consume the water provided by the center because of health concerns yet both ICE and GEO Group continue to deny the access to fresh, clean water. SWU views the denial of basic human necessities such as safe housing and fresh water and air as acts of violence against womyn and children.”<sup>xxxii</sup>

The SWU points to the ways in which the Karnes facility reveals the intersections of nativism, patriarchy, racism, and environmental injustice, because it is located on land at the epicenter of hydraulic fracturing, which has been documented as an environmental and public health hazard and contributor to climate change. They are serving as allies in support of the prison EJ movement (which is, of course, inseparable from the immigrant justice movement in this case), and denounce the violence of racial capitalism as well.

Hunger strikes have long been a common form of resistance in prisons. They are of great symbolic and material significance because they signal the inmates' refusal to allow authorities provide them with basic sustenance, which amounts to a refusal of the management's basic authority. Hunger strikes are important because in the context of a total institution in which one's bodily movements and bodily functions are controlled by the jailers, incarcerated persons are asserting sovereignty over their corporeality. What this fundamentally means is that prisoners are engaged in actions that have implications for environmental justice, climate justice, and food justice because they are confronting a violent industrial water and food delivery system that produces harm to humans and ecosystems.

The International Energy Agency (IEA) forecasts that growth in U.S. oil production will meet 80% of new global demand for oil in the coming years, with much of that growth coming directly from oil produced by fracking in Texas.<sup>xxxiii</sup> Thus international migrants, refugees, and asylum seekers are caged, with children often separated from their families, and placed at great risk of exposure to contaminated water as an indirect result of repressive, militaristic U.S. foreign policies in Latin America as well as climate change-induced drought,<sup>xxxiv</sup> and the direct result of the intersection of oppressive anti-immigrant policies and an intensified commitment to global fossil fuel production, amplifying nativism and global climate injustice.

The recent context for much of this environmental justice struggle in immigrant prisons is the amplification of racist and nativist policies of the U.S. federal government. The Trump regime's Zero Tolerance Policy prosecuted asylum seekers and people attempting to cross the U.S. border without authorization, which also included an extraordinary development involving caging children in prisons whom the government had separated from their families. And while

this policy produced an international outcry among attorneys and immigrant justice advocates, by May of 2018, the Trump regime had already removed and separated more than 2,000 immigrant children from their families. The American Academy of Pediatrics has warned that this kind of forceable separation can cause “irreversible harm” to children’s mental wellbeing.<sup>xxxv</sup> Adding insult to injury, children as young as 18 months of age were held in facilities where staff members were apparently instructed not to comfort or hold them even if they were in distress. Moreover, a number of immigrant prisons reportedly forced children to take antipsychotic drugs in order to sedate them.<sup>xxxvi</sup>

What has not received as much news coverage, however, is the fact that the U.S. Department of Defense was actively seeking to house separated immigrant children on military bases with known and documented water contamination; water contaminated with PFAS—a family of man-made chemicals known as poly- and perfluoroalkyl substances.



*Photo 2: Child Detainees at Karnes County Residential Center. Photo by Eric Gay.*

The military uses these chemicals to put out fires during training exercises, and they are also commonly used in non-stick pans and flame-retardant carpets. PFAS are part of a spectrum of what scientists call “contaminants of emerging concern” because they are relatively new in usage and their full range of environmental health effects is not entirely known, but they are believed to have serious risks. What is known about PFAS is that they have been linked to

increased risk of thyroid, kidney, and liver disorders, infertility in women, various types of cancers, and developmental abnormalities in infants and fetuses. Children are particularly vulnerable to PFAS because exposure to these chemicals can reduce the body's capacity to produce antibodies and its response to vaccinations, which are important for fighting off a range of diseases.<sup>xxxvii</sup>

One of the sites where the Trump regime sought to build a prison for migrant children was Fort Bliss, in El Paso, Texas, a location with a number of Superfund sites that are "riddled with toxic, radiological contaminants and hazardous chemicals including heavy metals and volatile organic compounds from its munitions burial and burning, unexploded ordnance, and landfills." Water testing at Fort Bliss in 2017 revealed the presence of radiological contaminants and chromium, the latter of which has been associated with respiratory system cancers. Another site the regime seeks to use to cage migrant children is on a plot of land at Goodfellow Air Force base, which is directly adjacent to a former firing range and next to an uncapped waste landfill. Separately and together, these two sites could put migrant children at risk of exposure to PFAS, unexploded munitions, polluted drinking water, radiation, and a host of other toxic chemicals.<sup>xxxviii</sup>

The Sierra Club—the nation's largest environmental organization—discovered that at least five of the military sites under consideration for incarcerating migrant children have PFAS contamination. Moreover, a report by the Department of Health and Human Services, which detailed the negative health effects of PFAS exposure at 125 Army, Navy, Air Force and Marine Corps bases, was delayed by the Trump regime for six months out of concern that it would cause a "public relations nightmare" because it revealed that at least 3 million U.S. military personnel and their families were exposed to toxic water.<sup>xxxix</sup> The Trump regime and Scott Pruitt (the Director of the U.S. Environmental Protection Agency) tried to prevent the study's release by the Agency for Toxic Substances and Disease Registry (ATSDR), but the Centers for Disease Control and Prevention uploaded it to their website after a bipartisan group of elected officials called for its release.<sup>xl</sup>

Mike Brune, the Executive Director of the Sierra Club, issued a condemnation of this policy in formation:

"Trump's plans would compound the tragedy of his immigration policy by exposing kids ripped from their parents' arms to toxic chemicals because of the poisoned water his Administration tried to cover up. It is unconscionable that fearing bad press, Trump and Pruitt conspired to withhold a life-saving study about a toxic chemical found on military bases. To now lock up separated migrant children on these contaminated sites shows that Trump will put anyone in harm's way—from veterans to children—to further his own toxic political agenda. We should not allow this to happen to anyone's children. This Administration is literally threatening the lives of those who come to our country seeking a better life, and no one should be silent in the face of this outrage."<sup>xli</sup>

Again, migrants and their allies are fighting back. In 2018, the Los Angeles-based Center for Human Rights & Constitutional law filed documents as part of a long-running lawsuit on behalf of two hundred migrants who reported that immigrant prisons in the U.S. are unsanitary, overcrowded, and sites where prisoners are forced to drink foul-smelling water. The migrant prisoners were primarily from the "northern triangle" countries of El Salvador, Guatemala, and Honduras. Delmis V., a migrant from Honduras and the mother of a two-year old boy, told investigators, "[T]he worst thing was the water...I had to plug my nose to be able to drink it. It came out of the faucet and smelled terrible." Mayra S. was another prisoner and mother of two young children. She told investigators that she "begged for water" for her daughter, but was not provided any. She stated, "My daughter started crying. The officers told me to shut up." Many other prisoners, like Blanca M. who is from Guatemala, indicated that they had to wait several days before they were allowed to shower, despite having spent many days crossing treacherous terrain between Central America and the U.S.<sup>xlii</sup>

People without citizenship or legal authorization to be in the U.S. are especially vulnerable to environmental injustices both in "free" residential communities and in prisons.

Immigrants—both adults and children—are routinely caged in facilities overrun with a host of environmental injustices, including toxic water systems, further compounding the risks to their health and wellbeing. All around the U.S. immigrant prisoners, their families, and allies, are pushing for justice and demanding that facilities be cleaned up, shut down, and that prisoners are released. As a number of prison environmental justice advocates have argued over the years, one clear way to ensure that people don't face environmental harms in prisons is to never cage them in the first place.<sup>xliii</sup>

### Conclusion

Water contamination is widespread throughout carceral facilities in the United States and inmates are routinely faced with the choice of drinking polluted water or no water at all. This gross human rights violation is observable at prisons and jails for adults, youth, immigrants, men, and women—in other words, it is the rule rather than the exception, and if you are incarcerated in the United States, you have a high probability of exposure to water that is unsafe and unfit for consumption. Water contamination is an environmental justice issue because we all require safe drinking water for our daily survival but this basic right is being denied to some of the most vulnerable and marginalized populations—people of color, low-income/low-wealth populations, women, immigrants, and LGBTQ folk—all of whom constitute the majority of the incarcerated in the U.S. Fortunately, prisoners and their allies are fighting back, rising up, and demanding clean water at the minimum, and also pushing for decarceration, early release, and abolition of the prison industrial complex. Those goals are the least we can demand and expect from a society that calls itself a democracy.

## Resources for More Information and How You Can Get Involved

- Campaign to Fight Toxic Prisons (<https://fight-toxic-prisons.org/>)
- Californians for a Responsible Budget (<https://www.curbprisonspending.org/>)
- Critical Resistance (<http://criticalresistance.org/>)
- Perilous Chronicle (<https://perilouschronicle.com/>)
- Prison Legal News (<https://www.prisonlegalnews.org/>)

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<sup>ii</sup> Dannenberg, "Prison Drinking Water and Wastewater Pollution Threaten Environmental Safety Nationwide."

<sup>iii</sup> Bernd, "Texas Prisoners Describe Nightmarish Conditions, Exposure to Floodwaters Following Harvey."

<sup>iv</sup> Bernstein, "Chemical Spills into W. Va. River Spurs Closures, Run on Bottled Water."

<sup>v</sup> Heyman and Fitzsimmons, "The Wait Continues for Safe Tap Water in West Virginia."

<sup>vi</sup> Thompson, "The Untold Story of What Happened at an Overcrowded West Virginia Jail After the Chemical Spill | Prison Legal News."

<sup>vii</sup> Swan, "W.Va Chemical Spill: Is More Regulation Needed?"

<sup>viii</sup> Raby, "4 Hospitalized in W. Va. After Chemical Spill."

<sup>ix</sup> Matisse and Nuckols, "Slow Return to Normal Life in Spill-Plagued W. Va."

<sup>x</sup> Gabriel and Coral, "Calls for Oversight in West Virginia Went Unheeded."

<sup>xi</sup> Cherniak, *The Hawk's Nest Incident: America's Worst Industrial Disaster*.

<sup>xii</sup> Franklin, "Toxic Cloud Leaks at Carbide Plant in West Virginia."

<sup>xiii</sup> Thompson, "The Untold Story of What Happened at an Overcrowded West Virginia Jail After the Chemical Spill | Prison Legal News."

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<sup>xvi</sup> Pearce, "Many Reported Sickened after West Virginia Chemical Spill, Survey Says."

<sup>xvii</sup> Pearce.

<sup>xviii</sup> Thompson, "The Untold Story of What Happened at an Overcrowded West Virginia Jail After the Chemical Spill | Prison Legal News."

<sup>xix</sup> Stories from South Central Project, "Negligence and Malice: A Preliminary Report on the Water Crisis at South Central Regional Jail."

<sup>xx</sup> Thompson, "The Untold Story of What Happened at an Overcrowded West Virginia Jail After the Chemical Spill | Prison Legal News."

<sup>xxi</sup> Stories from South Central Project, "Negligence and Malice: A Preliminary Report on the Water Crisis at South Central Regional Jail."

<sup>xxii</sup> Stories from South Central Project.

<sup>xxiii</sup> Sheppard, "You Can Pollute Drinking Water for 300,000 People and Get Just One Month in Prison."

<sup>xxiv</sup> Sheppard.

<sup>xxv</sup> Hersher, "\$151 Million Settlement Deal Reached Over West Virginia Water Poisoning."

<sup>xxvi</sup> Bernd, "U.S. Is Locking Immigrants in Toxic Detention Centers."

<sup>xxvii</sup> Bernd.

<sup>xxviii</sup> Fischer, "Violence, Abuse, and Death at For-Profit Prisons: A GEO Group Rap Sheet."

<sup>xxix</sup> Colborn, Kwiatkowski, and Bachran, "Natural Gas Operations from a Public Health Perspective."

<sup>xxx</sup> Deaton, *Immigrant Detention Center Stifled by Pollution*.

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- xxx<sup>ii</sup> Southwest Workers’ Union, “Internet Press Release: #EndKarnes #EndFamilyDetention #not1more.”
- xxx<sup>iii</sup> Worland, “A ‘Major Second Wave’ of U.S. Fracking Is About to Be Unleashed Upon the World.”
- xxx<sup>iv</sup> Bernd, “U.S. Is Locking Immigrants in Toxic Detention Centers.”
- xxx<sup>v</sup> Alltucker, “These Children Needed Their Mothers.”
- xxx<sup>vi</sup> Lu, “Immigrant Children in U.S. Detention Camps Could Face yet Another Health Hazard: Contaminated Water.”
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- xxx<sup>viii</sup> Earthjustice, “Migrant Detention Centers In Texas Probed For Toxic Waste Threats.”
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- x<sup>iiii</sup> Panagioti Tsolkas, Campaign to Fight Toxic Prisons.

## Photos, Graphics and Figures:

Title-page Photo: Water Faucet. By Ryk Porras. 2019.

<https://unsplash.com/photos/sg7y0ux4fdU>

Photo 1: Satellite view of South Central Regional Jail and Correctional Facility. Obtained from Inmate Aid.

<https://www.inmateaid.com/prisons/wv-doc-south-central-regional-jail-and-correctional-facility>

Photo 2: Detained immigrant children line up in the cafeteria at the Karnes County Residential Center. Photo by Eric Gay. Obtained from Connecticut Public Radio. <https://www.wnpr.org/post/obama-immigrant-detention-policies-under-fire>



# ***"Hell on Earth":***

## *Stories from Prisons and Jails Around the World*

By: Cambria Wilson and  
Fabiana Lake

Around the world, incarcerated people are systematically exploited and stripped of their fundamental rights. Cases of forced labor and sterilization, lack of edible and nutritious food, deficiencies of water and minimal, if any, sanitation are all common characteristics of jails and prisons. Once someone is placed behind bars, we tend to deprive them of not just their freedom but their humanity as well. This is whether they made a mistake for which they are serving time, or are awaiting trial, or because their only “crime” was being a member of an oppressed group who was profiled, criminalized, and ensnared in the criminal legal system. The number of people whom we hold behind bars is staggering; according to World Prison Brief, 10.35 million people are in prison around the world.<sup>i</sup> Not only is this treatment unethical, it is also in direct violation of United Nations guidelines. According to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), “No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.” The guidelines also explicitly state that all incarcerated people are entitled to showers and toilets, doctors and medicine, suitable exercise, and other basic human activities. Yet, people are regularly deprived of human rights even more basic than the Mandela Rules outline; inmates around the world lack food, clean drinking water and a livable environment. The way we treat our incarcerated populations is important; in addition to the basic moral and ethical reasons, their treatment directly affects their behavior after they are released. The Mandela Rules also remind us that “The purposes of a sentence....[is] primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release...” Currently, the majority of prison systems are plagued by corruption, exploitation and lack of funding, causing prisoners to be faced with countless environmental injustices and making many prisons a “hell on earth,” or the “end of the world” according to many Chinese and Iranian inmates.<sup>ii</sup>

## Case Studies: Haiti and Zimbabwe

Haitian prisons, filled to 400% capacity, are some of the most overcrowded in the world.<sup>iii</sup> This level of overcrowding forces inmates to sleep in makeshift hammocks or squeeze four to a bed, often sleeping in shifts, because cells have three to four times as many inmates as beds.<sup>iv</sup> Inmates are generally locked in these same cells 22-23 hours per day.<sup>v</sup> Due to corruption and congestion in the system, 80% of detainees have yet to be convicted<sup>vi</sup> and inmates can expect to wait 8 years to see a judge, if they ever do.<sup>vii</sup> Facilities reek of feces and urine; in the largest Haitian prison in Port Au Prince, inmates have no latrine, so they are forced to defecate in bags and throw it out their barred windows. This results in the outside of the building being stained with feces (which also characterizes the state of the floors inside).<sup>viii</sup> Soap and drinking water are scarce, and inmates are only fed two meager meals a day of cornmeal, rice and oats,<sup>ix</sup> or water and flour.<sup>x</sup> All inmates are malnourished and underfed, unless they have sufficient funds to bribe guards.<sup>xi</sup> Diseases due to malnourishment and lack of sanitation plague the prison population. The infirmary in the Port Au Prince facility is so overburdened that some inmates sleep under infirmary beds. Patients look emaciated, with sunken



Photo 1: Extreme overcrowding in a Haitian prison cell. Digital Image. Daily Mail.

cheekbones and are too weak to stand up.<sup>xii</sup> Tuberculosis, beriberi (a disease caused by thiamine deficiency, which can cause muscle paralysis and heart failure), cholera, scabies, and anemia plague the inmates, causing an average of three deaths per year in the Port Au Prince facility.<sup>xiii</sup> In January of 2017, 21 inmates died of illness.

Thomas Ess of Haiti's Red Cross said,

"It's a permanent struggle just to keep them (Haitian prisoners) alive."<sup>xiv</sup>

Another case study exhibiting violations of human, species and environmental rights in numerous sectors is the prison system of Zimbabwe. Severe overcrowding of facilities, coupled with the broader problem of national economic hardship, results in abhorrent conditions for incarcerated people in Zimbabwe. In fact, presidents have granted mass pardons for thousands of inmates in multiple years, including 2014, 2016, 2018, and 2020, due to food shortages and global criticism.<sup>xv</sup> In the first 11 months of 2013, at least 100 people died from malnutrition in Zimbabwe's prisons.<sup>xvi</sup> For many inmates, their only meal consists of a scoop of plain sadza (porridge made from any number of pulverized grains and water) and, at times, pap



*Photo 2: Convicts in overcrowded Zimbabwe prisons. Photo. International Anticorruption Media.*

(dough made from cornstarch and water) served once a day.<sup>xvii</sup> In some instances, one toilet is shared by up to 250 people.<sup>xviii</sup> According to the New York Intelligencer, most of the lavatories can only be flushed from the outside, which results in a constant overflow of excrement.<sup>xix</sup> Prisoners are unable to sleep in their cells due to the massive volume of human waste covering the floors.<sup>xx</sup> This attracts vermin and insects such as spiders, lice, and bed bugs. Lice and weevils infiltrate the prison's food, further contributing to the deteriorating health of those who consume it. Basic essentials such as soap, toothpaste and toothbrushes are not provided unless donated. However, even these are usually stolen by underpaid prison staff.<sup>xxi</sup> A reporter describes conditions by comparing inmates to prisoners of war: "People were absolutely thin, all you could see was their eyes and their ribs; you could see right through to their backbone."<sup>xxii</sup> Even after people die from these conditions, the suffering continues. Since local mortuaries are already overwhelmed and will not accept these bodies, they sit in laundry rooms

on site rotting until there is a plastic bag available to move them to graves in which multiple bodies are piled into at a time. The bodies often pile up because staff cannot locate the person's family, and so the pungent smell infiltrates all areas of the facility. If the family is indeed located, they must sort through the bodies until they find their loved one.<sup>xxiii</sup>

Though the conditions within these facilities are horrifying, it is important to acknowledge that the Zimbabwean government is indeed taking measures to mitigate some of these circumstances. For instance, in partnership with the International Committee of the Red Cross (ICRC), inmates in jails and prisons throughout the country participate in garden projects. In doing so, the prisons hope to eventually become self-sufficient and therefore protected against governmental cuts in their food budget. Furthermore, ICRC and the Zimbabwean government utilize drought resistant crops and irrigation methods since this is an increasingly relevant challenge in the region.<sup>xxiv</sup> Crops such as cowpeas, sorghum, maize and soya beans are all grown and harvested on site. Additionally, the ICRC and the Zimbabwe National Water Authority are drilling boreholes and rehabilitating supply systems to gain regular access to clean water for nearly 10,000 detainees and staff members.<sup>xxv</sup> Chikurubi Farm Prison, Chikurubi Female Prison, and Chikurubi Maximum Security Prison all help construct this system and reap the benefits of potable water.<sup>xxvi</sup>

Although Haiti and Zimbabwe are just two countries, we believe they exemplify the extreme injustices bestowed upon incarcerated people regardless of the country's economic standing or location. In this chapter, we will present experiences of people from various backgrounds and placements to highlight consistent themes of environmental injustices in prisons around the world.

### **Sanitation, Hygiene, and Medical Care**

The first component of this chapter's focus is the status of sanitation within carceral facilities. Without a clean environment, inmates are subjected to a considerable variety of health risks, including infections and diseases of the body with both short and long-lasting effects. Since contaminated facilities often coincide with other hazards such as poor medical

care, prison sentences do not just demand time; they also infringe upon one's basic human rights.

Shahr-e Rey Prison (also known as Qarchak Women's Prison) in Iran epitomizes the prioritization of convenience and economic value over the wellbeing of incarcerated people. Originally a poultry farm, the facility was repurposed as a prison in 2011. Today, about 1,400 women are held in old livestock warehouses, along with dozens of their children.<sup>xxvii</sup> This number varies with each season, but total volume increases annually.<sup>xxviii</sup> Pungent odors of manure and livestock continue to occupy the area. These odors, along with other airborne hazards, are intensified since there is no ventilation. Women regularly suffer from respiratory distress and disease because of the poor air quality, a problem compounded by the absence of medical care.<sup>xxix</sup> Former inmates reported that 130 people are infected with HIV or Hepatitis, and at least six have scabies.<sup>xxx</sup> Yet, instead of bedrooms, hallways are lined with beds so women are in constant contact due to their close proximity. There have been constant outbreaks of lice as well since authorities refuse to provide screenings or treatment.<sup>xxxi</sup> Cleaning the facility is a responsibility of the inmates, but sanitation equipment provided at the beginning of each month runs out in just a few days. Though prisoners can purchase soap, prices are extremely high and there is not a large enough supply for everyone.<sup>xxxii</sup> The prison's geographic location on the side of Tehran-Varamin Highway and a high population density in cramped spaces combine to make perfect conditions for breeding bacteria and spreading illness.<sup>xxxiii</sup>

Cameroonian inmates are given buckets to use as latrines, which are then emptied into gutters that flow into the communities surrounding the facilities. Inmates reported having to pay if they want to use a real bathroom facility.<sup>xxxiv</sup> Egyptian prisoners do not even have the option to pay for a latrine; they are only given a pail in their cell, without water, which is emptied in the mornings. Women using these pails report that it is extremely unsanitary and has caused vaginal infections.<sup>xxxv</sup> Inmates being deprived of latrines and forced to use buckets or plastic bags instead is not unique to these two African countries. This phenomenon is observed in multiple nations: Haiti, Sri Lanka, Jamaica, Kenya, Fiji, the Bahamas and others have reported the same conditions.<sup>xxxvi</sup>

The abysmal sanitation in many prisons around the world has led to a variety of disease outbreaks. In Antigua and Barbuda, bucket toilets in cells, a lack of running water, stray animals in the facilities and raw meat and feces on the floors have resulted in prisons as spaces rife with disease. In 2016, MRSA (a virulent staph infection), chicken pox, and myriad other illnesses plagued inmates in Antigua's prisons, deterring all teachers from coming to the facilities, making the consequence of bad sanitation two-fold.<sup>xxxvii</sup> In Kenya, bad ventilation, bucket toilets and overall filthy facilities have caused outbreaks of scabies, tuberculosis and diarrhea among inmates.<sup>xxxviii</sup> These cases exemplify a phenomenon observed around the world: inmates are treated as less than human beings, forced to live under environmentally unjust conditions, and their rights to health are revoked upon imprisonment.

## Food

Prisoners around the world suffer from severe malnourishment, which often leads to illness and even death. The whole country of Venezuela is currently experiencing food shortages due to its political turmoil, and the incarcerated population is experiencing the worst of these effects. Due to severe underfunding, Venezuelan prisons are generally unable to provide inmates with sufficient food rations, so they have to rely on relatives to survive.<sup>xxxix</sup> Under Coronavirus sanctions, outside food was banned, causing inmates to go the extreme lengths of killing and eating stray animals within the facility.<sup>xl</sup> In Jamaica, prisoners subsist solely off of rice and sugar water, which they are served twice daily, if they are lucky.<sup>xli</sup> In Papua New Guinea, inmates were released for a day to forage for food in the spring of 2018. It is common that when inmates do receive food, it is rotten, full of insects, or contaminated in some way.<sup>xlii</sup> In Phonthong Prison in Laos, inmates are given two meals a day of pig fat soup with rice, which is frequently contaminated with husk and stones. Inmates share a single bowl between cellmates.<sup>xliii</sup> The soup is sometimes supplemented with catfish paste, which is made with catfish from the facility's pond. Unfortunately, this pond is also the outlet for sewage waste from the facility.<sup>xliv</sup> Mexican inmates are often served food contaminated with rocks and worms, and guards frequently steal the food before it ever reaches the inmates.<sup>xlv</sup> The common denominator in all of these cases is corruption and lack of funding for prisons. Papua New

Guinean prisons used to receive \$18,000 USD per month to feed inmates, but in April of 2018 that budget got cut to \$7,000 USD, causing the extreme measures noted above.<sup>xlvi</sup> These forms of prisoner neglect constitute food injustices, which are exacerbated by the lack of accountability or repercussions that prison and governmental authorities face for their actions. Food injustices are an example of environmental injustice because they reflect the ways that vulnerable and marginalized peoples experience threats to their wellbeing, which are linked to broader anti-environmental policies, and are rooted in ideologies of oppression.

### Air Pollution

A basic necessity for human and terrestrial life is breathable air. Without it, the bodies and minds of living beings are incapable of carrying out even the simplest tasks. Exposure to any kind of airborne contamination can lead to an abundance of health risks. According to the World Health Organization, ambient air pollution accounts for 29% of all death and disease associated with lung cancer, and can lead to loss of lung capacity and decreased function, as well as diseases such as asthma, bronchitis, emphysema, heart disease, and more.<sup>xlvi</sup> Yet, prisons and jails around the world not only fail to protect incarcerated people from these hazards, they are often built in areas of high exposure because of convenience and economic advantage without regard for the health risks associated with these decisions.<sup>xlvi</sup> In India, Ludhiana Central Jail epitomizes this neglect. This facility is placed 1.67 miles from Tajpur Road<sup>xlvi</sup> which hosts a high density (about 120) of dyeing companies.<sup>i</sup> Within these facilities, various products such as textiles are artificially colored. This process involves the use and production of various chemicals like salts and bleaches.<sup>li</sup> Furthermore, the factories emit enormous volumes of smoke and ash hourly.<sup>lii</sup> These toxins infiltrate the bodies of inmates daily, and pollute their water sources. In fact, inspections by the Punjab government have found that at least 86 of the dyeing units are illegally using rice husk and other agricultural residue to fuel their boilers for energy.<sup>liii</sup> As a result, exposed inmates suffer several diseases of the eyes, stomach and skin.<sup>liv</sup>

Mandoli jail is located in Delhi, India, which has the worst air quality of any major city in the world according to the World Health Organization.<sup>lv</sup> Compounding these conditions,

inmates at the jail have reported a lack of access to adequate medical care. Although there are nine doctors on staff, only one makes visits during the mornings, leaving dozens of inmates helpless and in need of treatment. Facilities nearby consist of electronics scrap dealers who burn rubber tires and metal wires among other toxic materials and industrial waste, thus directly harming those unable to leave or who have neither protective equipment nor medical treatment to cope with the effects. A large number of people credit their respiratory ailments to the electronic scrap industry's activities. One inmate reported that air vents and water coolers were out of service. In letters from inmates to the Delhi High Court, people described a sky that was covered by a black layer of ashes at times, as well as the windows, plants and other areas of the facility. This is coupled with poor water quality and inadequate amounts of food. In combination, toxic air and water with insufficient food leaves inmates susceptible to severe health deficiencies.<sup>lvi</sup>

Another site of polluted air in carceral facilities is the Jaslyk Prison in Uzbekistan, which was located on what was previously a Soviet military base that was used for chemical weapons testing. The prison was built around 100 miles from the Aral Salts, which occupy a plot of land the size of the Netherlands and used to be a sea 50 years ago.<sup>lvii</sup> The Aral Salts are now known as the world's most toxic desert due to chemical runoff. The toxicity originates from a mix of pesticides, fertilizers and other toxic runoff that the Amu Darya and Syr Darya rivers bring from surrounding towns and cities. The Aral Salts produce tens of thousands of tons of chemical cocktail dust that has been found as far as Greenland and Japan.<sup>lviii</sup> Due to its close proximity, Jaslyk receives the brunt of this toxic dust, which poisons the air and soil surrounding the facility. This mix of chemicals from the military testing site, along with toxins from the Aral Salts, also poisons the inmates, leading to a variety of illnesses like anemia, certain types of cancer, and diseases of the liver and kidney.<sup>lix</sup>

In 2017, Jaslyk was closed down by the government of Uzbekistan. Authorities claim this decision was taken to improve their human rights stance, seeing as the prison was an environmental justice disaster and a torture center. However, some experts say the real reason the facility was closed was to improve Uzbekistan's image on the global stage, not to care for its people.<sup>lx</sup>

### Treatment of Women (& children)

When examining conditions within carceral facilities and internment camps, it is critical to examine the range of specific demographic groups that face even greater marginalization. Women epitomize this challenge, as their gender and historical treatment makes them particularly vulnerable to certain injustices. Although women make up the minority of incarcerated people, they are notably vulnerable to certain conditions. This includes lack of access to medical care involving menstruation, pregnancy and labor, as well as heightened rates of sexual assault. This mistreatment can be largely attributed to the fact that prisons and camps have generally been structured to cater to the standard male inmate, thus inherently neglecting the needs of the female body. Women are regularly subjected to the same conditions created with the male experience in mind and are forced to cope. In the course of researching prison conditions for this report, we found that women consistently faced these vulnerabilities regardless of location.

For instance, incarcerated women in Jordan have no means to dry their clothes, which forces them to wear their damp articles, thus resulting in frequent cases of urinary tract infections (UTIs).<sup>lxi</sup> Moreover, female inmates in Zimbabwe, Ethiopia, Malawi, Mozambique and Nigeria are not provided with sanitary towels and therefore forced to improvise during menstruation with items like hats and blankets.<sup>lxii</sup> Oftentimes, even when they are provided with sanitary products, they are extremely limited in quantity and quality. In certain Thai prisons, menstruation products are received twice a year in bulk packages that quickly run out. However, even when they are available, inmates are only allowed two of each item in their locker at a time in order to prevent them from being used as currency.<sup>lxiii</sup> In the United States, inmates have limited access to these resources because of their financial status. A former inmate explained, "...if I want to request the medical right to get more pads because, say, I have a heavier flow this month than last month, I would have to pay four dollars just to be seen by a doctor. When I'm making nine cents after tax [while working at the prison], you've got to think if I want to put my whole month's income into hopefully being allowed approval for extra pads if they think I deserve it."<sup>lxiv</sup>

Lack of medical care is also particularly problematic when it comes to prenatal care and labor. This harms not only the woman who is carrying a child, but the child as well who is not only innocent of any crime, but utterly dependent on the wellbeing of their mother. In Jordan, pregnant women face horrific abuses even in pre-trial conditions. Several women have recounted their experiences of being held in unauthorized facilities while awaiting transfer. One woman interviewed by the National Centre for Human Rights Jordan said she was held in a police cell for weeks during the winter.<sup>lxv</sup> Despite being pregnant, she had no access to warm water, medical care, or clean air since ventilation was minimal. This was especially harmful since the air was contaminated with significant amounts of dust particles. Her child died upon birth as a result.<sup>lxvi</sup> Considering that a large proportion of women are incarcerated as minors, and oftentimes for protecting themselves from violence or for expressing freedoms,<sup>lxvii</sup> these trends call for concern on a global scale.

In Nigeria, a former inmate recalled being detained without trial at four months into her pregnancy. By the time she gave birth, she was too malnourished to lactate and was only provided water and pap to feed her child. Nigeria, like many other countries, allows children to stay with their mothers in prison. As many inmates have no other option, this is a fairly common situation. However, children who do so are forced to face the same conditions as the other adult inmates. This includes shortages of potable food and water, poor sanitation, infrequent exercise, routine infestations, and excessive exposure to sun and heat, all of which can be especially detrimental to the development of a child's body. One child stated that for the first ten months of her stay, she was not allowed to bathe at all.<sup>lxviii</sup>

In the United States, the law fails to adequately protect pregnant women prisoners. Before October of 2007, it was legal to shackle a woman by her stomach when pregnant, during labor, and after birth.<sup>lxix</sup> This practice poses dangers to the health of both mothers and their children since any kind of restraints make it difficult for doctors to assess the condition of the mother and provide proper medical intervention if necessary. For instance, if there is a baby that is breeched or in need of an emergency C-section, the time that it would take to unshackle and reposition the mother could be the difference between life and death for both of them. Both the American Medical Association and the American College of OBGYNs have

expressed vehement opposition to this practice. Yet, a study conducted by the Correctional Association of New York in 2017 found that 23 of 27 inmate births in the state occurred while the inmate was in shackles, a violation of the federal law.<sup>lxx</sup> Furthermore, an investigation by the National Women's Law Center assigned 38 states a failing grade because of the lack of adequate, or any, policies that ensure prisoners receive access to prenatal care. That same investigation concluded that 34 states do not even require screening and treatment for women prisoners with high risk pregnancies.<sup>lxxi</sup> According to John Hopkins University School of Medicine, over 20% of prison pregnancies result in miscarriages in some states.<sup>lxxii</sup> The lack of data makes understanding the treatment of pregnant women in the US even more challenging: 49 of 50 states fail to report all incarcerated womens' pregnancies and their outcomes.<sup>lxxiii</sup> In ICE detention facilities, there is no prohibition against shackling pregnant detainees at all, despite the fact that there have been 0 cases of pregnant women attempting to escape during prenatal checkups, postpartum recovery or labor.<sup>lxxiv</sup>

Not only are detainees subjected to lack of medical treatment, but in some cases, forced to undergo unnecessary procedures with lasting effects. Dawn Wooten, a nurse who worked at ICE's Irwin County Detention Center in Georgia for three years, recently revealed that a



*Photo 3: Pregnant Inmate Shackled to Bed. Photo by Jane Atwood.*

concerningly high number of hysterectomies have been performed on immigrant prisoners in the facility during her time as an employee. In this surgery, all parts of the uterus are removed in their entirety. Wooten alleges that this procedure is generally performed on immigrants who only, or primarily, speak Spanish. For this reason, she suspects the majority of them were uninformed about what would happen to their bodies. These claims were supported by

another current member of Irwin's medical department, though their identity remains anonymous. According to that source, an off-site doctor carried out the operation on "just about everybody," oftentimes obtaining consent by "simply Googling Spanish."<sup>lxxv</sup> Furthermore, these surgeries were believed to be conducted in violation of health and safety standards. According to one patient, she was not properly anesthetized and overheard her doctor tell someone that he removed the wrong ovary by accident and that she would not be able to have children as a result. Women who went in to have other procedures done were also victims of nonconsensual hysterectomies; some went in to get a cyst drained, or had only complained of heavy menstrual cycles.<sup>lxxvi</sup> This is a direct infringement on the reproductive rights of these persons, and on their right to give or withhold consent to treatment. Environmental justice does not solely involve one's right to be free of pollution; it also concerns the ways in which one's body is treated and impacted by institutional actors. This includes the right to give or withhold consent to life-altering procedures. This issue has been ongoing, as black and brown bodies have been used for medical experimentation since at least the 17th century the United States.<sup>lxxvii</sup>

Unfortunately, sexual abuse is another common injustice to which women are disproportionately subjected. Although statistics are severely under representative of these occurrences, due to lack of reporting--whether it be from victims or authorities--there is still an extensive volume of data available and even one case is too many. Women's bodies are abused in a variety of situations, including even the most sinister instances. For example, women in Lowell Prison in Miami reported to the Miami Herald in 2015 that they were forced to exchange sex for soap, toilet paper, and sanitary napkins. In China's Xinjiang concentration camps, escapees describe systemic rape used as a tool of mental and physical abuse. Fellow inmates are forced to witness these horrific events and are often punished if they attempt to intervene or even show an emotional reaction.<sup>lxxviii</sup> In Australia's prison system, Human Rights Watch reports that nearly 50% of inmates have mental or physical disabilities. Although those who are considered in need of help are assigned caretakers, there have been various report of sexual abuse at the hands of these personnel as well.<sup>lxxix</sup> Tibetan women held in Drapchi Prison

suffer similar atrocities. Inmates reported being forced to stand naked during interrogations while others were raped, sometimes with instruments such as sticks or electric cattle prods.<sup>lxxx</sup>

## Conclusion

Prisoners all around the world experience punishment that is extreme and disproportionate to their alleged crimes. Malnutrition and starvation, pollution and lack of sanitation, disease and forced labor are all too common across the globe in prison facilities. These conditions are environmentally unjust because they reveal how marginalized and vulnerable populations experience threats to their bodily integrity and wellbeing that are perpetrated by government and corporate institutions, and that most of these harms are also linked to harms committed against broader ecosystems. There are many changes that need to occur in order to reverse these trends and practices, but perhaps the first step is to shift the way we think about incarcerated people. We, as a society, have to transcend the view that crime can dictate this kind of treatment especially when many of these persons are awaiting trial, are wrongly convicted, or sentenced to years in prison because of a minor charge. There is indeed hope for improvement; we can look to Zimbabwe's gardening system and other successful prison reform methods as discussed in our Chapter 6 of this report. These people are forced to fight for their own survival on a daily basis and many are making a difference through their resistance. Current and former inmates are publishing educational literature, participating in protests, and organizing advocacy efforts. Now that we have seen a glimpse of what they are facing, it is only right that we join them.

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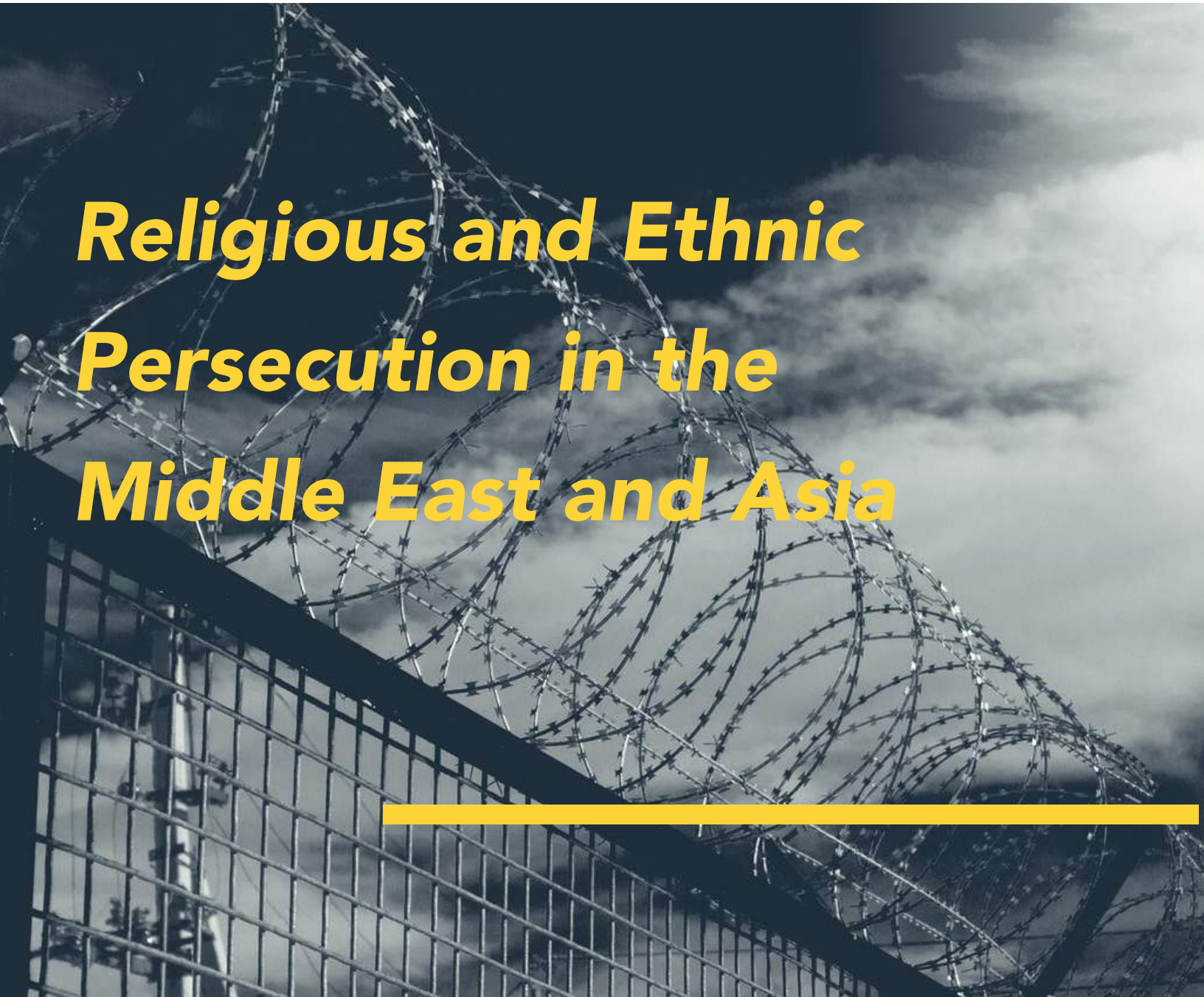
## Photos, Graphics and Figures:

Title page photo: A prisoner hauls food past a prison building at the National Penitentiary. By AP. <https://www.dailymail.co.uk/news/article-4241466/Haitian-prison-inmates-live-filthy-conditions.html>

Photo 1: Extreme overcrowding in a Haitian prison cell. Digital Image. Daily Mail. 20 February 2018. <https://www.dailymail.co.uk/news/article-4241466/Haitian-prison-inmates-live-filthy-conditions.html>

Photo 2: International Anticorruption Media. Coronavirus threat to convicts in overcrowded Zimbabwe prisons. 2020. Photo. <http://anticorr.media/en/soronavirus-threat-to-convicts-in-overcrowded-zimbabwe-prisons/>

Photo 3: Pregnant detainee handcuffed to her bed. By Jane Atwood. Photo. <https://www.boulderweekly.com/news/lawmaker-stop-shackling-inmates-in-labor/>



# ***Religious and Ethnic Persecution in the Middle East and Asia***

By: Fabiana Lake  
and Elijah Baker

Minority persecution is an age-old phenomenon, whether it be based on race, ethnicity, or religion. This heinous practice has led to countless genocides and the full erasure of many ethnic groups now only preserved in history, if at all. While persecution can occur through conquests and bloody wars, sometimes it appears in other forms. Minority groups like the Uyghurs and Tibetans in Asia, and the Palestinians in the Middle East are severely restricted and policed in movement, and many are held in prison or detention camps and are experiencing violations of their human rights by occupying governments like China and Israel. These populations face food shortages, forced labor, forced sterilizations and many other forms of torture. They are being persecuted for a variety of reasons, sometimes because they inhabit land that is rich in resources that more powerful groups desire, and in other cases because more powerful groups and governments simply desire greater political, economic, and cultural power and control over a region. Additionally, we focus on China and Israel in this chapter because both governments are using their structural power to extract natural resources from territories they have annexed. We highlight this as a modern issue that the global community should be concerned with, which we name the natural resource detention nexus.

### **The Uyghurs**

In modern day China, concentration camps not only still exist, but are growing every day. The Chinese state is persecuting the Uyghur community, an ethnic group with Turkic heritage, by forcing many of them into 're-education' camps, claiming they are a terrorist threat to the state and that they need to be re-educated to assimilate into Chinese culture. While this Turkic group's name can be spelled Uighur or Uyghur, in this report I have chosen to use Uyghur, which is the spelling that this ethnic group prefers, as it is closer to the pronunciation in the Uyghur native tongue.<sup>i</sup> The Uyghurs inhabit East Turkestan in Central Asia, which, in 1955, China occupied and renamed Xinjiang Uyghur Autonomous Region.<sup>ii</sup>

China is persecuting the Uyghurs for a host of reasons. Chairman Xi Jinping deeply values Han Chinese nationalism (Hans are the dominant ethnic group in China), and the Uyghurs are an ethnic minority that protest against the discrimination and oppression they experience. Xi Jinping defends Uyghur persecution as a justified response to the protests.<sup>iii</sup> The

less public, more significant reason for Uyghur persecution, however, is commerce. East Turkestan, which makes up 1/6 of China's landmass, sits in an extremely lucrative location, directly bordering eight countries,<sup>iv</sup> and is extremely rich in coal and oil reserves.<sup>v</sup> Due to East Turkestan's prime location and vast ecological wealth, China has begun a project--the Belt and Road Initiative--which will connect China to other parts of Asia, Africa and Europe for commerce. East Turkestan also holds 20% of China's energy reserves. It is rich in coal, oil and natural gas. The region has 24 coal fields and geologists suggest that it is China's province with the most energy potential.<sup>vi</sup> The region also has huge exploitation potential for renewable energy forms. It is ranked second among all the provinces in the country for wind and solar power potential. The region sitting at the same latitude as the Yangtze river, receives 15-25% more radiation for solar power than other regions of China.<sup>vii</sup> The only thing standing in the way of East Turkestan's huge profit potential for China is the Uyghur population.

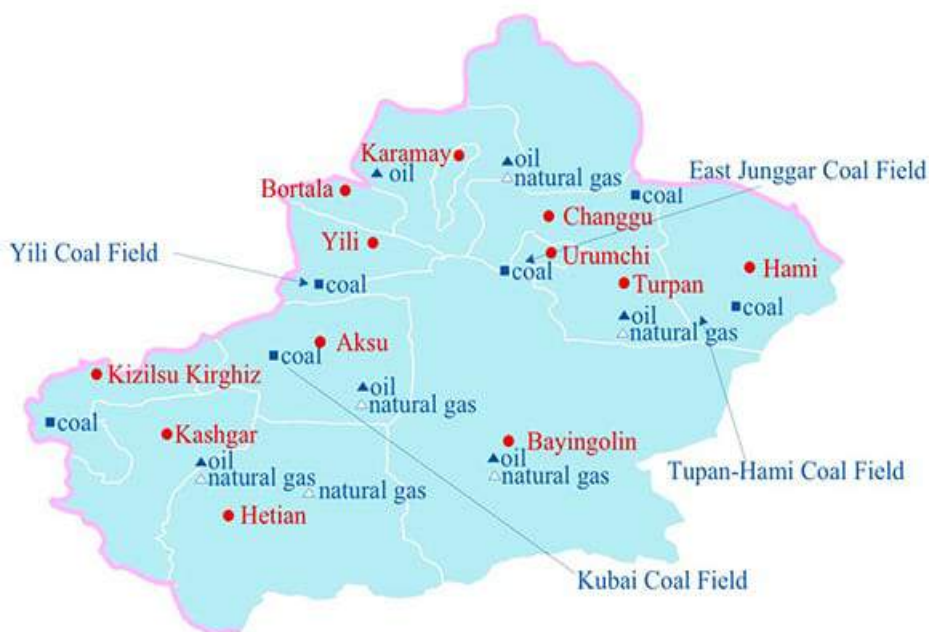


Photo 1: Map of fossil energy distribution in East Turkestan. Digital Image. Power.

These factors have incentivized the Chinese state to all but eliminate the Uyghur population, who stand in the way of these material riches. Many reports date the start of Uyghur re-education camps in 2017,

however information regarding the Uyghurs is often difficult to substantiate because China restricts access to the area so severely.<sup>viii</sup> The Chinese government closely monitors East Turkestan - the region has over 7,300 police monitoring stations, making it one of the most policed areas in the world.<sup>ix</sup> China has confiscated all Uyghurs' passports to inhibit their movement, and placed cameras in every Uyghur neighborhood.<sup>x</sup> The Chinese government

surveils to such an extent that they are aware of whom everyone is socializing with, or if a Uyghur puts gas in their neighbor's car.<sup>xi</sup> In 2017, the Chinese government created an app that was mandatory for all Uyghurs to download – the app takes fingerprints and scans devices for illicit content, notifying the government of any objectionable material.<sup>xii</sup> Uyghurs are imprisoned for anything that the Chinese government claims to be associated with religious extremism, no matter how small and insignificant we might perceive it to be. The government has a list of “75 behavioral indicators of religious extremism” that can land a Uyghur in prison. Examples of these indicators include storing large amounts of food in one's house, or smoking and drinking and then quitting the habit suddenly.<sup>xiii</sup>

The extent of Uyghur re-education camps is overwhelming: out of 10 million Uyghurs living in East Turkistan, there are between one and three million persons imprisoned in 124-148 camps.<sup>xiv</sup> In a single week, China identified 24,000 Uyghurs that it deemed suspicious, sending 15,000 of those to re-education camps.<sup>xv</sup> According to Tohti, an ex-inmate of a re-education camp, every Uyghur living abroad has a relative in a camp.<sup>xvi</sup> Uyghur camps are extremely large: one camp called Debanchen holds at least 11,000 inmates if the facility uses single room occupancy, making it the largest prison in the world. However, if the facility uses dormitory style housing, it could hold up to 130,000 inmates. Within these camps, Uyghurs suffer hellish treatment and conditions.<sup>xvii</sup>



*Photo 2: Government social media post in April 2017 shows detainees in a political education camp in Lop County, Hotan Prefecture, Xinjiang. By Xinjiang Bureau of Justice WeChat Account.*

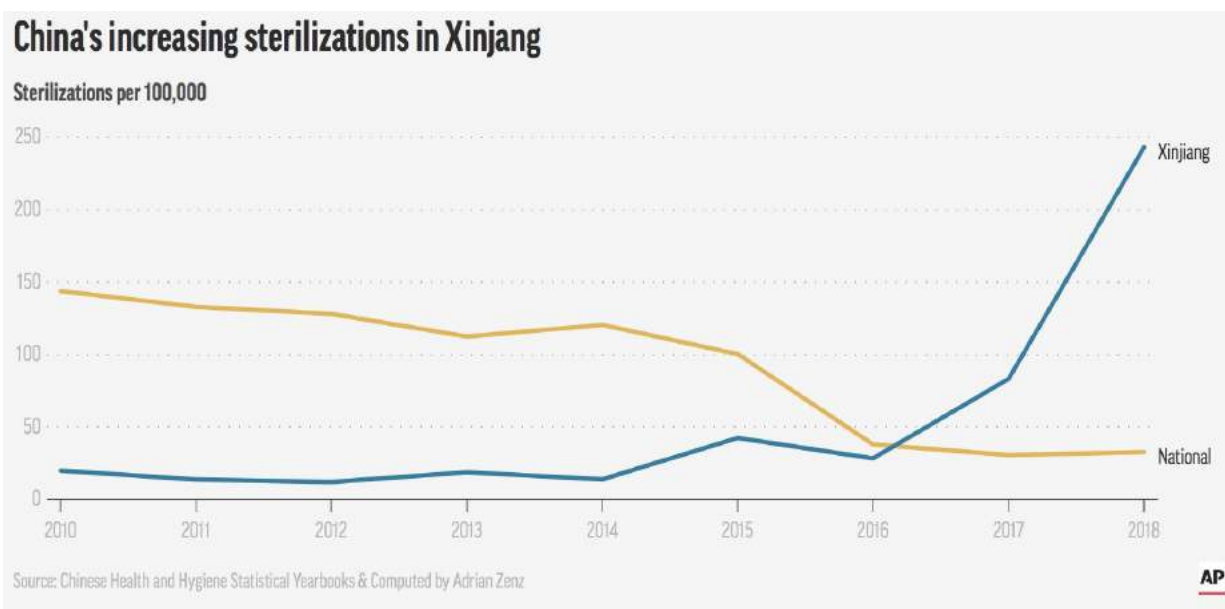
China portrays re-education camps as benevolent educational facilities. However, in reality they are prisons, and many experts call them concentration camps because they are sites where people are incarcerated not for

committing a crime but because of who they are, because they are a member of an oppressed population. Camps are surrounded by barbed wire with guard posts along perimeters. According to a Qelbinur, a woman who used to be a teacher at a camp, dormitory doors are closed and locked at night and inmates are given a bucket as a toilet. During the day, inmates are allowed at most three bathroom breaks, however they are all at preassigned times.<sup>xxiii</sup> A former inmate says women were given two minutes to use the restroom and if they took too long, they get shocked in the back of the head with a baton.<sup>xxiv</sup> Inmates are only allowed one 15 minute shower per month. They are forced to sleep on the floors, sometimes with 50-60 detainees to a room, without mattresses.<sup>xxv</sup> The only water that inmates are provided with is not safe for drinking, and food portions are minimal. According to Qelbinur, inmates would arrive in good health, but as time went on, many Uyghurs became so weak they could no longer walk.<sup>xxvi</sup>

Forced labor is another defining feature of Uyghur re-education camps. Uyghurs are shipped to different regions of China to work in factories that double as prisons.<sup>xxvii</sup> Uyghurs produce products for at least 83 common brands, some of which are Nike, Apple, Samsung, Gap and Volkswagen.<sup>xxviii</sup> These company prison factories are surveilled by police guard boxes and barbed wire perimeters. Inmates are forced to work under threat of detention, and sometimes, Chinese officials will go to inmates' families homes to remind workers that misconduct will result in familial punishment.<sup>xxix</sup> Earlier this year, a 13 ton shipment coming from East Turkestan containing hair products including weaves was seized at the US border. There is speculation that the weaves were made of human hair, cut from Uyghur bodies.<sup>xxx</sup> Last year, AP tried to visit one of the hair company's factories in East Turkistan, but was turned away by police. Reporters saw barbed wire, surveillance cameras and police guards.<sup>xxxi</sup>

The most common reason Uyghurs are sentenced to camps is for having what the Chinese state defines as too many children. China aims to minimize and absorb the Uyghur culture and population. Any Uyghur with more than three children poses a threat to this goal, resulting in an extremely large fine, and if a Uyghur is unable to pay the fine, they are sentenced to the camps.<sup>xxxii</sup> Some inmates are given decades long sentences for having too many children. In camps, Uyghur women are routinely subjected to forced pregnancy tests,

sterilization and abortions. Upon entering camps, women are forced to get IUDs or pregnancy prevention shots. Seven former detainees said they felt dizzy and ill after being forcibly inserted with an IUD. In 2014, 200,000 IUDs were inserted into Uyghur women's bodies in East Turkmenistan, and in 2018, that number rose to 330,000.<sup>xxviii</sup> According to Qelbinur, birth control pills were baked into bread so that females were unaware that they were taking contraceptives.<sup>xxix</sup> Multiple former female detainees said that after leaving camps, they got tested and discovered that they were sterile. Female inmates are subjected to abortions, which can be in the form of medical procedures, or as gruesome as detainees being repeatedly kicked in the stomach during interrogations.<sup>xxx</sup> One woman who was subjected to this kind of interrogation reports still having lower abdomen pain.



*Photo 3: China's increasing sterilizations in East Turkestan. Digital image. The Associated Press.*

Uyghurs are subjected to a variety of heinous forms of torture, but one of the most appalling ones is organ harvesting. The Chinese government has been systematically harvesting organs from minority groups in China—including the Uyghurs—for years, and is still doing so today.<sup>xxxi</sup> The procedures are done on live victims, and many die from the process. The illegal organ harvesting industry is estimated to be worth about \$1 billion annually.<sup>xxxii</sup> This physical and economic exploitation is not only an unfathomably gruesome way to torture minorities, but contributes to ethnic cleansing goals as well. People's lives and bodies are

monetized to the most extreme degree - with others profiting from the removal of body parts and the mutilation of living persons.

While it is easy to turn a blind eye to, and feel disconnected from this small ethnic group in a remote part of the world, most of us play a role in China's Uyghur erasure. If you are the owner of an iPhone or a Samsung device, if you own a Nike product or have shopped at Gap, you are contributing to this humanitarian crisis.<sup>xxxiii</sup> It is imperative that this information be shared so that public anger and resistance push the Chinese government to cease these human rights violations and mass atrocities.

### Tibet

While Uyghur persecution has been more of a recent phenomenon, China has been persecuting and imprisoning Tibetans for decades. In detention centers, Tibetan detainees are subjected to inhumane treatment, forced labor and atrocious living conditions. Tibetans, like the Uyghurs, are a minority ethnic group in China who demonstrate against oppressive Chinese laws.<sup>xxxiv</sup> The Chinese government's response to this resistance, and the fact that China has mining interests in Tibet, has been mass incarceration of the Tibetans.<sup>xxxv</sup>



*Photo 4: Map of China and occupied territories East Turkestan and Tibet. Digital Image. Wikimedia Commons. Edited by Fabiana Lake.*

Imprisoned Tibetans live in squalor. Many carceral facilities only provide a tin can in the corner of each cell as a latrine, and inmates are forced to use it in front of all cellmates.<sup>xxxvi</sup> The prison cells and the inmates' bodies are filthy: one inmate told an investigator that he was only allowed to wash himself twice in five years. Excrement stains cell floors and inmates are not given mattresses or bedding, and are forced to sleep on the soiled floors. In addition to the filth, Tibetan prisoners have to brave cold winters without bedding, and with insufficient, dirty clothing.<sup>xxxvii</sup>

Tibetan prisoners are given insufficient rations of inedible food. The food in Tibetan prisons is far worse than food at other Chinese prisons. It is always dirty and often rotten, containing dead insects. Some inmates even said they found feces and cigarette butts floating in their food.<sup>xxxviii</sup> Soup is prepared in rusty oil drums, making it the color of rust. A former Tibetan inmate says starvation was the worst part of detention: she was driven to eating the leather off of her shoes just to stay alive.<sup>xxxix</sup> Not only was the food absolutely inedible, many Tibetans had been beaten so brutally that they could barely digest anything, let alone what they were served.<sup>xl</sup> Inmates are also given almost nothing to drink. The only liquids they are served are tea and salty soup, making them even thirstier. One inmate shared, "we were so dehydrated that often we could not even urinate. We had a container in our cell to hold our urine but, even with 20 of us in the cell, we only had to empty it once a week... when we left the cell we had to lean against the wall as we were so weak." One inmate was so desperate that he drank his own urine, and tried to eat his own feces.<sup>xli</sup>

Tibetan prison conditions and the mistreatment of inmates results in severe health problems for detainees. Inmates are often beaten, raped and electrically shocked, leaving them paralyzed, blind, deaf, unable to swallow food and with organ failure. One inmate lost all of his teeth due to an electric cattle prod shock.<sup>xlii</sup> Almost every former Tibetan inmate said they had their blood forcibly extracted, and that Chinese inmates had not experienced the same bodily violation.<sup>xliii</sup> If inmates try to get treatment for an ailment, which often results from torture and poor living conditions, they are met with severe repression. The minimal care Tibetans do get is outdated and insufficient; medical facilities are only equipped with sleeping

pills and painkillers, which officials prescribe for any and every ailment. In general, however, inmates get no treatment. One inmate was brutally beaten and had a nail stuck in his foot that created a festering wound, yet he was not treated until near the point of death.<sup>xliv</sup> Another inmate, Goshul Lobsnag, died at age 43 due to torture-related injuries and malnourishment. A former inmate says half of the Tibetan prisoners were dead after a few years.<sup>xlv</sup>

Like the Uyghurs, the Tibetans are subjected to forced labor. Tibetan males often work in heavy farming, mining or construction, while females clean toilets, tailor or sort wool. The less fortunate work in greenhouses, which are characterized by sweltering heat, no ventilation, and filled with chemicals that are sprayed on the plants. Others are forced to scoop human feces out of toilets and apply them to agricultural fields as fertilizer. Inmates often work 12-hour days in order to meet quotas, directly benefiting the state. Some inmates are even forced into work after their sentences are complete, and are held in conditions very similar to those they faced during imprisonment.<sup>xlvi</sup>

China's interests in Tibet are twofold - mining and suppression of protest. China has an interest in coal, copper, gold, lithium and water in the Tibetan Autonomous region.<sup>xlvii</sup> Mining of each of these materials brings a host of environmental hazards. Coal, copper, gold and lithium all generate waste that pollutes the surrounding water, air and soil, displaces Tibetan farmers and destroys sacred Tibetan sites.<sup>xlviii</sup> Water is being mined from glaciers that are receding at a more rapid pace than any other glacier in the world, so that western water companies can advertise their products as containing rare Himalayan water.<sup>xlix</sup> Tibetans who protest these practices by exercising their rights to free speech are arrested and imprisoned for years. A Tibetan nun, Ngawang Sangdrol was imprisoned for publicly declaring "independent Tibet, long live His Holiness the Dalai Lama."<sup>l</sup> A-Nya Sendra is a Tibetan environmental activist protesting mining, and for that they were arrested and sentenced to 7 years in prison.<sup>li</sup> Mass incarceration of Tibetans is intended to create less resistance to Chinese Communist Party rule, and creates an enslaved workforce, similar to the situation the Uyghurs face. Prior to Chairman Xi Jinping's rule in 2012, both the Uyghurs and the Tibetans were allowed more autonomy and freedom. However, Xi Jinping has tightened restrictions on ethnic and religious minorities, aiming to increase assimilation and absorption of the non-Han Chinese.<sup>lii</sup>

## Falun Gong

Yet another example of minority persecution is that of Falun Gong followers in China. Falun Gong was introduced to the public in 1992 as a new form of Qigong, an exercise focused on meditation and movement, which originated in China.<sup>liii</sup> Falun Gong was unique from other Qigong practice because it was not only a form of movement, but also incorporated “moral and spiritual teachings.”<sup>liv</sup> Because of Falun Gong’s unique, spiritual approach, the practice conflicted with the atheist, Marxist orientation of the Chinese Communist Party. The Chinese government began harassing the followers of Falun Gong in 1996, when Falun Gong leadership refused to charge practitioners money to practice, as was newly mandated by the Chinese state. In 1999, the Chinese Communist Party released a media campaign decrying the practice as “dangerous ‘feudal superstition’”.<sup>lv</sup>

Following the government ban on the practice of Falun Gong in 1999, hundreds of thousands of practitioners have been fired from their jobs, expelled from school, arrested and detained.<sup>lvi</sup> It is estimated that 15% of those incarcerated in labor and re-education camps in China are followers of Falun Gong. The abuses prisoners endure in these camps are horrendous. Prisoners suffer physical and psychological torture, including forced labor, brainwashing, rape and robbery. There have even been multiple cases of harvesting inmates’ organs while they are still alive.<sup>lvii</sup> Independent investigations have determined that between the years 2000-2008, over 60,000 Falun Gong prisoners “were killed in the process of extracting their organs for transplant.”<sup>lviii</sup> Before being subjected to this horrendous practice, prisoners are “often forced to work up to 20 hours per day, producing- without pay- toys, Christmas tree lights, chopsticks, and soccer balls for export. Those who refuse are tortured.”<sup>lix</sup> The most commonly documented torture techniques include shocking with electric batons, burning with irons, tying people’s bodies in painful positions for days, the use of chemical injections, and submersion in water.<sup>lx</sup> Both men and women are subjected to heinous forms of rape, sexual assault and abuse.<sup>lxi</sup> China is now 21 years into its campaign on the Falun Gong religious minority, forcing practitioners to live in fear of the terrible human and environmental injustices that await them if they are turned in to government officials.

## Palestine

### Disclaimer

We understand that the Israeli-Palestine conflict is highly fraught and controversial for many people around the world. We would like to make clear that we fully reject anti-Semitism and anti-Jewish oppression, and that our support for human rights and environmental justice is what motivates this critical analysis of the conflict. We also must be clear that we reject any suggestion that the actions of the state of Israel speak for individuals of the Jewish faith--such a suggestion would itself be anti-Semitic and anti-Jewish. Rather, we seek to outline areas in which the nation-state of Israel has utilized its political and structural power to annex lands from Palestine, as well as hyper-police the West Bank in such a way that the United Nations has identified this situation as a human rights crisis. While Hamas is officially in charge of the Gaza Strip, Israel continues to influence the lives and success of Palestinians by controlling the borders and ports of entry to Gaza, as well as many critical resources, like clean water.

This chapter focuses on politically powerful nations, and a range of conflicts in which they are embroiled with people from non-majority ethnicities, religions, and nationalities. These conflicts are tied together in this chapter through the themes of environmental injustice and resource extraction. We do not intend to imply that citizens of these nations condone these policies; on the contrary, we hope to identify injustices committed by these governments to inform the broader public of these issues.

### Background

The roots of the Israeli-Palestinian conflict date back to at least the 1880s, when European and Russian Jewish immigrants first established themselves in the region, where the majority of persons living there were Arabs and Bedouins. Tensions increased in 1948 upon Israel's declaration of independence after a bloody war that displaced an estimated 750,000 Arab Palestinians from their homes. The Six Day War of 1967 resulted in Israel annexing regions of Syria, Egypt and the Jordanian West Bank. This war intensified the occupation of Palestinian lands. The 1993 Oslo Accords set levels of Israeli rule over Palestine, ranging from

one area (A) being independent Palestine and another area (C) allowing full military and civilian control.<sup>lxiii</sup> Currently, area C is approximately 61% of the West Bank<sup>lxiii</sup>, which means the West bank is experiencing a de facto annexation by Israel. Palestinians are restricted in their daily mobility; they are required to have a permit to enter Israel proper, as well as East Jerusalem, which is supposed to be the capital of the future Palestinian state, and is also the 3rd holiest site in Islam.<sup>lxiv</sup>

The persecution of Palestinians is twofold - not only are their everyday lives severely restricted and monitored; they are also imprisoned at very high rates by the Israeli government. Palestinians living in the occupied territories of the West Bank and Gaza have been subjected to environmental injustices for the past 50 years, as Israel has diminished their access to

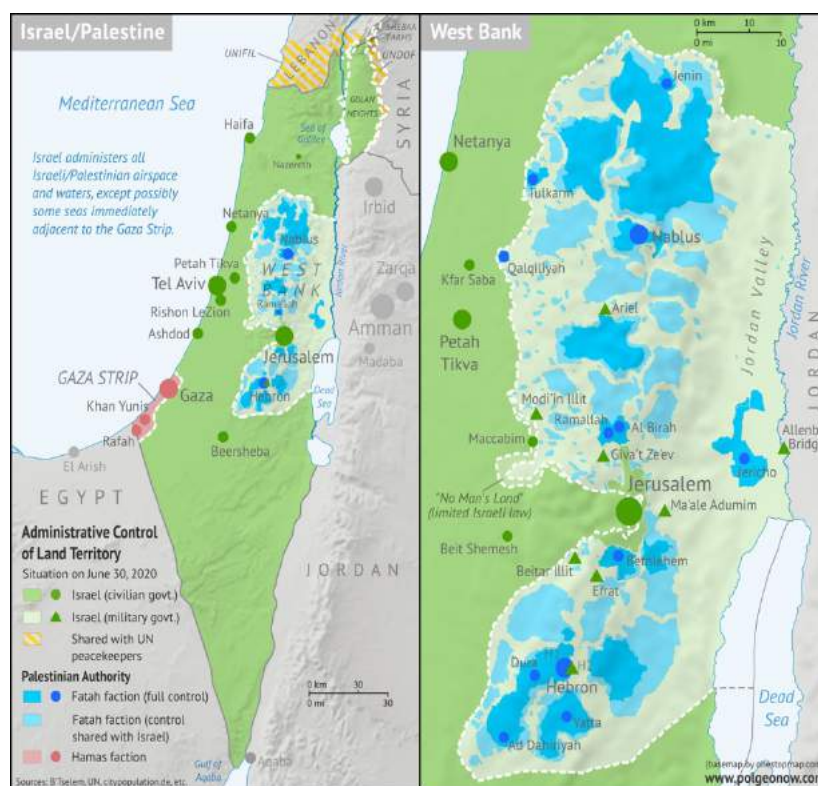


Photo 5: Map of Israel and Palestine, highlighting governance. Map by Evan Centanni. Located at <http://www.polgeonow.com/>

clean drinking water and a range of life-sustaining environmental conditions. In 2020, Palestinians have faced additional oppression and strain in the face of COVID-19.<sup>lxv</sup>

### Prison Conditions

Since the six day war in 1967, it is estimated that Israel has imprisoned 1 million Palestinians, and in 2017, around 6,200 Palestinian political prisoners were being held in Israeli jails.<sup>lxvi</sup> According to the Institute for Middle East Understanding, a “non-profit organization that offers journalists fact analysis, experts, and digital resources about Palestine and Palestinians,” the Israeli government not only imprisons adults, but hundreds of children every year as well.<sup>lxvii</sup>

Officials have been reported forcing their way into people's homes at night and taking children so as to not face resistance by parents. They then violently interrogate them and force them to sign confessions in Hebrew, which the children do not understand.<sup>lxxviii</sup> Once incarcerated, Palestinians face multiple environmental injustices. Food quality in Israeli jails is poor, and only enough to satisfy half of the inmates' nutritional needs. Facilities are filthy and insect-infested, and latrines are generally either a hole in the ground or a bucket. Not surprisingly, an estimated 25% of Palestinian inmates get sick in prison, despite the fact that most entered while young and in good health.<sup>lxxix</sup>

When faced with overcrowding in their prisons, Israeli officials decided to move a number of Palestinian detainees outside.<sup>lxxx</sup> These living quarters are oftentimes nothing more than metal containers or tents, which makes it difficult to endure the temperature extremes of the region. Inmates are typically only given thin mattresses that lay on the ground to sleep on.<sup>lxxxi</sup> Another cruel restriction is that prisoners are not allowed to change their clothing they were arrested in, even if it was a violent arrest during which their clothing was covered in blood. Prisons do not provide an adequate amount of soap or hygiene products. This adds to the unsanitary conditions in these prisons and increases the spread of illness and disease.<sup>lxxxii</sup> Additionally, most Palestinian prisoners are held in Israel proper, which Palestinians are banned from entering, and so they cannot visit incarcerated family members. Israel also bans families from giving inmates any supplemental items, like clothing, bedding, and hygiene products.<sup>lxxxiii</sup> However, international law stipulates that individuals from an occupied land can only be detained within that occupied territory.<sup>lxxxiv</sup> This means that it is unlawful for Israel to hold Palestinian prisoners within Israeli prisons. Still, 17 of the 18 prisons Palestinians are jailed in are located within Israel.<sup>lxxxv</sup> International law also dictates that prisoners must be allowed to receive visitors at regular intervals, another rule Israel has ignored. On November 4, 2020, the Fourth Committee of the General Assembly of the United Nations decried Israel's disregard for these two policies and more. The General Assembly (GA) demanded "Israel cooperate with the Special Committee and requests that the latter continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, especially its violations of the Geneva Convention."<sup>lxxxvi</sup> The GA also requested investigations of "... the treatment and status of

thousands of prisoners and detainees, including children, women and elected representatives..." detained by Israel.<sup>lxxvii</sup> It is important to note that the United States voted against these resolutions and many others. By doing so, the United States continues to turn a blind eye to the injustices Israel forces upon Palestinian prisoners, even as nations around the world call for change and accountability.

### Coronavirus

We as a global community are experiencing many challenges in the face of this unprecedented coronavirus pandemic. The incarcerated community is, in many ways, experiencing the worst of it. Since incarcerated people are reliant on others for sanitation, social distancing measures and medical care, they are vulnerable to neglect. Palestinians are experiencing a lack of proper COVID-19 protections in prison. In fact, according to the Israeli Supreme court, "Palestinians held in prison are no different than family members or flatmates living in the same home", ruling that they do not have the right to social distancing.<sup>lxxviii</sup> This ruling is problematic on multiple accounts. Foremost is the blatant racism of using stereotypes and living conditions to rule that Palestinian detainees deserve to be treated differently than Israeli prisoners. Additionally, Israeli prisons holding Palestinians are known for overcrowding, filthy cells and medical negligence.<sup>lxxix</sup> Cells are generally no bigger than three square meters, yet they hold upwards of six to ten prisoners. Israeli prison officials do not provide sufficient personal hygiene products. This is both dangerous and cruel because in the midst of a pandemic, medical officials deem access to personal protective wear, hand soap and hand sanitizer necessary. Yet, inmates are receiving none. The only precautions that Israeli prisons are taking, at the time this source was published, is putting infected inmates in small, filthy solitary confinement cells to quarantine.<sup>lxxx</sup> Many of the Palestinian prisoners are in the demographic most susceptible to COVID-19, being middle to older in age, and having pre-existing health conditions. According to Addameer, a prisoner's rights group, from 2005 to 2020, at least 17 inmates have died as a direct result of medical negligence. Inmates who have serious health conditions are generally only given generic painkillers as treatment.<sup>lxxxi</sup> Due to

these trends of mistreatment and neglect, COVID-19 in Israeli prisons could have disastrous effects.

### Occupation as a Form of “Open Air” Prison

People across the world have experienced new governmental regulations in the face of the global Coronavirus pandemic. One Palestinian writer compares these restrictions--a “new normal” for most of us--to their daily life as a Palestinian living in occupied territory.<sup>lxxxii</sup> Palestinians experience frequent checkpoints, mandatory curfews, and the inability to seek international travel through Israel’s seaports or the Ben Gurion International Airport. This writer was even given an individualized ban preventing them from leaving the West Bank for any reason, not even to visit their sick mother in occupied East Jerusalem.<sup>lxxxiii</sup> The Gaza Strip, home to over two million Palestinians, has been under an Israeli military blockade for more than 12 years, “making it the biggest open-air prison in the world.”<sup>lxxxiv</sup> However, unlike the restrictions that millions of people around the world are facing from governments regarding Coronavirus in order to ensure public safety, Palestinians in the Occupied Territories experience a brutal, heavily policed life as a routine form of oppression that predates the pandemic.

In addition to living in heavily policed areas, Israel has an “open-fire policy” which allows their military the use of lethal force on civilians if they feel threatened. Thousands of Palestinians have been killed within the Occupied Territories over the past 12 years under this policy as a result of enforcement activities like crowd-control. Others were killed in bouts of fighting between Israel and Palestine, and thousands more have been injured by Israeli security forces.<sup>lxxxv</sup> The open-fire policy highlights how little the Israeli government values the lives of the occupied Palestinian people. The General Assembly of the United Nations denounced Israel’s use of force against journalists, humanitarian personnel, and the people of the Occupied Palestinian Territory as another act of breaking international law.<sup>lxxxvi</sup>

### Water

Over the past 50 years Israel has weaponized water to control, oppress, and expel Palestinians from areas within the Occupied Territories. When Israel first occupied the West

Bank in 1967, they issued military orders allowing the Israeli army to seize control of water and land resources.<sup>lxxxvii</sup> Since then, Israel has strategically routed water resources away from Palestine. Nearly 83% of the aquifers in the West Bank have been diverted to Israel or Israeli settlements within the West Bank, leaving Palestinians with just 17% of their historic water supply.<sup>lxxxviii</sup> In addition, the Israeli military has frequently destroyed water wells and pipelines, preventing Palestinians from having reasonable access to water and farmers from having adequate supplies for their crops. For example, in the past decade alone:

- Between 2011 and 2013 “the Israeli army destroyed 205 Palestinian water and sanitation structures: 92 cisterns, 46 toilets/sanitary units, 33 water tanks, 22 wells, 8 pipelines, 4 springs.”<sup>lxxxix</sup>
- After Israel’s war on Gaza in 2014, more than 50% of the water infrastructure was left unusable and over 1 million residents were left without access to running water.<sup>xc</sup>
- In 2017, Israeli soldiers escorted and directed construction crews and bulldozers to destroy the water pipelines of the Village of Bardala in the West Bank, leaving 3,500 residents without access to water.<sup>xc</sup>
- And most recently, in April 2020, Israeli soldiers responded to peaceful protests by shooting holes in the rooftop water containers of villagers in Kafr Qaddum.<sup>xcii</sup> This is especially heinous, since movement to neighboring towns, even for water, is restricted due to the COVID-19 pandemic and it is costly for villagers to repair their water tanks.

Israel also has the ability to approve or deny Palestinian request to drill a new irrigation well, due to Israel’s 1967 Military Order 158.<sup>xciii</sup> It has been incredibly difficult for Palestinians to receive approval to dig a new well or improve existing wells, while Israeli permitting requests are frequently approved. Israel demolished over 50 water and sanitation structures in the first six months of 2016, on the grounds that they did not have proper Israeli permits.<sup>xciv</sup> As a result, Palestinians have access to about 73 liters of water per person per day, leaving them short of the World Health Organization’s minimum standard of 100 liters per person per day.<sup>xcv</sup> This is

not due to a shortage in the area, as the average Israeli citizen consumes approximately 300 liters per day.<sup>xcvi</sup>

Not only are Palestinians forced to live without access to water within the confines of their land; the continued conflict has left Palestine's water quality in a dangerous state as well. It is believed that up to 95% of Gaza's two million residents lack access to clean drinking water, while 23% live without sanitation services.<sup>xcvii</sup> In 2016, the World Health Organization (WHO) found that chloride and nitrates in the Palestinian water supply exceeded the acceptable limits for human health by 5-10 times.<sup>xcviii</sup> The conflict has also left water and waste-water treatment facilities in serious decline. The WHO estimates that Gaza's contaminated water supply accounts for nearly 26% of all disease there, with 50% of children suffering from water-related infections.<sup>xcix</sup>

Human rights groups have reported that Gaza's water treatment plants have been severely limited by the electricity crisis and that, as a result, untreated or partially treated wastewater is being released into the ocean near Gaza at a rate of 108,000 cubic meters/day in 2017.<sup>c</sup> About half of Gaza's beaches are now closed to the public, because they have been contaminated by wastewater. This fact impacts both citizens who are unable to access their environment recreationally without risking their health, but also fisherfolk who relied on the coastal waters for income and food. Although the Oslo Accords stipulated that Palestinians had access to fish off the coast of Gaza as far as 20 miles from shore, they have more recently been restricted to a range of about 3-6 miles, or risk having their boats seized by the Israeli government.<sup>ci</sup> This restricted zone keeps fishermen much closer to the coast, and as a result, relegates them to the most contaminated coastal areas. Since 2000, employment in the fishing industry has declined by 66%, likely as a result of the reduced access to fishing areas.<sup>cii</sup>

Though Israel is not the government responsible for Gaza, they hold the unique geographic position to control the land and sea ports into Gaza. As a result, they have played a critical role in preventing supplies for critical services like wastewater plant construction, as well as humanitarian aid from entering Gaza. Additionally, Israel holds the political and structural power to approve or deny permitting requests that Palestinians rely on to improve their conditions. For example, Israel has rejected 26 out of 30 Palestinian proposals to develop new

wastewater treatment plants since 1995, and only one of the four approved plants had been built as of 2016.<sup>ciii</sup> Preventing Palestinians from digging new wells or rebuilding water infrastructure and wastewater treatment facilities is an unacceptable act of oppression and environmental injustice. Though Israel exerts its control of water differently from the West Bank to Gaza, it is clear that they have weaponized water as a tool for oppression. We argue that Israel is engaging in the extraction-nexus, because of its aggressive colonization of the water resources within the region. This term attempts to encompass those powerful groups or governments that would oppress and imprison others, restrict their access to their own natural resources, and take these resources for the benefit of the oppressor. We hope to bring attention to this important issue as climate change continues to intensify and powerful groups may seek to engage in the extraction-nexus to benefit themselves. We aim to amplify the United Nation's calls for increased security of Israel's actions towards Palestine and we hope they look into this issue as well in the future.

## Conclusion

The widespread persecution of minorities has plagued our world for thousands of years. In this chapter, we examine only a few cases, but the reality is that persecution is all too common. Groups are targeted based on their religious, cultural or ethnic identities and are then incarcerated and subjected to despicable environmental injustices. Powerful groups take advantage of more vulnerable ones in order to extract resources, as seen in the cases of Tibet and East Turkmenistan. These cases also highlight the pressing issue of imprisoning a people and seizing control of their natural resources, what we have identified as the incarceration-extraction nexus. Capitalist expansion also fuels this persecution, because an incarcerated population creates a malleable workforce. This workforce makes countless products for consumers around the world to purchase at low prices because the forced labor goes unpaid. Other cases of persecution are motivated largely by colonialism and land expansion, as observed with the Palestinian struggle. We as global citizens have a moral obligation to be aware of this persecution and to take a stance against these injustices. Buying products that are not made using forced labor may require additional effort and awareness, but this is a

responsibility we have as members of the global community, to take a stand in support of human rights and environmental justice whenever and wherever threats against them exist.

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## Photos, Graphics and Figures:

Title Page: Image of barbed wire atop security fence. By Michael Waters  
<https://theoutline.com/post/5410/toxic-prisons-fayette-tacoma-contaminated?zd=1&zi=2jifikhz>


Photo 1: Map of fossil energy distribution in East Turkestan. Digital Image. Power. 1 January 2016, <https://www.powermag.com/energy-industry-xinjiang-china-potential-problems-solutions-web/>.

Photo 2: Government social media post in April 2017 shows detainees in a political education camp in Lop County, Hotan Prefecture, Xinjiang. By Xinjiang Bureau of Justice WeChat Account.  
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Photo 3: China's increasing sterilizations in East Turkestan. Digital image. The Associated Press. 28 June 2020, <https://apnews.com/article/269b3de1af34e17c1941a514f78d764c>

Photo 4: Map of China and occupied territories East Turkestan and Tibet. Digital Image. Wikimedia Commons. Edited by Fabiana Lake.  
[https://en.wikipedia.org/wiki/East\\_Turkestan](https://en.wikipedia.org/wiki/East_Turkestan).

Photo 5: Map of Israel and Palestine. Map by Evan Centanni, incorporating base map by Koen Adams. 1 July 2020. <https://www.polgeonow.com/search/label/palestine>

The background of the top half of the page is a close-up, slightly out-of-focus image of multiple strands of barbed wire. The wire is dark and has sharp, pointed barbs. A solid yellow horizontal bar is positioned across the middle of the image, partially obscuring the wire.

# ***A Path Forward:***

## ***Global Success in Decriminalization, Prison Reform and Re-entry to Society***

By: Elijah Baker

The previous chapters of this report have synthesized the origins and evolution of prisons and jails in the United States, and identified key areas in need of reform. In this chapter we consider some of the current shortcomings within the U.S. carceral system, and compare them to a number of other countries that have made substantive improvements in these same areas. We highlight how environmental justice is inextricably linked to the prison industrial complex, consider options that support the current calls for decriminalization and decarceration, as well as options that reduce long-term costs associated with prisons. Ultimately, this is a call for folks from all sides to work to address these systemic challenges.

First, let us examine the last 60 years of policing and legislation to understand how the U.S. prison system has evolved. From 1960-1990, crime rates in Finland, Germany, and the United States were nearly identical.<sup>i</sup> These three countries began to diverge after President Reagan passed the Anti-Drug Abuse Act in 1986, continuing President Nixon's infamous "War on Drugs". Shortly thereafter, President Clinton passed the Habitual Offender Laws, also known as the Three-Strikes Laws. These legislative powerhouses dramatically transformed the state of policing in the United States. They defined dozens of new crimes and sentencing became far more severe, making it incredibly challenging for an individual who hits their "third strike" to receive a punishment other than a life sentence.<sup>ii</sup> Decade after decade, the amount of incarcerated people per capita increased until the United States held the most inmates in the world, by far. In 1972, there were less than 350,000 persons imprisoned in the United States. Today, there are approximately 2.2 million inmates, with 46.1% of the offenses related to drugs.<sup>iii</sup> This is not normal outside of the United States.<sup>iv</sup> This indicates that policing and legislation within the U.S. are largely to blame for our massive rise in incarceration.

In 2018, The Sentencing Project wrote the Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System. They show that, not only is the U.S. the nation with the highest incarceration rate per capita, but that our policing and sentencing policies are perpetuating racial disparities within our criminal justice system. Though Black Americans and Latinos made up just 29% of the U.S. population, they accounted for 56% of those incarcerated in the U.S. prison system.<sup>v</sup> They write that, "Of the 277,000 people imprisoned nationwide for a drug offense, over half (56%) are African American or Latino." In addition, "Nearly half (48%) of

the 206,000 people serving life and “virtual life” prison sentences are African American and another 15% are Latino”.<sup>vi</sup>

These are more than just statistics. These numbers highlight the vastly unequal ground that people of color stand on in the United States when it comes to policing and incarceration. The policing policies of the Nixon, Reagan, and Clinton Administrations have deliberately targeted our lower-income communities and our communities of color in particular. In recent years, the civil rights movement in the United States has resurfaced in the form of the Black Lives Matter movement, and calls have gone out for the defunding of police departments and decarceration within our prison system. In line with these calls for justice and action, we have identified four broad areas for prison reform as they apply specifically to the United States:

- 1) Reconsidering jailable offenses
- 2) Reconsidering living conditions in prisons
- 3) Reconsidering how we treat former convicts once released
- 4) Reconsidering “opportunities” in prison

The case studies below reveal that decriminalization, prison reform, and, ultimately, decarceration, are all possible, and often bring about significant positive results for society. There are many models of prison reform, and each has its own costs and benefits. This is not an exhaustive list. In addition, it is important to note that many of these systems were forced to adapt under intense local or international pressure. We believe it will be the same for the United States.

#### **Reconsidering what constitutes a jailable offense: The decriminalization of drugs**

In the Netherlands, it is illegal for individuals to produce, possess, or sell soft drugs, like marijuana. However, the Dutch government operates under a “Toleration Policy” towards marijuana, meaning they will not prosecute individuals who purchase and use marijuana-based products in regulated coffee shops, or those who have less than 5 grams or 5 plants on their person or at home.<sup>vii</sup> This approach has allowed the Dutch government to separate the markets

for soft drugs and hard drugs, decreasing the likelihood that someone purchasing marijuana is introduced to more dangerous drugs, and keeping people safe by participating at home or in public coffee shops without fear of prosecution.<sup>viii</sup>

Portugal has gone even further than a “toleration policy” and decriminalized all drugs in 2001, making it the first country in the world to do so.<sup>ix</sup> Prior to this ruling the country had seen a massive uptick in the use of dangerous drugs, like heroin, reporting that 1 in 10 people were users in the late 1980’s.<sup>x</sup> The country had approached drug use similarly to the United States and issued harsh sentences for law breakers.<sup>xi</sup> As a result of these policies, by the late 1990’s nearly half of all inmates in Portugal’s jails were serving time for drug-related offenses. Officials realized something needed to change. “It made much more sense for us to treat drug addicts as patients who needed help, not as criminals.” - João Goulão<sup>xii</sup>

Under the new reforms around drug use, dealers who were caught would still be sent to prison, but anyone caught with “less than a 10-day supply of any drug” would instead be given a fine or be sent to a commission hearing, paneled by a doctor, lawyer, and a social worker. The commission would ensure that people knew about treatment options, harm reduction, and medical services, and worked to understand whether the relationship the user had with drugs was healthy or not.<sup>xiii</sup> By decriminalizing drugs, the government allowed for many different services and resources, from areas like health, employment, and housing, to pool their resources and expertise to better serve their communities.<sup>xiv</sup> As a result of these policies, the number of people held in prison for drug offenses dropped by 20% between 1999 and 2013. It is important to note that these policies, which have survived liberal and conservative governments alike, were only enacted because of a massive cultural shift around drug use. The population of Portugal overwhelmingly supported a health-centered approach to drug use after seeing how ineffective a criminalized approach was.

By taking bold steps, the Dutch and Portuguese governments were able to greatly reduce their prison populations and also positively impact their communities, by ensuring that people received treatment, rather than imprisonment, for using drugs. This policy and cultural shift have allowed families to stay together and for households to earn a greater income without users being imprisoned. In addition, decriminalization allows people who know they

have a drug problem to openly seek help, without fear of retaliation and imprisonment. However, in the United States, the failed war on drugs is still ongoing.

"In 2016, 587,000 Americans were arrested for marijuana possession, more than for all violent crimes combined."<sup>xv</sup>

Is this system working the way that we want it to in America? There are growing examples of countries that have reduced sentencing for possession of certain drugs (Netherlands), countries that have legalized marijuana for recreational use (Uruguay), and countries that have decriminalized drug use to help reduce rates of addiction (Portugal).<sup>xvi</sup> The strict criminalization of all drugs and the fear of long prison sentences in the United States pushes these markets underground where they cannot be regulated. On the other hand, governments that choose to regulate the use of drugs allow them to keep these activities out and in the open, which helps improve the likelihood that people are being safe, and increases the ability of users to seek help.

It is important to acknowledge that there is already a growing interest in the United States to reduce sentences for crimes related to marijuana possession. Julie Gunnigle--a candidate who (unsuccessfully) ran for Arizona's Maricopa County Attorney in 2020--announced she would throw out pending cases and no longer prosecute marijuana-based offenses if elected.<sup>xvii</sup> In October 2020, Jared Polis, the Governor of the state of Colorado, offered a full pardon to all prisoners convicted for possession of 1 ounce or less of marijuana.<sup>xviii</sup> Most impressive of all, in November 2020, voters in Oregon decriminalized the use of all drugs. They voted in favor of Measure 110, the Drug Decriminalization and Addiction Treatment Initiative, which seeks to change the narrative around drug use in Oregon and to offer support services for users instead of imprisonment.<sup>xix</sup> These examples highlight the growing acceptance that the War on Drugs has criminalized marijuana in an imbalanced way. It is past time for other states that have legalized marijuana for recreational use to follow suit and pardon prisoners as Colorado has done. It is also time for the U.S. at large to consider its stance on marijuana on a broader scale. It is clear that our prison system has a problem; to reiterate, more folks were

arrested in 2016 for crimes relating to marijuana than for all violent crimes combined. Decriminalizing marijuana and other drugs would help reduce our prison population and begin healing communities that have been damaged by the War on Drugs. It is time we take a different stance. We need to re-evaluate the dangers once believed to be associated with marijuana and adopt an attitude of support for our fellow citizens who would benefit from social services rather than criminalization.

We conclude that, just as Colorado and countries from around the world have done, it is time to decriminalize sentencing for marijuana in the U.S. While the decriminalization of drugs sounds like a radical idea, a 2014 national poll by the Pew Research Center showed that the majority of U.S. citizens, 67%, believed the government should “focus on providing treatment for those who use illegal drugs, like cocaine and heroin.”<sup>xx</sup> As highlighted above, the criminalization of marijuana and the use of three-strikes laws most frequently impacts communities of color. We hope to amplify the demands of the Black Lives Matter movement and call for increased funding for social services in place of policing as it relates to mental health crises and drug use.

### **Reconsidering living conditions**

Living conditions dictate so much of an inmate's experience while incarcerated, and they play a critical role in how inmates view themselves as people and how they prepare to re-enter civilian life. In the United States, many prisons are overcrowded, lack trained social workers to help inmates, and are designed to look and feel like a cage. Both Belize and the Dominican Republic have had incredible success with recent prison reforms that have addressed how inmates live and are treated within prison.

In 2002, Belize contracted the Kolbe Foundation, a Catholic-oriented NGO, to manage that nation's prison system, and they have done so ever since. Prior to this transition, prisons lacked key resources and prisoners lived in abysmal conditions. In one case, Belize Central Prison lacked potable water and a functioning sewer system. It was common for the prison staff to abuse inmates and nearly 2/3 of the prisoners had to sleep on the floor because of a massive shortage of beds. However, since the Kolbe Foundation began managing the prison

system, they have addressed each of these issues. Even though there are a few hundred more inmates at Belize Central Prison than in 2002, they have a functioning sewer and shower system, and the number of available beds has skyrocketed from 300 to 2,100, ensuring that everyone has access to basic necessities.<sup>xxi</sup> In addition, inmates now have access to addiction treatment services and can voluntarily partake in education classes or work to learn vocational skills taught by volunteers. The director of Belize Central Prison says that “a strict focus on rehabilitation and viewing inmates as human beings worthy of respect has helped change the prison’s culture and reduce criminality.”<sup>xxii</sup> The result? Recidivism rates have dropped to 10% since these changes have gone into effect. These changes have come with their challenges, but in the end the prison receives only the equivalent of \$7 a day per prisoner in U.S. currency, compared to the \$99.45 that prisons receive in the United States, which means that the system costs less to operate and yet delivers better services and treatment to its inmates.<sup>xxiii</sup>

In the Dominican Republic, prisons had historically been known as part of a corrupt system, wherein drug lords and other wealthy inmates would pay upwards of \$25,000 for special treatment, including private suites and flatscreen TV’s. The country began a massive effort in 2004 to utterly transform its prison system, with a stronger focus on human rights and rehabilitation.<sup>xxiv</sup> The reforms intentionally reduced prison rates by implementing a strict cap on the number of inmates allowed in each prison to reduce overcrowding, while simultaneously improving living conditions.<sup>xxv</sup> Before these changes, it was common for prisoners to sleep on the floor, and in some horrific instances, standing up, when there was not enough space.<sup>xxvi</sup> The government’s goal is to reach a 100% literacy rate within the prison, and inmates are required to enroll in educational programs. In addition, the new model intentionally does not hire former police or military officers to work as prison guards: instead, they require prison guards to receive extensive training, including mental health services, in order to de-escalate conflicts between guards and inmates.<sup>xxvii</sup> As a result of these reforms, recidivism has dropped from 50% to only 5% for inmates released from the new system. These changes have resulted in such overwhelming success that now 22 out of the 41 prisons in the Dominican Republic operate under this new model, even though it costs about twice as much per inmate.<sup>xxviii</sup>

## Overcrowding

As the United States has experienced a massive increase in its prison population, it has not always been possible to ensure that there is adequate space for inmates. Just as when people do not have access to clean water or clean air, when they do not have adequate space and reasonable living conditions, they are experiencing a form of environmental injustice. The Bureau of Justice Statistics reported in 2014 that 28 states within the U.S. were over “facility capacity.”<sup>xxxix</sup> Illinois was evaluated at 150% capacity, Ohio at 132%, Massachusetts at 130%, and Nebraska at 128%.<sup>xxx</sup> In addition, 18 states were also over their “operational capacity,” meaning the number of inmates housed had exceeded the number of staff and resources to properly oversee the facility.<sup>xxxi</sup> States have increasingly contracted with private prisons in order to meet demand for prisoners and the U.S. government has even subsidized the building of private prisons because many states are near or over inmate capacity. There is no excuse for housing inmates in overcrowded living quarters. Such conditions increase their risk of catching infectious disease, a major concern in the era of Coronavirus. It also dramatically increases infrastructure problems associated with poor sanitation, and inhibits access to medical care.

## Prison Guards

Nations around the world have taken stock of their prison systems and realized that a common problem has been prison guards. Much like the Black Lives Matter movement has called for an increase in social services and key resources like mental health first aid responders instead of the police (who are not specifically trained for mental health crises), some countries have similarly redefined the role of guards within their prisons. As mentioned above, the Dominican Republic made the decision to recruit prison guards without prior experience in traditionally violent occupations like the police and the military, and ensured these staff members were trained for de-escalation.<sup>xxxii</sup>

Uruguay has also taken a different approach at Punta de Rieles prison, the first in the nation to not be managed by military personnel. The inside of this correctional facility is patrolled almost exclusively by unarmed women, most of them with professional degrees in social work, psychology, or human rights.<sup>xxxiii</sup> These women see themselves as sisters, not

guards, offering support to inmates working through their problems. Their goal is to humanize the inmates' experience in prison while also preparing them for life outside of prison.

We want to provide the best daily life possible, so prisoners can sleep peacefully and do not feel humiliated, scared or fearful," [Director] Parodi told the BBC.<sup>xxxiv</sup>

The empathetic approach has clearly worked. Punta de Rieles has experienced a 2% recidivism rate compared to a 50% recidivism rate throughout Uruguay.<sup>xxxv</sup>

In Germany, correctional officers are often social workers or lawyers. This is not a requirement; rather it is the result of the country's attitude that criminal behavior is often a symptom of mental health needs that can be addressed and prevented from recurring or worsening.<sup>xxxvi</sup> The role of therapy and mental health services in prison is widely recognized in Germany as important, and therefore guards are paid quite well for the work they do.<sup>xxxvii</sup>

These are only a few of the examples where prison guards have either advanced training in mental health services or where the role of prison guards has been reconstructed altogether as a supportive staff member whose job it is to uplift inmates rather than oppress them. Each of these examples demonstrates that providing prisoners with mental health services and a supportive environment helps to decrease the likelihood that inmates will return to prison after exiting the system. Considering that the U.S. has only 4% of the world's population, but imprisons nearly ¼ of all the imprisoned people in the world, we need to take a hard look at reforms that have been shown to decrease recidivism.<sup>xxxviii</sup> In addition, the fact that the U.S. has nearly 10 times more mentally ill people in jails and prisons than in state psychiatric hospitals, it is past time to consider the importance of addressing mental health and trauma in this nation, and the need for doing so in ways that do not prioritize criminalization and incarceration.<sup>xxxix</sup>

## Physical Environment

Another area for reform in the United States is the physical environment in which inmates live. A number of studies conclude that a prisoner's living environment has a significant effect on the likelihood of recidivism after they are released.<sup>xi</sup> The primary concerns are: lack of privacy, poor sanitary conditions, lack of access to outdoors/nature, poor lighting and excessive noise. Deficiencies in these areas have also been shown to reduce prison staff wellbeing.<sup>xli</sup> Most prisons in the U.S. fit a similar description: inmates live in shared spaces surrounded by concrete and steel; they lack privacy when using the bathroom or showering; they are given uniforms to wear and their identities are reduced to a numerical ID; walls are kept blank; and inmates sleep on concrete slabs with thin bedding. These conditions do little more than inspire resentment for being imprisoned.<sup>xlii</sup> Countries around the world are jettisoning this archaic way of housing inmates and seeking reforms that humanize them and prepare them for life after prison.

Prisons look strikingly different in Germany than in the U.S. Perhaps the most notable difference is the autonomy inmates are afforded. Inmates are allowed to wear their own clothes, cook their own meals, and are allowed to have cell phones so they can call family members.<sup>xliii</sup> Inmates are even allowed to smoke on the prison grounds. Their living quarters look "more like dorm rooms in a liberal arts college," with porcelain toilets and sinks.<sup>xliv</sup> Inmates sleep on beds and are allowed to decorate their spaces. Inmates are also afforded privacy and correctional officers will knock before entering their rooms. At "Justizvollzugsanstalt



*Photo 2: Inmate's living quarters. Photo used by Danner Darcleight.*



*Photo 1: Modern jail cell in a closed government owned facility. By trekandshoot.*

Heidering," a new-age German prison, there are also 33 physicians on site to care for the inmates. This breaks down to a ratio of one doctor for every 127 inmates, compared to 1 doctor for every 750 inmates throughout the state of Virginia's prison system.<sup>xlv</sup> All of this ties into Germany's belief that inmates do not need to be punished beyond their sentence. Instead of stripping inmates of their individuality, they are allowed to bring their personality and character into their space.<sup>xlvi</sup> This system allows officials to focus primarily on making sure inmates receive the help and care they need to be able to successfully re-enter society.

The Czech Republic is also experimenting with its prisons, and opened the nation's first open prison in 2017 (an "open" prison is separate from the oppressive 'open air' prison). The intention behind this new model was to help inmates convicted of less-serious offenses to be successfully reintegrated into society.<sup>xlvii</sup> In addition to hiring educators and psychologists

rather than traditional armed prison guards, the prison is designed to look and act like a village. Inmates live in civilian-style houses (shown below) and participate in activities like gardening and animal breeding.<sup>xlviii</sup>



*Photo 3: Open prison in Jiřice, photo: archive of Open prison in Jiřice.*

Most inmates are able to work in the neighboring town. The goal was to simulate everyday life to reduce the shock of transitioning in and out of prison. After two years, the new prison showed remarkable success, with only 3% of inmates returning after release, compared to the nation's 70% recidivism rate.<sup>xlix</sup>

While it is important to consider an inmate's living conditions as they relate to potential recidivism, it needs to be noted that the living conditions in many U.S. prisons aren't just demeaning, they can be deadly. For example, Texas only has air conditioning in 30 of its 109 prisons. As a result, 22 people imprisoned in Texas have died due to extreme heat in recent

years.<sup>i</sup> This is a widespread problem, as there are 12 U.S. states that do not provide universal air conditioning within prisons.<sup>ii</sup> This particular issue will only continue to become more dangerous as climate change increases temperatures and makes dangerous weather events more powerful and lethal. Many nations have devoted time and funding to reducing prison and jail overcrowding, updating facilities, and reimagining their prison-guard structure in attempts to help prisoners. The impact of these endeavors speaks for itself. Recidivism has dropped dramatically where these reforms have been implemented. The U.S. carceral system has room for many improvements, and it is imperative that we make an effort to improve the lives of inmates while they are imprisoned. No one should die while imprisoned because of extreme temperatures, and nor should they be dehumanized and stripped of their identity. The data has shown that in valuing an inmate's self-worth, we reduce recidivism and help create a safer world.

### **Reconsidering how we treat former convicts**

In the United States we all too frequently refuse to allow former convicts the opportunity to grow and build the skills they need to stay out of jail and prison. After serving their sentence and being released, former inmates are constantly reminded of their history with the criminal legal system and face much adversity in trying to get their lives back on track as civilians. They are required to list their past convictions throughout many daily interactions, including on job and housing applications, and in doing so are far less likely to be hired or approved. This arrangement prevents them from receiving federal financial assistance to pursue higher education, from moving into certain neighborhoods, from accessing government-assisted living, from qualifying for loans, from getting a better paying job, and even from being eligible to vote. Additionally, those with felony drug convictions are banned for life from accessing cash assistance and food stamps under the 1996 Welfare Reform Act, unless their home-state chooses to opt out of the ban.<sup>iii</sup> These policies heavily impact low-income persons and people of color, who are structurally disenfranchised and relegated to second class citizenship.

Many of these burdens don't exist for former inmates in Germany. As a society, Germans tend to view "people who commit crimes as medical patients" rather than as dangerous

criminals.<sup>liii</sup> They also largely believe that once an inmate has served their time, they have been punished, and should not continue being punished. Employers in Germany typically do not inquire about criminal records. A study conducted by the Sentencing Project found that in the United States, "...employers are 50% less likely to call back white job applicants with incarceration histories than comparable applicants without prison records."<sup>liv</sup> This highlights the continual punishment people with criminal records endure even after they have served their time. Additionally, separate studies have shown that white applicants with criminal records are often selected over applicants of color without criminal records. These prejudices mean that job applicants of color with a criminal background are hard-pressed to be selected for a decent job, even when they are qualified.<sup>lv</sup>

Americans cannot have it both ways and demand that formerly incarcerated folks build a productive and functioning life, while we also distrust and actively prevent them from moving on. It is time to reconsider and re-evaluate these policies. If prisoners have served their time, we must allow them the opportunity to put their histories with the criminal legal system behind them and build a new life. In 2018, the voters of Florida restored the right to vote to former convicts charged with a felony. Proposition 17 in California's 2020 election restored voting rights to formerly incarcerated folks on parole. Additionally, the California Legislature voted in September 2020 to allow former convicts the right to apply for certifications required for firefighting jobs they were previously barred from. These are important examples of progress in restoring rights to community members and will enable us to stop defining them as "former convicts" and start considering them as "returning citizens". We can all actively participate in a cultural shift wherein we believe that this population has paid their debt to society and can move forward rebuilding their lives without harassment and stigma. We conclude that more reforms can, and must, be brought about to expand opportunities for "returning citizens" in the United States. Reforms, such as not requiring people to disclose their past non-violent crimes during job interviews, would likely increase post-carceral employment, decrease recidivism rates, and therefore benefit our communities.

## Reconsidering “opportunities”

### Labor

As was discussed in Chapter 2, Prison Labor and Vulnerability, United States federal law currently allows inmates to be forced to work, often for shockingly low wages and under hazardous conditions, and strips them of all workers’ rights. Depending on your perspective, prison labor in the U.S. is either an echo of slavery or slavery 2.0. Working conditions are often horrific and human life is valued primarily as a means to access cheap labor and for ensuring profit. UNICOR, the federal company in charge of prison labor in the U.S., claims that prison labor is important for inmates’ growth. They state that labor is a way for prisoners to earn their keep, to contribute to society, and to learn the critical skills needed to be employed when they get out of prison.<sup>lvi</sup> However, the evidence is overwhelming that the current system for prison labor is malicious and only contributes to high rates of recidivism within the United States.

Many people argue that people convicted of a crime deserve to be punished. However, committing a crime should not strip you of your basic human rights. Why is it necessary to force incarcerated people to work for such low wages, with few worker protections, if any, and in many cases risk their long-term health or their lives as a result of their environmental working conditions? Additionally, there is a lot to be said about how prison labor practices play into the cycle of recidivism. Studies have shown that when prisoners can earn money and save it while incarcerated, they are more likely to leave prison and have the financial support to transition back to everyday life. However, in the U.S., inmates earn mere cents for every hour worked. Imagine how quickly one might run out of money once they are released and have to pay for housing, food, clothes, and more, all before securing employment. Many formerly incarcerated folks need to rely on a safety net of friends, family, and community resources, because they lack the financial support on their own. That isn’t for lack of work or effort while incarcerated--the vast majority of inmates work while imprisoned. Instead of benefitting inmates, their labor seems to benefit the government and private institutions that are able to purchase the goods inmates produce at extremely low prices.

There are many countries that have a different outlook on prison labor, from Germany, to the Netherlands and Sweden, to Uruguay and Belize. These countries show that prisoners

can contribute to society through labor while still being afforded their human and worker's rights. In Germany, prisoners can earn between 10-20 euros (~\$12.00-24.00 USD) a day for their labor, and inmates are actually required to save money while in prison.<sup>lvii</sup> This practice ensures that inmates will have money available once they are released, to help with food, housing, and transitioning back into civilian life. This policy looks towards an inmate's release date with the aim of preparing them for reintegration, highlighting the comparative absence of any similar planning or empathy within the U.S.'s carceral system. An American former convict reporting on Germany's prison wage system was shocked to learn that he could have earned up to 20 euros a day in Germany, compared to the \$0.23/hour he was paid working in a prison kitchen in the U.S.

"It's a lot to take in...I went to prison at 19, and it was like 'Your life is over.' Here I see the way it should be." -- Shaka Senghor<sup>lviii</sup>

The Netherlands has a different approach to prison labor. Rather than forcing inmates to work in unsafe conditions under the watch of prison guards, many non-violent Dutch prisoners are outfitted with an ankle monitor and are allowed to leave prison to work in everyday society.<sup>lix</sup> They are able to earn a competitive wage and are trusted to return back to prison by a certain time each day. This freedom is incredibly hard to comprehend in the United States, but is hailed in the Netherlands as a way to reduce recidivism rates, help with reintegration, and save money on prison operational costs. In fact, recidivism rates are so low that many prisons in the Netherlands are being closed due to a lack of prisoners.<sup>lx</sup>

There are some countries that agree with the UNICOR approach that working while incarcerated is important. However, the key difference is that many prisons outside the U.S. seek to protect the individual rights and agency of a given inmate. Under the new reforms in Belize, inmates are encouraged to learn trade skills, like livestock management, construction, entrepreneurship, and more.<sup>lxi</sup> In Uruguay's Punta de Rieles prison, over 85% of inmates work at one or more of the 38 different business ventures inside the prison. This includes baking bread and selling it to locals, gardening, pottery, a barbershop, and more. In fact, 36 of the 38

businesses in the prison are run by current and former prisoners.<sup>lxii</sup> Through a new initiative, prisoners can now open bank accounts and can begin to save money while working, helping them prepare for life outside.<sup>lxiii</sup> The freedom that inmates at Punta de Rieles experience--to choose their work, get paid, build relationships, and more--has made a huge impact in reducing their recidivism rate to 2%.<sup>lxiv</sup> These prisons highlight the idea that meaningful work and the right to choose that work can dramatically cultivate self-esteem and play a role in inmate rehabilitation.

Despite UNICOR's misguided belief that exploitative labor benefits convicts, it is impossible to uplift inmates within the current labor system. The U.S. carceral system is rooted in a history of brutality and enslavement and it cannot begin to support inmates until there is a greater distinction between slavery and current prison labor conditions. Inmates are not protected by law as employees, their conditions do not raise morale or build self-worth, or help inmates prepare to get a job once released. By deconstructing our exploitative prison labor practices and, instead, creating a system that allows prisoners to earn a fair wage and have the ability to choose the type of work they do, we can begin to treat prisoners with humanity and help them better prepare for their eventual release.

## Conclusion

By decriminalizing marijuana, we can reduce the population of our overcrowded prisons, helping to improve the daily living and environmental conditions for inmates. By treating drug use and non-violent crime as a mental health issue, by offering support services instead of long prison sentences, and by restructuring inmate labor rights, we can reduce recidivism, keep folks rooted in their communities, and strengthen those communities.

Americans must evaluate which practices and policies are failing within our carceral system and look to other successful models for inspiration. Incarcerated folks--our family and community members--deserve the basic human rights that civilians enjoy on the outside. By re-evaluating criminal offenses and punishments, we can begin to heal our nation from the War on Drugs. Officials will be better positioned to offer support to folks in need of mental health or addiction services. By investing in and supporting inmates, we decrease the chance that they

will return to prison and, instead, increase the wealth and opportunities of the communities they live in. Racist policies, some borne straight from slavery, others from the Jim Crow era, have disproportionately harmed our communities of color. It is past time that our government, which created these problems, worked to address these massive injustices. There isn't much of a risk since our neighbors from around the world, in countries wealthy and poor, have already shown us how well these programs can work. The current U.S. carceral system is inherently flawed; it is time to call on our leaders and demand changes that will dramatically improve environmental living conditions, reduce overcrowding, support inmate mental health, reduce maximum sentencing, and prepare inmates for a successful transition back into society.

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<sup>i</sup> Alexander, *The New Jim Crow*.

<sup>ii</sup> Alexander.

<sup>iii</sup> Alexander.

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<sup>v</sup> "Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System."

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## Photos, Graphics and Figures:

Title-page Photo: Razor wire surrounding the Maryland House of Correction. By Fred Dunn.

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Photo 1: Inmate living quarters. Photo used by Danner Darcleight. <https://medium.com/@DannerDarcleight/how-we-live-in-a-prison-cell-e37cc98dbf0a>.

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Photo 2: Modern jail cell in closed government owned facility. By Trekandshoot. Located on Shutterstock, ID #60232678. <https://www.shutterstock.com/image-photo/modern-jail-cell-closed-government-owned-60232678>.

Photo 3: Open prison in Jiřice, Czech Republic. Photo from archive of Open Prison in Jiřice. <https://english.radio.cz/first-czech-open-prison-reports-record-low-reoffending-rate-8123468#:~:text=The%20Czech%20Republic's%20first%20open,them%20have%20returned%20behind%20bars>