Shackling Pregnant Women Violates Domestic Constitutional Law and International Human Rights

- Shackling pregnant women violates the 8th Amendment that protects prisoners’ rights to be free from cruel and unusual punishment.
- International treaties like the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibit shackling pregnant prisoners. The United Nations Standard Minimum Rule for the Treatment of Prisoners also agrees with the treaty.1

Shackling Policies Across the United States1, 3

### Implications for Maternal Health

- Shackling women restricts a doctor’s accessibility and ability to properly provide care, especially emergency procedures.2
- Shackling prevents a woman from being able to move freely enough to manage labor pains or allow her legs to be put in stirrups. The restraints can cause acute stress injuries such as cuts and bruises.
- Shackling may exacerbate problems with balance many pregnant women experience, as they may be unable to quickly move a limb to prevent a fall.
- Shackling limits mobility; this can lead to ineffective breast-feeding and can prevent proper healing after the baby is born.

### Implications for Child Health

- Shackling creates potential harm to the fetus, and increases risk of miscarriage.
- Any maternal stress is important to consider because it impacts pregnancy and birth outcomes, including preterm birth and low birth weight infants.
- Shackling may cause delays in labor procedures that could cause the infant to have permanent brain damage due to lack of oxygen to the brain. The restraints can also reduce blood-flow to the newborn.1

### Background

- The number of women incarcerated in state and federal prisons in the U.S. has increased dramatically over the past 20 years.
- 6-10% of incarcerated women are pregnant and are often subjected to shackling during transport and labor.7
- Shackling can cause maternal stress during pregnancy, which is associated with adverse birth outcomes, such as preterm delivery and low birth weight infants.

### Objectives

1. Identify implications of shackling for maternal and child health.
2. Describe policies impacting inmates who give birth while incarcerated.
3. Compare policies of Minnesota’s only women’s prison to policies across the U.S.

### Policies in Minnesota

- Shackling policies vary from state to state.
- The American Congress of Obstetricians and Gynecologists (ACOG) opposes shackling of pregnant women, due to health risks to mother and child.1
- In 2008, The Bureau of Prisoners banned shackling of pregnant inmates in federal prisons in all cases except those with extreme risk for escape or violence.3
- Eighteen states have laws restricting shackling pregnant prisoners:
  - AZ, CA, CO, DE, FL, HI, ID, IL, LA, PA, NM, NY, RI, TX, VT, WA, and, WV.
- Ten states restrict shackling the entire time the women in the hospital including before, during, and after delivery:
  - CO, VT, TX, IL, NM, CA, NY, WA, WV, and PA.
- Seven states say that it is a constitutional violation to shackle inmates legs to her hospital bed during labor:
  - AR, IA, MN, ND, NE, SD, and ND.

### References


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