



Joint Submission of Abolitionist Law Center, American Civil Liberties Union, Center for Constitutional Rights, Promise of Justice Initiative, and Southern Poverty Law Center  
United Nations Universal Periodic Review of the United States of America

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**Abolitionist Law Center (ALC)** is a movement lawyering and organizing project led by those who have been directly impacted by the criminal punishment system and other forms of systemic and state violence, including currently and formerly incarcerated people and their loved ones. ALC uses litigation, advocacy, research, and public education to defend human rights and challenge the carceral system including policing, courts, jails, and prisons.

**The American Civil Liberties Union (ACLU)** is a nationwide, nonprofit, nonpartisan organization with more than 4 million members, activists, and supporters, dedicated to defending the principles of liberty and equality embodied in the U.S. Constitution and our nation's civil rights laws, and ensuring the United States upholds its international human rights commitments. The ACLU has offices in all 50 states, Puerto Rico, and Washington, D.C.

**The Center for Constitutional Rights (CCR)** is a U.S.-based not-for-profit legal, educational, and advocacy organization dedicated to advancing and protecting the rights guaranteed by the United States Constitution and international law. Founded in

1966 to represent civil rights activists in the South, CCR has a long history of representing and advocating for those with the fewest protections and least access to legal and other advocacy resources, including individuals currently incarcerated within the U.S. prison system.

**Promise of Justice Initiative (PJI)** is a New Orleans-based decarceration organization that stands at the forefront of the fight for the dignity, freedom, and autonomy of those targeted and touched by the criminal legal system and mass incarceration. PJI serves incarcerated individuals and families in Louisiana through litigation, advocacy, and support services, representing more than 7,000 clients and working in 57 of Louisiana's 64 parishes. Our work also supports crime survivors, victims' families, and communities outside of prisons that suffer from the widespread impacts of mass incarceration.

**The Southern Poverty Law Center** was founded in 1971 with the goal of making the promise of the U.S. Civil Rights Movement a reality for everyone. Through litigation, policy advocacy, education, and community organizing, SPLC works to combat racial inequity across the Deep South and beyond, with a focus on eliminating poverty, protecting voting rights, fighting hate and extremism, and ending unjust punishment.

## I. Forced Prison Labor in the United States

“[Incarcerated persons, like myself,] are forced to maintain our suffering by laboring to keep failed or broken structures, systems, or equipment functioning.”

– Reginald Burrell, incarcerated in Alabama Department of Corrections and plaintiff in *Stanley v. Ivey*.

*“It is common knowledge that Angola used to be a slave plantation. Enslaved people were beat, hung, traded, and forcibly separated from their families. My ancestors went through that. . . . When I’m forced to dig through the dirt at Angola with my hands, my back seizing and drenched with sweat, overseen by a guard with a gun, I think of my enslaved ancestors. Generations later, not much has changed.”*

- Chadarius Morehead, incarcerated in the Louisiana Department of Public Safety and Corrections (LDOC), plaintiff in *Vote v. LeBlanc*

*“Working on the Farm Line is dehumanizing and makes me feel like I am less than a man. . . . It becomes deeply ingrained in my mind and makes me feel helpless and vulnerable.”*

- Ray Farria, incarcerated in the LDOC, plaintiff in *Vote v. LeBlanc*

### A. Introduction and historical context

1. More than two-thirds of the more than 1.2 million people incarcerated in state and federal prisons in the U.S. are workers,<sup>1</sup> and most of them are forced to work under threat of additional punishments that can include loss of privileges such as family visits, denial of opportunities to reduce their time in prison, and solitary confinement. State and federal laws deny the legal protections afforded to non-incarcerated workers, including workplace health and safety requirements, minimum wage requirements, protections against discrimination, and the choice to participate in work and the kinds of work in which they will engage.

2. Mass incarceration in the U.S. is the current manifestation of the history of slavery, racial control, and exploitation that has plagued the nation since its founding. State and federal prison systems in the U.S. perpetuate the legacy of chattel slavery and its aftermath through the widespread use of forced labor. Throughout history, the U.S. has employed slavery, Jim Crow laws, the Black Codes, and legal segregation to subjugate and oppress people of African descent. The Thirteenth Amendment, as well the constitutions of 15 states, contain an exception permitting slavery or involuntary

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<sup>1</sup> ACLU & Univ. of Chicago Global Human Rights Clinic, Captive Labor: Exploitation of Incarcerated Workers, 2022.

servitude for those “duly convicted” of a crime.<sup>2</sup> This “exception clause” has effectively allowed the enslavement of Black people during the Jim Crow era for decades, and laid the foundation for the disproportionate criminalization of Black, brown, and poor people with the dual purpose of generating revenue and maintaining domination and control in a racialized caste system.

3. Following the abolition of the Black Codes and Jim Crow laws, governments continued to find new ways to criminalize Black and Brown people. Policies created as part of the “war on drugs,” like mandatory minimum sentences and policing tactics such as “stop and frisk,” were designed to subjugate Black people to the criminal legal system. As a result, these laws and policies – and all of their repercussions, including forced labor – are applied in a racially disproportionate way.

4. Louisiana, which incarcerates a larger percentage of its population than any other U.S. state, is illustrative of prison labor conditions and the racially disproportionate harm to those forced to endure them. It is home to the Louisiana State Penitentiary—an 18,000-acre prison on the site of a former plantation, also commonly known as “Angola” because the enslaved people detained on the plantation came from the African country, Angola. The Louisiana Department of Public Safety and Corrections (LDOC) assigns every person incarcerated at Angola to field labor upon arrival at the prison, for which they are paid only two cents per hour after they’ve been incarcerated for three years. Of the entire incarcerated population at Angola, 74% are Black.<sup>3</sup>

5. Alabama likewise imprisons Black people at a disproportionately high rate: Black individuals constitute 53.7 percent of Alabama’s state prison population, while making up only 26.8 percent of the state population. ADOC greatly benefits from forced labor, which it coerces from incarcerated workers by punishing, or threatening to punish, them for not working or refusing to work. Notably, in recent years, ADOC has employed less than 40 percent of the total correctional staff required to operate its prisons at the current population level. Thus, ADOC simply could not maintain its facilities if it did not force incarcerated people to perform essential tasks, such as preparing and serving food, laundry, cleaning, painting, plumbing, heating and ventilation and air conditioning repair, courier-like work throughout prisons, and the core job functions of correctional officers. Forced prison labor in Alabama prisons is therefore motivated, in large part, by the State’s desire to reproduce chattel slavery for the purpose of keeping its prisons running. Incarcerated persons in Alabama work for meager, or sometimes

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<sup>2</sup> These states are Arkansas, California, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, North Dakota, Ohio, and Wisconsin.

<sup>3</sup> ACLU & Univ. of Chicagi, Captive Labor, *supra* n.1, at 34.

no, wages, and often without proper safety training or protective gear, to clean prison grounds, haul trash, or cook in prison kitchens. They are also farmed out to private companies, receiving only 60% of their take-home pay after the state deducts its profit. At all levels, incarcerated persons in ADOC’s prisons are denied universal human rights standards of working conditions.

6. This submission summarizes and provides citations to additional resources detailing violations of international human rights standards associated with U.S. prison labor practices. The SPLC and the ACLU provided more detailed discussions of these violations in their separate written testimonies to a subcommittee of the U.S. Senate Judiciary Committee examining forced labor practices.<sup>4</sup> CCR and PJI recently submitted a Special Communication detailing these violations in Alabama and Louisiana to the UN Special Rapporteur on contemporary forms of slavery; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the International Independent Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement; and the High Commissioner for Human Rights, for urgent action regarding these practices, providing detailed evidence illustrating how forced labor is imposed upon persons incarcerated in the former slave-holding states of Alabama and Louisiana.<sup>5</sup> The ACLU likewise filed a written submission to the UN Special Rapporteur on contemporary forms of slavery.<sup>6</sup> And ALC has challenged repressive carceral practices since its founding, including practices of state violence tracing back to antebellum slave regimes that controlled the labor of Black people through violence and restrictions on physical movement. In recent years, ALC has advocated against a pillar of this carceral system at the United Nations by testifying before the UN Human Rights Committee by calling for the abolition of death by incarceration sentences – a critical driver of mass incarceration in U.S. prisons.<sup>7</sup>

#### B. Severe measures imposed to coerce labor or punish non-compliance

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<sup>4</sup> SPLC, *Written Testimony Submitted to the US Senate Committee on the Judiciary, Subcommittee on Criminal Justice and Counterterrorism in connection with its hearing entitled “An Examination of Prison Labor in America,”* 30 May 2024; ACLU, Written Testimony for a Hearing on “An Examination of Prison Labor in America,” Before the United States Senate Committee on the Judiciary Subcommittee on Criminal Justice and Counterterrorism, May 21, 2024; ACLU, Oral Testimony of Jennifer Turner, ACLU Human Rights Researcher, Before the Subcommittee on Criminal Justice and Counterterrorism, May 21, 2024.

<sup>5</sup> The Center for Constitutional Rights and The Promise of Justice Initiative, *Submission of Evidence Pertaining to Practices of Slavery, Involuntary Servitude, and Other Forms of Forced Labor of Incarcerated Persons in the Southern Region of the United States,* 30 September 2024.

<sup>6</sup> ACLU, Submission to the UN Special Rapporteur on Contemporary Forms of Slavery, April 11, 2024 and ACLU, Oral Statement to the 57th Session of the UN Human Rights Council, September 12, 2024.

<sup>7</sup> ALC, Oral Testimony to UN Human Rights Committee, Oct. 17, 2023.

1. Incarcerated people are forced to work under the threat of severe sanctions for refusal to work or for not performing work in the manner demanded by prison authorities. These sanctions include such punishments as denial of phone calls and visits with loved ones, loss of prison store privileges, and even loss of time earned for good behavior, effectively lengthening the individual's time in prison.<sup>8</sup>

2. Incarcerated people are also often penalized for failing to work or for inadequate work by being placed in indefinite or long-term solitary confinement. Some incarcerated people punished for refusal to engage in degrading labor have reported being held in solitary confinement for more than a year, far longer than the maximum of 15 days prescribed by the Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules),<sup>9</sup> and contrary to the Articles 7 and 10 of the ICCPR. Black people are eight times more likely to be placed in solitary confinement and ten times more likely to be held there for excessively long periods of time, some for years at a time.<sup>10</sup> The racially discriminatory imposition of solitary confinement violates Articles 7, 10 and 26 of the ICCPR and Article 2 of the UN Convention Against Torture.<sup>11</sup>

3. Men incarcerated at the Louisiana State Penitentiary ("Angola") face solitary confinement if they refuse to work in the fields of the prison. The morning after the State of Louisiana carried out the first execution in over 15 years at Angola in March 2025,<sup>12</sup> prison officials conducted the early morning work call for incarcerated men at Angola and forced them to go work in the field. Prison officials completely disregarded the horrific impact that executions have on incarcerated people at the prison where the State carries out the act, imposing severe discipline for their refusal to work.

4. Damaris Jackson has been incarcerated at Angola since 2002, and prison officials have forced him to work in the fields of the prison for decades. Mr. Jackson, a plaintiff in the class action lawsuit *Vote v. LeBlanc*, 3:23-cv-01304 (M.D. La), describes the experience of refusing to work in the Angola fields. In a declaration to the court, he writes "[p]rison officials have punished me for refusing to work on the Farm Line. I've been locked in administrative segregation (the "dungeon"). . . . There, the State has taken my visitation and phone calls, my access to canteen, and my personal property. Despite these extraordinary cruelties, I would rather be in the dungeon than a

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<sup>8</sup> *Id.* at 5-6.

<sup>9</sup> Mandela Rules 43 & 44.

<sup>10</sup> Hannah Pullen-Blasnik, et al., *The population prevalence of solitary confinement*, Science Advances, Vo. 7, No. 48, 26 November 2021, at 5.

<sup>11</sup> United Nations, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, Treaty Series, Vol. 1465, December 1984, at 85.

<sup>12</sup> Sarah Cline, "Louisiana puts man to death in state's first nitrogen death in 15 years," *AP News* (Mar. 19, 2025), <https://apnews.com/article/execution-louisiana-nitrogen-eb5e7e61ff0875dc7b68664b42b6e980>.

plantation field, scared to turn my back to a gun guard.” Patrick Jones, a putative class member in *Vote v. LeBlanc*, similarly declared: “The Farm Line, combined with the threat of solitary confinement, makes you feel like death is much better than this.”

C. Racial disparities in the imposition of forced labor in prisons

1. All prison practices in the U.S., including forced labor, fall most heavily on people of color – especially people of African descent – because the system of mass incarceration disproportionately incarcerates them. Black people in the U.S. are five times more likely than whites to be incarcerated.<sup>13</sup> As of 2023, Black people made up just 14% of the U.S. population, but 41% of those held in correctional facilities.<sup>14</sup>

2. In addition, work is assigned to incarcerated people in a racially discriminatory way. Mandela Rules 98 and 99 provide that work assigned to incarcerated persons should help to prepare them for life and employment after release from prison. Yet incarcerated workers in the United States are not usually allowed to choose the type of work they perform, and work assignments are often made in a discriminatory manner. A 2016 study found Black men were much more likely than white men to be assigned to maintenance and facility service work, which are usually paid either the lowest wages or not paid at all, including agricultural field labor and low-level maintenance work.<sup>15</sup> Conversely, Black men were less likely to be assigned to prison industry jobs that earn higher wages and offer more valuable skills and experience.<sup>16</sup> Race was also a significant factor in job assignments for incarcerated women.<sup>17</sup>

3. Prison systems in the South, many of which are located on former slave plantations or named after former Confederates and enslavers, have been particularly prone to perpetuating elements of slavery-era conditions. The prohibition of cruel, inhuman or degrading treatment in Article 7 of the ICCPR extends “not only to physical pain but also to acts that inflict mental suffering.”<sup>18</sup> Forcing incarcerated Black people to reenact slave labor conditions in plantation settings, standing alone, constitutes inhumane treatment and also violates their dignity as human beings.<sup>19</sup> And using forced prison labor to punish incarcerated Black people is in direct violation of Nelson

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<sup>13</sup> *One in Five: Racial Disparity in Imprisonment – Causes and Remedies*, The Sentencing Project, December 2023, at 3.

<sup>14</sup> Wendy Sawyer and Peter Wagner, *Mass Incarceration: The Whole Pie 2025*, Prison Policy Initiative, 11 March 2025.

<sup>15</sup> *Captive Labor*, *supra* n.1, at 52.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> UN Human Rights Committee, General Comment No. 20, CCPR/C/GC/20, March 10, 1992, at para. 5.

<sup>19</sup> Article 10, ICCPR.

Mandela Rule 97, which not only prohibits slavery or servitude, but requires that prison labor not be “of an afflictive nature.”<sup>20</sup>

D. Absence of basic legal protections

1. Wages: Minimum wage and overtime pay laws that protect most U.S. workers do not apply to incarcerated people.<sup>21</sup> The U.S. Supreme Court has also held that incarcerated workers have no right to form unions to help them negotiate for better pay or conditions, with the Court reasoning that permitting union activities could “stir up trouble among incarcerated individuals.”<sup>22</sup> In many U.S. prison systems today, incarcerated people are forced or coerced to work jobs for which they are paid negligible wages – and some states pay nothing at all.<sup>23</sup> For example, in Texas only about 80 workers statewide are paid a wage, while the rest of the state’s more than 121,000 incarcerated workers labor without pay.<sup>24</sup> The states of Alabama, Arkansas, Florida, Georgia, Mississippi, and South Carolina also pay nothing to incarcerated workers for the vast majority of the jobs they do.<sup>25</sup>

2. Incarcerated workers who are paid typically receive only cents per hour. People incarcerated in prisons operated by the U.S. federal government are required to perform physical labor, unless medically unable, and are paid between 12 cents and 40 cents per hour.<sup>26</sup> The average hourly wage paid to incarcerated workers in state and federal prisons nationwide is between 13 and 52 cents per hour for non-industry jobs.<sup>27</sup> The overwhelming majority of workers have jobs that support the operation of the prison facilities and are compensated at the lower end of prison pay scales. Incarcerated people are often required to work overtime or to be on call for emergency situations at all times without any additional compensation.<sup>28</sup>

3. Health and safety protections: Mandela Rule 101 provides that “the precautions laid down to protect the safety and health of free workers shall be equally observed in prisons,” and that “provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workers.” But federal worker safety protections do not apply to

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<sup>20</sup> Nelson Mandela Rule 97(1) - 97(2).

<sup>21</sup> *Captive Labor*, *supra* n1., at 58.

<sup>22</sup> *Jones v. North Carolina Prisoners Union*, 433 U.S. 119, \_\_\_ (1977).

<sup>23</sup> *How much do incarcerated people earn in each state?*, Prison Policy Initiative, 10 April 2017.

<sup>24</sup> *Captive Labor*, *supra* n1, at 36, 55.

<sup>25</sup> *Id.* at 55.

<sup>26</sup> *Work Programs*, US Bureau of Prisons.

<sup>27</sup> *Captive Labor*, *supra* n.1, at 55.

<sup>28</sup> *Id.* at 56.



the vast majority of incarcerated workers,<sup>29</sup> and many states, such as Texas, expressly exclude incarcerated workers from receiving compensation for work-related injuries.<sup>30</sup>

4. Furthermore, Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) codifies all individuals' right to "the enjoyment of just and favourable conditions of work," ensuring safe and healthy working conditions, as well as rest and reasonable limitations of working hours.<sup>31</sup> However, much of the work required of incarcerated people is quite dangerous.<sup>32</sup> For example, at least 14 states employ incarcerated workers as firefighters to battle wildfires. Nearly one-third of counties in the state of Georgia use unpaid incarcerated workers as firefighters and emergency medical responders.<sup>33</sup> Incarcerated people often work in dangerous industrial hazardous settings or unsafe conditions that would be closely regulated and monitored if they were not incarcerated and without standard training or protective gear provided in workplaces outside prisons.<sup>34</sup>

5. The ACLU found numerous instances in which incarcerated workers were maimed, seriously injured, or killed on the job. An SPLC investigation found that incarcerated people in at least eight states are sent to work at poultry plants in hazardous conditions.<sup>35</sup> In Georgia and North Carolina, at least 24 workers were injured in poultry plant accidents between 2015 and 2018.

6. One such worker in Alabama was killed while operating a machine that caught his arm and pulled him inside. Workers at the plant apparently did not know how to turn the machine off.<sup>36</sup> And Reginald Burrell, an incarcerated person in Alabama and plaintiff in *Stanley v. Ivey*, worked in a furniture assembly plant during his incarceration. When he raised concerns about his safety on the job with prison officials and his employer after a large piece of furniture fell on him, he was fired from his job and formally disciplined for "refusing to work" by prison officials. The formal discipline resulted in Mr. Burrell being denied access to phone calls and visitation for 20 days and

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<sup>29</sup> *Id.* at 61.

<sup>30</sup> *Regulating Prison Labor*, The Regulatory Review, 20 October 2021.

<sup>31</sup> U.N., Intern'l Cov. on Econ., Soc., & Cultural Rights, A/RES/2200A(XXI) (1966). Despite the United States having yet to ratify the Covenant, it still has an obligation to "refrain from acts which would defeat the object and purpose" of the ICESCR, which unequivocally centers every individual's right to work, including its associated rights related to protections against forced labor. *Id.* (citation omitted).

<sup>32</sup> *Involuntary Servitude*, *supra* n.5.

<sup>33</sup> *Captive Labor*, *supra* n.1, at 41.

<sup>34</sup> *Id.* at 62-63.

<sup>35</sup> Southern Poverty Law Center, *The Kill Line*, 26 July 2018.

<sup>36</sup> *Id.*

being forced to work inside the prison without pay for 30 days.

7. Incarcerated workers endure brutal temperatures with inadequate water or breaks, while working outdoors and inside facilities without air conditioning. Farm laborers are often required to work in extreme heat without adequate access to water. In Louisiana, one former prison worker recalled that if a worker collapsed from the heat and was deemed to be “faking,” he might be sent to solitary confinement or simply left unconscious in the field.<sup>37</sup> Over the last two decades, Damaris Jackson has worked in the fields of Angola. He declared to the court, “[i]t is degrading and grueling. We can't drink water without permission. We can't sit without permission. There are shakedowns and strip searches. The State owns us, and we all know it. When a gun guard raises his weapon in the field, everyone ducks for cover. You don't know where he's aiming or where the bullet will land. Once, an officer told me, "I'll make you cry for your mama. You'll die here." I believed him. The Farm Line is that abusive. Because of this, I am constantly paranoid, anxious, and deeply fearful for my safety.”

#### E. Exploitation of prison labor for profit

1. For many years after Emancipation, southern states forced incarcerated people to labor for private companies in deadly arrangements known as convict leasing. Rather than being paid as wages, the funds earned went both into state coffers and into the pockets of unscrupulous officials. Incarcerated people were also ordered to perform manual labor for the state itself, shackled together in “chain gangs” and housed and transported together “in wheeled cages.”<sup>38</sup> Many were (and still are) forced to work in plantation-like conditions, such as cotton farms, and were subjected to harsh punishments for failing to work quickly or productively enough, harkening back to the abuses of slavery-era plantation bosses. Because of the deplorable working conditions and high rates of death, these new systems of forced labor have been described as “worse than slavery.”<sup>39</sup>

2. Rule 99 of the Mandela Rules specifies that the interests of incarcerated people, including their interest in rehabilitative vocational training, “must not be subordinated to the purpose of making a profit” from their labor. But while the practice of convict leasing eventually ended, it has been replaced by other forced labor practices in prisons and other places of detention that financially benefit governments and industry.

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<sup>37</sup> *Id.* at 64.

<sup>38</sup> Lynn M. Burley, *History Repeats Itself in the Resurrection of Prisoner Chain Gangs*, 15 *Law & Ineq.* 127, 130 (1997).

<sup>39</sup> Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, Anchor Books (2008).

Nationally, the value of maintenance services performed by incarcerated people is conservatively estimated to be at least \$9 billion annually.<sup>40</sup> Incarcerated workers employed by state-run prison industries, which sell goods and services to other state agencies, produce more than \$2 billion in goods and services each year.<sup>41</sup> Every state except Alaska operates a correctional system industry, and the U.S. federal government does the same.<sup>42</sup> These workers produce everything from office supplies and furniture to agricultural products and license plates.<sup>43</sup>

3. State-owned prison industries also sell goods and services to private, for-profit companies at far lower costs than they would pay on the open market. For example, prison industries in Colorado and South Carolina sold more than \$10.5 million of milk between 2017 and 2020 to the conglomerate that markets 30% of milk produced in the U.S.<sup>44</sup> Incarcerated people also work in service jobs, such as call center operators, for private sector industries.

4. Incarcerated people’s labor is also widely used by for-profit entities at little or no financial benefit to the incarcerated workers, hearkening back to the Reconstruction-era practice of “convict leasing” by providing labor to for-profit industries at extremely low rates.<sup>45</sup> A class action lawsuit against Alabama officials and for-profit entities such as meat processors, automotive parts manufacturers, and fast food chains, detailed how more than 1,300 people assigned to “work release” programs are charged 40% of their gross pay for the costs of their incarceration, leaving them with very little income for their low-cost labor.<sup>46</sup>

4. Despite being paid little to nothing for their labor, incarcerated people are subjected to significant price gouging for necessary goods and services such as commissary items,<sup>47</sup> medical care charges,<sup>48</sup> and exorbitant telephone fees<sup>49</sup> (although a

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<sup>40</sup> *Id.* at 6.

<sup>41</sup> *Id.*

<sup>42</sup> *Captive Labor*, *supra* n.1, at 29.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 41-42.

<sup>45</sup> *Involuntary Servitude: How Prison Labor is Modern Day Slavery*, Harvard Political Review, February 3, 2022.

<sup>46</sup> Compl., *Robert Earl Council v. Kay Ivey*, U.S. District Court for the M.D. of Ala., para. 15.

<sup>47</sup> Prison Policy Initiative, *Following the Money of Mass Incarceration*, 25 January 2017.

<sup>48</sup> *Should Prisoners Have to Pay for Medical Care During a Pandemic?*, The Marshall Project, 20 November 2020; *The \$580 co-pay*, The Marshall Project, 30 May 2018.

<sup>49</sup> Katrina vanden Heuvel, *The staggeringly high price of a prison phone call*, *Washington Post*, 30 November 2021.

2023 law was expected to bring telephone costs down),<sup>50</sup> recalling the economic exploitation of sharecroppers in the years following the abolition of chattel slavery. In Alabama, for example, incarcerated people must pay such expenses as \$15 a month for laundry, \$4-8 for medical co-pays, and \$5 per day for transportation to work release jobs.<sup>51</sup> These charges and the lack of compensation for work cause many who are released from prison to be saddled with overwhelming debt for decades – despite having been required to work throughout incarceration.

5. The practice of “work release,” in which incarcerated people are transported to jobs outside the prison but required to return to prison during not-working hours, provides a modified form of convict leasing to private employers. The people subjected to this practice have been deemed safe to work in jobs in which they often interact with the public, but instead of being paroled, they remain in custody and are required to turn most of their wages over to the state for room and board, transportation expenses, and the payment of fines and fees.<sup>52</sup>

## II. Experiences of Directly Impacted People.

1. Chaddarius Morehead is a 30-year old Black man that is incarcerated at Angola. Having been incarcerated under three years, Mr. Morehead is paid nothing to work in the fields at Angola. In a declaration to the court, Mr. Morehead shares the following:

I have recurring nightmares about working in the fields. In one, I am standing in the prison field at night. I am ordered to bend down and pick a vegetable, and I refuse. A uniformed gun guard walks over and shoots me, point black, in the upper body. I've worked in a cold sweat, shaking, my heart pounding, and gasping for air. I never had nightmares like this before I arrived at Angola in 2023. Now, I have these nightmares several times a week. I am constantly anxious and paranoid. I feel being targeted in the field by a gun guard. When I'm picking crops by hand like my enslaved ancestors under threat of an armed overseer, I feel angry, irritable, and sad. Because of my recurring nightmares, I struggle to sleep at night. The message was clear: my body is not valued by the prison unless I am on my hands and knees in a [sic] okra bush.

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<sup>50</sup> Prison Policy Initiative, *Since You Asked: What's next for prison and jail phone justice now that the Martha Wright-Reed Just and Reasonable Communications Act is law?*, 19 January 2023.

<sup>51</sup> *Council v. Ivey, supra*, at para. 16.

<sup>52</sup> *E.g.*, Robin McDowell and Margie Mason, *Alabama profits off prisoners who work at McDonald's but deems them too dangerous for parole*, Associated Press, 20 December 2024.

2. Melvin Pringle is a 50-year old Black man who is incarcerated by ADOC. In October 2023, when was incarcerated at Elba Community Work Center, ADOC had determined that Mr. Pringle did not pose a public safety threat and could travel to work for a private employer outside of its direct supervision, and assigned him to work for Dorsey Trailers. He complained to his manager several times about bonuses he believed he was entitled to, and the manager fired him. As a result, ADOC issued Mr. Pringle a disciplinary for “being fired from a job” and punished him with 30 days of extra work duty and loss of visitation, telephone, and commissary access.
3. Before the UN Committee on the Elimination of Racial Discrimination during its 2022 review of the US,<sup>53</sup> and before the U.S. Senate Judiciary Committee in 2024, Terrance Winn, who was incarcerated at Angola for 30 years, testified about his experience with forced labor, including being punished for refusing to work picking cotton by being placed in long-term solitary confinement.<sup>54</sup>

### **III. Prior UPR Recommendations**

- A. In the 3<sup>rd</sup> Cycle-36<sup>th</sup> Session UPR, the U.S. received the following recommendations:<sup>55</sup>
  1. Further strengthen its efforts to effectively combat incidents of racial discrimination, including through the implementation of recent measures such as the “Safe policing for safe communities” Executive Order, prohibitions on racial profiling and monitoring of prisons. (Sri Lanka, 26.235); and
  2. Take effective measures to prevent trafficking in persons and to address the issues of overcrowding in prisons, police violence and the increase in manifestations of racism, extremism and xenophobia.” (Russian Federation, 26.257).

### **IV. U.S. Government Response**

- A. The U.S. supported recommendation 26.235.

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<sup>53</sup> [Testimony of Terrance Winn](#) before the UN Committee on the Elimination of Racial Discrimination [VIDEO], August 2022

<sup>54</sup> [Testimony of Terrance Winn](#) before the US Senate Judiciary, Subcommittee on Criminal Justice and Counterterrorism, 21 May 2024.

<sup>55</sup> UPR of United States of America (3rd Cycle - 36th Session), Thematic list of recommendations.

B. The U.S. noted recommendation 26.257.

## V. Other UN and Regional Human Rights Bodies Recommendations

- A. Following its review of the U.S. in 2022, the CERD expressed concern that “the overrepresentation of racial and ethnic minorities in prison results in high proportions of convicted inmates from these minorities to be subjected to prison labour without just and favourable remuneration and other basic labour protections.”<sup>56</sup> The CERD recommended that the U.S. “pursu[e] a comprehensive review of domestic laws, policies and practices regarding prison labour, with a view to bringing them into full compliance with the Convention and other international obligations and standards, including the Standard Minimum Rules for the Treatment of Prisoners” (Mandela Rules).<sup>57</sup>
- B. Similarly, in its 2023 Concluding Observations on the fifth periodic report of the U.S., the Human Rights Committee expressed concern that “persons belonging to racial and ethnic minorities, in particular people of African descent, Indigenous Peoples and persons of Hispanic/Latino origin, are overrepresented in the criminal justice system, are disproportionately placed and held in pre-trial detention and affected by parole and probation sentences, and are more often subject to prison labour and harsher sentences.”<sup>58</sup>
- C. Following its official U.S. country visit in 2023, the International Independent Expert Mechanism to Advance Racial Justice and Equity in the Context of Law Enforcement (EMLER) made extensive findings about the “shocking” forced prison labor conditions in the US.<sup>59</sup> “Astonished by evidence stating that this access to free or almost free Black workforce, through free or poorly paid prison forced labour, exists to this day in the United States, constituting a contemporary form of slavery,” the EMLER called on the U.S. to eliminate these practices in accordance with international human rights standards, such as the Mandela Rules.<sup>60</sup>

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<sup>56</sup> UN Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined tenth to twelfth reports of the United States of America, CERD/C/USA/CO/10-12, 30 August 2022, at para. 26.

<sup>57</sup> *Id.* at para. 28(c); United Nations General Assembly, A/Res/70/175 (January 8, 2016).

<sup>58</sup> UN Human Rights Committee, Concluding Observations on the fifth periodic report of the United States of America, CCPR/C/USA/CO/5, 3 November 2023, at para. 14.

<sup>59</sup> UN Human Rights Council, International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement: Visit to the United States of America, A/HRC/54/CRP.7, September 26, 2023, at Section V.J.

<sup>60</sup> *Id.*, paras 111, 114.

- D. In July 2024, the Special Rapporteur on contemporary forms of slavery published a thematic report to the Human Rights Council, Contemporary Forms of Slavery as Affecting Currently and Formerly Incarcerated People, included extensive findings about prison labor programs in the U.S. that make use of compulsory labor and “may amount to contemporary forms of slavery and to other human rights violations or abuses.”<sup>61</sup>

## VI. Suggested Questions

- A. What is the United States government doing to stop or to otherwise address the widespread, persistent use of forced labor in U.S. prisons that is extracted through compulsory labor programs and coercive punishments?
- B. Why does the United States government exclude incarcerated workers from occupational health and safety laws, failing to set minimum standards and safeguards to protect incarcerated workers from injuries and death?
- C. Why does the United States government permit discriminatory practices of forced labor that disproportionately affect Black and brown incarcerated persons?

## VII. Suggested Recommendations

- A. While we recognize that incarceration will never provide truly safe conditions because prisons are inherent sites of violence and are not designed with the well-being of incarcerated people in mind, incarcerated workers in U.S. prisons, including in Alabama and Louisiana and other states, deserve workers’ protections and freedom from being forced into labor. Therefore, PJI, SPLC, ACLU, CCR, and ALC make the below recommendations.
- B. End slavery, involuntary servitude, and all other forms of forced or coerced labor in U.S. prisons, jails and other places of detention, including immigration detention facilities:
  - i. Ensure that all work in prisons is fully voluntary by eliminating any laws and policies that require forced labor or impose adverse consequences on incarcerated workers who are unable or unwilling to work.

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<sup>61</sup> UN Special Rapporteur on Contemporary Forms of Slavery, Report to the 57th Session of the Human Rights Council, Contemporary Forms of Slavery as Affecting Currently and Formerly Incarcerated People, A/HRC/57/46, July 19, 2024.

- ii. Prohibit the imposition of solitary confinement and other adverse punitive and disciplinary actions for refusing to work or inability to work.
  - iii. Repeal federal and state constitutional exception clauses allowing slavery and involuntary servitude to be used as punishment for a criminal conviction.
- C. Adopt federal and state legislation ensuring incarcerated workers' rights to fair wages, occupational health and safety protections, and non-discrimination in all aspects of work:
- i. Amend federal and state laws to ensure that incarcerated workers receive the standard labor protections available to other workers in the U.S. with regard to minimum wages, overtime pay, health and safety standards, unionization and collective bargaining, and protection from discrimination and retaliation, among other protections.
  - ii. Ensure incarcerated workers are paid prevailing wages no less than the minimum wage of the state where they work and eliminate or limit wage deductions.
  - iii. Amend occupational health and safety and workers' compensation laws to extend their coverage to all incarcerated workers.
  - iv. Ensure federal and state occupational health and safety administrations monitor conditions in all workplaces inside prisons and provide adequate personal protective and safety equipment to incarcerated workers.
- D. Ratify the International Labour Organization (ILO) Forced Labour Convention (No. 29). Enact reforms to bring the U.S. in compliance with the ILO Abolition of Forced Labour Convention (No. 105) ratified by the U.S. in 1991, including the obligations to immediately and completely abolish any form of forced or compulsory labor used as a means of racial discrimination or for the purposes of economic development.