



**BROKEN  
CHALK**

Submission to the United Nations OFFICE OF THE HIGH  
COMMISSIONER FOR HUMAN RIGHTS

CALL FOR INPUT | SPECIAL PROCEDURES

ISSUED BY Special Rapporteur on Contemporary Forms of Slavery

Call for Input on Contemporary Forms of Slavery as Affecting Currently  
and Formerly Incarcerated People

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**Submitting Organization: BROKEN CHALK**

April 2024

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**Broken Chalk** is an Amsterdam-based non-governmental organisation (NGO) committed to addressing human rights violations in the education sector. It was established in October 2020. A multinational team of dedicated human rights advocates collaborates extensively on researching violations in every corner of the world.

The organisation's primary activities include removing obstacles to education, promoting peace and tranquillity in society through intercultural tolerance, preventing radicalism and polarisation, and eliminating educational opportunity gaps across different demographics.

Broken Chalk works hard in advocacy and lobbying on behalf of these educational victims, engaging with international organisations to prompt action. Additionally, the volunteers and interns working remotely worldwide at Broken Chalk prepare comprehensive reports for international organisations, stakeholders, and governments, highlighting human rights violations in education. These reports aim to draw attention to the often-overlooked aspects of human rights violations, providing stakeholders with a complete understanding and calling for the international community to act in cases where conflict halts access to education and endangers civilians' lives. This approach ensures that awareness is raised and necessary actions are taken to address these violations. Broken Chalk is genuinely international, achieving a local and global perspective in its work.

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## ***EXPLOITATION OF CURRENTLY INCARCERATED PEOPLE***

### **1. Details of the labour programme(s) implemented in the US country for incarcerated individuals**

In the complex landscape of United States prison labour, there exist six primary categories of prison labour, namely maintenance work within carceral facilities, state prison industries, public works assignments benefiting governmental and non-profit entities, employment with private industries, work-release programs and restitution centres, and agricultural work.

**Maintenance work** primarily consists of tasks to maintain the prisons themselves, such as janitorial duties, food preparation, grounds maintenance, repair work, laundry, and providing essential services like working in prison hospitals, stockrooms, stores, barber shops, and libraries. **State prison industries** involve employing incarcerated individuals in state-owned corporations to produce goods and services sold to government agencies. This includes manufacturing goods like furniture and cleaning supplies, as well as providing services like data entry and vehicle repair for state agencies. In **public works assignments** (also known as 'community work crews'), incarcerated people are contracted out to state, municipal, and local government agencies and sometimes to non-profit organisations for various public works projects including maintaining cemeteries, school grounds, public parks, road work, building construction, sewage treatment, and environmental cleanup. Some prisoners also work for **private companies** either directly or through contracts with the prison as part of programs such as the Prison Industry Enhancement Certification Program (PIECP). Work conducted as a condition of sentencing or as part of "**work-release**" **programs or restitution centres** constitutes a minor yet significant aspect of prison labour. Restitution centres typically arise as alternatives to incarceration during sentencing or following supervision revocation, while work-release programs tend to occur near the end of an individual's sentence, serving as a transitional measure. Notably, Mississippi stands out as the sole state employing restitution centres to indefinitely confined individuals until they repay court-ordered debts, with workers engaging in various industries while covering expenses like room and board, transportation, and medical care costs. Lastly, some incarcerated people work in various forms of agriculture including farming and ranching, both for internal prison use and for sale. This includes cultivation and harvesting of crops within prisons, as well as agricultural work on penal plantations or prison farms, some of which are located on former slave plantations.

### **2. Evidence of labour practices which may amount to exploitation**

#### Discriminatory labour assignments:

According to a report by the American Civil Liberties Union (ACLU) on exploitative carceral labour, race is a large determinant in work assignments. The report reveals that Black men are predominantly assigned to lower-paying or unpaid work such as agricultural, maintenance, or other facilities services jobs, while a higher proportion of white men are assigned to higher-paying jobs such as public works positions.

### Inadequate wages & extortion

Incarcerated labourers are paid inadequate wages, often receiving minimal to no compensation; this condition has continued for decades without noticeable improvement. Moreover, prisons, along with the federal government, routinely deduct substantial portions—sometimes up to 80%—of these meagre wages to cover court-imposed fines, taxes, family support, restitution, and room and board expenses, exacerbating the financial burdens faced by those behind bars. According to the ACLU report, states also use the profits garnered from wage deductions “to sustain and expand incarceration” for such things as the construction and renovation of carceral facilities and the establishment and expansion of prison labour programs. Prisons frequently exploit and extort inmates by charging them exorbitant prices for essential items such as phone calls to families and toiletries. Consequently, the families of incarcerated individuals experience significant financial strain to meet these basic needs under price gouging. This also contributes to increased community-level financial insecurity and incarceration in areas with higher rates of incarcerated community members, perpetuating a vicious cycle of exploitation and insecurity.

### Lack of basic workplace protections

Incarcerated individuals are often subjected to arbitrary punishment and discrimination within the prison system, facing dangerous conditions without adequate training or protective equipment. Moreover, they are largely deprived of the protections afforded by federal statutes such as the Fair Labour Standards Act, Title VII of the Civil Rights Act of 1964, and the National Labour Relations Act, which guarantee minimum wage, overtime pay, protection from discrimination, and the right to collectively bargain for improved work conditions. Furthermore, incarcerated workers are systematically excluded from the social security safety net available to other workers, as their labour is not covered under employment regulations eligible for Social Security, Medicare, disability insurance, and unemployment benefits and they are denied refundable income tax credits. This exclusion prevents incarcerated workers from accumulating future benefits, making future financial security difficult for most and unattainable for many.

Incarcerated labourers are not protected by the Occupational Safety and Health Act (OSHA), a federal statute that sets minimum standards and safeguards for health and safety in the workplace. As a result of the lack of workplace protections, incarcerated workers face many dangers in the workplace. Despite lacking jurisdiction to protect these workers, the Occupational Safety and Health Administration has conducted limited investigations which have uncovered severe health and safety concerns and a complete failure to ensure protections in the workplace.

Firstly, many lack proper safety training, leaving them vulnerable to preventable injuries and even fatalities while on the job. A staggering 70% of those surveyed by the ACLU reported receiving no formal job training. Additionally, they often find themselves working in unsafe environments, such as meat and poultry processing plants, garment factories operating sewing and cutting machinery, and industrial-scale prison kitchens and laundries where they're exposed to hazardous chemicals and industrial machinery. Furthermore, incarcerated

workers frequently endure a denial of medical care for workplace injuries. Moreover, during the COVID-19 pandemic, they were thrust to the frontline of the response effort, engaging in tasks like producing personal protective equipment (PPE) while being barred from using it, working in morgues, cleaning medical units, and undertaking frontline health roles, all of which put them at heightened risk of contracting the virus. Despite these dangers, incarcerated workers deemed to have essential job assignments were mandated to continue working.

### **3. Examining Educational and Vocational Support Programs for Incarcerated Individuals**

#### Illusory rehabilitative ability of carceral labour programmes.

The current educational and vocational support provided to incarcerated individuals are inadequate in providing individuals with transferable skills and work experience to help socio-economic re-integration. Most prison work programs involve menial and repetitive tasks that do not equip workers with marketable skills. These programs are further hindered by declining opportunities for better-paid jobs in prison industries and vocational training, which have been slashed from state correctional budgets. Even when vocational programs are available, they often use outdated equipment and train individuals for jobs with limited prospects in the labour market upon release. State-imposed barriers to employment, including laws permitting discrimination against formerly incarcerated individuals, exacerbate the challenges faced by those re-entering society. Overall, the rehabilitative potential of carceral labour is undermined by inadequate training, outdated equipment, and systemic barriers to employment post-release.

### **4. Uncovering Instances of Sexual Exploitation Among Incarcerated Individuals**

#### Sexual exploitation among incarcerated individuals

Reports suggest that incarcerated individuals are often subjected to sexual exploitation, particularly within labour programs. The conditions and job allocation within labour programs is often under the discretion of prison administrators, resulting in rampant favouritism, racism, sexual abuse, and completely arbitrary job allocation. Incarcerated workers often face severe levels of racial, gender-, and ability-based discrimination in job assignments and/or punitively removed from a job or demoted to a lower-paying position without recourse. Given the power of prison administrators and corrections officers in determining the job, remuneration, and workplace environment of incarcerated people, sexual favours are often demanded in exchange for better work assignments and conditions. Sexual exploitation of female prisoners was reported amongst incarcerated labourers at the Albion Correctional Facility in New York where corrections officers reportedly “demanded oral sex from incarcerated women and punished those who did not submit by switching them to lower-paying jobs, taking away their jobs, or docking their payroll.” Sexual exploitation has also been reported in cases of carceral privatisation. The state of Michigan ended its \$158 million contract with Aramark Correctional Services (later Trinity Services Group) and fined the group \$4.5 million for contract violations including unplanned meal substitutions, meal shortages, delays, staffing shortages, gross health and safety violations, criminal activities (drug and contraband smuggling by Aramark employees), and sexual exploitation of



incarcerated labourers. However, it took the state years of campaigning by groups such as Project Michigan and the fine goes directly to the state and does not provide any retributive or restorative justice to those incarcerated workers affected.

### **5. Access to Justice and Remedies for Victims of Labour and Sexual Exploitation: Legislative Frameworks and Complaint Mechanisms**

#### Lack of adequate legal or administrative justice- and remedy-seeking mechanisms for incarcerated workers

Incarcerated individuals seeking justice for mistreatment and sexual exploitation through administrative or legal means often encounter substantial obstacles. While incarcerated workers theoretically have access to two avenues for recourse—internal grievance procedures and external lawsuits—the interconnection of these channels often obstructs effective redress and justice. The Prison Litigation Reform Act (PLRA) of 1996 and subsequent state laws impose formidable barriers to seeking relief through the judicial system, requiring incarcerated individuals to exhaust internal remedies before pursuing legal action. However, the administrative grievance processes within prisons are typically burdensome and convoluted, with strict deadlines that are challenging for full-time incarcerated workers to meet. Moreover, prison authorities frequently neglect to address grievances, and even when grievances are reviewed, only a small fraction are resolved in favour of the incarcerated individual. Furthermore, the fear of retaliation by correctional officers deters incarcerated individuals from lodging complaints, as evidenced by reports of retaliation such as job loss and vocational setbacks. Additionally, the PLRA imposes additional hurdles by mandating full payment of court filing fees, enforcing a "three-strikes" rule that penalises dismissed lawsuits, and setting a high threshold for demonstrating physical injury to seek judicial redress. These barriers collectively undermine the ability of incarcerated individuals to access justice and hold correctional authorities accountable for misconduct and abuse.

### **6. Addressing Challenges in Eliminating Labour and Sexual Exploitation Among Incarcerated Individuals: Recommendations for Effective Solutions**

Eliminating labour and sexual exploitation among incarcerated individuals faces significant challenges, primarily rooted in legal frameworks, systemic practices, and international accountability limitations. The 13th Amendment to the United States Constitution, while abolishing slavery and involuntary servitude, includes an exception allowing forced labour as a punishment for crime, leading to the exploitation of prisoners for profit. This legal loophole perpetuates a cycle of exploitation within the prison system, where incarcerated individuals are compelled to work under coercive conditions without adequate rights or remuneration.

One of the main challenges lies in the profit-driven nature of the prison-industrial complex, where private companies and government entities benefit from cheap or unpaid prison labour. This economic incentive perpetuates the exploitation of incarcerated individuals, who often perform essential tasks such as cleaning, laundry, food service, and manufacturing

without the ability to refuse work or demand better conditions. The lack of agency and bargaining power for prison workers exacerbates their vulnerability to exploitation and abuse.

Another challenge is the limited ability of human rights organisations to advocate effectively on behalf of incarcerated individuals due to restrictions imposed by prison authorities. Despite efforts to raise awareness and campaign for improved conditions, the authorities often curtail prisoners' rights to organise or voice grievances, hindering external intervention and oversight.

Additionally, the absence of accountability mechanisms at the international level poses a significant obstacle to addressing exploitation in US prisons. The United States has not accepted the compulsory jurisdiction of the Inter-American Court of Human Rights, limiting avenues for seeking redress for human rights violations related to exploitation and modern slavery practices within its prison system. This lack of international oversight further perpetuates impunity and undermines efforts to hold authorities accountable for systemic abuses. The USA has already pronounced on the topic with the argument that the Interamerican Court of Human Rights has no jurisdiction on the subject, since it is a matter of international law. In that sense, the ideal organ to address this issue is the International Labour Organization (ILO), unfortunately there exist many obstacles that do not permit the exercising of complaints against these abuses.

## ***EXPLOITATION OF FORMERLY INCARCERATED PEOPLE***

### **7. Evidence of Labour and Sexual Exploitation Among Formerly Incarcerated Individuals in the United States: An Investigative Inquiry**

#### **Profiles of victims (age, gender identity/sexual orientation, race, ethnicity, indigenous, migration, socio-economic and other status)**

There is evidence of formerly incarcerated individuals experiencing labour exploitation in the United States, particularly within certain demographics and regions of the country. The U.S. criminal justice system disproportionately affects non-white Americans, particularly Black people and migrants or citizens with Hispanic roots. This systemic bias extends to the treatment of incarcerated individuals, where exploitation is more prevalent among marginalised groups.

Profiles of victims of labour exploitation in the U.S. criminal justice system often reflect these disparities in race, ethnicity, and socio-economic status. The victims are disproportionately Black individuals, reflecting the systemic racism embedded within the criminal justice system. Additionally, migrants or citizens with Hispanic roots are also vulnerable to exploitation due to their marginalised status.



Socio-economic status is another important factor, as individuals from lower socio-economic backgrounds may be more likely to be incarcerated and thus more susceptible to exploitation within the prison system. Moreover, individuals with limited financial resources may face barriers in accessing legal support or advocating for their rights.

Regarding specific examples, the case of Alabama provides insight into the prevalence of exploitation within the prison system, particularly among Black individuals. The complaint filed in federal court by current and former Alabama prisoners highlights the systemic nature of exploitation, where incarcerated individuals are forced to work for little or no pay for the benefit of government entities and private businesses. The fact that all plaintiffs in this case are Black underscores the disproportionate impact of exploitation on Black communities within the state's prisons.

### **Employment sectors where they experience exploitation**

The employment sectors where formerly incarcerated individuals experience exploitation encompasses a range of industries, with a significant focus on agriculture and food production. The intricate supply chains of some of the world's largest food companies, including McDonald's, Walmart, and Cargill, are intertwined with jobs performed by U.S. prisoners. In particular, the agricultural sector, which takes place mostly in southern states, relies heavily on prison labour, exploiting incarcerated individuals who are sentenced to hard labour and forced to work for minimal wages or sometimes no compensation at all. For example, at the Louisiana State Penitentiary, prisoners engage in farm work, reminiscent of historical practices in which slaves harvested crops like cotton, tobacco, and sugarcane. This echoes the exploitation of the past, as men are compelled to toil under harsh conditions on the "farm line," tending to crop that stretch far into the distance.

Moreover, unmarked trucks transport prison-raised cattle from facilities like the Louisiana State Penitentiary to auction houses and slaughterhouses, ultimately supplying major food corporations. An AP investigation uncovered the extensive ties between prison labour and the broader food industry, revealing how goods produced through exploitation find their way into products sold on the open market.

Beyond agriculture, prison labour is also prevalent in other sectors such as manufacturing, construction, and service industries. However, the agricultural sector stands out as a prominent example of how incarcerated individuals are exploited for their labour, with historical parallels to the exploitative practices of the past.

## **8. Tailored Support for Formerly Incarcerated Individuals: Assessing Government Initiatives in Meeting Comprehensive Needs**

Regarding education and training, there are efforts to provide educational opportunities within correctional facilities through programs like the Office of Correctional Education (OCE), established to coordinate and improve educational offerings in correctional settings. However, these initiatives primarily target juvenile justice facilities and lack sufficient

resources and coordination to meet the needs of adult prisoners effectively. Despite recognition of the importance of education for reintegration, many adult prisoners do not receive adequate support or training to prepare them for success upon release.

In terms of employment, formerly incarcerated individuals face significant challenges, particularly due to systemic exploitation within the prison labour system. The ACLU report highlights concerns about the exploitation of prisoners who are compelled to work in difficult and sometimes dangerous conditions without basic labour protections or adequate training. Many incarcerated workers are engaged in essential prison maintenance tasks but are paid extremely low wages, with some states offering no compensation at all for most of the prison work. Moreover, the lack of skills training exacerbates difficulties in securing employment upon release, perpetuating cycles of poverty and recidivism.

Access to finance and essential services also presents significant barriers for formerly incarcerated individuals. Despite their work within the prison system, many struggle to afford necessities such as soap or phone calls, further exacerbating their marginalisation and hindering their ability to reintegrate into society successfully.

## **9. Engagement of Stakeholders in Supporting Formerly Incarcerated Individuals: Government Coordination and Collaboration Efforts Examined**

In supporting formerly incarcerated individuals, various stakeholders play crucial roles, including educational institutions, jobs/training centres, housing providers, businesses/employers' organisations, financial institutions, trade unions, and civil society organisations. These stakeholders contribute to different aspects of reintegration, ranging from education and training to employment opportunities and advocacy for rights and fair treatment.

Educational institutions, particularly colleges and universities, collaborate with the government and private sector to provide higher education programs for inmates. These programs offer inmates the opportunity to pursue postsecondary education while incarcerated, enhancing their skills and increasing their chances of success upon release. However, access to such programs may be limited by factors such as prior educational attainment and financial resources, creating barriers for less privileged individuals.

Trade unions advocate for the rights and fair treatment of formerly incarcerated individuals in the workplace, ensuring they are not discriminated against due to their past convictions. Most of the existent trade unions were founded by ex-inmates who were prisoner workers and currently are facing many challenges to reinsert successfully after release.

Additionally, civil society organisations such as the ACLU advocate for better conditions for prison workers and campaign for legislative reforms to ensure fair payment and education opportunities for inmates. They also work towards the abolition of provisions like the 13th Amendment loophole that allow for the exploitation of prisoners without remuneration.

While these stakeholders play important roles in supporting formerly incarcerated individuals, there may be challenges in coordination and cooperation with the government. Efforts to enhance collaboration and partnership between government agencies and stakeholders are essential to ensure comprehensive support for reintegration and address systemic barriers to successful rehabilitation and reintegration.

### **10. Challenges in Economic and Social Reintegration of Formerly Incarcerated Individuals: Addressing Discrimination, Corruption and Limited Opportunities**

Every year, close to 700,000 individuals are released from American prisons, with approximately 9 million more discharged from jail. According to the National Institute of Justice, nearly two-thirds of these individuals find themselves re-arrested within three years. Upon release, formerly incarcerated individuals encounter numerous hurdles in reintegrating into society. They are stripped of their voting rights, have limited access to education, face severe employment prospects, and are ineligible for public assistance, housing, and student loans. These challenges have far-reaching repercussions for millions of American families and hinder the potential of those returning home to become contributing members of society.

Key barriers to successful re-entry include:

**Employment:** Research shows that 50% of offenders released from federal prison between 2002 and 2006 who were unable to secure employment during their supervised release period ended up reoffending or violating the terms of their release, resulting in reincarceration. Conversely, 93% of those who secured employment during this time successfully reintegrated into their communities. However, the employment prospects for individuals with criminal records are further hindered by the widespread use of background checks by over 90% of companies. Nevertheless, progress has been made, with 18 states and over 150 cities and counties implementing "ban the box" and other fair-chance policies, and major corporations like Target, Bed Bath & Beyond, and Walmart following suit.

**Education:** Access to higher education for formerly incarcerated individuals has been severely restricted since the 1994 Omnibus Crime Bill banned Pell Grants for incarcerated individuals. Consequently, the number of incarcerated individuals accessing higher education plummeted by 44% the following year. Additionally, nearly 40% of incarcerated individuals over 18 have not completed high school.

**Housing:** Federal regulations since 1975 have led most public housing authorities to implement blanket screening policies that reject applicants with criminal histories. While federal law mandates a public housing ban for specific convictions, such as methamphetamine production, agencies have broad discretion to deny or evict individuals with any history of criminal activity. Consequently, due to limited work histories and incomes, most released individuals cannot afford housing in the private market, with many landlords also unwilling to rent to them, exacerbating the risk of homelessness.

Voting Rights: Approximately 6.1 million Americans are disenfranchised due to felony convictions, with each state having its own laws governing voting rights for those with criminal records. Thirty-four states restrict voting for individuals in prison, on parole or probation, and post-sentence, while twelve states permanently disenfranchise those who have completed their sentences, accounting for half of the disenfranchised population nationwide.

## **11. Recommendations**

To address these challenges effectively, several recommendations can be proposed.

1. Promote legislative reforms that are necessary to close the loophole in the 13th Amendment and ensure that all forms of forced labour are unequivocally prohibited, with mechanisms in place to enforce compliance and hold violators accountable.
2. Prioritise Prison labour policies on the protection of workers' rights, including the right to fair wages, safe working conditions, and the freedom to refuse exploitative labour without fear of reprisal.
3. Employ efforts to strengthen oversight mechanisms within the prison system are essential to monitor and address instances of exploitation effectively. This includes facilitating greater transparency, accountability, and access to justice for incarcerated individuals, as well as empowering independent monitors and human rights organisations to conduct regular inspections and advocate on behalf of prisoners. Advocacy initiatives should continue to press for the United States' acceptance of international human rights mechanisms, such as the compulsory jurisdiction of the Inter-American Court of Human Rights, to ensure that violations of prisoners' rights are subject to international scrutiny and accountability.



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