

Governor Cooper, on September 10, signed into law a bill prohibiting correctional officers in North Carolina from shackling people who are in labor, among other provisions aimed at improving conditions for those who are incarcerated and pregnant.

It's about time that North Carolina joined dozens of other states that have outlawed this barbaric practice, but as incarcerated people and their loved ones know all too well, changing the law is not enough. Unconstitutional and illegal treatment happens in American prisons and jails every day.

In December 2019, a Department of Public Safety policy was already in place, prohibiting the use of shackles during labor and the postpartum period. Despite this policy, officers shackled Tracey Edwards while she was in labor and after she gave birth. Her mistreatment did not stop there. After she was returned to the prison from the hospital – separated from her newborn and not even able to visit with her – she was denied necessary medical treatment, exacerbating her trauma.

I am proud to represent Ms. Edwards in her quest for redress and for meaningful change in North Carolina, and I am pleased that the new Dignity for Incarcerated Women law bans this specific cruelty that she was forced to experience. However, I cannot help but think of those across the country who have endured similar treatment, even after corrective laws were adopted in their states, and whose torture was ignored because they did not have a lawyer to advocate for them.

The reality is that laws like this are frequently violated. North Carolina's new anti-shackling law, like many others in the nation, fails to explicitly provide those who are harmed the right to sue. Pregnant and postpartum individuals who are subjected to shackling may thus be without recourse when the law and their rights are violated.

This begs the question — Why, in the 21st century, is it still necessary to legislate and litigate to protect this vulnerable population from such draconian measures? Unfortunately, many elements of our society, including some of those who oversee our corrections systems, have discounted the humanity of those we incarcerate, just as some prison and jail administrators work hard to prevent them from exercising their fundamental rights.

The new North Carolina law was passed due to the incredible work of grassroots organizers and advocates. Their campaign continues, aiming to abolish all remnants of an outdated, barbaric carceral system.

Until they fully succeed, we must fight for justice with the tools we have. That means pursuing the case of Tracey Edwards and of all those who are similarly aggrieved. A new law is on the books, but the fight is far from over.

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