

FALL 2015



CIVIL LIBERTIES IN VIRGINIA

WOMEN'S RIGHTS

Discrimination against women continues to be as real and relevant as ever in the Commonwealth of Virginia. From expanding abortion access and breastfeeding rights to defending the rights of women in prisons and ending stigmatizing school dress codes, there is much to be done. The ACLU of Virginia is your vocal advocate but also needs your help. This issue brief is dedicated to the important issues facing women in Virginia today.



AMERICAN CIVIL LIBERTIES
UNION OF VIRGINIA
701 E. Franklin Street
Suite 1412
Richmond, VA 23219



Mark Your Calendar!
ACLU of Virginia's
Annual Meeting
Saturday,
November 21, 2015

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Watching Out for Women in the Criminal Justice System

The ACLU of Virginia is currently investigating the status of Virginia women in the criminal justice system.

Women are a fast growing percentage of Virginia's jail inmates and prisoners. This is especially true for women of color and those living in poverty. Yet, women are most often arrested for shoplifting, drug possession, simple battery, and property crimes such as larceny.

The Secular Society Women's Rights Legal Fellow Gail Deady is writing a white paper that will examine the effects on women of current criminal justice policy, including, particularly, the impact on women of color and sexual minority women.



Gail's investigation will focus on the underlying causes of women's criminal behavior – such as a history of sexual and physical abuse, poverty or the school to prison pipeline – to determine if confining women in jails and prisons exacerbates the underlying causes of their criminal activities and leads to increased rates of recidivism.

The report also will analyze conviction data to determine which factors most influence the length of women's jail and prison sentences, and which crimes are most likely to cause a woman in Virginia to be incarcerated. Additionally, Gail is working to ensure prisons and jails are complying with the law and respecting the civil rights, civil liberties and human rights of incarcerated women.

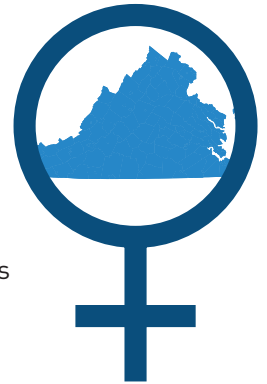
Recently, we represented a jail inmate who was denied the opportunity to obtain an abortion without a court order. Our staff helped the inmate get an abortion and educated jail administrators about their responsibility to provide female inmates with access to an abortion without the hindrance of obtaining a court order.

Making the Case for a State ERA

In 1972, Virginia amended its state constitution to prohibit discrimination on the basis of sex.

As written, this Equal Rights Amendment goes farther than the U.S. Constitution's Equal Protection Clause to protect Virginia citizens from gender discrimination. Yet, the Supreme Court of Virginia has interpreted Virginia's ERA to provide women with no greater protection than they are provided under the U.S. Constitution.

Given the prevalence of sex discrimination in Virginia, and the lack of effective legal remedies under Virginia and federal laws, the ACLU of Virginia's legal team is investigating whether Virginia's ERA can be used to demand more stringent protections against gender discrimination in Virginia.



Mark Your Calendar!

Smart Justice: New Thinking, New Voices

Mark your calendars for the ACLU of Virginia's Annual Meeting and a discussion on reforming our criminal justice system.

Saturday, November 21, 2015
2-4 p.m.

Virginia Commonwealth University
Academic Learning Commons, Room 2201
1000 Floyd Avenue, Richmond, VA

Defending Mothers' Ability to Breastfeed

It's hard to believe it would take extraordinary lengths to protect a mother's choice to breastfeed her baby.

On July 1, however, a new law finally went into effect in Virginia that permits nursing mothers to breastfeed in any almost any public location. Under federal law, some but not all nursing mothers also may pump breast milk while at work.

While the Commonwealth's new breastfeeding law is a step in the right direction, the ACLU of Virginia is demanding more protection for pregnant, post-partum, and breastfeeding workers.

The patchwork of federal and state laws that protect pregnant, post-partum, and breastfeeding workers leave women confused about what exactly are their rights. For example, a nursing mother's right to reasonable breastfeeding accommodations at work depends on the number of employees in the workplace, whether she qualifies for overtime pay, and the type and amount of business her employer

conducts, not whether her employer can accommodate her needs.

The various federal and state laws currently in place don't go nearly far enough to protect women's rights, and the gaps between what's protected at the nationwide versus state level must be filled. The ACLU of Virginia is committed to help nursing mothers meet the needs of their developing children and expand the legal protections for all pregnant, post-partum, and breastfeeding workers.



Fighting Discriminatory Public School Dress Codes

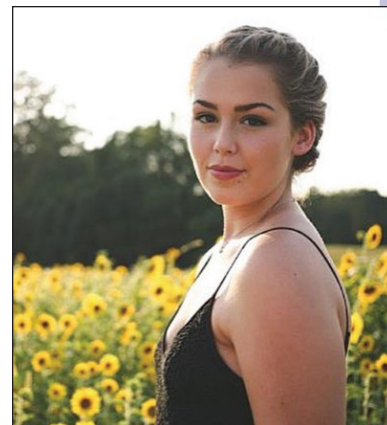
The ACLU of Virginia is representing Lydia Cleveland, a senior at James River High School in Midlothian, Va., who is protesting her school's use of a strict dress code to stigmatize female students and deny them equal educational opportunities.

According to reports from Lydia and other students, JRHS enforces the dress code more harshly against female students, often pulling them out of class to measure the length of their shorts and skirts that are allegedly "distracting" to male students.

If school administrators find students are in violation of the dress code, they are pulled out of class until they obtain a change of clothes from a parent (who may or may not be able to drop everything in the middle of a work day to provide their child with alternate clothing), report to in-school suspension or wear a sweat suit with the words "DRESS CODE" emblazoned on it.

To make matters worse, the dress code is ambiguous, leaving female students uncertain about what clothing they can wear to school. Even if an article of clothing complies with the dress code, an administrator can still discipline the student if he or she finds the clothing "distracting."

Female students are more than a distraction. They have a right to receive their education without school administrators' unequal enforcement of unreasonable and discriminatory dress codes. We support Lydia in her fight to ensure JRHS stops interfering with female students' educations and stigmatizing women's bodies.



Lydia Cleveland

Taking a Stand Against TRAP

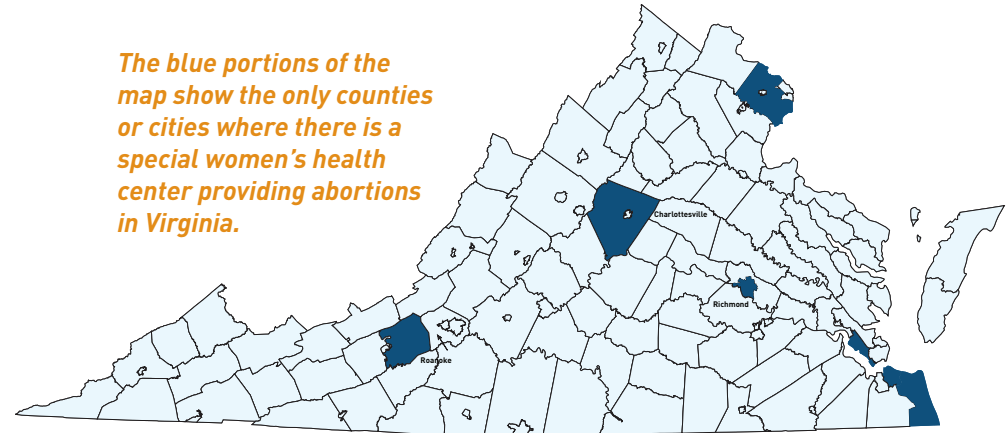
Champions of a woman's right to seek an abortion in the Commonwealth celebrated a major step forward on Sept. 17 when the Virginia Board of Health voted to fix troubling regulations that have forced some abortion facilities to close.

As a result of the vote, existing abortion providers will no longer be required to comply with medically unnecessary hospital-style architectural rules. These requirements, so-called Targeted Restrictions of Abortion Providers (TRAP), included hospital-size hallways, operating rooms and ventilation systems.

The American Congress of Obstetricians and Gynecologists and hundreds of medical professionals across the Commonwealth have said TRAP doesn't make women safer. In fact, abortion is already extremely safe – 99 percent safe, according to the Centers for Disease Control. If TRAP restrictions remain unchanged, doctors have warned, additional providers will close, cutting off women's access to critical health care.

So far, three of 21 free-standing abortion providers in Virginia were forced to close or stop providing services in part due to TRAP.

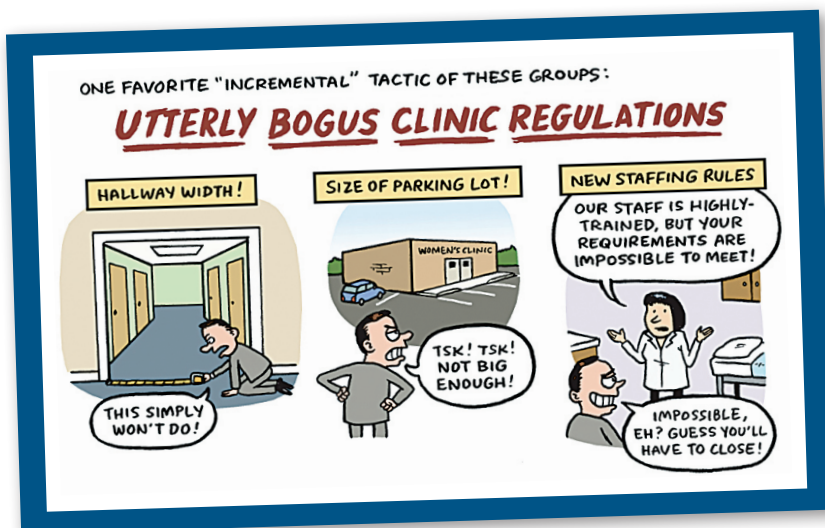
The blue portions of the map show the only counties or cities where there is a special women's health center providing abortions in Virginia.



Forcing abortion providers to close also hurts women's access to other comprehensive health care services that they offer, such as cancer screenings, sexually transmitted infection testing and treatment, and birth control.

There is still more work to do, however. Thousands of Virginia women still must travel hundreds of miles to get abortions from free-standing providers. It's not enough to simply slow the attacks on women's health – we must also expand access. Unfortunately, the board did not fully roll back the unnecessary construction standards for new abortion providers who might want to open their doors in Virginia, or for existing providers who might want to expand their buildings.

The ACLU of Virginia won't stop fighting until we can ensure abortion providers are treated fairly and every Virginia woman has access to an abortion if she needs one.



Call to Action

**If any of these issues resonate with you,
please share your stories with us by
sending an email to mystory@acluva.org**