



IWV and IWLC Applaud Efforts To Protect Incarcerated Women

February 14, 2023

Re: "Preventing Violence Against Female Inmates Act of 2023."

Dear Senator Cotton,

Independent Women's Voice (IWV) and Independent Women's Law Center (IWLC) applaud your continued efforts to preserve and protect equal opportunity and women's rights. The situation facing incarcerated women is particularly troubling, as female prisoners increasingly are being forced to share space with biological men, even when they are convicted violent offenders, including sex offenders. Thank you for taking this issue and their plight seriously, and supporting a legal remedy to protect these vulnerable women.

The situation confronting female prisoners is a part of a larger problem in our society today, in which women are no longer recognized as a legally distinct category. The reality is, in America, men and women are legally equal, but we are not the same. When it comes to public policies that implicate privacy, safety, and fairness, biological sex differences matter. In institutional settings, sex separation serves the important — indeed, compelling — government interest in maintaining safety and protecting privacy.

The **Women's Bill of Rights** (WBOR), a federal bicameral resolution that ensures the continued legal relevance of biological sex, would help achieve this goal. Sponsored by Senator Cindy Hyde-Smith, **S. Res. 53** legally defines basic sex-based words, such as "female" and "male." By defining "sex" consistent with biology, and by allowing separation of the sexes in circumstances that implicate privacy, safety, and fairness, WBOR sets the default position as: only biological females may be housed in women's prisons and only biological males may be housed in men's prisons.

We are grateful for your efforts to protect incarcerated women, and we hope that you will consider supporting the Women's Bill of Rights to further advance this goal.

Respectfully,

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Director
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