



## Promoting the Rights of Trans Women Deprived of Liberty in Latin America

Latin America continues to face a profound crisis in its prison systems, exacerbated by the COVID-19 pandemic. In this context, trans women **have faced a disproportionate impact on their human rights as compared to other groups in situations of vulnerability, due to their distinct lived experiences.** Hence, the signatory organizations urge countries to **decriminalize and provide alternatives to incarceration, particularly for trans women, and incorporate intersectional perspectives and a differentiated focus that protects the rights of LGBTI+ persons.**

The conditions of vulnerability and abuse that trans women deprived of liberty experienced prior to the COVID-19 crisis were elaborated in the collective report, [Trans Women Deprived of Liberty: Invisible Stories Behind Bars](#). The [report](#), by the regional network, *Corpora en Libertad*, highlights some of the harmful impacts that incarcerated LGBTI+ persons in the region face due to the present crisis, and proposes recommendations to protect the rights of this group.

Despite these recommendations and demands by various international organizations, member-states in the region have failed to implement an intersectional and gender-sensitive approach for those groups of people deprived of liberty in situations of vulnerability, such as LGBTI+ persons. For example, the measures announced by various states to mitigate, prevent, and tend to the spread of COVID-19 within detention centers do not take into account pre-existing conditions or the specific needs of trans people.

Therefore, many of our organizations joined others in Latin America in presenting a [coordinated response to the Request for an Advisory Opinion by the Inter-American Court of Human Rights](#) to express our views on the implementation of differentiated approaches towards key populations in vulnerable conditions in the context of detention. The response advocates for the application of [the Inter-American standards on the deprivation of liberty](#), with a gender and differentiated approach for trans women. Similarly, **we recommended that the Inter-American Court urge member-states to protect and defend the rights of these people, respecting their identities and ensuring that the use of protective measures do not actively restrict their rights.** Member-states must also prevent, attend to, and sanction physical and

psychological abuses, such as discriminatory measures that include restricting visits, forced use of certain garments, or the refusal to provide access to appropriate medical treatments given the conditions and necessities of trans persons.

As civil society organizations that are led by or work with trans persons deprived of liberty, we note with much concern that **states continue to violate their international and national obligations to protect high-risk groups**, such as trans women deprived of liberty.

For these reasons, member-states must be reminded of their obligations to:

- Promote the implementation of alternatives to incarceration and/ or release from prison of trans women in accordance with the maximum standards of human rights and taking into account a case-by-case basis analysis.
- Prioritize, given the current crisis due to COVID-19, releasing trans women deprived of liberty, particularly those at higher risk due to health conditions, old age, chronic illness, and those living with HIV or other immunodeficiency conditions.
- Promote the participation of formerly incarcerated trans women in the planning and implementation of public policies aimed at promoting the human rights of trans people, and with regards to prison policies and the justice system, among others.
- Collect information and establish a database with a gender and sexual diversity focus to identify how many LGBTI+ persons are currently incarcerated and what specific impacts are felt by those in situations of vulnerability.
- Establish an integrated protection system to prevent, sanction and eradicate instances of violence against trans women, in its diverse forms, on the part of prison personnel and others who are in prison, with guaranteed access to protective measures and accompaniment of victims.
- Guarantee that trans women have adequate access to basic health and counseling services that address their specific needs, particularly in the case of possible COVID-19 transmission.
- Foster spaces and actions within detention centers that guarantee the right of people deprived of liberty to maintain communication with their family, friends, and organizations that provide accompaniment and assistance.
- Promote permanent awareness and training to all personnel within the justice and prison systems, as well as for the entire incarcerated population, on sexual orientation, identity, and gender expression.

- Support trans women's reintegration into society once out of prison to guarantee, at a minimum, access to appropriate medical services, a half-way home with secure forms of transportation, financial support, and assistance in securing food and employment, as well as immediate access to official identification documents.

**Signatory organizations:**

Asociación de Derechos Humanos Cozumel Trans (Honduras)

Almas Cautivas (Mexico)

Corpora en Libertad (regional network)

Colectivo Trans del Uruguay

COMCAVIS TRANS El Salvador

Casa de las Muñecas Tiresias A.C (Mexico)

Casa Hogar Paola Buenrostro (Mexico)

Equis Justicia para las Mujeres (Mexico)

International Drug Policy Consortium (IDPC)

Reset - Políticas de Drogas y Derechos Humanos (Argentina)

Washington Office on Latin America (WOLA)