

LATIN AMERICAN WORKSHOP

“WOMEN RESISTING, BRINGING DOWN BARS”



RED LATINOAMERICANA
DE MUJERES LIBERTARIAS
FUNDIENDO REJAS

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The Latin American Network of Women Resisting, Bringing Down the Bars , which includes individuals and organizations of formerly incarcerated and their families, organized a virtual workshop that brought together 66 women from 9 countries : Chile, Argentina, Bolivia, Brazil, Colombia, El Salvador, Mexico, Panama, and Peru. Participants included 42 women who had been in prison, 8 women who are relatives of incarcerated people, and 16 representatives of the accompanying organizations that support work on women and prisons. This meeting was held from November 9th to 13th, 2020.

Through a series of panels and workgroups, the participants spent five days exchanging information and sharing experiences that help to understand the situation of incarcerated women in Latin American during the pandemic and their demands; they hosted a public webinar, with the participation of the Interamerican Commission of Human Rights; and built strategies to advance the national and international work of the diverse networks of formerly incarcerated women.

During **the first day** of the workshop, the representatives of each country described the problems created by and the effects of the pandemic on incarcerated women in their respective countries and on those released from prison, as well as the economic and social deterioration that their families have faced. The stories and experiences were basically similar in all countries.

They talked about the effects generated by the actions and omissions of the state during the pandemic, for example, the reductions in and elimination of visits, the search for alternatives that were achieved very late or not at all, as well as the deterioration in the socioeconomic situation of their relatives who often found themselves unemployed. The incarcerated women and their relatives were affected psychologically and emotionally for having been denied visits for such a long time. To date, several countries continue to refuse prison visits, either in person or virtually, and it is very difficult to gain access to telephone calls, since the costs of these are often exorbitant. In general, these actions have exceeded the expenses of families and incarcerated women.

Within several penitentiary centers the use of face masks was implemented, without the State providing this and other necessary supplies (such as soap or anti-bacterial gel, alcohol, protective masks, etc.) needed to guarantee the minimum preventive care against COVID-19. Access to medical services for other health needs, including chronic and degenerative diseases became even less accessible, as well as the visits to gynecologists, dentists, cytologists, etc. Visits to hospitals were reduced. Overcrowding, poor sanitary



conditions, disinformation, and the poor or inexistent health protocols triggered massive contagion and deaths in the prisons.

The entrance of food was also restricted, and the companies hired to provide food failed to do so with regards to the amount, quality and nutritional value. As a result of the isolation imposed by the authorities, all occupational activities within the prisons were canceled, and as a result, women lost the possibility of obtaining economic resources.

Governments made promises of releasing from prison women that were mothers, the elderly, women with chronic diseases, persons in pretrial detention, those with sentences about to be completed, or those who could benefit from access to alternative measures. None of that happened, as was reflected in the low percentage of women that have been released from prison. On the contrary, in some countries the number of women entering into prison increased, even for reasons that included punitive measures for violating COVID-19 restrictions and racism.

Another point highlighted was the postponement and cancellation of judicial hearings, as all justice entities were closed and considered non-essential activities by many governments. Access to penitentiary centers by lawyers and human rights defenders was forbidden as well.

Another very important point that was mentioned was the lack of information from public authorities within the prisons as well as outside, with regards to the general health situation and that of family members. It is worth specifying that the statistics provided by governments about the numbers of incarcerated women that became infected with COVID-19 do not reflect the reality denounced by the families and the women themselves.

With regards to formerly incarcerated women, we can observe the perverse effect of the pandemic in the form of the increased difficulty in obtaining formal jobs and the impossibility to support themselves, as well as other people who depend on them, even with their informal jobs because of the obligatory confinement.

The women highlighted the actions of civil society collectives and organizations in their strong efforts to reduce the damages caused by the pandemic through interactions with the authorities, distribution of food, preventative hygiene supplies, and cleaning items.

In the prisons of Latin America, women live through with clear and constant violation of their human rights. The Covid-19 pandemic has made evident all those problems that



already existed, and has also made clear that what is experienced within the prisons is not a problem exclusive to that place ; on the contrary, it is impossible to separate the problems of those in prison and those of the daily lives of people and of society.

On **the second day**, the women worked in groups on various topics of concern. These were: social reinsertion (re-entry), legislation and the penitentiary system, family members of people in prison, criminalization and abolition, and gender diversity and sexuality.

With regards to social reinsertion, the problems that existed before the pandemic were highlighted, where women continue to be stigmatized, burdened with criminal records, and without access to identity documents and formal jobs. Many women, nationals or foreigners, find themselves in violent environments or simply do not have a place to go to after they leave prison. They also do not have access to either physical or mental health services and continue to be in situations of helplessness. In the Latin American countries, specific public politics on post-prison social reinsertion do not exist, and this is why the women experience a strong rejection with respect to family, work and society.

On the topic of **legislation and the penitentiary system**, the women remarked that there is a need to change some legislation and that the current laws are not implemented, while access to justice is restricted. There is a lack of gender perspective in every sphere of the justice system. Prisons are not thought about from the point of view of women's needs.

In Latin America, there is a disproportionate application of sentences, including in drug-related offenses, which is the main cause of the massive rise in women's incarceration. The system became more punitive with different applications of penal laws on vulnerable groups (black people, migrants, LGBTQIA+, pregnant women, the poor, etc.) in relation to other groups. The perennial lack of public policies inside and outside the prison, without any attention or respect for the opinions and experiences of people in conflict with the law and their families, was observed in all of the countries. Participants also expressed in this working group and throughout the meeting their firm desire to participate as formerly incarcerated women and their relatives (persons directly affected by criminal policies) in the construction of public policies along with governments.

Participants in the working group on **relatives of people deprived of liberty** analyzed the context before Covid-19 and how it worsened during the pandemic. Though it is the obligation of the State to guarantee the basic rights of incarcerated people (meals, hygiene, and healthcare, among others) -since they were placed under their custody and responsibility during the entire period of incarceration- this role is transferred to the family

members. Thus, the concrete reality in all participating Latin American countries is that the relatives do not receive any kind of help or State support, yet it is those same families who must provide people in prison with basic items like soap, cleaning products, food and medicines.

The families are subjected to annoying and violent searches, inhumane treatment from the guards, and rules that are constantly changed and imposed without any sort of justification. In addition, access to information and tools for improving the defense of incarcerated women are not easy to obtain. In general, it is the families who search for this information, even when facing numerous limitations (for example, a scant comprehension of the laws and penal procedures). It is the families who often denounce the widespread torture and inhumane treatment in Latin American prisons.

It was noted that the incarceration of women, especially mothers and heads of family, which are the majority, impacts directly on the economic situation of their family and especially affects their children, many of whom are still in their childhood or teenage years. These boys and girls are not guaranteed the right to maintain family ties like, for example, the adoption of visits overseen by trained professionals in safe and appropriate environments. Moreover, for women who are the primary caregiver or when both the father and the mother are arrested, it is highly probable that the oldest daughters or sons will end up assuming the roles of family heads of households, even though they are underage. Much has been discussed about the impact of incarceration on the children of those in prison.

The families are affected at many levels: economic, psychological, and social, the latter represented by discrimination and the punishment inflicted upon these people, which most of the time is related to class, racism, xenophobia, and other forms of discrimination.

This group concluded by pointing out the absence of effective public policies, in all countries, either by the inefficiency of existing ones or by their total absence. The main criticisms were related to the lack of listening to and respecting the lived experiences of incarcerated people and their family members, as well as the lack of agile mechanisms for denouncing problems or those oriented towards guaranteeing social assistance, health and education for all people affected by incarceration (inside and outside of prisons).

On the topic of **criminalization and abolitionism**, the women remarked that the prison is a form of punishment that does not contribute to the reduction of crime. It has been proven that there is no decline in crime with an increase in punishment, and the criminalization and incarceration of people instead incurs important negative impacts on society. In the prisons, the necessary re-socialization and inclusion programs that could assist people exiting the



system do not exist. Therefore, if the prison is not accomplishing its objectives, it becomes unnecessary. What should be considered is the development of programs that keep people out of prisons, without excluding re-socialization and inclusion programs as well as attention to the victims. Prisons are a business for only a few –such as the State and private entities– which has led to an increase in the rates of incarceration.

On the topic of **gender and sexuality**, it was noted that in Latin America, as is the case with cisgender women, LGBTQIA+ groups have difficulty in accessing justice, and both incarcerated and formerly incarcerated women suffer discrimination and differentiated treatment. This highlights the need to train, inform and educate public servants that work within the prisons near LGBTQIA+ groups, as well as working with society as a whole, to reduce and eradicate discrimination and harassment. Despite similarities, each Latin American country applies different rules and lacks firm legislation that addresses the care of LGBTQIA+ groups both inside the prison and after they exit the system.

There was mention of high levels of discrimination within the community itself due to a lack of knowledge, and despite the effort by certain countries to protect and isolate, for example, members of the trans community, there continue to be abuses due to the high levels of overcrowding within prisons. In some countries, conditions are imposed to ensure the protection of trans people in a safe place. In addition, the lack of recognition of gender identity and the stigma that trans people experience before and during incarceration push them to resort to illegal means to achieve their transition.

The third day, through the voices of the women representing five Latin American countries, was dedicated to the development of **a webinar titled “Latin American Women for a World Free of Bars”** with three panels, and the objective of giving a platform to formerly incarcerated women and their relatives for discussion of the abolition of prisons, crime prevention with an emphasis on the protection of human rights, less punitive criminal policies, and rethinking criminal and drug policies from the perspective of the lived experiences of those that have been deprived of liberty, and not that of the State. The goal was to establish alternatives to incarceration focused on social and restorative justice and other forms of responsibility different from incarceration. The importance of the participation of incarcerated and formerly incarcerated women and their relatives in all processes was underscored, in order to construct public policies that guarantee access to rights within the prison, during the transition period when leaving, and when free, with respect for social rights. In addition, the webinar highlighted the struggles faced by family members -especially women that suffer from cruel, inhumane and degrading treatment



during prison visits- and for the economic responsibility that the relatives must assume, fulfilling a role that belongs to the state, and in restoring family ties. The webinar had both Spanish and Portuguese interpretation.

An important achievement was the open dialogue held with a representative from the Inter-American Commission of Human Rights (IACHR). This space was important to present the various advances that have been made in terms of international legislation, as well as to observe the failures and needs that continue to exist in penitentiary systems. The importance of staying alert to setbacks in regards to rights and other key points that require attention, such as the means to make the state comply within international legislation or recommendations, was highlighted.

The webinar has received 137 commentaries and has had an average of 4,100 views in Spanish, Portuguese and English. The major impact of the webinar was raising the visibility of the problems incarcerated and formerly incarcerated women and their families have faced in general and during the pandemic.

We invite the public to view the entire webinar the following link:

<https://www.facebook.com/207335659322626/videos/275724437206948>

During the first part of **the fourth day**, the women who participated in the webinar evaluated the topics that were covered and the importance of the advocacy efforts by the network on related topics.

Next, a space was created to strengthen the Latin American Network of Women Resisting, Bringing Down the Bars. The topics covered were related to mass incarceration, the drama that is incarceration, the stigma imposed by a society that asks for more incarceration, the consequences of incarceration on families and society in general, legal projects, and advocacy efforts on the applied methods and policies.

The decision was made to hold monthly meetings, with general and specific internal guidelines to define the activities that will be developed, such as the organization and participation in internal workshops on advocacy, communications, restorative justice and gender; the publication and dissemination of memoranda and reports; research and compiling data that is relevant to our struggle; accompanying local activism efforts; and the preparation for the next workshop in 2021.



In this space, we invited all accompanying organizations to engage in dialogue with the objective of creating mechanisms of support for the network and at the local level. It was proposed that in this meeting there be reflection upon the importance of listening and respecting the voices of incarcerated and formerly incarcerated women and their families.

To end the day, there was important dialogue promoted between the participating women and representatives of accompanying organizations to share the results of the previously mentioned conversation, during which the organizations acknowledged that the women are the experts, and their role is to accompany and strengthen them; to facilitate spaces for dialogue with other actors at state, regional, and international levels; and to serve as the intermediate body to obtain funds.

On **the last day**, a “Project Planning and Development” workshop was held, to learn about general and useful methods for each country, and where some of the participating organizations could reaffirm their missions and visions.

At the close of the workshop, each participant was able to evaluate the meeting, share their perceptions and expectations towards the future of the collective work. There were also cultural and recreational activities, such as a creative round and a virtual tour of participating countries.

To conclude, in spite of all the obstacles encountered in organizing the workshop, the construction of the agenda, the virtual setting due to the pandemic, and the cultural differences of languages and time zones, we are satisfied having been able to hold the second Latin American Workshop, and we look forward with great anticipation to organizing and holding the third workshop.

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