

Joint Statement

April 6, 2021

Government Responses to the COVID-19 Crisis Have Failed Women Deprived of Liberty in Latin America

Seeking to contribute to efforts to find human rights-based solutions to the crisis prompted by the COVID-19 pandemic, a group of organizations from the region participated in a public hearing before the Inter-American Commission on Human Rights (IACHR) on March 19, 2021 to express concerns about the impact of the COVID-19 crisis on women deprived of liberty in Latin America.

The pandemic has exacerbated and worsened the health and human rights emergency that was already playing out inside prisons. Given these conditions, [the IACHR recommended in April 2020](#) that **governments reduce prison populations to ensure social distancing in penitentiaries**, while also providing the necessary hygiene products and protection to prevent the spread of the virus, guaranteeing proper medical care, and facilitating testing for effective detection among both incarcerated people and prison staff. Unfortunately, **governments in the region have largely failed to implement these recommendations.**

In addition, the limited state measures taken in response to the emergency were designed and implemented without a gender perspective or intersectional approach, which has had disproportionately negative effects on women in general and, in particular, on the LGBTI+ community, as well as Indigenous women and those with disabilities. Moreover, official decisions to prohibit prison visitation disproportionately impacted women and their families, stripping women of their support network. These measures and constant prison delays hindered access to cleaning and hygienic supplies. Additionally, court suspensions hindered and sometimes stopped progress on judicial cases and kept lawyers from entering detention centers and prisons.

During the pandemic, women under house arrest or who have been released from prison face a dearth of resources for getting their lives back on track and returning to their families and communities. This means that although they have their liberty, conditions do not allow for them to live decently, and some of them were (and still are) exposed to gender violence.

Women incarcerated at home also face daily challenges that governments have not addressed. Women under house arrest during the pandemic face serious difficulties for

working and surviving; frequently, the sanctions imposed on mothers end up affecting their children.

Several governments in the region vowed to release incarcerated women with chronic illnesses, pregnant women, those with disabilities, and older women, but **in nearly all countries this promise was broken—as reflected in the low percentage of women who have left prison.**

Given this situation, we recommend the following to the IACHR:

- Given the widespread problem of prison overcrowding, and the alarming increase in the number of women incarcerated in Latin America, the IACHR should remind states that **prison must be a measure of last resort** and should recommend the release of a significant number of women.
- With regard to the pandemic's impact on women's prisons, the IACHR should use all the tools at its disposal to remind states of the necessity and urgency of implementing Resolution 1/2020's recommendations on persons deprived of liberty, since they have largely gone unfulfilled. Primarily, the need to reduce prison overcrowding by reviewing pretrial detentions and releasing women who have health risks, are pregnant or are responsible for children, older women, and trans women via alternatives to incarceration, amnesties, and pardons.
- For women who remain deprived of liberty, **governments have the obligation to guarantee access to health care services**, including the availability of tests and of treatment for those with symptoms of COVID-19. As long as the pandemic lasts, states must ensure that women deprived of liberty have regular access to physical and mental health services, sanitary products, and basic personal hygiene items. It is also critical to ensure continuity in their contact with relatives and others close to them, which, regrettably, is not happening today.
- There continues to be a dramatic lack of information about the situation of detained women. We urge the IACHR to recommend the collection and publication of accurate and updated data, along with statistics on the impact of COVID-19 on women deprived of liberty, taking a gender and intersectional perspective into account.
- When country visits are resumed, the IACHR should set aside time to make *in loco* visits to women's prisons in the region, including hearings and collecting direct testimonies from women deprived of liberty and women who have left prison, as often as possible and with no restrictions.
- Due to the high incidence and mortality of COVID-19 in prisons, the IACHR should urgently recommend the inclusion of persons deprived of liberty and penitentiary personnel as a priority population in national vaccination plans, ensuring there be no discrimination based on gender identity or expression.

- Finally, we want to offer our support to the Commission in the drafting of its upcoming report on women deprived of liberty. It is essential that this process include the participation of formerly incarcerated women. The report must demonstrate the differential impact of incarceration while also analyzing the reasons for women's involvement with the criminal legal system, such as drug policies, and promoting alternatives to incarceration from an intersectional perspective, incorporating gender identity, sexual orientation, class, and ethnic origin or race, among other factors.

The complete list of recommendations can be found [here](#).

The hearing can be viewed [here](#).

Participating organizations:

Asociación Costarricense para el Estudio e Intervención en Drogas (ACEID), Costa Rica

Center for Legal and Social Studies (CELS), Argentina

Corpora en Libertad (regional network)

Corporación Humanas Colombia

Dejusticia, Colombia

EQUIS Justice for Women, Mexico

Fundación CONSTRUIR, Bolivia

International Drug Policy Consortium (IDPC)

Red Latinoamericana de Mujeres Libres (Colombia, Chile, El Salvador, and Mexico)

RESET, Argentina

Washington Office on Latin America (WOLA)