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Input to IE SOGI HRC65 report on LGBT persons deprived of liberty, 2,452 words

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Women's Declaration International, (WDI) is an international human rights institution, who drafted the Declaration on Women's Sex-Based Rights. The Declaration has been disseminated worldwide and has attracted significant support. At the time of writing, the Declaration has 40,425 individual signatories from 161 countries as well as 560 organisational collaborators.

WDI is responding to the call for input regarding protection against violence and discrimination based on gender identity on the human rights situation of lesbians deprived of liberty. WDI input presents information and analysis and laws and lawsuits concerning the treatment of lesbians deprived of liberty. It covers patterns of violence and discrimination, risk, failure of safeguard, complaints and lack of oversight. It specifically responds to issue 3 and issue 4.

Housing males who claim female identity in women's prisons violates international law. California is one of the states violating the rights of lesbians in custody. California asks a new prisoner to claim a gender, pronoun, honorific, and search preference. They are then required to house accordingly with no consideration of facts, reality, or safety issues. They claim to have a commitment to safe placements but consistent with gender identity. They listened to the safety concerns of the male inmate but not the female inmates where he was to be placed.

The state claims safety is a focus but that is not what the law says nor what they do. In fact the law gives advantages to men who claim a female identity by allowing them to choose to have single cells, the choice of cellmates, and the ability to remove other individuals from any institution. Other prisoners, female or male, do not have those rights. In other words, men claiming a female identity have more rights than women or men.

The state knew the danger of placing men in women's prisons because they passed out condoms prior to the arrival of the men and claimed they would train women inmates on strategies for safety. (California Department of Corrections and Rehabilitation SB 132 The Transgender Respect, Agency, and Dignity Act Implementation Review Report November 2022) Thus they

knew the men would rape the women, and they knew the women would not be safe. Prisons have an obligation to provide safe spaces for all inmates regardless of their sex or crime. Lesbians should not be asked to bear the burdens of male violence.

Within a few days of being put in a women's prison in CA, Tremaine Carroll was attacking and raping women. Enhanced charges were filed by the Madera County District Attorney's office because Tremaine has prior sex offenses. (Male Inmate Charged with Raping Woman Inside California Women's Prison, CDCR Confirms Pregnancy, May 12, 2024)

Prior to 2021, CA housed men with women but with safety considered and the men had to have their penises removed. SB132 changed that to allow any man to simply declare he had a female identity. Four women have sued against the policy but so far not been successful. One-third of the men requesting transfer into California women's prisons are sex offenders.

In Illinois, though a male convicted killer raped a female inmate, he was allowed to remain at a women's prison. He was only there two months in 2019 when his female cell mate filed a PREA complaint. She then was punished, told to be quiet, the administration tried to cover it up and falsely claimed it was consent. (Trans-Identified Male Killer Accused of Raping Female Inmate in Illinois Women's Prison Remains at Facility Despite Officials' Attempts at Transfer GENEVIEVE GLUCK JUN 20, 2025)

Also in Illinois, The ACLU argued to transfer four more male prisoners into the women's prison. They complain that the men don't feel safe at the men's prison. But the lesbians don't feel safe at the women's prison with the men present. Global statistics prove resoundingly that men assault women at very high rates. The state is obligated to provide safety for all not safety for a small number of men at the expense of all women.

In a Maine women's prison, a female inmate filed a lawsuit about harassment and assault by a "trans" murderer serving a 40 -year sentence and prison officials who tried to cover up the assault. The woman said the man terrorized her and other female inmates and the officers did nothing. When she complained, she was punished with segregation.
The absurdity of it is clear when you learn that the male is 6-foot tall and 310 pounds while the woman is 5 foot 2 inches tall. Yet she is expected to bunk with a murderer with an intact penis and not be in terror. She suffered physical and psychological harm from the assault and the stress. She was put in segregation, denied medication, clean clothes, and hygiene supplies. This is torture. After she wrote to the local paper, the department further retaliated against her. She also outlined his behavior to other female inmates who then complained and were also punished with segregation. Other women observed him exhibiting sexual behavior and were threatened. The prison is respecting his self-pronounced identity but not the right of lesbians to safety and autonomy. In the lawsuit, the inmate claimed cruel and unusual punishment in violation of the Eighth Amendment of the U.S. Constitution. (Female Inmate at Women's Prison Files Lawsuit Over Assault by Trans-Identified Male Transfer, GENEVIEVE GLUCK APR 22, 2026)
Also in Maine, a male claiming a female identity who is a sexual predator is being housed at a women's prison while serving a 40-year sentence for repeatedly sexually assaulting a child. (Transgender Pedophile Being Held At Women's Prison In Maine While Serving 40-Year Sentence For Child Sexual… Assault – Reduxx 1:34 PM · Mar 7, 2026 REDUXX) Prison

officials facilitate harm by putting men who have raped, tortured, and murdered women in a woman's prison. Elliot Rivera Jr. who beat to death a 55-year-old woman with a hammer is one. He had also murdered another woman and car jacked a third. (EXCLUSIVE: Trans-Identified Male Convicted of Beating Woman to Death with a Hammer Transferred into NJ Women's Prison)

New Jersey changed their policy in 2022 after one such person impregnated two female inmates. Now prison officials can override an automatic transfer on safety concerns, but they still seem not to understand the risk that women face.
Some of the inmates have serious mental health problems like convicted terrorist Demers who says he belongs to the "adult diaper" community that has a fetish to roleplay as children during sex. Another man transferred into a women's prison was a sadistic murderer who had boasted about drinking his victim's blood. To force lesbians to share a cell and intimate spaces with such men is torture and cruel and inhuman treatment in violation of international law.

Transfers of men claiming a female identity are disproportionately men who have sexual offenses.
At least half the men asking to be transferred to women's prisons are sex offenders. That is three times higher than the general prison rate. Most of them were not claiming a female identity before they arrived in prison. In the past, men were required to have their penis removed before transfer. Now, particularly in Canada, self-identification is sufficient. (Statistics Show That Half of Trans-Identified Men in Prison Are Sex Offenders Prison, data from different years and countries seems to paint the same consistent picture EVA KURILOVA SEP 21, 2024)
In 2017, Fair Play for Women in the UK found that half the "transgender" inmates were sex offenders. Likewise in Canada in 2019 Women are Human confirmed that half of all requests to transfer were from sex offenders who represented 20% of the overall population. Data from New Zealand showed that 15 of 35 transfers at a minimum had a sex offense.
In 2021, Keep Prisons Single Sex USA also found the transfer rate was 49% though sex offenders make up only 11% of the population. (Keep Prisons Single Sex USA @NoXY_ USA)
A report released by the Canadian Correctional Service in 2022 revealed that 82% of "gender diverse" prisoners with a history of sexual offending were men who identified as "trans women." (Women's Voices @WomenReadWomen)

Australia found in 2023 that 55% who asked to transfer were being held on the most serious charges. 23% of those who were claimed a female identity were convicted of aggravated sexual assault charges and asked to go to a woman's prison, compared to 13% with aggravated sexual assault in the general male population. 44% of incarcerated men who claimed a female identity were sex offenders with serious offenses that caused death or serious harm to victims nearly always children and women. In 2023, 46% of men who claimed a female identity had committed sex offenses and 92% of those were violent crimes contrasted with only 26% of violent male offenders in general. In other words, the men being moved to the women's prisons are the most violent of all prisoners.

Identifying as having a female identity does not change criminal behavior. A data base "Not our Crimes" shows that those identifying as "trans" have a violent offense rate of 65% and the possibility that the offense is sexual is 34%.

Such placements result in increased violence against lesbians.
In 2025, at least two female inmates filed suit in Canada after two males claiming a female identity raped them. The lawsuit makes clear that the risk of violent men is not reduced by having hormones or surgery. Women's safety is being ignored in violation of international law. (CANADA: Government Admits Trans-Identified Male Prisoners Have Raped Female Inmates, Denies Infringing Women's Rights, GENEVIEVE GLUCK SEP 08, 2026)

A man convicted of raping a 3-month-old was put into a woman's prison that has a unit for women and infants. He was threatening women and their children and when confronted by another woman he assaulted her. She was blamed and put into segregation though she suffered physical injury. Men's "beliefs" are prioritized over women's rights and safety. (EXCLUSIVE: Female Inmate Assaulted by Canadian Transgender Child Rapist in Women's Prison Sustained… Broken Ribs, Eyewitness Reports – Reduxx 8:56 AM · Nov 12, 2024)

One man was convicted for murdering a woman who referred to him as a man. Yet he was put into a woman's prison with no regard for the safety of the lesbians there. (Trans-Identified Male Rapist Housed In Women's Prison Files Lawsuit Demanding To Be Released Into Women's General Population |Reduxx) Rape and pregnancy is an additional issue for the women in custody. (Two Female Inmates Pregnant By Transgender Inmates In New Jersey Women's Prison – Reduxx)

An advocacy brief argues that sex segregation in women's custody is a non-negotiable safety boundary, not a preference: male access—through staffing or inmate transfers—predictably produces sexual abuse, coercion, and institutional cover-up. The paper also examines how "inclusion" and anti-discrimination frameworks are increasingly weaponized to override women's protections. Because screening, audits, and surveillance cannot neutralize the baseline risk created by male access—or the institutional incentives that deter reporting and accountability—the only effective remedy is structural: remove male transfers from women's prisons and prohibit male guards from women's private spaces (Segregation in Women's Custody, Why female-only prison spaces remain a necessary structural protection, Advocacy brief for organizers, policymakers, and allied advocates, Prepared by Anna Hinrichsen, March 2026)

A citizen's protest was held in Maine and Massachusetts on October 7, 2026 to protest threats of rape and violence toward lesbians by male inmates, some convicted murderers, who share their sleeping and shower facilities. (Women's Groups Protest Men in Women's Prisons Outside Windham State Prison, SEAMUS OTHOT OCTOBER 8, 2026, Maine Wire)

Courts are weighing in.
Several lawsuits are ongoing in the U.S. In *S.D. v. Oregon*, 6:25 CV 01726, (U.S. CA 9th) Sept 17, 2026) the male plaintiffs, who identify as females, asked to have all such persons transferred to women's prison. The lower court granted it. The Ninth Circuit reversed because the State of Oregon already looked at each case individually and took safety into consideration. To transfer all such prisoners to women's prisons would itself compromise public safety.
In the case of *Chandler v. CA*, 1:21-cv-01657 (U.S.CA 9th) in which women prisoners have sought protection from violent males, the court has so far rejected their arguments that they have

experienced concrete and particularized injuries under the First, Eighth, and Fourteenth Amendments of the U.S. constitution.
In November 2026, several cases have emerged. In *Clark v. State of Washington*, 3:24-cv-06058, a jury just awarded $150,000 to a female inmate repeatedly sexually assaulted by her male cellmate. Her case is continuing against the State for their violation of her rights by placing him there in the first place. He was 6 foot 4 inches tall and a convicted sex offender. The woman lived in terror and the staff told her to go on suicide watch to be put into a segregated cell for safety.

In another case on November 9, 2026 the U.S. Supreme Court refused to hear a case from the 10th Circuit (*Roybal v. Griffin*) where the court had granted a male's petition to be moved to a woman's unit. The Supreme Court vacated that order and sent the case back to be re-heard under recent cases concerning the issue.

The U.S. is not alone. In Scotland, *For women Scotland v. Scottish Ministers* (2026) ruled against the practice after the U.K. high court clarified the definition of women and a case is ongoing in Canada (*CAWSBAR v. Federal Government*). MATRIA in Brazil is planning a lawsuit against men in women's prisons there. In Argentina, a male claiming female identify was transferred to a women's prison and promptly raped seven females. He had syphilis and infected several of them. Charges have been filed.

CONCLUSION

The practice of putting males who claim a female identity into women's prisons is a violation of the International Covenant on Civil and Political Rights of lesbians in custody. Forcing women who have been the victims of violent men to live with and sleep with men who have a history of violence toward others particularly women is torture and cruel, inhuman or degrading treatment. The Convention against Torture requires States to prevent torture and other ill-treatment in all places where persons are deprived of liberty. Instead, States are aiding and abetting such torture by placing violent men with already abused women.
This practice also violates the Nelson Mandela Rules, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). These actions on behalf of States are reverse discrimination giving men legal privileges over women and covering it up by calling it inclusion and social justice. It is a subversion of the intent and the language of the Conventions.