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May 14, 2019

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**Groundbreaking New Publication Promotes Health and Safety of Transgender Youth in Confinement Facilities**

(San Francisco, CA) Today, the National Center for Lesbian Rights (NCLR) and the Center for Children’s Law and Policy (CCLP) released a new publication, [*Model Policy: Transgender, Gender Nonconforming, and Intersex Youth in Youth Confinement Facilities*](https://www.prearesourcecenter.org/sites/default/files/library/TGNCI%20Model%20Policy.pdf)*,* with support from the National PREA Resource Center. The model policy provides a template for practices that promote the safety, dignity and well-being of transgender, gender nonconforming, and intersex (TGNCI) youth in youth justice facilities. The policy was developed with input from a diverse group of advocates, justice professionals and formerly incarcerated young people.

The vulnerability of TGNCI youth is well-documented. In a 2018 [survey](https://assets2.hrc.org/files/assets/resources/GEreport1.pdf?_ga=2.141572914.1014306613.1549668752-1162343738.1542747628) of 5,600 transgender and gender nonconforming youth, 84% of youth experienced verbal threats, 53% experienced bullying at school, 57% had been mocked or taunted by their families, and 16% had been sexually attacked or raped – all based on their actual or perceived gender identity. Because of pervasive stigma and discrimination, TGNC youth are more likely to experience be [psychological distress](http://pediatrics.aappublications.org/content/141/5/e20173845), [homelessness](http://attheintersections.org/transgender-gender-expansive-youth/), and bullying. [TGNC youth of color](https://assets2.hrc.org/files/assets/resources/GEreport1.pdf?_ga=2.180386720.643092201.1550616654-425546547.1550616654), who experience discrimination at the intersections of race and gender, are vulnerable to extraordinarily high rates of violence and mistreatment.

Researchers estimate that up to [1.7% of people are born with intersex traits](https://www.intersexequality.com/intersex/). Although transgender and intersex identities are distinct, both groups encounter discrimination based on gender identity or gender expression and both groups lack access to competent medical care. Some intersex children undergo [unnecessary, irreversible, and involuntary surgeries](https://interactadvocates.org/wp-content/uploads/2017/03/INTERSEX101.pdf), and transgender youth are often denied medically necessary, gender affirming treatment.

Pervasive rejection and discrimination in their homes, schools, and communities contribute to the overrepresentation of TGNCI youth in youth confinement facilities. According to [recent national data](http://lgbtq.hkspublications.org/2018/01/29/reflections-on-new-national-data-on-lgbq-gnct-youth-in-the-justice-system/) 12% of youth in juvenile facilities identify as transgender or gender nonconforming, and 85% of those are of color. “TGNCI youth are extremely vulnerable in confinement settings. They experience higher levels of sexual abuse, harassment, and mistreatment, particularly when facilities lack clear, enforceable guidance on how to protect their safety and promote their well-being. They deserve affirming care and support, and this model policy provides the blueprint,” said Shannan Wilber, youth policy director at NCLR and one of publication’s authors.

The Prison Rape Elimination Act of 2003 (PREA) standards require confinement facilities to adopt protections for TGNCI youth from sexual misconduct. Many confinement facilities need assistance developing policies that appropriately implement these protections and the National PREA Resource Center supported NCLR in development of this policy.

The model policy addresses a range of practices that create a safe and healthy environment for TGNCI youth:

* *How can facility staff safely and respectfully identify TGNCI residents?*
* *What concrete steps can facilities take to affirm the gender identity of youth?*
* *How can facilities assess and remedy the risks associated with TGNCI status?*
* *Where should TGNCI youth be housed in sex-segregated facilities?*
* *How can facilities protect the privacy of TGNCI residents?*
* *What specific considerations govern searches of TGNCI youth?*
* *How can facilities provide gender affirming medical and behavioral health care?*
* *What systems can facilities create to permit youth to confidentially report abuse and protect them from retaliation?*
* *How can facilities prepare TGNCI youth to successfully return to their communities?*
* *What can facilities do to prepare custodial staff to support and affirm TGNCI residents?*

Jason Szanyi, deputy director at the Center for Children’s Law and Policy (CCLP) and one of the publication’s authors says, “We are seeing a huge demand among youth justice professionals for training and guidance on the unique needs of TGNCI youth, particularly in secure settings. This publication provides the foundation for an agency or facility policy on TGNCI youth. Adopting a policy based on these model provisions will significantly decrease the harms experienced in custody by this vulnerable population and create a safer environment for all youth.”

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*The National Center for Lesbian Rights is a national legal organization committed to advancing the human and civil rights of the lesbian, gay, bisexual, and transgender community through litigation, public policy advocacy, and public education.*[*www.NCLRights.org*](http://www.NCLRights.org)

*CCLP is a national law and policy organization focused on improving the youth justice system in jurisdictions throughout the country. CCLP has particular expertise in implementation of the Prison Rape Elimination Act (PREA) standards in juvenile facilities and in improving conditions of confinement in facilities that house youth.*

*The PREA Resource Center is run through a cooperative agreement between Impact Justice and the Bureau of Justice Assistance. Its aim is to provide assistance to those responsible for state and local adults prisons and jails, juvenile facilities, community confinement facilities, lockups, tribal organizations, incarcerated people and their families in their efforts to eliminate sexual abuse in confinement.*