# Groupings of transvestites and transsexuals incarcerated in Ceará, Brazil

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Abstract:: The purpose of this article is to discuss the formation of groupings of transvestites and transsexuals imprisoned in Ceará, Brazil. Through the use of narratives produced from ethnographic data, I intend to show the different conditions of imprisonment for transgender people – in varied times, spaces and groupings – which are mobilized by discourses concerning the management policy of this population. Hence, I want to discuss state processes that identify, classify and group transvestites and transsexuals as "dangerous," "less dangerous" or "vulnerable" as a form of management operated by discursive practices in the control and surveillance of this population when in custody.

Keywords: Prison; Gender; Sexuality; State Processes; Trans Groupings.

#### Agrupamentos de travestis e transexuais encarceradas no Ceará, Brasil

**Resumo**: O objetivo deste artigo é discutir a formação de agrupamentos de travestis e transexuais encarceradas no Ceará. Por meio de narrativas produzidas a partir de dados etnográficos, remeter-se-á às diferentes condições de aprisionamento para pessoas trans – em momentos, espaços e agrupamentos variados – que são mobilizadas por discursividades concernentes à política de gestão dessa população. Com isso, pretende-se discutir processos de Estado que identificam, classificam e agrupam travestis e transexuais como "perigosas", "menos perigosas" ou "vulneráveis" como forma de gestão operada por práticas discursivas no controle e vigilância dessa população quando em cumprimento de pena privativa de liberdade.

Palavras-chave: prisão; gênero; sexualidade; processos de Estado; agrupamentos trans.

### Introduction

Over the last two decades, Brazil's prison population has grown at an alarming rate. Data from the National Penitentiary Department indicate that in 2016 the number of people imprisoned was over 700,000. Ceará has accompanied this growth and has the fifth largest prison population in Brazil - 34,566 inmates (BRAZIL, 2016). Beyond the increase in those incarcerated, the presence and activity of criminal groups, recognized by prisoners and prison system operators as "factions", have resulted in significant changes to prison management and the lives of prisoners.

Ceará has five temporary detention centers, seven penitentiaries and prisons, a general hospital and criminal sanatorium, a psychiatric hospital, an agricultural initiative project, an agropastoral camp, two houses of detention and 131 public jails distributed throughout various cities in the state. In total, there are 150 overcrowded penal facilities operating under adverse housing, material assistance, educational, health and occupational conditions.

These substandard living conditions are highlighted as central to the occurrence of successive crises in Ceará's prison system in the last two decades, but they are also seen as one of the triggering factors for the rapid expansion of factions inside and outside prisons. Francisco Elionardo de Melo Nascimento (2017) characterizes the crises in Ceará's penitentiary system as historical and contextual, highlighting that the adverse and insufficient living conditions afforded to imprisoned people are always considered part of the problem, and are one of the factors that has led to the rapid expansion of criminal groups from other regions of Brazil into Ceará's prisons. In addition to the points emphasized

by the author, the political and organizational issues of criminal groups were also decisive in the expansion, as were changes to their modes of operation inside and outside state prison units.

Among the criminal groups active in the prisons and peripheries of Ceará are the First Command of the Capital (PCC), the Red Command (CV), Guardians of the State (GDE) and Family of the North (FDN) (NASCIMENTO, 2017; Leonardo SÁ; Jania AQUINO, 2018). Nevertheless, these groups' activities only intensified after the rebellions of May 2016, in tandem with the attacks on public buses and buildings in the Metropolitan Region of Fortaleza. These events reverberated in local and nationwide media and the actions were coordinated and executed by members of the factions inside and outside the prisons, providing evidence of their interconnection.

During the May 2016 rebellions, prison management began to identify, separate and allocate PCC, CV, GDE and FDN prisoners to specific prison units. The "bichas" (fags) and the "artigos errados", (wrong articles) male and female inmates deemed unworthy of belonging to or living among the factions, were prevented from sharing prison facilities where there were criminal groups, even in separate cells or wings. These inmates were also transferred and grouped into prison units that were still under construction at that time. The relocations and transfers of faction inmates, "bichas" and "artigos errados" were carried out quickly, requiring the burdensome efforts of prison officers. The decision was taken by prison management to contain clashes between prisoners of rival factions and to preserve the lives of "bichas" and "artigos errados".

These regroupings emerged as institutional tactics designed to better manage inmates based on groups and eventually demonstrate the state as protector. However, the designation of faction-specific prisons caused latent conflicts, disputes, and asymmetries of power between prison officers and factions. The situation was mitigated somewhat by the holding of complex negotiations between prison management and the leadership of criminal groups.

The point here is not to identify the state as protector of the inmates, but to highlight the actions that are taken – arising out of the local, national and international pressures that the State suffers to present an image of a State that cares. Neither is it about labeling factions and the State as polar opposites, but rather pinpointing the factions vying for the possibility of commanding government policies and their freedom to be everywhere, even if against the will of the State.

This brief contextualization informs the complex configurations that have changed the landscape of prisons since the expansion of factions in Ceará's prison units. It is not intended to discuss these issues as being central, but as a background that directly interferes with the living conditions of inmates who are identified by their non-normative marks of sexuality or gender identity. The management of these groups, based on the groupings or creation of special wings, is pervaded by complex modes of managing their sexualities, whether through State processes (Adriana VIANA; Laura LOWENKRON, 2017) or the moralities of the factions. After all, the factions repudiate affiliations and the presence of "bichas" in the same prison facilities that they occupy.

State processes are not merely viewed here as bureaucratic and operational instances of the prisons themselves, but also as living matter endowed with gender attributes, representations and practices, that is, considered in their essence including their moral qualifications and capacity to mold, limit and produce desires and horizons of possibilities (VIANA; LOWENKRON, 2017).

From their ethnographies, Leonardo Sá and Jania Aquino (2018) constructed the development of conceptions and forms in the organization of crime in Fortaleza from the 1980s onwards. The authors present a narrative of the negotiations between factions coming from other regions of Brazil and local groups and gangs, which changed the landscape of criminal practices seen up until that time in Ceará. They also deal with the emergence of a local faction, the *Guardiões do Estado* (Guardians of the State), as a resistance to this "foreign crime" movement in the state. According to them, there is evidence of the CV and PCC in the periphery of Fortaleza at the end of the 1990s and beginning of the 2000s. Nevertheless, the authors claim that the activities of these groups only intensified from 2014 on, the year of the World Cup, when Ceará became an important route for the distribution of drugs to other Brazilian states and other countries along the Atlantic. Furthermore, the authors found that the factions coming from other states underwent processes of adaptation to affiliate the gangs and groups from Ceará and expand their influence inside and outside the prisons. This discussion is complex and extrapolates the objective of this text. For further information, see the text suggested above.

The rebellions began after prison officers went on strike and prevented the entry of visitors to the prisons. The officers were demanding improved working conditions, a salary increase and the implementation of the professional category. The strike lasted a little over twelve hours, but the rebellions started on May 21st were only fully contained in some units of the Metropolitan Region of Fortaleza three days later. Official records confirm the deaths of 14 inmates and the total destruction of the prison interiors where the rebellions took place. In conjunction with these actions inside the prisons, there were various attacks on public buildings and buses, besides the persecution of public security professionals that marked the period. For further information on the rebellions of May 2016, see Nascimento (2017) and Sergiana Bezerra in *Trabalho* e saúde de agentes penitenciários no Instituto Psiquiátrico (Health and work of prison officers in the Governador Stênio Gomes Psychiatric Institute) 2018. Dissertation (Master's) – Graduate Program in Sociology – Center for Applied Social Sciences, State University of Ceará, Fortaleza, CE, Brazil.

<sup>&</sup>lt;sup>3"</sup>Bichas" (similar to fags) is the global term that male and female inmates – including – gays, bisexuals, transvestites and transsexuals use to refer to all people who have sexual or affective relations with people of the same sex. The term also indicates subjects with male bodies who possess characteristics, postures and gestures considered feminine.

<sup>4"</sup>Wrong articles" are inmates who were imprisoned for sexual crimes, covered by the Maria da Penha Law, homicides against women and other people deemed defenseless in terms of the "crime".

The purpose of this article is to discuss the formation of transvestite and transsexual groupings incarcerated in Ceará. It is a cutout of a broader ethnographic research project that discussed the imprisonment of transvestites in Ceará (NASCIMENTO, 2018a). In this profile, ethnographic data will be considered that point to the different prison conditions of *trans* people - at different times, spaces and forms of groupings -, in the context of State processes and influenced by criminal groups, inmates' political organization and the expertise of psychosocial care professionals.

It encompasses the formation and management of these groupings that classify transvestites and transsexuals as "vulnerable", "dangerous" and "less dangerous" and, based on this classification, allocates them to spaces that may or may not enable the preservation of their identity characteristics and assure them access to educational, occupational and recreational policies that are provided in prisons, albeit precariously. Beyond identifying these groupings in a contextual way, the focus is on analyzing how the categories that designate degrees of dangerousness articulate with the categories of gender and sexuality as organizational aspects of life in prison.

Field research was carried out between 2016 and 2018. The admission and stay in the field were facilitated by the dual occupation of this article's author, as a prison officer and researcher. Discussions were developed from intense exchanges with LGBT people inside and outside the prison system, employees, service providers and administrators in Ceará's prison units, besides activists and others. As such, research contemplated different scenarios put together from the professional career of the researcher and the fieldwork.

For the purposes of this text, the accounts of incarcerated LGBT people are used, in addition to testimony from activists and professionals working at CPIS and the Irmã Imelda Lima Pontes Prison Facility. Contrary to the frequent complaints by researchers about the difficulties of access to their research subjects and limitations of movement within prison spaces, the position occupied by the article's author as a prison officer provided him with privileged access to the interlocutors and observation spaces in the daily life of the institutions that constituted the field of research. Tensions and confluences between these functions are discussed in detail in Nascimento (2018b; 2018c).

From the fieldwork and the author's experiences as a prison officer working in several of Ceará's prisons, certain descriptions of events deemed critical will be presented herein (Veena DAS, 1995), those which influenced the formation of groupings for *trans* people including discursive practices marked by different contextualities and temporalities, and produced the conditions for the existence of these spaces. Part of these events relates to the political organization of transvestites and transsexuals, the expertise of a social worker, and the presence of criminal groups. These narratives inform gender asymmetries, relationships, and grammars central to the dynamics of State action in prisons (Silvia AGUIÃO, 2016; VIANA; LOWENKRON, 2017). Such critical events are also described and related in the production of gender technologies, borders and moralities in institutional spaces and between groups, framed by the disciplinary and heteronormative mode of the prisons.

As shall be shown in the following sessions, critical events related specifically to the presence of transvestites and transsexuals demanded bespoke management measures for this population from the equipment managers or the State government. These events transpired through their own political articulation or due to their status as the preferred victims of violent actions by groups present in the prisons. The absence of specific data on this population when incarcerated, instead of making them invisible, will be analyzed as part of the State processes that affect their management.

# Research on prisons and allocation of spaces for LGBT people

Over the last two decades, prison studies have gained prominence in discussions involving violence, crime and justice systems. Increasingly, researchers demonstrate that the identification of prisons available in classical literature – as enclosed spaces separated from society – no longer accounts for the characteristics that these institutions currently exhibit, mainly due to the multiple connections made possible by the flow of people, objects, information, sentiments and ideals between the outside/inside of prisons. Such connections involve complex mediators who are often responsible for the very maintenance and functioning of prisons, as well as for the successive crises that pervade the history of these spaces.

For Rafael Godoi and Fábio Mallart (2017), the multiplicity of authors committed to addressing the problem of prisons in Brazil has consolidated a diversified and burgeoning field of research. It is research that analyzes prisons from various theoretical-methodological and thematic perspectives, highlighting incarceration as a "privileged *locus* of epistemological, methodological and analytical experimentation" (p. 09).

Manuela Cunha (2014), in a bibliographical review of prison studies, points out that researchers from Europe and Latin America are the most prominent in the production of field research

<sup>&</sup>lt;sup>5</sup>Participative observation and individual or group interviews held with these people in the prisons mentioned took place in 2017, nine months after the rebellions. The conversations and direct contact with LGBT inmates in the CPIS and Irmã Imelda Lima Pontes prison unit were in a reserved room where the researcher and his interlocutors were not accompanied by prison officers or any other professional.

involving the prison scene. This does not mean, however, that these studies consist only of microanalyses restricted to specific spaces. On the contrary, the complexity of the analyses involving the relations made possible between the inside and outside of prisons, from the exercising of different power, can address multiple dynamics and complex rationalities.

Generally, the most recent research on prisons in Brazil is based on: the relations and flows between the inside and outside of prisons as instigator of intense societal dynamics between the prison and the urban (GODOI, 2015); the practices of a criminal group that mobilized simultaneous actions in prison units, detention centers for teenagers and urban spaces (MALLART, 2011); narratives of conduct and codes that pervade prisons and peripheries (MALLART, 2014); processes of mass incarceration (Jacqueline SINHORETO; Giane SILVESTRE; Felipe MELO, 2013); religiosity as a refuge from the adversity and violence of prison life (Eliakim ANDRADE, 2014); networks of affections and bonds produced and maintained in prisons from the prison experience of inmates and their families (Natália PADOVANI, 2016) and a focus on the routine practices and modes in which prison officers carry out their prison work so as to maintain order, discipline and security (Vitor OLIVEIRA, 2018; NASCIMENTO, 2018b).

Other works propose an analysis of the complex mode of operation and political organization of a prisoner collective (Karina BIONDI, 2010), the most pertinent issues involving arrests and punishments in contemporary Brazil (Luiz LOURENÇO et al., 2013) and control and punishments as practices intrinsic to the emergence and development of prisons (Fernando SALLA, 2006; 2015). The cited research shares common ground in describing prisons as institutions whose routine is marked by laws, codes and formal regimes, while its day-to-day functioning is reconstituted based on practices and conduct informally created by the groups that inhabit it, whether they are inmates or prison security staff.

The hardship of prisons is highlighted in the majority of studies on the theme. Prison researchers point out that the inadequate living conditions provided to inmates are evidenced by overcrowding, poor conditions in terms of accommodation, material assistance, health, education and occupation, in addition to the other suffering endured in daily prison life. These hardships are magnified by the lack of assistance from central resources in the survival of inmates and to enable the work of the prison agents. Working professionals and prisoners are affected in different conditions, situations and forms in the daily life of these institutions.

For Lourenço (2013), the scenario presented by research, with prisons as the field of study, serves as a marker for the effectiveness of our democracy, "our problems with laws, social equality, gender differences and racial discrimination, besides exposing the substantive absorption of universal statutes (or which should be) such as the principle of human rights" (p. 07).

There is no denying the relevance that research on prisons has for Brazilian scientific production, although some gaps are still intransigently present. The field of research that proposes to analyze the relations of power and institutional production based on gender and sexuality in male prisons, for example, is almost unexplored in the analysis of prisons in Brazil.

Natália Lago and Marcio Zamboni (2017) argue that gender relations and sexuality are fundamental to understanding prisons. Based on a treatment of topics currently in evidence and related to prisons, they situate gender and sexuality in function of the thematic diversity addressed, which has increasingly garnered the interests of the media, social movements, entities that defend human rights and the university. For the authors, it is possible to note a greater visibility of the LGBT population in debates about incarceration and the growing mobilization around their demands.

Recent research carried out in the south-southeast axis deals with the creation of a specific wing to group together transvestites, gay men and their husbands (GBT wing) (Fernando SEFFNER; Gustavo PASSOS, 2016); the social experiences of transvestites with imprisonment (Guilherme FERREIRA, 2015); the particular policy issues for incarcerating LGBT individuals in a specific wing from the point of view of the inmates (Gabriela LAMOUNIER, 2018) and the amorous, sexual and economic dynamics that compose the existential ground of transvestites, "bichas", gays and "those involved" based on a situation where there are kept in prison (BOLDRIN, 2017). This research and other studies carried out by activists have reported on the violence and vulnerability of incarcerated transvestites and transsexuals, including the dreadful prison conditions they are subjected to and the disrespect for their gender identities (Cicero Pereira EUSTÁQUIO JUNIOR et al., 2015).

The separation of LGBTs into specific cells or wings is one of the topics, among many others, that has gained prominence in discussions involving gender and sexuality in the prison system. According to Lago and Zamboni (2017), the "war on drugs" (Law 11.343/2006) is the principal cause behind the imprisonment of women and LGBTs. For the authors, these people are frequently charged for possessing or selling small quantities of drugs, often for their own personal use or that of their companion. Transvestites and transsexuals who work in prostitution or who are homeless are the ones who are recurrently caught by this state netting.

Ferreira, Caio Klein and Vicent Goulart (2019) state that it was in 2012 when the first LGBT-specific spaces in male prisons began to emerge. Based on official data, visits, conversations with

prisoners and professionals in several of these institutions, the authors identify 101 cells or wings spread out through different states and intended for use by this segment. They also point to the absence of reliable data on this population nationwide or even in the individual states. For them, the creation of these spaces has been treated as a "penitentiary policy" in response to the violence and violations suffered by this population when incarcerated. Nevertheless, contributions and limitations of these proposals are identified by the authors, mainly in relation to the disputes and ideologies involving different actors in the daily life of the prison.

Zamboni (2016) discussed how the LGBT population, historically marginalized subjects in prison, began to be produced as subjects of rights based on a set of power technologies. The author warns that the acronym itself does not make much sense in incarceration spaces, since the ways in which these people present themselves in prison do not tally with the crystallized manner that lesbians, gays, transvestites and transsexuals and LGBTs have their identities pigeonholed by the State. He also notes that the logic of the distinction between sexual orientation and gender identity is often disregarded in these spaces.<sup>6</sup>

As per the author, broad categories such as "bicha", "viado", "mona" and homosexual are the main forms of identification used in prison for people who do not fit the hegemonic standards of sexuality and gender. These forms of identification, used elsewhere in a pejorative sense by the "prison population in mass" (whose behavior is strictly based on moralities and ideals of masculinity), took on new significance and are now used by the LGBTs themselves in daily prison life.

Seffner and Passos (2016) analyze the creation of a gallery for transvestites, gays and their husbands in Rio Grande do Sul's largest prison as an "event". There are two central arguments to their analysis: the first is the "transvestite-victim coupling" discussed in the light of the dual victimization suffered by transvestites in society and in prison. The second is related to prison risk management, which consists of separating individuals into micro-spaces and specific groups, as a power technology linked to the need for these institutions to preserve the lives of inmates and to facilitate the logistics of particular prison disciplinary practices. The creation of a wing for transvestites, gays and their husbands is mobilized by these needs, functioning as a prison device that "organizes itself to let live and not let die, thereby exercising its discipline" (SEFFNER; PASSOS, 2016, p. 152).

The life stories of transvestites and transsexuals, people identified by the marks of non-normative sexuality or gender identities, are approximated by violence (SEFFNER; PASSOS, 2016): the "transvestite-victim" coupling, since among the non-hegemonic gender identities, they are highlighted as the most vulnerable to suffering violence in the home, on the street, at school and in other social spaces; and the vulnerability to which these people are submitted in the social context produces them as victims, a position that also results in a strategic visibility that legitimizes the urgency of State intervention.

Continuing with the authors' arguments, the violent experiences that these people go through in prison are amplified by the very characteristics of these institutions. Along these lines, the creation of a specific wing for transvestites is understood as a (re)humanization process of these people, bearing in mind the situation of institutional and family abandonment while serving a custodial sentence. As such, transvestites are victims of society and the prison system, a doubling of the victim status. This is "the argument that gives legitimacy to the existence of the gallery and is closely tied to the severely precarious situation experienced by transvestites" (SEFFNER; PASSOS, 2016, p. 149).

Zamboni (2016) shows that the creation of specific spaces for incarcerated LGBTs responds to a demand from the LGBT movement in line with human rights discourse. However, these spaces end up reinforcing the heteronormativity and binarism of prisons – as male or female – transferring from there the people who dispute this uniformity. The author rightly criticizes the presumption of the existence of stable collective identities that encapsulate flows of desires and conform multiple identities in a project with specific demands from the human rights discourse; "it seems we are in the face of one of these paradoxical cases in which the demand for specific policies in the realm of human rights could reinforce the power relations that they seek to combat" (ZAMBONI, 2016, p. 22).

In Ceará, narratives on the creation of specific spaces for LGBTs echo through complex tensions, contexts and instances that are related to some of the discussions held by the authors cited in this brief review. Prison policy has marginalized demands historically for the rights of incarcerated LGBT people. Contrary to complying with their demands in prison policy, the management of non-hegemonic sexualities and identities has always been the object of action by the State and its agents, whether denying, segregating, disciplining or punishing such people and practices. These control tactics occupy a place in the classical and contemporary literature on prisons in Brazil.

<sup>&</sup>lt;sup>6</sup>According to Aguião (2016), the margins that define exactly which subjects may or may not be included within the abbreviation LGBT (lesbians, gays, bisexuals, transvestites and transsexuals) continue to be vague. However, the initials themselves achieved stability through the propagation of government policies and initiatives that assume the "LGBT population" as object for mobilization and intervention in recent years. For a discussion of the protestations and conflicts around the incorporation of "identities" in the "LGBT movement", see SIMÕES, Júlio; FACCHINI, Regina. Na trilha do arco-íris: do movimento homossexual ao LGBT. (On the trail of the rainbow: from the homossexual movement to the LGBT) São Paulo: Editora da Fundação Perseu Abramo, 2009.

Although the LGBT population has not attained centrality in research into prisons in Ceará, the tactics for managing this population by the State and its forms of (re)existence are present in the memories of the people imprisoned and the working professionals with vast experience in prisons. The following section will deal with the narratives of *trans* people's relations – with prison officers, factions and State processes in managing this population.

# Groupings of transvestites and transsexuals in Ceará's prisons

The presence of people with non-hegemonic sexuality and gender and the affective-sexual relations between people incarcerated in male prisons have been discussed ever since the classical literature on prisons in Brazil. The disciplinary and heteronormative character of prisons enables us to see how subjects not framed by hegemonic norms of gender and sexuality, and with specific demands, were marginalized in Ceará's prison policy until 2014. Probably influenced by experiments with special cells already in operation in other states, it was only then that there was a record of the first grouping for transvestites and transsexuals and the granting of some of their demands.

The 'E' Wing of the Professor Jucá Neto Provisional Detention House (CPPL III) was the site of that grouping (ANDRADE, 2014; Laricia SILVA, 2015). 7 On the wing, the "bichas" (fags) shared the space with the elderly, "artigos errados" (wrong articles) and inmates who had accepted Aids treatment – the "rejeitados" (rejected) in the language of the prison management. Subjects were marked by gender, sexuality, class, generation, morality and deemed "vulnerable" to sundry violence by other groups of inmates. This first grouping was created by prison management to safeguard the lives of these people, particularly when factions from other regions of Brazil came to occupy space inside and outside the prisons.

On admission to the CPPL III, the transvestites and transsexuals were assigned to that ward, but not before being divested of the aspects considered feminine and that are performatized (Judith BUTLER, 2012) in their bodies. As a rule, at the entrance to the institution, the feminine objects and clothes were replaced with the "standard uniform" supplied by the Unit – an orange pair of shorts and a white top printed with the name "Ceara Penitentiary System". Shaving of the head was also part of denying the feminine attributes of *trans* people, seen as a regular process of normalization in Ceara's male prisons.

Kátia,<sup>8</sup> a transvestite serving a sentence in the 'E' wing, described arriving at CPPL III as the most painful moment in the prison – "The tears ran down my face as they shaved my head. The prison guards laughed at my appearance and called me a bald tranny. I'll never forget that day".

Other transvestites who also "did time" in the 'E' wing, interviewed by Silva (2015), told of the insults and ridicule by prison officers during the searches carried out during daily prison life. It goes beyond the act of cutting hair or denying the feminine attributes of *trans* people in that it is also a moralizing ritual that decharacterizes and ridicules non-hegemonic identities and sexualities, identifying them as anormal and reactualizing the socially established physical aspects and conduct for people with male genitalia. It is the ritual systematized from a specific materiality: the "standard packaging" as a performance presentation of the male gender.

Butler (2012), on addressing gender as a performative category, argues that identities cannot be considered fixed and self-evident, but rather inserted into processes through which the identity is constructed within the language and the discourse. She believes that gender is not who we are, but what we do. An act or sequence of acts; a verb instead of a noun. In other words, gender as performative category is nothing more than a set of bodily and discursive practices that produce at the same time that they are produced, which is possible to think of and practice in terms of gender. There is nothing pre-discursive in terms of gender, it not being a stable category in itself, but rather actualized by the act and only existing in its practice (BUTLER, 2012). Butler is less concerned with the character formation of the subject as individual and individual experience than in analyzing the genealogical process through which the individual comes to assume his/her position as subject.

The gender performativities of transvestite gender described based on the attributes considered by her to be feminine materialized in their bodies are part of a web of discourses subjectified in the course of their formations as subjects and are associated with their femininity. The materiality of the clothing and other feminine props such as make-up, hormone-produced or prosthetic breasts, and long hair are gender expressions performatized as components of transvestite identity.

Transvestites seem to destabilize the heteronormative character of male prisons. This ideal produced by discursive practices is pervaded with gendered dynamics that are not only presented

<sup>&</sup>lt;sup>7</sup>CPPL III is divided into six wings. To the left-hand side are the A, B and C wings and to the right-hand side are the D, E and F wings. Each of these wings has a similar structure: 26 cells, each with the capacity to hold six inmates. Each cell houses prisoners of similar profiles, an administrative measure aimed at preventing conflicts and facilitating work with these groups.

<sup>&</sup>lt;sup>8</sup>Fictitious names are used in this article in order to preserve the identities of the imprisoned interlocutors. All of those who recounted their experiences in the CPPL III and other prisons in the Metropolitan Region of Fortaleza were interviewed in the CPIS and Irmã Imelda Lima Pontes Prison.

in their ideological and subjective forms, but marked in the bodies and in the practices of institutional daily life in visible ways, either by the way it organizes the space, routine, bureaucracies and actions of its professionals, or by attributes, grammar, symbols and masculinized practices.

In this sense, transvestites destabilize the coherence between gender, sex and desire and show that all body production is gender performance, just like the standard packaging of uniforms and how the prison apparatus and uniforms of prison officers and police bring together gender and masculinity performances. In these terms, prison is marked by a single possibility of gender performance, which is male gender performance. Prison as a place predominantly occupied by black and poor men is precipitated here as a State device repeatedly gendered and racialized by categorizations of masculinity intersected with race and class (PADOVANI, 2017).

The "standard uniform" is a packaging of gender performance, just like the tactical clothing of the prison officers. If we are all marked by gender attributes, some people occupy positions that make them more susceptible to gender polarization. This is what Butler (2012) calls "gender problems". Of interest us in this discussion is the presupposition of prison as an institution that proposes itself as stable and universally masculine; the presence of *trans* people in these spaces destabilizes this order and causes reverberations in its operation.

Returning to 2014, the transvestite and transsexual inmates of the 'E' wing organized themselves politically and demanded an end to compulsory haircuts through a signed petition to the CPPL III management board. Tânia, a 27-year old transvestite, described how the movement came about and the anguish at having her head shaved.

At the start, when I landed in the system, I suffered a lot because I was a victim. They shaved my head in 2014, but at the time it was a reality. I was the last they did this to in the CPPL III. But after that we got together and put forward a petition to stop them cutting the hair of transvestites in the system. And that's how they stopped cutting our hair.

Starting from this political claim, other initiatives emerged, albeit fragmentary, occasional and incipient in nature, seeking specific rights for transvestites and transsexuals imprisoned in CPPL III. Brokered by the Social Work sector of that prison unit, an ordinance providing for the maintenance of long hair for *trans* people was published by the Justice and Civic Awareness Secretariat shortly after the inmates' political movement. The health services, especially in relation to the prevention and treatment of STIs/AIDS, were also prioritized for them. The claim also approximated a social worker to this segment, which resulted in an art-education initiative through fanzine workshops' with the "bichas" from the 'E' wing.

The fanzine is a collective and artistic production that has been encouraged in prisons in Ceará by social worker Josefa Feitosa, <sup>10</sup> since 2002, as a therapeutic resource and strategy for working on art education with prisoner groups. Alternating between drawings, images, collages and stories lived in daily prison life, these photocopied sheets folded in half serve as a kind of magazine (Ítalo SIQUEIRA; Maria Izabel ACCIOLY, 2018). The workshops were used by inmates as moments conducive to political organization. The fanzine produced by them was called "Só Babado", with the first edition entitled "Mundo Gay". In this edition, accounts of the pain, violence and insecurity of prison life were mixed with their agendas of demands.

The circulation of this material in cells, among professionals, relatives and members of the LGBT movement produced an impact around an agenda of demands for public policies to cater for transvestites and transsexuals incarcerated in Ceará. This was only made possible due to the insistence of the social worker in guaranteeing better prison conditions for the inmates, including the preservation of their identity characteristics.

Each edition of the fanzine "Só babado"<sup>11</sup> brought new critical accounts of daily life for the transvestites and transsexuals in CPPL III – "There is a serious disregard for human rights and a violation of the right to gender freedom when transvestites and transsexuals are submitted to degrading and morally intolerable treatment" (SÓ BABADO, 2014, n. 1, p. 2). They also reported on their gains in the political organization of inmates and the propagation of the fanzines inside and outside the prison:

The term fanzine is formed by joining the words *fanatic* and *magazine*. It is an independent, amateur publication, generally of limited circulation, produced with a photocopier or printer, and is aimed at a specific audience, covering one or more themes.

<sup>&</sup>lt;sup>10</sup>Unlike imprisoned interlocutors, this professional is not given a fictitious name since her work in the defense of transvestites and transsexual women in Ceará's prisons is publically recognized in journalistic material, experience reports and academic studies (ACCIOLY, 2018; SIQUEIRA; ACCIOLY, 2018). The first experience of Jô Feitosa (as she is fondly known) with the fanzine came about in the Auri Mora Costa Penal Institute, which was called "Hóspedes de Auri" (Guests of Auri). The work was totally written and illustrated by inmates of the Unit (ACCIOLY, Maria Izabel Feitosa. Poesie vida emuralhada: um estudo das práticas de resistência na Casa de Privação Provisória de Liberdade III. 2018 (Poetry and life walled-in: a study of practices for resistance in the House of Provisional Detention III). Final Paper (Degree in Social Sciences) – Department of Social Sciences, Federal University of Ceará, Fortaleza, CE, Brazil). She is a social worker who spent 26 years working in Ceará's prison units.

<sup>&</sup>lt;sup>11</sup>In January 2018, the fanzine "Só babado" was in its 19<sup>th</sup> edition.

With the support of the social worker and the CPPL3 management board, we began holding meetings of the incarcerated LGBT population. The meetings took place and things started happening. We put on dance and theater shows; we received more healthcare and we produced several fanzines. In the end, if you are not seen, you are not remembered (SÓ BABADO, n. 6, 2015, p. 11).

The social worker's expertise in circulating the fanzines exposed the accounts of the treatment received by transvestites and transsexuals in Ceará's prisons, resulting in the LGBT movement getting behind the demands for State intervention. After the fanzines, activists and professionals from the LGBT Public Policy Coordination in Ceará and the Fortaleza Council's Coordinating Body for Diversity began to participate more through periodic visits and by promoting educational, professional training and recreational activities for the inmates.

While certain demands of the "bichas" in the 'E' wing of CPPL III were met, such as: social name, healthcare, psychosocial assistance, dance and theater workshops, the right to have long hair, clothes and other identity props, the transvestites and transsexuals in Ceará's other prison units continued without recognition of their identities and suffered violence from the other inmates and professionals. Dayse, a transvestite who has served over eight years of a sentence in different prison units, described some episodes she experienced in the prisons she passed through.

I've been through lots of "fuguetas" 12 in the prison system because when I arrived at CPPL I, at that time [2009], homosexuals were not accepted on the "ruas". 13 So when I arrived, I didn't go to the "vivência" because if I had gone there I would have received a death threat. I stayed in isolation for days. The first time I went to the general population, it was really distressing for me because I had to sign a liability agreement, not because I wanted to be in the general population, because I didn't even know what prison was. But I had to sign it even though I didn't know what it was. The prison officers cut my hair out of spite. I was like a lady with one side black and the other white. They shaved one side and left the other really short. But thank God I am one more homosexual survivor in prison. I've been through CPPL I, II, III, the Military Prison, Pacatuba and IPPO II. It's not easy to be gay in prison. I was nearly raped on my second "quebra". 14 I thank the two guys who saw my desperation with a knife at my throat and saved me. They took the knife out of his hand. I've been to many "ruas" that don't allow gays and certain prison officers threw me in there out of prejudice. The "rua" shook, and they banged knives on the bars and I had to say that it wasn't my fault that they had put me there. I spent the night terrified of what they might do to me. The following morning, the officers took me out because they knew I was in a state of shock.

Dayse's account exemplifies the dissimilarity of LGBT treatment in Ceará's prisons. The affirmative actions for the healthy coexistence of transvestites in prisons, begun in 2014, are fragmented and inconsistent, only covering the grouping from the 'E' wing of CPPL III. In the other units, prison management did not take any action to enable inmate access to the same treatment parameters gained by the inmates of 'E' wing. To the contrary, Dayse recounts how certain prejudiced prison officers would make a point of misrepresenting and ridiculing transvestites by cutting their hair in an odd fashion, as well as frightening them and putting their lives at risk by assigning them to "ruas" where gays were not allowed.

From 2016 onwards, after the rebellions in May of that year, the prison landscape in Ceará changed completely. Factioned inmates no longer accepted the presence of "bichas" in the same prison units as they, not even in separate cells or wings, as in the case of CPPL III. The Secretariat of Justice and Civic Awareness started the redistribution of inmates to prisons in the Metropolitan Region of Fortaleza fearing new confrontations between prisoners affiliated with rival factions and, for the reason, began to send them to specific prison units during the rebellions. The "bichas" and "artigos errados" were quickly removed from all the prison units in the metropolitan region of Fortaleza and transferred to the CPIS and to the prison unit Professor José Sobreira de Amorim, under serious risk of death.

This new grouping of "bichas" emerged due to the radicalization of practices by factions inside and outside the prisons, including the regulation of sexualities and gender expressions in the cells. It is worth highlighting that the factions condone an ideal of masculinity and morality that declares that: "crime doesn't take it in the ass" (BIONDI, 2010, p. 148) and does not mix with those who take it in the ass.

It is common in testimonies to hear that – "Prisons dominated by factions are prisons of chauvinistic prisoners". When they were accepted by the "factioned" prisoners, the transvestites and transsexuals suffered strong discrimination and were closely monitored, not being allowed to express the performatized feminine in their bodies or have affective-sexual relations with other prisoners

<sup>&</sup>lt;sup>12</sup>Situations of danger, embarrassment.

<sup>&</sup>lt;sup>13</sup>"Ruas", "vivências", wings and pavillions that differ only slightly.

<sup>&</sup>lt;sup>14</sup>Regress from open to closed regimen.

<sup>&</sup>lt;sup>15</sup>Despite the relocation of inmates to prison units being constant, at this point in time, the factions are assigned as follows: CPPL III – PCC, CPPL IV and IPPO II – GDE while the other prisons in the Metropolitan Region of Fortaleza receive prisoners affiliated with CV and FDN, who are allies.

- "alongside the factioned inmates, the bichas' must know their place. They are men and must behave as such" – Erika told me. In this sense, the power relations and hierarchies within the cells, marked by the difference in gender and sexuality, point to a dominant male and heterosexual standard that imposes a forced adaptation on the other non-heterosexual subjects due to the continuity of prison life.

For Lago and Zamboni (2017, p. 79-80), discussions on moralities in the "world of crime" demonstrate the relations between (homo)sexual practices and prisoner political organization. The authors argue that the management of sexual relations by criminal groups in prison is underpinned by an ideal of masculinity, not only encompassing people who do not fit the heterosexual standard, but stipulating and organizing an ideal of sexuality that covers all the prisoners. The authors add that sexuality is one of the main areas in which the factioned prisoners' politics are evident.

Given the authors' considerations and Erika's, it appears that more than imposing heterosexuality on transvestites, the factioned prisoners are concerned with their own sexualities. Transvestites are the borders of danger, desire and contamination for the sexuality of the factions. The examination and control that the factioned exert on transvestite bodies refer to the risk of their heterosexuality being contaminated. Therefore, the inspection and control of transvestite sexualities by factioned prisoners is much more than an imposition of an ideal of masculinity: it is the monitoring of the masculinity of men and not of transvestites.

As such, it may be inferred that the assumption that "crime" does not take it up the ass or mix with those who do is linked more to preserving an ideal of masculinity among the members of the imprisoned factions than effectively controlling the sexuality of "bichas", that is, "crime" is more concerned with its own ass than the asses of non-heterosexual people. In other words, the preservation of a morality disposed in an ideal of masculinity presupposed to "crime" – which regulates sexual, affective practices and expressions of gender that do not correspond to this ideal and repel the people who represent border, danger and contagion to this morality/masculinity – is no more than processes of governmentality that take place through factional practices and techniques in relation to the State in Ceara's prison institutions.

From the outbreak of the rebellions, the "bichas" and "artigos errados" were relocated to the CPIS and to Professor José Sobreira de Amorim prison unit, which were still under construction at that time, without bars or any habitable conditions and monitored 24 hours per day by prison officers. They remained there until July 2016, when the Irmã Imelda Lima Pontes prison unit was inaugurated.

The inauguration of the Irmã Imelda Lima Pontes prison provided a destination for prisoners identified by prison management as "fragile" and "vulnerable", such as: the elderly, disabled, former military and first-time convicts of the Maria da Penha law, and a specific wing was created for the "bichas" – the "GBT wing". The establishment of this space took place after intense provocations and negotiations by the psycho-social assistance professionals of CPPL III, activists and professionals from the LGBT Public Policy Coordination in Ceará and the Fortaleza Council's Coordinating Body for Diversity with the then Justice Secretary, Hélio Leitão. This wing received transfers of "bichas" and their companions deemed by prison management to be "low risk". The transvestites and transsexuals considered "medium" and "high risk" remained in the CPIS, a male prison that does not recognize the gender identity of inmates.

In the Irmã Imelda prison, the forms of treatment for transgender people are similar to those in the 'E' wing of CPPL III. The recognition of inmate identities and their ability to experience their sexualities and gender identities through attributes they believe to be female is the treatment premise in the institution, including the use of social name, hormone treatment and visits from outside companions. They also provide educational, professional training and recreational activities in partnership with other entities that fight for sexual and gender freedom and in defense of human rights.

In the CPIS, the treatment of transvestites and transsexuals is quite different from that provided in the Irmã Imelda prison. In this unit, trans people were assigned along with the "artigos errados" with the aim of protecting them from physical violence and safeguarding their lives. Their identities are not recognized and access to certain materials that compose their identities are prohibited by the institution's management. There is no distinction between this segment and the other inmates, apart from the intimate visits afforded to "artigos errados" and not allowed to trans people. Complex configurations, relationships and tensions arising out of co-existence between the "bichas" and "artigos errados" are formulated in the daily life of this prison unit. 16

<sup>16</sup>Due to the limits of this article, the dynamics of these groupings in the CPIS and the Irmã Imelda prison cannot be explored. More in-depth discussions on the theme are covered by NASCIMENTO, Francisco Elionardo de Melo; MARQUES, Roberto; OSTERNE, Maria do Socorro Ferreira. "Relações e relacionamentos de pessoas LGBT em prisão masculina: entre normas e limites do dentro e fora da prisão" (Relations and relationships of LGBT people in a male prison: rules and limits from inside and outside the prison). Revista Dilemas, 2019, in press. And in NASCIMENTO, Francisco Elionardo de Melo; MARQUES, Roberto. "Políticas de aprisionamento de pessoas LGBT no Ceará: entre diretrizes do estado e normas de presos faccionados ou não" (Policies for the imprisonment of LGBT people in Ceara: between state guidelines and the rules of inmates, factioned or not). In: FERREIRA, Guilherme Gomes. Questões de gênero, sexualidade e justiça criminal e penitenciária (Questions of gender, sexuality, criminal justice and prison). Simões Filho: Editora Devires, 2019, in press.

Once more, as took place before the 2016 rebellions, two forms of treatment for incarcerated trans people are modulated in the same State by distinct and opposing processes. The State, on producing subjects with rights and special needs – tensioned by factions, professionals, activists and the political organization of the inmates –, also produced criteria for the inclusion and exclusion of access to the special treatment policy.

For Dediane Souza, of the Fortaleza Council's Coordinating Body for Diversity and activist in Ceará's transvestite social movement, the criteria for the transfer of transvestites and transsexuals to the Irmã Imelda Lima Pontes prison were formulated from the perspective of "prize", which falls well short of covering the demand for access to public policies that respect their gender identities when imprisoned.

Imelda cannot be characterized as a prize, but rather as access to the guarantee of rights for incarcerated transvestites and transsexuals. The State denied their identity, that is, it denied them the possibilities for change in their bodies and identities when free. We are reduced to prostitution as the only means of subsistence. Yes, it's a process of reparation, but it is still not a right for all, so this should be reviewed. It involves a process of inclusion within a broader process of exclusion, and political policies are being managed in the moral field. The exclusion process repeats itself in the prison environment. For example: if one of the girls is unable or unwilling to stop using drugs, she cannot stay in the Imelda unit. It is a policy that is based on a value judgment.

She discusses the lack of opportunities and violence to which transvestites and transsexuals are subjected, aligning the policy of special wings or cells as a form of State reparation of the rights that have been historically denied to these people. She advocates that all transgender people have access to this policy and not just those identified by the state as "less dangerous". Dediane also extends her criticism to the criteria established from the discursive practices of the prison institution in the selection and permanence of transvestites and transsexuals serving their sentences in the Irmã Imelda unit, citing the impossibility of continuing with certain existing practices in Ceará's prisons, such as those relating to access to cell phones and drug use.

In fact, the creation of transvestite and transsexual groupings in CPPL III and in the Irmã Imelda prison led to the hyper-surveillance of the transgender people who served time there. In this manner, we question the State processes that choose subjects who align with special prison policies over others, or which produce certain rights by denying others. This is not a new process, but rather the subjects who were chosen as the target of intervention in the landscape of the dispute for rights in the State.

She criticizes the logic of access to public policies for transvestites and transgender people incarcerated in Ceará. All actions that prioritize respect for the gender identities of inmates are implemented in the Irmã Imelda Lima Pontes Prison, unlike other institutions, which do not even recognize the gender identities of transvestites and transsexuals.

# State Processes and producing groupings of trans people: final considerations

The narratives clarified over the course of the previous sessions on transvestite and transsexual groupings demonstrate State processes as being pervaded by gendered dynamics and devices (VIANNA; LOWENKRON, 2017). As such, gender and sexuality markers shape State processes as a tactic for producing subjects with rights who are accustomed to special prison policies, bringing certain subjects with rights to the fore to the detriment of others and making rights by undoing rights. The idea that the absence of reliable data on the LGBT population makes them invisible in the promotion of public policies in the prison environment appears mistaken. Not doing is something that must be interpreted as inherent and not external to State processes. By not putting the transvestites and transsexuals in the spreadsheets, the State does so. This is also of the State's doing by means of its processes.

The issue here is: in what contexts do *trans* people become subjects with rights? Which transvestites and transsexuals have become subjects with rights at this time? Why did transgender people become subjects with rights in this national context?

The prison was born out of crisis, always undergoing different crises throughout its existence. There is always talk of a new crisis or the crisis of the moment. What is at stake in the context of this text is discovering why LGBTs appear to be the current crisis? To put it another way: to comprehend the context in which these subjects, when incarcerated in male prisons, achieve the status of State intervention through groupings and the recognition of some of their demands in prison policy.

The post-redemocratization period is the backdrop in which institutions and political parties with a history of struggle in defense of human rights were strengthened. It was also in this period that the feminist and LGBT movement intensified its demands for sexual, reproductive and affective rights and for the recognition of their identities at a State level. The issue of transvestite and transsexual

incarceration in male prisons arises in the context in which LGBTs gained some rights in the arena of public policy disputes within the state, especially those connected to health and social assistance.

Regarding statistical surveys of the "LGBT population", transvestites and transsexuals appear as the most frequent victims of violence, discrimination and prejudice, and have the lowest levels of education. When incarcerated, their vulnerability is accentuated given the lack of inputs for their prison upkeep and due to the violence they suffer at the hands of other inmates, factioned or not. The dual situation of victimization presented in the "transvestite-victim coupling", in society and the prison institution, legitimizes the creation of wings or galleries that function as a (re)humanization process for these people (SEFFNER; PASSOS, 2016).

It is at the start of the 21<sup>st</sup> century's second decade that the incarcerated LGBT population is included in the list of disputes for rights. The milestones of this inclusion are the creation of special cells and wings in several Brazilian prisons and the publication of Joint Resolution 1 (BRAZIL, 2014).<sup>17</sup> This Resolution is the product of intense engagement and action by the LGBT movement and other institutions that demand human rights from the prison management state bodies. Although it contains guidelines only, this document lists certain historical demands of the LGBT movement for access to health and social recognition of their identities.

It is in this national context that transvestites and transsexuals incarcerated in Ceará participate in disputes for specific public policies in the prison system and the promotion of human rights. Thus, government technologies are activated by the State to identify, designate and separate these subjects in order to produce them as subjects with rights, making certain subjects visible as possessing rights to the detriment of others as they formulate rights undoing rights. The State operates through its processes to produce *trans* people accustomed or not to special prison policies. The discursive practices that produce these people as "vulnerable", "dangerous" and "less dangerous" represent the fragmented treatment of the policy for cells, wings or special treatment advocated by the LGBT movement online with the Human Rights discourse.

In these State processes, certain transvestites and transsexuals designated as "less dangerous" or "vulnerable" are afforded the chance to serve their sentences in spaces corresponding to this demand, such as the 'E' wing of CPPL III and the Irmã Imelda Lima Pontes prison. On the other hand, the *trans* people deemed "dangerous" do not benefit from any special treatment policy. On the contrary, they remain vulnerable to multiple instances of institutional violence and attacks from other prisoners within the cells.

The discursive practices used by the State and its agents to operate in the scrutiny of these subjects are the critical point of this policy. The manners through which this identification and allocation function undergo discursivities particular to State action in prisons – organized into differentiation by crime, the use of violence at the time the crime was committed and the behavior of the inmates when serving their sentence. In a sense, this logic of identifying and separating *trans* people as "dangerous" and "less dangerous" institutionalizes a perverse logic of moral discrimination and spatial segregation as a mode of managing life and reducing the risks of these people when imprisoned.

The division of transvestites into "dangerous" and "less dangerous" seems to correspond to the conception of disciplinary tactics and governmentality discussed by Michel FOUCAULT (1997; 1999). The separation of individuals into ever smaller groups in prison makes it possible to identify, inspect and control their conduct, making the disciplinary practices and management of this population even more efficient. These are elaborate power technologies that submit individuals to scrutiny, surveillance, and examination as a productive process: the manufacture of submissive bodies attuned to the institutional rules of prison.

The individualization and identification of these subjects facilitates the inspection and control of their conduct in prison life. Discipline entails the meticulous power over bodies; the intensification of this control makes governing and inspecting more efficient. While separation is an interesting strategy for governing, "separating also seems to be an efficient tactic to protect" (SEFFNER; PASSOS, 2016, p. 154).

Aguião (2016) calls attention to the internal dynamics and controversies involved in the "doing of the State", since they allow us not only to understand the forms "through which the State produces the subjects it governs (administers) but also the process for establishing these subjects as part of a continuous flow of production by the State itself" (p. 302-303). The manufacture of identities, according to the author's analysis, is carried out using discursive practices and part of the State processes is precisely to erase the traces of this manufacturing.

Revista Estudos Feministas, Florianópolis, 28(1): e57687 DOI: 10.1590/1806-9584-2020v28n157687

<sup>&</sup>lt;sup>17</sup>Joint Resolution N° 1 was formulated by the National Board of Criminal and Penitentiary Policy (CNPCP) and by the National Board for Combating Discrimination (CNCD/LGBT). Among the principal aspects of the Resolution are: the guarantee of social name for transvestites and transsexuals according to their gender; specific wing in male prisons for gays and transvestites based on their own interests; isonomic treatment for transsexual women and other women; permission to use female and male clothes and to have long hair in accordance with the gender of transvestites and transsexuals; guarantee of the right to intimate visits; full healthcare as per parameters from the National Policy on LGBT Health and the National Healthcare Policy for Inmates of the Prison System – PNAISP; equality of conditions, access and continuity of educational and professional training, under the responsibility of the State.

If it is impossible to reflect on gender and state in a disconnected manner (VIANA; LOWENKRON, 2017), the 'doing' of the State (AGUIÃO, 2016) and the production of discursivities around the subjects that the State comes to govern enable the interpretation of a female and male prisoner profile production as "fragile", "vulnerable" and "of low risk" or the labeling of transvestites and transsexuals as "dangerous" and "less dangerous". The State can be viewed as producing subjects who benefit from humanized public policies in the prison system to the detriment of others who do not conform to the standards set forth by the State through its processes.

When defining who does or does not deserve a humanized prison policy, models of *trans* people requested by the State are deliberated. A model of inmates through which it would be worth constituting humanized public policies, particularly because it is from these supposedly fragile, inoffensive and victimized subjects that the State potentializes its image of State protector.

From this perspective, this selection creates situations of exception, enabling or impeding trajectories in identification processes, sexual-affective experiences and risks to life. At the same time, the State produces a place via LGBT prisoners based on which it wishes to be seen: the State that separates, defines, and protects. Eventually, it recognizes the difference.

# **Acknowledgements**

Research received funds from the Ceara Support Foundation for Scientific and Technological Development (FUNCAP), for which I am thankful.

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#### RECOMMENDED CITATION

NASCIMENTO, Francisco Elionardo de Melo. "Agrupamentos de travestis e transexuais encarceradas no Ceará, Brasil". *Revista Estudos Feministas*, Florianópolis, v. 28, n. 1, e57687, 2020.

## PARTICIPATION IN AUTHORSHIP

Not applicable.

#### FUNDING

Research counted on a research grant from the Ceara Foundation to Support Scientific and Technological Development – FUNCAP.

#### PERMISSION TO USE IMAGE

Not applicable.

#### APPROVAL BY THE ETHICS IN RESEARCH COMMITTEE

Not applicable.

#### **CONFLICT OF INTEREST**

Not applicable.

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#### **HISTORY**

Received on 06/13/2018 Resubmitted on 07/25/2019 Approved on 08/05/2019

