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Prisons have never been safe for women – removing trans people won't change that

All violence in prison is unacceptable and we must address that, not demonise marginalised groups

Opinion by Sarah Lambie

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<https://inews.co.uk/opinion/prisons-never-safe-women-trans-people-2180097>

Trans prisoners have been in the media a lot lately, with attention focussed on whether trans women should be held in men's or women's prisons. Safety concerns have been raised, particularly around individuals with convictions for sexual offences.

The public is right to be concerned about the safety of prisoners, but the current framing of issues is both misleading and too narrow. We have been led to believe that the greatest threat to women in prison is other trans women, despite evidence that tells us otherwise.

There are very few trans women in women's prisons – the [latest figures](#) in England and Wales indicate less than 17. Since the Ministry of Justice updated its trans prisoner policy in 2019 to ensure more robust risk assessments, there have been [no reported cases](#) of trans women assaulting other women. Under-reporting of violence is an issue, but even official statistics reveal that violence is a persistent problem that all women prisoners face, irrespective of trans women's presence. The latest [custody statistics](#) suggest on average one sexual assault per month and three physical assaults per day in women's prisons.

Prisons are not safe for anyone. Barring trans women from women's prisons will not address the wider dangers prisoners face, including [self-harm, addiction, mental anguish](#) at separation from family and children, and risk of [premature death](#) during imprisonment and [post-release](#). All violence in prison is unacceptable and we must address that, not demonise marginalized groups.

Parts of the media seem to have forgotten that the previous 2016 trans prison policy in England & Wales (which made it marginally easier for trans women to be housed in women's prisons on a case-by-case, risk-assessed basis) came into effect because [three trans women died in men's prisons](#) in little over a year. During that same period, other trans women were sexually assaulted in men's prisons – a problem that [remains acute](#) but under-reported by media. The 2016 policy, revised in 2019, was driven by evidence-based concerns about the safety of trans and gender-diverse people.

By contrast, the [latest policy change](#) introduced this week, has not been driven by evidence, but by whipped up fears, misinformation, and a culture war determined to make trans people its fodder. The constant demonisation of trans women and an obsessive focus on a few high-profile cases has obscured the reality that trans and gender-diverse people are highly vulnerable in prison, and face serious risks of [harm](#).

These problems are made worse by sensationalist media. According to the [Bent Bars Project](#), “misleading and discriminatory news reporting on trans prisoners is having a particularly negative impact inside prisons, and is putting all LGBTQ+ and gender diverse prisoners at greater risk of harassment, abuse and harm.”

The new policy undermines the previous case-by-case approach, by prohibiting all transgender women who have not had genital surgery from women’s prisons, unless exceptional circumstances are authorised by the Secretary of State.

In doing so, the policy unfairly discriminates against trans women who are awaiting or unable to access healthcare. Trans people outside prison face severe difficulties and long wait times in obtaining gender-affirming healthcare and these barriers are dramatically [worse in prison](#). It is extremely rare, if not impossible, for trans people to access gender surgeries while in prison. The new policy does nothing to address these health disparities – while simultaneously exposing trans women to increased danger in men’s prisons.

The policy also presumptively bars trans women with any conviction or charge for violent or sexual offences from the general women’s estate, regardless of context – a rule that does not apply to other women with comparable offences. This change is unnecessary since the previous policy required all prisoners to be rigorously risk assessed before any prison transfers were permitted.

Groups campaigning to ban trans people from women’s prisons often focus on the vulnerability of cisgender women prisoners, noting that most are abuse survivors and imprisoned for non-violent offences. These groups are right to highlight the wider social issues which funnel women into prison (homelessness, poverty, child abuse, addiction, racism and trauma). But surely this points to the wrong-headedness of imprisoning such women in the first place. Instead of maligning and pitting marginalised groups against each other, we’d be better off directing energy and resources into ensuring that no one is imprisoned as a result of social inequalities.

The pressing question we face is why we continue to use prisons as a main response to social problems, when there is little evidence that prisons reduce or prevent violence. With government plans looming to [build more prison spaces](#) and [prison population projections expanding](#), we cannot afford to continue the status quo. If safety is truly the goal, we must urgently direct our efforts into reducing the use of imprisonment and investing in real harm reduction and violence prevention strategies for the safety of everyone.

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