

# Trans people's experiences of the Criminal Justice System in England

A Community Engagement Report from the TRANSforming Futures partnership

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Transforming Futures



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## Foreword

This is one of three Community Engagement reports from the TRANSforming Futures partnership. We are a group of trans equality focused organisations working together on a ground-breaking five-year project, funded and supported by the National Lottery Community Fund, which aims to create lasting change for trans communities in healthcare and criminal justice systems. This report focuses on trans people's experiences of the criminal justice system.

The TRANSforming Futures project came from a need to create space for, and make a record of, trans communities' ideas, experiences and voices. This is qualitative research led by, and focused on, a diverse range of trans people in England.

The proposals and solutions included here are not policy recommendations, and they do not represent the view of any one organisation or individual. We have foregrounded a range of suggestions from trans people themselves, with the hope that they will spark further discussion and future action. Some suggestions may also go on to become funded projects with TRANSforming Futures partners.

This report is the starting point of a conversation. As well as exploring trans people's experiences of healthcare and criminal justice systems, this project provided crucial time and space for trans communities to discuss the problems they face. Even more importantly, participants were asked to imagine their own solutions – large and small – to these problems. This in itself is an act of healing and reclaiming power.

In this report we use the term 'trans' inclusively (see the glossary on page 37), standing in for the rich variety of terms our participants used to express their genders. While there is no one single voice of trans communities, in these reports we have worked to centre the voices of those most impacted by transphobia – namely those whose gender identity intersects with other aspects of their identity, especially race and disability.

TRANSforming Futures is a partnership project between Be:North, CliniQ, Consortium, Galop, Gendered Intelligence, GIRES, Mermaids, Stonewall and Sparkle. It is funded by the National Community Lottery Fund. The partnership will use the ideas generated within these consultations to create new projects that run over the next three years.

This project would not have been possible without the generosity, trust, enthusiasm and love of every trans person who contributed. Particular thanks go to the phenomenal Levi Hord who analysed the data and created this report, to our fabulous graphic designer Cosette Pin, to the amazing counsellors Ellis Johnson and Kris Black, and to the brilliant facilitators: Chay Brown, Drew Simms, Ellis Johnson, Kirrin Medcalf, Sabah Choudrey, Shon Faye and Toryn Glavin. This project would not have succeeded without the hard work, advice and input of the fantastic Kieran Wilson, Kuchenga Shenje, Melz Owusu, Suzanna Hopwood and the Stonewall Trans Advisory Group.

# Executive summary

This is one of three Community Engagement reports from the TRANSforming Futures partnership. Drawing on a survey, workshops and contributions from legal and community experts, the research details trans people's experiences of problems in the criminal justice system and highlights participants' proposed solutions to some of these problems. These are not policy recommendations, and they do not represent the view of any one organisation or individual. We have foregrounded a range of suggestions from trans people themselves to spark further discussion and future action.

## **Issues experienced by trans people in the criminal justice system**

### **1. Lack of knowledge about rights**

Participants reported being unsure of their rights, making it difficult to navigate the criminal justice system. People were uncertain about whether their experiences amounted to hate crimes, and whether trans people – and non-binary people specifically – were protected by the law from hate crime.

Legal experts highlighted that trans people in police custody were not sure whether they should disclose their trans identity, and whether they could request their pronouns or name be used by the police.

Experts highlighted problems with how courts handle cases involving trans people. These included hostile media coverage of court cases involving trans people, and perceptions that CPS guidelines for prosecuting hate crimes did not favour prosecutions.

### **2. Discomfort and uncertainty about reporting violence, discrimination and abuse**

Participants and experts expressed a lack of confidence in reporting hate crime, discrimination and abuse because they fear they would not be believed or supported. This was especially stark for Black trans people and trans people of colour, who feared racism as well as transphobia.

Some people worried in particular about the support that would be available if they did report a crime. These included the lack of trans-inclusive domestic violence services, with participants reporting that these services focused on their gender identity rather than their experience of abuse.

### **3. Criminalisation of trans people**

Participants highlighted that trans people experiencing homelessness, Black trans people and trans people of colour are more likely to be criminalised (i.e. treated as a suspect and/or accused or convicted of a crime), particularly through racist practices in policing.

Legal experts highlighted instances of trans men and transmasculine people being prosecuted in the context of intimate relationships, saying they are disproportionately likely to have charges pressed against them and receive disproportionate sentences.

Participants who had experiences of arrest cited confrontational experiences, misgendering and unnecessary physical force. Most of these experiences followed instances in which the trans person had been a target of harassment themselves.

#### **4. Perceptions and experiences of the police**

Participants highlighted fear and distrust of the police as a key failure in the justice system. This was said to be a result of unaddressed histories of violence against trans people and ongoing poor interactions and harassment, which lead to a high level of anxiety. Trans people of colour and survivors of domestic violence were particularly likely to express a lack of trust.

Transphobia within policing cultures was flagged as a major issue. Participants highlighted that police generally lacked knowledge about trans people, but there were also many examples of derogatory language about trans people being heard. Those who had complained about mistreatment by police found that their reports were not followed up internally.

#### **5. Trans people in the prison system**

Incarceration was perceived as a particularly dangerous and harmful experience for trans people. Workshop participants who had spent time in prison spoke of their experiences of binary gender segregation, misgendering and mistreatment by prison employees. This was particularly highlighted by trans people of colour. All trans participants who had experienced prison cited isolation and a lack of networks.

### **Ideas for improving criminal justice institutions**

After identifying problems that trans people experience in the criminal justice system, workshop participants were asked to generate ideas they thought would help alleviate these problems. Their ideas were as wide-ranging as the perspectives and experiences of the group. Ideas included:

#### **Improving outcomes in the current criminal justice system**

- Run skill-sharing workshops and survival education for trans communities
- Create and distribute resource packs for incarcerated trans people
- Train and employ trans criminal justice advocates
- Support trans people through and after reporting

### **Changing the criminal justice system**

- Formal training to improve interactions with police
- Train and employ mandatory trans liaison officers and improve outreach to trans communities
- Make it easier and safer to report violence, abuse and discrimination, through online reporting, third-party reporting and removing time requirements for reporting a hate crime

### **Pursuing alternatives to criminal justice**

- Create non-punitive pathways for hate crime offenders, such as compulsory education courses and mediation
- Decriminalise sex work
- Abolishing prison

## Methodology overview

We collated trans people's experiences of healthcare and criminal justice through a survey of 348 trans people in England. Using this information to guide us, we interviewed experts in the areas trans people had highlighted. We then ran 19 community workshops where participants mapped problems in criminal justice and healthcare and generated solutions to the issues they had identified.

We sought a diverse cohort of participants so that ideas created were representative of wider trans communities. We also ran workshops which were specifically for Black trans people and trans people of colour .

**Comprehensive information about the methodology, demographics and the community experts we consulted can be found from page 31 onwards.**

# Issues experienced by trans people in the criminal justice system

*'Everyone that's walked through our doors has been a victim of something or has survived something at some point, whether at home or on the street.'* (Gray, Service Manager, The Clare Project)

We ran a series of workshops with trans people, including two workshops that were specifically for those who had experiences as either a trans survivor of violence, or as a trans person who had experience of being accused or convicted of a crime. Participants were asked to map the areas that they felt were most problematic for trans people, drawing on their personal experiences as a starting point.

This section maps the issues that trans people in the community workshops and expert interviews identified, including forms of violence and interactions with the criminal justice system. We have consolidated the discussions and issues raised into the following problem areas.

1. Lack of knowledge about rights
2. Discomfort and uncertainty about reporting violence, discrimination, and abuse
3. Criminalisation of trans people
4. Perceptions and experiences of the police
5. Trans people in the prison system

## 1. Lack of knowledge about rights

Many workshop participants said they were **unsure of their rights** in different scenarios. They reported that this uncertainty made it especially difficult to **navigate the criminal justice system as a trans person**, as it prevents self-advocacy and leaves people vulnerable to further injustice.

People who had experienced transphobic and/or violent interactions were **unsure whether their experiences amounted to hate crimes**. The volume of transphobic experiences respondents had faced meant that many were unsure **what made something 'bad enough' to legally be classed as a hate crime**. People also identified that they lacked knowledge about:

- Whether trans people are protected under hate crime legislation
- Whether online and verbal harassment count as hate crimes
- Whether and what action might be taken in response to a hate crime report
- Whether non-binary identities are covered under non-discrimination legislation, and what rights non-binary people have
- Whether trans people have any rights and protections in relation to police in a reporting scenario

It is also worth noting that while no respondents specifically stated that they lacked knowledge about existing support services and resources, researchers were aware of resources existing that respondents stated did not exist.

One **criminal justice expert** reported that many **trans people in police custody** are unaware of their rights, and had **difficulty accessing information and legal aid** to help them understand their rights.

They reported that trans people they had worked with in police custody were not sure **whether they should disclose trans identity**, and unsure whether they could **request their pronouns or name be used** in interactions with police if not legally changed.

Community experts Carla and Saxon identified older trans people, who have lived through decades of police discrimination and legislative change, as a group understandably more likely to be unsure whether they have the right for their trans identity to be recognised and respected.

## Highlight: Courts and the Crown Prosecution Service

Two of the legal experts we consulted explained how the **courts** and the **Crown Prosecution Service (CPS)** uphold cultural transphobia and **prevent the fair prosecution** of cases involving transphobia. Drawing on their experience in having brought such cases forward, they discussed:

- Delays in the CPS bringing cases to court, making it likelier that people will miss the deadline for prosecution
- Delays being justified on the basis of ‘political issues’ surrounding the case, despite the fact that there should be no political interference in the justice system
- Unfair treatment based on fear of trans people (such as breaking the standard protocol of giving the prosecution the defendant’s information)
- Discontinuing cases without reason, despite the duty to explain why a case is being discontinued
- Judges allowing political statements against trans people to be made in the courtroom

*‘We’re not asking for some elusive special treatment; we’re just asking for the law as it stands to be upheld.’* (Giuliana and Luke, Legal Experts)

*‘Even as lawyers [...] we had to fight tooth and nail to even access the court system.’*  
(Giuliana – Legal Expert)

These experts also discussed the **CPS guidelines for prosecuting hate crimes**. They perceived the current guidelines in relation to hate crime as likely to weight decisions against pursuing prosecution, and connected these guidelines to the low levels of successful hate crime prosecutions.

The courts, according to Giuliana and Luke, could also be **influenced by negative media portrayals of trans people**. It was reported to us that trans people involved in court cases are frequently **targeted in the press while cases are ongoing**. One expert went onto detail that despite, in their professional opinion, this being in contempt of court, the Attorney General has historically not taken action to start proceedings against the media in cases involving trans people. Concerns were expressed that the role played by the press interferes with the justice process and could impact court officials’ perceptions of trans people.

*'The press were unbelievable. If you can think of a vile thing to call me, the press described me as it.'* (Giuliana – Legal Expert)

## 2. Discomfort and uncertainty about reporting violence, discrimination and abuse

*'I know reporting creates data and that's important, but I don't feel confident to do so given current challenges faced as a trans person.'* (Participant, London workshop)

Discomfort and uncertainty about the process of reporting transphobic violence, discrimination and abuse was mentioned in every workshop discussion about criminal justice when mapping the main issues perceived by participants.

The most common sentiment expressed by participants and experts was a **lack of confidence in reporting** to law enforcement. Reasons for this lack of confidence include:

- Fear that any encounter with police will go poorly (especially for Black trans and trans people of colour, who feared racism as well as transphobia)
- Assumption that police **will not be sympathetic** to transphobic hate crime
- Worry that police will **side with their harasser**
- Fear that they will **not be believed** or taken seriously
- Uncertainty over whether what they have experienced is **'bad enough'** in the eyes of law enforcement officials to warrant reporting

*'How bad does it have to be, how much pain do I have to experience, before I feel like I will be believed when reporting a hate crime?'* (Participant, Trans People of Colour workshop)

*'A lot of our guests have had a negative experience with the police, and they don't feel like the police will help them or support them or like there's anything that they can do.'* (Carla, Homelessness Expert, The Outside Project)

*'People [who have been sexually assaulted] really fear a negative response from the police or authorities. People will be worried that they'll be blamed in some way for what has happened to them, or that they just won't be taken seriously. There's a genuine fear about what happens if this does go further – "what would happen if I were in court being cross examined about this by a barrister, how could I cope with having all of this stuff picked over?'"* (Rowan, Trans Advocate)

The majority of workshop participants said that if they experienced a hate crime in the future, they **would likely choose not to report it**. Reasons that were given for this included:

- Wanting to avoid spreading a **negative portrayal of trans people** by admitting to assault or discrimination
- **Having to come out** as trans in order to explain the motivation behind a hate crime
- Fear of **media exposure** if a case goes to court
- Anxiety about the **lengthy process** of pursuing justice through law enforcement and courts
- The possibility of reporting incidents affecting future ability to **access essentials and housing** (especially for those currently experiencing homelessness)

- The reality of **racism** in the criminal justice systems

*'With the criminal justice system, colour comes first. If I ever experienced a hate crime, I wouldn't feel comfortable reporting it.'* (Participant, Trans People of Colour workshop)

*'As long as you are white and a citizen then all your rights are in full effect. Otherwise, as TPoC, you don't have the same rights and are treated as a second-class citizen.'*  
(Participant, Trans People of Colour workshop)

*'Trans people don't tend to tell me about hate crime, though they have. Because whenever I've spoken to trans people about hate crime, they just kind of fob it off to go "it happens all the time, every day, every hour, like I would spend my entire life reporting" – especially trans women – "if I were going to report every incident, I'd be a full-time reporter of incidents".'* (Saxon, Criminal Justice Expert)

Participants in the workshop for survivors, as well as two community experts, also indicated that the **lack of trans-inclusive domestic violence services** prevent trans people from feeling safe enough to report violence and abuse. The barriers that were highlighted included domestic violence services currently being **highly gendered**, with a focus on cisgender women.

When explored further, participants reported that trans-exclusionary narratives create barriers for trans and non-binary people who may need to access sexual assault and domestic violence services. Ultimately these people may not attempt to access these services at all in case they were denied support or access due to being trans, as was the situation reported by Carla Ecola in terms of homelessness hostels and domestic violence services.

Those with experience using these services reported that domestic violence workers **focused on their gender identity rather than their experience of abuse**, and one participant disclosed examples in which judgemental remarks were made about their desirability in a relationship. This **lack of trans-inclusive services for survivors** of intimate partner abuse was seen by participants and our community experts as a significant contributor to the lack of trust trans people have in the process of disclosing and reporting.

### 3. Criminalisation of trans people

*'I still hold a lot of trauma from the whole thing. I still have nightmares about it. [...] The whole situation was like the worst pain of my life.'* (Participant, Criminal Justice System workshop)

Criminalisation refers to the process which turns actions and individuals into crimes and criminals. This can happen through new or increasingly enforced legislation, or through systemic societal prejudices (e.g. racism) which implicitly connect certain identities with criminality. This process can be seen in, for instance, the disproportionate rates at which Black people are stopped and searched by the police.

Testimony on this issue comes from a workshop specifically for those who had either been accused or convicted of a crime, as well as our trans people of colour (TPoC) workshop, a London-area workshop, and from interviews with legal experts and support group leaders. When asked what the biggest issues were within criminal justice for trans people, these groups stated

that experiences of criminal justice institutions within England vary widely depending on the identity of the individual. This was flagged as a key area of concern. The following identities were identified as the ones participants and experts felt were at heightened risk of criminalisation:

#### Trans people experiencing homelessness

##### **Context:**

**Poverty was perceived by both experts and participants as a significant cause of interactions between police and trans people** (including interactions prompted by acts such as shoplifting, and by fines issued to people experiencing homelessness). Insights on demographics from service providers suggest that trans people experiencing homelessness are likely to be particularly vulnerable to the impacts of criminalisation because they are disproportionately likely to be Black, have disabilities and share other intersecting characteristics that are targeted by criminalisation.

##### **Impact:**

The criminalisation of trans poverty **introduces more risk to trans lives**. Our interview with an expert on trans homelessness revealed that trans people are particularly **vulnerable after being 'moved on' by police**, as several of the spaces they could go (e.g. public parks) put them at further risk of transphobic violence.

### Black trans people and trans people of colour's experience of racism

#### Context:

Racism was identified as another significant cause of negative interactions between police and trans people, especially Black trans people. The intersection between gender and race, and how that impacted expressions of racism, was repeatedly raised within the Trans People of Colour workshops.

#### Impact:

Trans people of colour are already **disproportionately criminalised because of racial profiling**. Transmasculine PoC in particular reported being **followed around in shops** by people who suspect they are stealing, and being **stopped by police** more often if they are perceived as masculine.

*'With BAME/PoC there is already that prejudice there.'* (Participant, Trans People of Colour workshop)

*'People seemed more suspect about me, security following me around, clutching their purses on the street. Immediately I felt criminalised. I hadn't changed but my appearance had changed.'* (Participant, Trans People of Colour workshop)

*'I'm almost always racially profiled and now that I'm trans it's even worse.'* (Participant, Trans People of Colour workshop)

The same participants (from a Trans People of Colour workshop, a London-area workshop, a workshop for those who had experienced criminalisation, and from interviews with legal experts and support group leaders) also identified what they felt were keys areas of inequity for trans people in terms of laws and points of interaction with the criminal justice system:

### Sex-by-deception cases

#### Context:

Recently, a number of 'sex-by-deception' cases have been brought against trans people. In these cases, individuals argue that their partner not disclosing their trans identity and/or trans history is a form of deception that invalidates consent.

This has led to instances of trans men and transmasculine people being **prosecuted in the context of intimate relationships**. We spoke to Alex Sharpe, a legal expert in sex-by-deception cases, who explained that complainants in these scenarios are **more likely to press charges**

**where the defendant is trans**, and what is at issue in these cases is not particular sexual acts, but discomfort surrounding the defendant's gender.

Trans people accused of sex by deception were perceived to have received **disproportionate sentences** compared those who have committed violent sexual assault.

This is an area of law that is of interest within legal and academic settings due to its unusual and nearly globally unprecedented (bar in Israel) status:

*'Most people are very much against prosecution of trans and non-binary people for desire-led intimate interaction. [...] There's very much a consensus against criminal prosecution, amongst experts, and again I think within the general public most people are pretty suspicious about prosecuting people in these kinds of scenarios.'* (Alex Sharpe, Legal Expert)

### **Impact**

Fear of forming intimate relationships was expressed primarily by trans men and transmasculine participants. Trans women and transfeminine people were more concerned with violence from intimate partners and the implications of being known as, or perceived as, sex workers by authorities.

The fear generated by 'sex-by-deception' cases caused participants to make significant changes to their sexual and romantic lives in order to protect themselves:

*'I just stopped sleeping with women altogether.'* (Participant, London workshop)

## Discrimination during arrest

### Context:

Participants who had **experiences of arrest** reported that police were confrontational during the encounter, **misgendered** them throughout the arrest, and used unnecessary **physical force** against them.

### Impact:

Most of the arrest experiences participants shared with us **followed instances in which the trans person had been a target of harassment themselves**. This led to trans participants feeling unable to report violence and abuse for fear of being criminalised, as well as having a significant impact on their wellbeing:

*'I was just walking around after a club. I was abused, a white guy, transphobic language and slurs. I was arrested for public disorder, [as I had] been drinking you're over the limit. That was my first experience. I was taken into police custody. They done my fingerprints, I was wearing a hair weave and he asked to take off [my] wig, and he said he is going to pull it off. The shamefulness, the dishonour. Being a trans person going through that was really bad.'*

(Participant, Trans People of Colour workshop)

## 4. Perceptions and experiences of the police

A key theme in the workshop discussions was the numerous ways in which the **policing in its current form is seen to fail trans people**. The issues that were mapped came from disclosures of previous negative experiences with the police, and participants noted that the prevalence of transphobic prejudice within England is difficult to address at an individual level.

### Fear and distrust of police

A significant failing that was mentioned – by those in **urban areas, trans people of colour, and four experts assisting vulnerable trans populations** – was trans people's **fear of police** based on historical and current discrimination.

Workshop participants felt that **police have not addressed their histories of violence against LGBT+ people**, and expressed concern over violent **histories being rewritten** with narratives that highlight positive relations with police. This might include police forces playing a more visible role in supporting LGBT+ community events (e.g. Pride). It was suggested that when attempts have been made to improve police/community relations, police **expect trans communities to do unpaid emotional labour** to address their own oppression.

*'If I walked out on the high street and started shouting obscenities, I could be fined £100 on the spot. But if I said hateful things to a trans person on the street, nothing would happen.'* (Participant, South West workshop)

People in our **TPoC workshops** said that they would **never feel comfortable disclosing their gender** to a police officer, that they had experienced **police harassment** on the street (including being followed and singled out), and that they experience **high anxiety** in the presence of police.

*'In this current quarantine situation, I've seen LGBT+ (generally white) people reminding people to be calling the police still – for instance on people not sticking to lockdown [...] with absolutely no awareness of how the police aren't to be trusted for many people, aren't accessible in the same way; that many are of the opinion that they're a racist, homophobic, transphobic institution.'* (Participant, Trans People of Colour workshop)

Participants felt that relationships between police forces and trans communities had **deteriorated**. Police curtailing protests and insisting on uniformed officer presence at Trans Pride were key components mentioned in this deterioration. **Hostile interactions with police** were reported as being common in queer and trans nightlife scenes.

**Trans support group leaders** reported that many of their service users who **struggle with mental health** have been **traumatised by police during wellbeing checks**.

*'Trauma is a constant factor in a very large number of the people I work alongside, and a lot of that trauma comes from hate crimes and interactions with the criminal justice system, including with the police, so that acts as a kind of background to all of the work.'* (Rowan, Trans Advocate, MindOut)

## Survivors' negative interactions with police

Participants in **eight workshops** who had survived violence, discrimination and/or abuse told us that they had a **negative interaction when reporting the incident to police**. Their experiences included:

- Being made to feel that the incident was **their fault for 'being trans in public'**
- Having officers **invasively focus on their gender identity** even when it was not relevant to the incident
- Having to **fight to justify** that what they experienced was a hate crime
- Being **openly mocked** by police while reporting
- **Not being offered support** to recover from incidents because their needs were seen as 'too complicated'
- Being **misgendered** while reporting (including while reporting sexual assault)
- Not being believed specifically **because of their race and gender**
- Police **not communicating** with survivors and then **closing cases without investigating**

In these instances, police were seen as actively **not following set protocols** around access, ableism and transphobia. Experiences like these make it **impossible for many trans people** to trust and engage with officers they are meant to share deeply troubling experiences with.

*'You shouldn't have to explain or justify your identity to people if you've been the victim of a crime – people should not be questioning it.'* (Participant, East Midlands workshop)

*'If you're going to report a hate crime, you're going to have to explain why it's a hate crime.'* (Participant, London workshop)

*'I've been out as trans for 10 years and it's a rarity to feel like I'm being taken seriously by the police when I've reported hate crime. I've pretty much given up now.'* (Participant, Criminal Justice System workshop)

*'They don't understand hate crime and specifically how it affects trans people. The trauma lives with us for so long. For police it's just a normal thing that trans people suffer from hate crime, harassment and violence. I personally had several interactions with police. And they just say stay safe, be vigilant. But what are they going to do? To be honest, when I report something or have interviews with police, I feel like I am perpetrator and not a victim.'* (Participant, Trans People of Colour workshop)

## **Transphobic policing cultures**

*'I've sat in meetings with guests with the police where the language has been dreadful, and just general understanding of the issues is just not – you know – the training's not there.'* (Carla, Homelessness Expert, The Outside Project)

Transphobia within policing cultures was flagged as a major issue for trans communities by participants and experts. When discussing 'policing cultures', participants generally focused on the occupational culture of their local police force. During the mapping exercise, this was often discussed in conjunction with either personal experiences of, or fear of, unjust or violent treatment by law enforcement due to trans identity.

Participants also felt that the police **lacked knowledge about trans people**. Key areas included:

- **Pronouns:** participants reported being misgendered during arrests and in crime reports.
- **Talking about trans people:** multiple people with knowledge of the criminal justice system reported that officers are unsure how to talk about trans people in reports and whether or not to reference trans identity. This results in the erasure of identity and of the fact that violent encounters could have been motivated by transphobia.
- **LGBT Liaison Officers:** some participants and experts reported that even some appointed individuals, whose role was to be an expert on LGBT+ issues, appeared to lack knowledge about trans issues. In some cases they were said to make no effort to understand trans experience and/or to be pointedly trans exclusionary. Discussions followed about the importance of ensuring all identities under the LGBT+ umbrella are understood by those in positions of power.

*'They had an LGBT Liaison, but it didn't seem to really be worth it. She referred to cis women as "real women". She seemed a bit either ignorant of trans issues or she's a TERF [Trans-exclusionary radical feminist].'* (Participant, Criminal Justice System workshop)

Participants also detailed how their internal complaints and attempts at improving police relations had been ignored and rejected. Those who had **complained internally** about **mistreatment by police** found that their reports (e.g. about being purposely misgendered during a reporting experience) were **not followed up**. One trans community advocate attended a formal meeting between the trans community and police, aimed at improving community relations, in which police deliberately misgendered the trans people in attendance.

The issue of transphobic policing cultures was also raised by criminal justice experts working with law enforcement, and by two trans workshop participants who work with police. The individuals shared several examples that highlighted transphobia, focusing mainly on the prevalence of **'canteen culture'** or **'break room talk'** despite attempts at education. This included **derogatory terms** being used to refer to specific people in custody and **inappropriate questions** being asked during trainings.

Trans police officers who transitioned on the job reported that they were **forced to transfer workplaces** to hide their transitions and experienced **discrimination** from other officers. In one example that was shared, this escalated to the point of colleagues neglecting to respond when a trans officer pressed an emergency button while on duty. Current and past police officers we spoke to noted that many trans people who previously worked with the police left due to internal transphobic behaviour.

### Choosing alternatives to reporting

Because of negative experiences or uncertainty about reporting, many of the trans people we spoke to said that they **reached out to other trans people online** to vent and find empathy about their experiences rather than reporting to police.

**Support group leaders** said that people will come to **disclose hate crime experience** and to seek social support. However, people often do not want to report or pursue legal action as they do not believe that they will be treated fairly or taken seriously.

**Alternatives to reporting and law enforcement** were frequently drawn upon by participants because the justice system, as it currently stands, does not meet their needs.

*'A lot of people will come to me and say they've had a hate crime, but they never want to continue with that. But that is their way of getting [to] me to say, "what I need is support around something". And for trans people, it often is "I don't have a support network locally" or "I'm just sort of finding myself and I need advice".'* (Saxon, Criminal Justice Expert)

*'I wish that we didn't have to be defensive as black POC and trans people but I don't see how that will change unless there's a system overhaul.'* (Participant, Trans People of Colour workshop)

## 5. Trans people in the prison system

*'I don't want to go to a trans prison. I'm trans but that's not my gender. I'm a woman and I should be sent to a woman's prison.'* (Participant, London workshop)

Incarceration was seen as a particularly dangerous and harmful experience for trans people. Workshop participants who had spent time in prison spoke of their experiences of **binary gender segregation** and **constant misgendering**. Participants who had been placed in prisons based on their sex assigned at birth reported this had **increased their experience of dysphoria**. Trans people who were placed in isolated (rather than gendered) wings due to their gender identity experienced distress, and detailed the damaging psychological effects of being in solitary confinement.

Participants also disclosed experiences of **mistreatment by prison employees**. This was mostly reported by **trans people of colour**. Individuals stated they were informed upon intake that they would be supported as trans people, while in reality **none of the employees had experience working with trans people**. Participants reported they were given personal hygiene items that did not match their gender, were constantly misgendered, and were told that they had no recourse or right to request otherwise because of the gendered nature of the prison.

Because of efforts to curtail relationships between prisons and limit communication between prisoners, participants stated that trans people in prisons often have **no contact with trans communities that they would have found supportive**. The reported impact of this, from their experience, was that trans people within prisons can experience **extreme isolation** and a **lack of networks** that could assist with self-advocacy.

## Ideas for improving criminal justice institutions

After identifying issues in trans criminal justice, workshop attendees were asked to generate ideas they thought would help alleviate these problems.

We have kept the ideas created by trans participants as close to the original wording used within the workshops as possible, while summarising expansive conversations into concise and accessible sections.

These ideas vary greatly in scope and perspective, reflecting the breadth of different experiences and views within trans communities. These ideas centre around two highly contrasting themes:

- reforming and improving the criminal justice system as it currently stands
- dismantling the existing criminal justice system and pursuing alternative approaches

We have relayed these contrasting approaches and sets of ideas without prioritising one set over another. Participants have shared a wide range of powerful insights which exist at every scale, from the systemic to the granular, and which are all worthy of reflection by the relevant organisations and decision-makers.

The first section explores potential reform and improved support within the current system. It is focused on increasing protection for trans people affected by hate crime and making sure trans people have better support to navigate the criminal justice system.

The second section explores dismantling the existing criminal justice system and alternative approaches discussed in our workshops.

### 1. Improving outcomes in the current criminal justice system

#### Run skill-sharing workshops and survival education

Participants were eager to draw on the knowledge of experts and elders. It was suggested that trans communities could simultaneously learn **safety and survival skills**, while those sharing the skills would be offered employment opportunities.

Potential ideas for workshops included:

- Sex worker safety workshops: in which trans sex workers learn about **staying safe while doing sex work** from community elders with lived experience.
- Legal aid access workshops: in which trans people learn about and **access legal aid**, or **receive legal advice** in an easily accessible way. This would simultaneously provide an opportunity for lawyers to volunteer their time to trans communities.
- Workshops about carceral systems and activism: in which participants learn about **trans experiences of immigration detention centres and prisons**, debates about prison policy, and **how to be an activist and how to intervene in carceral systems**.

## Create resources for incarcerated trans people

It was highlighted in the mapping exercise that many trans people do not know their legal rights. Several workshop participants thought specifically about how incarcerated trans people might be better supported in this area. These ideas can be summarised as follows:

- Information pack for trans people in police custody

Criminal justice expert Saxon Hailes stated that incarcerated trans people face especially difficult experiences in gender-segregated prisons, where they may not be able to access necessities appropriate to their gender identity, medical needs or wellbeing.

It was suggested that an **information pack** for trans people who have been arrested or are otherwise in **police custody** could provide support. Similar resources were suggested for trans people in **mental health institutions, care homes, hospitals** or those who are **new arrivals** to the UK.

- Resource pack for trans people in prisons

Participants suggested introducing and distributing a '**trans pack**' of essentials, including:

Items:

- gender-affirming **underwear** and undergarments
- **In the TPoC workshops, participants expressed that trans people in prisons struggled to access personal care** and hair items that were appropriate to their hair type (e.g. clippers, natural hair products)

Information on:

- how to **access hormones** and other medical treatment while incarcerated
- how to **access legal advocacy** and other advocacy services
- **legal rights** while in prison
- human rights and how to navigate equality of services

## Make it easier and safer to report violence, abuse and discrimination

Workshop participants felt there was a need for an **easy and consistent resource** that helps people understand how to report violence, abuse and discrimination in different circumstances. They imagined this resource taking the form of a **website** or **app** with information on:

- Your **rights** as a trans person
- **Options** for reporting or seeking reparation in different scenarios
- Who you should **contact** to report incidents that happened in different locations (e.g. on public transport)
- **Local trans groups** that can support you through the process
- How reports are **processed** (where reports go, which reports end up in statistics, where your data goes after you have reported)

## Train and employ trans criminal justice advocates

Negative experiences with the criminal justice system – as both victims and the criminalised – was a key theme in workshops, with indirect criminalisation of trans identities being a particular focus. When discussing what could have helped them, many participants said that having someone on their side, who knew their rights and who understood transphobia, would have been invaluable.

This led to the idea of a scheme for hiring and training trans people as experts in criminal justice advocacy. The benefits would be two-fold: advocates could support trans people navigating these systems, and the scheme itself would tackle trans unemployment. Participants suggested that trans people who are passionate about these issues could receive **advocacy training** and gain **stable employment** options as a result.

This scheme could be broadly split into two categories:

Trans criminal justice advocates could assist trans **survivors of violence**, abuse and discrimination with:

- Discussing reporting options and **reporting hate crime**
- Discussing and pursuing **reparation options** with perpetrators
- **Mediating conflict resolution**, or helping to access safe mediation options
- Finding experience-specific support services to help survivors **heal from trauma** while they interact with criminal justice systems

Trans criminal justice advocates could assist **criminalised and incarcerated trans people** with:

- Basic **legal aid** and helping individuals access **lawyers and legal advocates**
- Outreach to **incarcerated trans people**
- Liaising between trans communities and authorities to highlight **community feedback on larger issues**

Participants strongly recommended that trans criminal justice advocates should receive specific training in working with neurodiverse people, people with disabilities and people of colour, all of whom may need additional support navigating criminal justice systems safely.

## Support trans people through and after reporting

*‘Sometimes our needs are a little bit complex for someone that’s not trans or not well versed in trans problems, and the things that we go through. It would be good for somebody to be there for trans people that are victims of crime.’ (Participant, Criminal Justice System consultation)*

Participants in our Criminal Justice, Survivors, Trans People of Colour, and London-area workshops created ideas that focused on community and mental health support to help people navigate the experience of reporting. Suggestions included:

- Introducing and funding **trans-specific Victim Support services**
- Continuing to fund organisations like **GALOP** and **Gendered Intelligence**, who are already effectively supporting survivors

- Ensuring that there are **community spaces** to support people through any trauma associated with reporting violence and interacting with police (**outdoor spaces** were specifically requested)
- Running **support groups** so that people can talk to other trans people **recovering from hate crime and reporting experiences**
- Establishing and funding **TPOC-specific support** services, including a TPOC hotline

Participants in our **Survivors workshop** also indicated that there need to be **more specialist services** for trans (and more broadly LGBT+) people who have survived domestic or intimate partner violence.

They proposed that this could include:

- provision for trans-specific or actively trans-inclusive **shelters**
- trans-specific **domestic violence workers** in each region

## Improve interactions with police

Many workshop participants stated that to make interactions with police easier for trans people, first responders (i.e. the police officers that first attend a call-out or incident) should be trained, and safeguards should be introduced for the instances in which contact with police is necessary. Three main ideas were put forward by participants to address this issue:

### College of Police and Trade Union training

Participants generated ideas focusing on early intervention training for future police officers and trade union officials (including, but not exclusive to, policing trade unions). One idea involved mandatory education on trans experience that should take place in the **same format as other basic trainings**. Participants thought this training should be offered through **professional organisations** that are trans inclusive and LGBT+ focused but also have knowledge of policing systems, rather than in-house through Diversity Officers. This means that police and first responders would receive this information as a part of their professional duty – rather than as part of inclusion campaigns.

*‘Listen to us. That’s what they should really be doing.’* (Participant, Criminal Justice System consultation)

Another idea was for the **College of Policing** and other organisations (**Police Federation of England and Wales** and **UNISON**) to pay for trans representatives from a **Trans Speakers Collective** (for more information on this recommendation, see the TRANSforming Futures Healthcare Report) to deliver training as part of standard annual programming.

*‘[The police] constantly ask the community to share emotional labour and input with no payment, even if it’s just having your peer support view or something. They never offer money, they never offer any sort of resource or reward for sharing that emotional labour of being trans. And you’re constantly giving them feedback, especially in relation to hate crime and hate incidents in the city, and the anti-trans stuff, and they’re doing fuck-all.’*  
(Gray – Service Manager, The Clare Project)

### Introduce mandatory trans liaison officers

Some participants suggested introducing **trans liaison officers** in every police force in England. At the very least, every force should have an ‘LGBT liaison officer’ with special training in trans experiences and issues. It was felt that **mandatory expert training** on trans experiences of police and criminalisation should be offered in person and by paid trans speakers.

### Outreach to trans communities

When police need to do outreach into trans communities to better understand trans experiences of **police violence and mistrust, it was suggested that forces hire and pay trans people – and not police – to do outreach work.** There were mixed ideas and feelings around where a trans police officer would fit into this work.

## Make reporting easier

Many participants who had experienced violence, discrimination and abuse and chose to report it shared that they found the process of reporting restrictive, inaccessible and intimidating. Others reported feeling unable to report incidents because of certain requirements. In response to this, participants workshopped ideas for making the process of reporting as safe and accessible as possible for trans survivors. From these discussions, three main ideas were put forward:

- **online reporting:** many participants felt that the ability to report hate crime online would be a more positive experience. Moving towards online reporting systems could mean that survivors could be referred directly to the right person, rather than interacting with untrained officers.
- **third-party reporting:** participants felt that allowing other people – such as advocates, support groups, or friends – to report on behalf of a survivor, with their consent, should become more readily available.
- **Remove time requirements:** a community expert (see page 33) suggested that having to report a hate crime within a set time period dissuades survivors from coming forward, as it may be difficult to process an experience and report in this timeframe. They stated this requirement should be waived for all hate crime.

## Expert highlight: justice system reforms

Legal expert Giuliana Kendal suggested four potential justice system reforms to improve outcomes for trans people who have experienced hate crime.

- **Introduce statutory anonymity for trans survivors of hate crime.**

Statutory anonymity – which is currently applied to survivors of sexual assault pursuing charges – could protect survivors from the media. Our expert thought that ensuring anonymity would increase levels of reporting to authorities, as well as protecting survivors’ mental health.

- **Make transphobic hate crime a crime in itself.**

Transphobic abuse is not a crime in itself – there has to be an existing offence with an additional sentence uplift for the hate crime motivation. It was noted that this has resulted in some hate crime cases not being prosecuted.

If transphobic hate crime was a crime in itself, our expert felt that hate crimes were more likely to be recorded properly in the evidence-gathering stage.

- **Exempt crimes motivated by transphobia from statutory time limits.**

Most crimes below a certain severity threshold are subject to a six-month time limit between an offence occurring and the CPS prosecuting a case. The current time limit can cause complex cases to ‘go out of time’ and become ineligible for prosecution.

Exempting transphobic hate crimes from statutory time limits makes it more likely that cases will be brought to court. Race and faith hate crimes are already exempt from these time limits.

- **Enact explicit laws regarding transphobic harassment and abuse online.**

The laws currently covering prejudiced online abuse specifically cover homophobia and biphobia, but not transphobia. It was felt that transphobia should be explicitly covered in laws around online abuse, and that abuse which would be considered a hate crime if it occurred in person should also be considered a crime in a digital space.

## 2. Pursuing alternatives to the criminal justice system

*‘We need restorative justice. Any choice we make for the criminal justice system disproportionately affects [people of colour] too.’* (Participant, Trans People of Colour workshop)

Many workshop participants felt that reforming the current criminal justice system and expanding its reach was the correct approach. However, just as many felt that expanding or empowering the current system would only exacerbate problems identified in the workshops, and these participants favoured an abolitionist approach. These suggestions focused on the creation of alternative forms of justice that did not focus on criminalisation.

The four main ways participants approached this idea were:

### Create non-punitive pathways for hate crime offenders

The introduction of non-punitive pathways for offenders was suggested in the **workshops for trans survivors of hate crime**.

Participants suggested that offenders could be enrolled in **compulsory education courses** focused on support, rehabilitation and education. Discussions around this idea focused on helping people who had inflicted harm to acknowledge and **unlearn abusive and transphobic behaviours**. This in turn could stop cycles of harm, especially as marginalised communities are disproportionately subjected to criminalisation.

To centre the needs of trans survivors of violence, abuse and discrimination, participants stated survivors should be given an opportunity to access **mediation**. This would allow them to collaboratively discuss reparations for the survivor and the community.

A key reason for participants' support of this model was that it will prevent trans people from having to **relive trauma in court**, which is currently their only option for pursuing justice.

## Decriminalise mental health

This idea came from discussions about trans communities needing **non-carceral systems** for mental health help. Core actions required for this idea included establishing trans-affirmative and trauma-aware crisis response systems that **do not involve police** and **do not result in non-consensual institutionalisation**.

## Decriminalise sex work

Participants stated that trans people, especially transfeminine people, are **disproportionately** affected by the **harms linked to the criminalisation of sex work**. Two key changes advocated for by the group were:

- No longer regarding houses where groups of sex workers live as brothels
- Legalising street sex work

It was advised that the financial difficulty, homelessness and violence often experienced by trans people engaged in sex work could be tackled through decriminalisation. The importance of decriminalisation of sex work was especially emphasised in our **Trans People of Colour** workshop.

## Abolish prisons

Participants and experts believed that prison abolition would result in meaningful change for trans communities. This view was particularly common among TPoC participants. Workshop participants advised that work on abolition **directly confronts criminalisation** of trans communities. (See page 27 for more information about abolition and changing the politics of incarceration.)

*'I don't like the idea of prisons. If reporting a hate crime, no matter how bad, it is [...] if it leads to prison, what is that going to do?'*

(Participant, Trans People of Colour workshop)

Suggestions in this area focused on building solidarity and including trans perspectives in existing abolition movements.

## **Highlight: Changing the politics of incarceration**

‘Carceral feminism’ was seen by multiple participants to mean any feminist politics that **believes policing, prosecution and criminalisation** protect those vulnerable due to their gender. A significant section of participants across workshops criticised carceral feminists who support increased reporting and prosecution of violence. This critique extended to trans feminists who were also carceral feminists. The critique was based on the belief that carceral feminists ignore **the damaging impacts** created and **repeated** in societies that rely on incarceration.

A focus on prisons and incarceration was seen to have become central to **villainising and scapegoating trans women**, who participants believed are characterised as a threat to cisgender women in prisons. The view that there are large overlaps between carceral feminisms and trans-exclusionary feminisms was also expressed by participants. They highlighted that both perspectives tend to overlook how gender intersects with other factors including economic status, citizenship, race and access to shelter.

A strong consensus from within the survivors’ workshops and the TPoC workshops was that **abolition movements will serve trans communities better than carceral politics**, and that this should be considered by any group wanting to support trans people.

## **Additional suggestions from experts and participants**

The discussions that we had with workshop participants and experts (see page 33 for full list) were deep and thorough, and often extended well beyond the categories of healthcare and criminal justice. People brought forward important ideas for improving trans lives and communities that would have an impact across several areas.

Below is a brief summary of ideas that were not specific to healthcare or criminal justice, but which would have positive impacts for trans people generally and would also address the root causes of problems occurring within the focus areas.

### **Establish trans community spaces**

*‘I’d like to create a powerhouse, an institution that would have legislative power, a physical place where we could bring together the organisations that already hold trans people together, but to also have a community centre, a place to organise events, a place for people to come and chat.*

*If this institution had this kind of power, [we could] get in touch with other institutions [such as] the police, and say [...] “this is what you can do better. We’ve got five seminars that you should take, just pay us to give them to you, we can put you in touch with workshop facilitators, we have models you can hire to put in your advertising”.*

*[We could] generate employment for trans and non-binary people [because it would be] trans-led and run by the group.’ (Participant, Trans People of Colour Workshop)*

*‘I’m sick of training people and talking to people, we just need our own projects. Give us our own buildings and our own money and just let us do it ourselves. [...] We need to accept at this point that [training] doesn’t work, and that people are not responding to our community in a safe way.’ (Carla, Homelessness Expert, The Outside Project)*

**Having a physical space** specifically for trans people, trans support and trans activism would allow the initiatives suggested in this report to find stability.

It was suggested that these spaces could also host:

- Advice sessions
- Initiative meetings
- Youth groups
- Specialist support groups
- Legal aid sessions
- Trans-specific mental health sessions
- Employment workshops
- Upskilling sessions
- Dispute mediation
- Cultural events

Currently, community spaces such as housing shelters, food banks and safe injection sites were reported as being potentially unsafe for trans people. Several experts felt that **trying to train community workers to respect trans people is not working** and that the most effective solution would be the creation of **trans-specific** spaces.

Within this idea there was a strong consensus that funding for such spaces should extend **outside metropolitan centres**, to reach trans people who are already living in relative isolation from larger trans communities.

**Trans people of colour** suggested that **TPoC-specific spaces** will be crucial to combatting the overwhelming whiteness of existing trans initiatives, and they must be viewed as **necessary and a priority rather than additional**.

## Create trans media outlets

*‘We need to be informed [...] Myth-busting, making sure people know in as simple language as possible what the news means for them, in concrete terms [...] Making things as factual and calm as possible. Very simple infographics or social media outreach.’ (Trans People of Colour workshop)*

Participants believed that media portrayals of trans people in the UK are excessively and increasingly negative. Participants and experts felt that **negative media portrayals impact medical and legal processes**. Concerns were expressed over how these portrayals might impact how professionals, for example doctors, understand, diagnose and communicate with trans patients. They may also dissuade doctors from specialising in trans medicine and may bias decision-making

in court cases.

Currently, participants felt there are no reliable **fact-checking** mechanisms available to counter these negative portrayals, and only subpar regulation of the press is provided by organisations like the Independent Press Standards Organisation when reporting on trans stories.

To combat misinformation and broad generalisations about trans people in the press, multiple participants and experts recommended **creating trans-led media outlets**. The idea was that these would function as a **trustworthy source of information** on news that directly impacts trans people. It could also ensure a **strong trans voice in the media** to share experiences, and hold space for **success stories** to encourage and affirm trans people who are consuming overwhelmingly negative media content.

## Upskill trans people with advocacy and activist skills

*'Self-advocacy and letting autistic, neurodiverse and disabled people speak for themselves – and leading the sessions. Model sharing power.'* (Trans People of Colour workshop)

Trans experts already working in advocacy and activism highlighted a need to use funding and existing organisations to **educate trans community members on how to sustain and improve trans communities**.

Beyond skill-sharing workshops related to practical aspects of trans life (see 'Skill-sharing workshops and survival education for trans communities' on page 20) came the idea of activist skill-sharing sessions.

These sessions could include information on:

- Trans initiatives that already exist, and what those initiatives need to sustain them
- How to start an advocacy or activist organisation and work within existing advocacy ecosystems
- How to participate in actions and sit-ins
- How to stand by someone who is being harassed or receiving a fine
- How to advocate to government (e.g. writing to an MP or joining a local Forum)
- Understanding administrative organisation and how to secure funding via corporate sectors

Existing trans organisations could be drawn on for space and expertise to run such training sessions.

## What next?

The partnership organisations listed below, with the help of funding from the National Lottery Community Fund, will start working on creating and supporting projects by community organisations based on the ideas and solutions created by workshop participants.

A similar community consultation will be conducted with under 18s on their experiences of healthcare, state agencies, and violence.

In the meantime, we encourage community organisations to use the ideas recorded and shared in this report as a starting point in discussions about forming their own projects that are for trans communities, by trans communities.

## Appendix

### Partnership organisations

The following organisations comprise the TRANSforming Futures partnership, which commissioned the community consultation workshops detailed in this report.

Be: North | *Trans Support and Community* | [be-north.org.uk](http://be-north.org.uk)

CliniQ | *Inclusive Trans Sexual Health and Wellbeing* | [cliniq.org.uk](http://cliniq.org.uk)

Consortium | *Network and Support for LGBT organisations* | [consortium.lgbt](http://consortium.lgbt)

Galop | *LGBT+ Anti-Violence Charity* | [galop.org.uk](http://galop.org.uk)

Gendered Intelligence | *Trans Youth and Adult Wellbeing Support, and Professional Services* | [genderedintelligence.co.uk](http://genderedintelligence.co.uk)

GIRES | *Gender Identity Research and Education Society* | [gires.org.uk](http://gires.org.uk)

Mermaids | *support for families with gender diverse children and young people* | [mermaidsuk.org.uk](http://mermaidsuk.org.uk)

Stonewall | *LGBT rights charity* | [stonewall.org.uk](http://stonewall.org.uk)

Sparkle | *National Transgender charity* | [sparkle.org.uk](http://sparkle.org.uk)

## Supportive organisations mentioned by workshop participants

Workshop participants mentioned several existing trans organisations that they had found supportive and affirming. They wanted to share this list with communities and expand it over time.

Clinic T | *Brighton Trans Health Clinic* | [brightonsexualhealth.com/service/clinic-t](http://brightonsexualhealth.com/service/clinic-t)

CliniQ | *Inclusive Trans Sexual Health and Wellbeing* | [cliniq.org.uk](http://cliniq.org.uk)

First Lights | *Domestic Abuse and Sexual Violence Charity* | [firstlight.org.uk](http://firstlight.org.uk)

Gendered Intelligence | *Trans Youth and Adult Wellbeing Support, and Professional Services* | [genderedintelligence.co.uk](http://genderedintelligence.co.uk)

GALOP | *LGBT+ Anti-Violence Charity* | [galop.org.uk](http://galop.org.uk)

LGBT Foundation (Trans Advocacy Service) | *Trans Advocates* | [lgbt.foundation/how-we-can-help-you/trans-advocacy](http://lgbt.foundation/how-we-can-help-you/trans-advocacy)

MindOut | *LGBTQ Mental Health Service* | [mindout.org.uk](http://mindout.org.uk)

Proud 2B | *Supporting LGBTQ+ People in South Devon* | [proud2be.org.uk](http://proud2be.org.uk)

The Outside Project | *LGBTQ+ Community Shelter* | [lgbtiqoutside.org](http://lgbtiqoutside.org)

The Clare Project | *Transgender Support and Social Group* | [clareproject.org.uk](http://clareproject.org.uk)

Trans Media Watch | *Improving Media Coverage of Trans and Intersex Issues* | [transmediawatch.org](http://transmediawatch.org)

Ugly Mugs | *Ending Violence Against Sex Workers* | [uglymugs.org/um](http://uglymugs.org/um)

56T | *Sexual Health and Wellbeing Support for Trans and Non-binary People and Partners* | [dean.st/trans-non-binary](http://dean.st/trans-non-binary)

We recognise that this is not an exhaustive list, however we believed it was worth noting the organisations participants felt were currently running good services and with whom they were regularly interacting.

## Methodology and demographics

We collated trans people’s experiences of healthcare and criminal justice through a survey of 348 trans people in England.

Using this information to guide us, we approached experts in the areas trans people had highlighted. These experts were either topic experts (who had specific experience in healthcare or criminal justice relating to trans experiences), or community experts (who were trans community group leaders and service providers). To centre and uplift trans people during every part of the project, we only worked with experts who identify as trans.

After speaking to experts, we ran 19 workshops in which participants mapped the areas of criminal justice and healthcare that had the biggest impact on trans people. We aimed to ensure a diverse and representative cohort of trans people fed into the project so that ideas created were representative of the wider trans community, rather than from a particular demographic. To achieve this, we ensured that participants came from areas across England, were a variety of ages, and from diverse sexualities, and religious and racial backgrounds. We also ran workshops which were for trans people of colour only.

### Expert interviews

Throughout January and February 2020, 16 expert interviews were conducted:

Topic Experts	Community Experts
Giuliana Kendal – Private Prosecutor, London	Beccie Louise – formerly ran Oasis, Norfolk
Luke Williams – Lawyer, London	Serena James – runs Oasis, Norfolk
Dr Francis Ray White – Researcher (Trans Pregnancy Project), London	Reid – runs FTM Norfolk, Norfolk
Freddy McConnell – Taking UK Government to supreme court for right to be registered as his child’s father or parent	Gray – Service Manager for The Clare Project, Brighton
Dr Kate Nambiar – GIC Clinician and ClinicT Founder, London and Brighton	Rowan – Trans Advocate at MindOut, Brighton
Alex Sharpe – Lawyer, Warwick University	
Dr S. Lamble – Trans Prison Policy Expert, London	
Harri Weeks – Manager at The National LGB&T Partnership; independent member of the Gender Identity Programme Board, NHS England Specialised Commissioning; and Equality, Diversity and Inclusion Advisory Group Member for Mayor of London	
Saxon Hailes – ex-Met PC and LGBT Liaison Officer for Greenwich, Hate Crime advocate at Metro Charity, London	
Carla Ecola – The LGBTIQ Outside Project, London	
Nim Ralph – Activist and Campaigner, London	

All experts were asked questions relating to both healthcare and criminal justice, though some interviews tended towards one topic or the other based on expertise.

## Community workshops

Everybody who completed the initial surveys were invited to participate in community workshops. 61 respondents took part in a facilitated discussion assisted by two trans facilitators. These discussions were split into two sections: assessing the main issues, and idea generation for potential solutions.

To support participants, we provided access to a qualified counsellor and a separate digital space for those needing a break from discussions. Follow-up support was offered to participants if needed. Participants were compensated for their time with £25 gift vouchers.

## Demographics

### Survey participant demographics

309 trans people responded to the general survey, and a further 39 trans people to the specific trans people of colour survey. This made a total of **348 survey responses**.

Of those who completed the surveys:

#### **Gender identity**

Man (16%)  
Woman (20%)  
Trans man / transmasculine (29%)  
Trans woman / transfeminine (32%)  
Non-binary (23%)  
Genderqueer (10%)  
Culturally-specific term (1%)

#### **Sexual and/or romantic orientation**

Bi (28%)  
Gay or Lesbian (19%)  
Heterosexual/Straight (13%)  
Queer (30%)  
Asexual (9%)  
Other (11%)  
Prefer not to say (23%)  
No response (9%)

#### **Age**

18 - 24 (23%)  
25 - 34 (23%)  
35 - 44 (16%)  
45 - 54 (14%)  
55 - 64 (9%)  
65+ (3%)  
Not asked (11%)

**Race and/or ethnicity**

Arab (1%)  
Asian or Asian British (4%)  
Black or Black British (4%)  
Mixed race (7%)  
White: British (67%)  
White: Irish (2%)  
White: Gypsy or Irish Traveller (1%)  
White: Other (8%)  
Prefer not to say (1%)  
Other (2%)  
No response (9%)

**Faith and belief**

Christian (16%)  
Jewish (2%)  
Buddhist (3%)  
Muslim (1%)  
Other (17%)  
Non-religious (60%)

**Living with a disability and/or neurodiverse**

No (56%)  
Yes (44%)

**Workshop participant demographics**

In the **workshops** that followed the survey, we spoke to **61 trans people**. There were 19 workshops in total. Of those, there were four for trans people of colour only, one for people who had direct experience of criminalisation, one for survivors of violence, and the rest were linked to location. In all of these workshops, both healthcare and criminal justice were discussed.

**Gender identity**

Man (10%)  
Woman (11%)  
Trans man / transmasculine (25%)  
Trans woman / transfeminine (15%)  
Non-binary (23%)  
Genderqueer (10%)  
Other (1%)

**Sexual and/or romantic orientation**

Bi (30%)  
Gay or Lesbian (15%)  
Heterosexual/Straight (6%)

Queer (35%)  
Asexual (5%)  
Other (6%)  
No response (3%)

**Age**  
18 - 24 (11%)  
25 - 34 (20%)  
35 - 44 (13%)  
45 - 54 (20%)  
55 - 64 (3%)  
65+ (3%)  
Not asked (30%)

**Race and/or ethnicity**  
Arab (1%)  
Asian or Asian British (7%)  
Black or Black British (10%)  
Mixed race (19%)  
White: British (41%)  
White: Irish (4%)  
White: Gypsy or Irish Traveller (1%)  
White: Other (4%)  
Other (1%)  
No response (4%)

**Faith and belief**  
Christian (18%)  
Jewish (0%)  
Buddhist (3%)  
Muslim (7%)  
Other (23%)  
Non-religious (49%)

**Living with a disability and/or neurodiverse**  
No (52%)  
Yes (48%)

### Note on inclusion

Initial recruitment failed to receive our target participation rates from trans people of colour, particularly Black trans people. To attract more TPoC participants we created an abridged survey so that trans people of colour could more easily register for a workshop. After these efforts, we achieved 50 per cent participation rates for TPoC in the workshops.

# Glossary

## **CISGENDER or CIS**

Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.

## **CISNORMATIVE**

is the assumption that all individuals are cisgender, and assumptions that prioritises cisgender understandings and experiences as universal truths.

## **GENDER DYSPHORIA**

Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable with the sex they were assigned at birth.

## **LGBT+**

An umbrella term to refer to Lesbian, Gay, Bi and Trans people. The '+' communicates that this is intended as an umbrella term that includes all minority sexual and romantic orientations and gender identities. Some people and organisations explicitly include Queer, Intersex and Asexual in the terminology they use.

## **NEURODIVERSE**

Neurological differences such as autism and ADHD.

## **NON-BINARY**

An umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify as: a gender other than man or woman, no gender, or multiple genders.

## **PRONOUNS**

Words we use to refer to people's gender in conversation - for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they/them and ze/zir.

## **RACISM**

A system of power, oppression, prejudice, stereotypes and/or discrimination based on the belief in a hierarchy of races, including for social, economic, and political advantage.

## **TRANS**

An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser,

genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, transmasculine, transfeminine and neutrois.

### **TRANSFEMININE**

A term used to describe a trans person who has a female, woman aligned, femme identity and is impacted by transmisogyny.

### **TRANS MAN**

A term used to describe someone who is a man, and was assigned female at birth. This is a shortened version of transgender man.

### **TRANSMASCULINE**

A term used to describe a trans person who has a male, male aligned, or masculine identity and is exempt from transmisogyny.

### **TPoC**

An acronym used to denote trans people, or a person, of colour.

### **TRANS WOMAN**

A term used to describe someone who is a woman, and was assigned male at birth. This is a shortened version of transgender woman.

### **TRANSITIONING**

The steps a trans person may take to live in the gender with which they identify. Each person's transition will be different. For some it involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as changing names and/or pronouns, telling friends and family, dressing differently, and changing official documents.

### **TRANSPHOBIA**

Prejudice, fear, or dislike of someone based on the fact they are trans. Transphobia may be expressed indirectly and unconsciously, as physical, emotional, psychological, and sexual abuse, or through denial of access to needed services and right.