

TRANSGENDER WOMAN PRISONER RECEIVES SETTLEMENT AND APOLOGIES FROM THE PRISON SERVICE

The Ministry of Justice has settled a claim for discrimination brought by a transgender woman prisoner who was segregated in a male prison for 14 months and was denied a transfer to a women's prison.

Assigned male at birth XT had lived as her affirmed gender for many years prior to her imprisonment. In 2013, XT was convicted of having a firearm and ammunition without a certificate for which she received a sentence of imprisonment. She was allocated to a male prison.

Transphobic abuse, segregation and mistreatment

- She was placed in an all-male environment, despite the obvious and recognised risks, distress and harm it caused her.
- No efforts were made to establish her gender identity prior to her allocation and no case conference was held in regard to her management and allocation.
- She was held in the segregation unit at the male prison from May 2014 to July 2015.
- Initially in segregation, she was locked in her cell for 23 hours a day, with 1 hour exercise. The cell was dirty, covered in graffiti and with no internal electricity.
- She was not given sufficient access to gender affirming items for nine months
- She was subjected to abuse from other prisoners including sexually explicit abuse and threats.
- She felt scared, debased, and persecuted because of who she was.
- In April 2015 she was granted a Gender Recognition Certificate, which requires that she be treated legally as a woman.
- Despite this, her requests to be moved to the female estate were refused and she remained in segregation in a male prison for a further three months, where she continued to experience abuse.
- She was eventually moved to a women's prison in July 2015.

Legal Proceedings

The Prison and Probation Ombudsmen investigated XT's complaints and found that the prison service had failed to investigate the transphobic abuse and discrimination. It found that the refusal to transfer her to a women's prison was wrong.

In May 2016, XT, assisted by **Bhatt Murphy** solicitors, brought legal proceedings against the Ministry of Justice for declaratory relief and damages, including aggravated and exemplary damages, alleging misfeasance, negligence, breaches of the Equality Act 2010, Human Rights Act 1998 (Articles 3, 8 and 14 ECHR).

In July 2017 the Ministry of Justice agreed to settle XT's claims. The terms of the settlement are confidential however she has received public apologies from the prisons because of the way she was treated.

XT said: *"I should not have been held in a male prison for so long without access to my rights. I was despairing and suicidal at times. I am pleased the Prison Service has apologised for my treatment and I hope that no other trans woman is subjected to the experiences I had."*

Jane Ryan of Bhatt Murphy said:

"Transgender women prisoners are a recognised vulnerable group at risk of abuse and discrimination. My client's lengthy segregation in a male prison is a shameful stain on the Prison Service. The Prison Service must do more to ensure that lawful decisions are taken in regard to allocation and protecting trans prisoners' rights"

Notes to Editor

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