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Justice: Civil: Family

Cabinet Secretary for Justice

CRIME STATISTICS- PQ 5SO-02988- JOAN MCALPINE MSP

Background- Longitudinal studies referred to by Ms McAlpine

6. We have identified only one significant longitudinal study that has included findings regarding the likelihood of criminal conviction of trans men and women following their gender transition. This study compared mortality, morbidity and crime rate outcomes for 191 trans women and 133 trans men who had had sex reassignment surgery in Sweden and a matched cohort from the general population.

7. The study found that in relation to those trans people who had such surgery in the period from 1973 to 1988, transwomen (male to female) showed similar rates of criminal convictions as non-trans men, but not for the period 1989-2003. We have set out further information concerning this study and its findings in Annex B.

ANNEX B: CRIME STATISTICS- PQ 5SO-02988- JOAN MCALPINE MSP

Identified longitudinal study

1. We have identified one significant longitudinal study from Sweden, “Long Term Follow-up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden”, which was published in 2011.¹

2. The study’s purpose was to estimate the mortality, morbidity and crime rate of trans men and women after sex reassignment surgery.

3. The study was based on a comparison between 324 trans people (191 trans women and 133 trans men) who underwent sex reassignment surgery in Sweden between 1973 and 2003 and a matched cohort from the general population. It did not involve trans people who lived in their acquired gender without having sex reassignment surgery.

4. In relation to crime rates, the research study report states:

“Transsexual individuals were at increased risk of being convicted for any crime or violent crime after sex reassignment...this was, however, only significant in the group who underwent sex reassignment before 1989.”

“Males to females had a significantly increased risk for crime compared to female controls...but not compared to males...This indicates that they retained a male pattern regarding criminality. The same was true regarding violent crime. By contrast, females-to-males had higher crime rates than female controls...but did not differ from male controls. This indicates a shift to a male pattern regarding criminality.”

5. One of the report’s authors has criticised, in an online interview², what she considers to have been misuse of the study’s findings in debates around trans rights, This includes her view that some have suggested this study supports the finding that trans women are more likely to commit sexual crimes, such as rape. She draws attention to the report noting that their study found that trans men (female to male) had a higher risk of criminal convictions than their respective birth sex controls, not trans women. She also noted in her comments, that for those who underwent sex reassignment between 1989 and 2003, the report did not find a male pattern of criminality.

6. The online interview includes this statement from the author:

“The difference we observed between the 1989 to 2003 cohort and the control group is that the trans cohort group accessed more mental health care, which is appropriate given the level of ongoing discrimination the group faces. What the data tells us is that things are getting measurably better and the issues we found affecting the 1973 to 1988 cohort group likely reflects a time when trans health and psychological care was less effective and social stigma was far worse.”

¹ At: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>

²At: https://www.transadvocate.com/fact-check-study-shows-transition-makes-trans-people-suicidal_n_15483.htm

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