

Email exchanges

Exchange 1

From: [Redacted] @gov.scot>

Sent: 13 March 2020 14:09

To: [Redacted] @gov.scot>

Cc: [Redacted] @gov.scot>; [Redacted] @gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted] @gov.scot>

Subject: Male to female trans people and the risk of them committing crime. Study by Cecilia Dhejne et al.

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885#pone.0016885.s001>

[Redacted]

1. Hi. We have been dealing with an FOI inquiry [Redacted] of MurrayBlackburnMackenzie (MBM) about information we have on the study by Dhejne et al (link to the study is above). The draft reply to the FOI has just gone to SPADs for comment. Neil Rennick and [Redacted] also met MBM on 9 March. It's clear that the point they intend to make is that the SG has misinterpreted Dhejne. Grateful for your thoughts on the query I have outlined below on what Dhejne's study shows in relation to the propensity of people who have transitioned from male to female to commit crime, particularly violent crime

2. The article above says under the heading of "crime rate" that "transsexual individuals were at increased risk of being convicted for any crime or violent crime after sex reassignment (Table 2); this was, however, only significant in the group who underwent sex reassignment before 1989".

3. It also says, under "gender difference", that "regarding any crime, male-to-females had a significantly increased risk for crime compared to female controls (aHR 6.6; 95% CI 4.1–10.8) but not compared to males (aHR 0.8; 95% CI 0.5–1.2). This indicates that they retained a male pattern regarding criminality. The same was true regarding violent crime. By contrast, female-to-males had higher crime rates than female controls (aHR 4.1; 95% CI 2.5–6.9) but did not differ from male controls. This indicates a shift to a male pattern regarding criminality and that sex reassignment is coupled to increased crime rate in female-to-males. The same was true regarding violent crime."

4. In a letter (which they intend to publish) to Neil Rennick after the meeting on 9 March, MBM say:

“ Evidence on male-pattern offending

We raised the Swedish cohort study by Dhejne et al. (2011)¹, which is not referenced in the draft Equality Impact Assessment in considering impacts on sex as a protected characteristic. This study followed a cohort of 324 individuals who had

undergone both surgical and legal sex reassignment between 1973 and 2003, and compared them to a control group drawn from the remaining population, matched on a number of relevant characteristics. Among other things, the study compared the likelihood of a person having one or more criminal convictions in general, and convictions for violent crime in particular, after transition. Violent crime was defined as “homicide and attempted homicide, aggravated assault and assault, robbery, threatening behaviour, harassment, arson, or any sexual offense”. The researchers state: “male-to-females ... retained a male pattern regarding criminality. The same was true regarding violent crime”. Transmen’s likelihood of having a criminal conviction was similar to that of the general male population. It was higher than for the general female population, but the difference with that group was less than for transwomen.

When we raised the study and its omission from the EQIA, a reference was made to comments by the lead author which had been taken to dispute that the data shows “male pattern” offending among M-to-F transitioners. We pointed out that these comments were made in an interview some years later² and cannot be reconciled with the published data, and therefore provide no basis on which to reject the clear and peer-reviewed published findings on offending rates.

We were surprised to be asked why we thought that the study was relevant to GRA reform. In response, we stated that if the Scottish Government wishes to change the law in a way that will weaken or remove existing safeguards and the basis for services and spaces currently segregated on the basis of sex, by substantially increasing the number of people born male who have a female legal sex, then the burden of proof falls on the Government to demonstrate that is not introducing new risks in so doing. These risks relate to the removal of medical gatekeeping, which opens the GRC application process to a larger and more diverse group of people born male (the consultation paper estimates a ten-fold increase in the total number of GRC applications) with potential new rights of access to women-only services. In this respect the study is relevant because it is a seemingly unique, methodologically robust, peer-reviewed, large scale comparative source on offending rates, which provides strong evidence that policy makers cannot safely assume (a) that transwomen’s offending patterns, including violent offending, will be significantly different than those of the general male population or (b) that they will be similar to those of the general female population. We have been unable to find any equivalent study which shows the opposite effect to Dhejne et al’s results, nor is any such research cited in the Literature Review undertaken by the Scottish Government.”

5. What MBM said at the meeting was that the data reported by Dhejne showed that there is a male pattern to offending by male to female transitioners and that Dhejne herself was incorrect in this interview: https://www.transadvocate.com/fact-check-study-shows-transition-makes-trans-people-suicidal_n_15483.htm

6. In this interview <https://thewinnower.com/papers/7252-science-ama-series-i-m-cecilia-dhejne-a-fellow-of-the-european-committee-of-sexual-medicine-from-the-karolinska-university-hospital-in-sweden-i-m-here-to-talk-about-transgender-health-suicide-rates-and-my-often-misinterpreted-study-ask-me-anything>

Dhejne said “For the last period (1989-2003) the transgender group did not have any elevated risk of being dead or being hospitalized for suicide attempts or committing any crime or violent crime. They had the same risk as the controls”

7. Women and Girls in Scotland have published suggested responses to the current consultation on reforming the GRA. Their suggested response for question 5 is at <https://wgscotland.org.uk/question-5/> It says, at the very end:

“ A long-term clinical cohort study of transgender prisoners in Sweden found the following: “male-to-females had a significantly increased risk for crime compared to female controls (aHR 6.6; 95% CI 4.1–10.8) but not compared to males (aHR 0.8; 95% CI 0.5–1.2). This indicates that they retained a male pattern regarding criminality. The same was true regarding violent crime.”

8. What do you think Dhejne’s study shows in relation to the propensity of people who have transitioned from male to female to commit crime, particularly violent crime? It is plainly the case that men generally are more likely to commit violent crime than women.

9. MBM have indicated that they will publish their letter to us (which covers a number of areas) and will also publish our reply. They have asked for a reply before Friday 20 March. It would be helpful to have your comments to feed into this reply. However, I do not 20 March as an absolute deadline: MBM are asking for a quick reply and, in any event, there are a number of other significant pressures just now.

10. I will also see if we can contact Cecilia Dhejne to see if we can put to her some of the points being made.

11. Happy to discuss.

[Redacted]
Family Law Policy
Scottish Government
[Redacted]

From: [Redacted]@gov.scot>
Sent: 13 March 2020 14:20
To: [Redacted] @gov.scot>; [Redacted] @gov.scot>
Subject: FW: Male to female trans people and the risk of them committing crime. Study by Cecilia Dhejne et al.

Hi both,
Can we pick up on this next week. I think we need an agreed position so that [Redacted] is not left isolated on this one.
[Redacted] I'd be grateful for your stats views.
[Redacted]

From: [Redacted] @gov.scot>
Sent: 13 March 2020 16:01
To: [Redacted] @gov.scot>
Subject: FW: Male to female trans people and the risk of them committing crime.
Study by Cecilia Dhejne et al.

Hi [Redacted] see below- grateful if you could let me know if you have views on the stats and hazard ratios. I remember you looked at something similar a couple of months ago..?
[Redacted]

From: [Redacted] @gov.scot>
Sent: 16 March 2020 11:36
To: [Redacted] @gov.scot>; [Redacted] @gov.scot>
Cc: [Redacted] @gov.scot>
Subject: RE: Male to female trans people and the risk of them committing crime.
Study by Cecilia Dhejne et al.

The methodology and stats look robust for looking at the narrow range of factors considered in the study. The sample size of trans people was a little low (190 trans women, 130 trans men), but not unreasonable for the analysis.

The factors controlled for were:

- Sex/Gender (analysis was done twice – firstly controlling for sex assigned at birth; secondly for gender identity)
- Age
- Immigrant status
- Psychiatric morbidity

However the study didn't look into the reasons for the differences. Other factors could explain (or partially explain) the differences rather than being to do with trans. That the study found differences comparing pre-1989 and post-1989 would suggest that some additional societal factors may be relevant. The relatively low number of trans women and men, relating to a period only up to 2004, also raises questions as to the extent it can be generalised to Scotland in 2020.

Overall, the study shows limited evidence that trans women **might** have a similar risk of committing a crime as cisgender men. But the study suggests other societal factors may be relevant to understanding the data, and further research would be required to understand these additional factors.

[Redacted]

p.s. unless self-identification is going to increase the number of trans women using women-only spaces I don't see the relevance of this study. Trans women without GRC's (the vast majority of trans women in Scotland) already use women-only spaces surely?

From: [Redacted] @gov.scot>
Sent: 16 March 2020 12:05

To: [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted] @gov.scot>
Subject: RE: Male to female trans people and the risk of them committing crime.
Study by Cecilia Dhejne et al.

Thanks [Redacted] that's very helpful.
[Redacted] – are you happy to go back to [Redacted]? I see that he had also managed to contact the author.

[Redacted]

From: [Redacted]
Sent: 16 March 2020 12:39
To: [Redacted]
Subject: RE: Male to female trans people and the risk of them committing crime.
Study by Cecilia Dhejne et al.
Follow Up Flag: Follow up
Flag Status: Completed

Thanks [Redacted]
I also noticed in her interview the author said the following..
If one divides the cohort into two groups, 1973 to 1988 and 1989 to 2003, one observes that for the latter group (1989 – 2003), differences in mortality, suicide attempts, and crime disappear. This means that for the 1989 to 2003 group, we did not find a male pattern of criminality. This wasn't really that visible from the main findings in the report. (though she might have been wary due to the smaller samples)
The author mentions some improving factors such as better mental care from the first group to the second, which we'd expect to continue to have improved until now.
[Redacted]

From: [Redacted]
Sent: 17 March 2020 10:13
To: [Redacted]
Cc: [Redacted]; Rennick NS (Neil); [Redacted]
Subject: RE: Male to female trans people and the risk of them committing crime.
Study by Cecilia Dhejne et al.

Hi [Redacted],

Thanks for this. [Redacted] have had another look at the article. We note that:

- The methodology and stats look robust for looking at the narrow range of factors considered in the study. The sample size of trans people was a little low (190 trans women, 130 trans men), but not unreasonable for the analysis.
- However the study didn't look into the reasons for the differences. Other factors could explain (or partially explain) the differences rather than being to do with trans. That the study found differences comparing pre-1989 and post-1989 would suggest that some additional societal factors may be relevant. For example, the author notes that healthcare improved during the 1990s, the

time of the second period looked at in the study, and societal attitudes also changed.

- The relatively low number of trans women and men, relating to a period only up to 2004, also raises questions as to the extent it can be generalised to Scotland in 2020. Again, we would also expect that health and mental care and societal attitudes to have continued to improve since this study was conducted.
- The fact that transsexual individuals were only at increased risk of being convicted for any crime or violent crime after sex reassignment in the earlier cohort, and not the later, **was** noted in the article, as you say, but perhaps this could have been made more visible in the report.
- Overall, the study shows limited evidence that trans women **might** have a similar risk of committing a crime as cisgender men. But the study suggests other societal factors may be relevant to understanding the data, and further research would be required to understand these additional factors.

I note MBM's comment that 'if the Scottish Government wishes to change the law **in a way that will weaken or remove existing safeguards and the basis for services and spaces currently segregated on the basis of sex** ... then the burden of proof falls on the Government to demonstrate that is not introducing new risks in so doing.' Presumably this is a point we'd want to question?

It will interesting to hear what the author has to say as well.

Thank you,
[Redacted]

Exchange 2

Från: [Redacted] gov.scot

Skickat: den 13 mars 2020 15:25

Till: [Redacted]

Kopia: [Redacted]

Ämne: Trying to contact Dr Cecilia Dhejne

Dear [Redacted]

To introduce myself, I am an official in the Scottish Government, in Edinburgh. We are currently consulting on proposals to change the law in Scotland on how people can obtain legal gender recognition: <https://consult.gov.scot/family-law/gender-recognition-reform-scotland-bill/>

Some individuals and organisations responding to the current consultation are referring to the study which Dr Dhejne and others published in 2011 on Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden:

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

I would find it helpful to contact Dr Dhejne and seek her views on some of the points being made. I would be very grateful if you could forward this email to Dr Dhejne and ask her, if she is happy to do so, to contact me so I could seek her views on some of the points being made.

My email is [Redacted]@gov.scot

Many thanks.

[Redacted]
Family Law Policy
Scottish Government
[Redacted]

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[Redacted]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

From: [Redacted]
Sent: 13 March 2020 15:10
To: [Redacted]
Cc: [Redacted]
Subject: Sv: Trying to contact Dr Cecilia Dhejne

Dear [Redacted], thanks for your letter.

Cecilia Dhejne's main position is in the hospital but I managed to find her address and sent this to her. Lets hope that she can help you out in this matter. [Redacted].

Have a nice weekend.

[Redacted]

[Redacted]
[Redacted]
[Redacted]

[Redacted]

Från: [Redacted]
Skickat: den 13 mars 2020 16:05
Till: Cecilia Dhejne <[Redacted]>
Ämne: VB: Trying to contact Dr Cecilia Dhejne

Hej Cecilia, jag har fått nedanstående e-mail som skulle till dig. Jag kan tyvärr inte bedöma om detta är relevant för dig men det kändes ändå som seriöst med tanke på att alla kontaktuppgifter verkar vara med och därav inget spam. Jag meddelar endast att jag vidarebefordrat detta till dig och har inte lämnat ut ngr kontaktuppgifter.

Trevlig helg.

[Redacted]

[Redacted]
[Redacted]
[Redacted]

[Redacted]

From: [Redacted]
Sent: 14 March 2020 15:11
To: [Redacted] @gov.scot>
Cc: [Redacted]; Cecilia Dhejne [Redacted]
Subject: Sv: Trying to contact Dr Cecilia Dhejne

Dear [Redacted], you are welcome to email me regarding the study in Plos One.
Please use my other email [Redacted]
Best regards
Cecilia

Cecilia Dhejne [Redacted]
[Redacted]

From: [Redacted]
Sent: 15 March 2020 09:04
To: [Redacted]
Subject: FW: Trying to contact Dr Cecilia Dhejne

Colleagues

Success!

I'll have a look on Monday on what we want to ask.

I have google translated the email in Swedish below. It says:

“ Hi Cecilia, I have received the email below that should be sent to you. Unfortunately I cannot judge if this is relevant to you but it still felt like serious considering that all contact information seems to be included and hence no spam. I only announce that I have forwarded this to you and have not provided any contact details.”

[Redacted]

From: [Redacted] @gov.scot>
Sent: 20 August 2021 08:29
To: [Redacted] @gov.scot>; [Redacted] @gov.scot>
Subject: Dr Cecilia Dhejne

[Redacted]
[Redacted]

Just before lockdown in March 2020, Neil Rennick and [Redacted] met MurrayBlackburnMackenzie in SAH. One of the points they raised was the research by Dr Cecilia Dhejne and, in particular, points on whether trans women retain the criminal behaviour patterns of men. At the time, I made contact with Dr Dhejne, as below, as I thought it might be useful to see what she thought on the points being made on her research. The pandemic then hit and I did not take it forward.

[Redacted]
Family Law Policy
Scottish Government
[Redacted]

From: [Redacted]
Sent: 01 October 2021 15:38
To: [Redacted]
Cc: [Redacted]
Subject: RE: Dr Cecilia Dhejne

Hi [Redacted]

To see below in case of any use for work on IAs – Dr Cecilia Dhejne’s email is [Redacted]

Here is a previous FOI response to murrayblackburnmackenzie about their research: [Swedish Cohort study in sex reassignment surgery: FOI release - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Thanks
[Redacted]

Exchange 3 – extract of email

From: [Redacted] [@gov.scot](mailto:>@gov.scot)>
Sent: 27 June 2021 08:13
To: [Redacted] [@gov.scot](mailto:>@gov.scot)>; [Redacted] [@gov.scot](mailto:>@gov.scot)>
Cc: [Redacted] [@gov.scot](mailto:>@gov.scot)>; [Redacted] [@gov.scot](mailto:>@gov.scot)>; [Redacted] [@gov.scot](mailto:>@gov.scot)>; [Redacted] [@gov.scot](mailto:>@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: Public petition: PE1876: Accurately record the sex of people charged or convicted of rape or attempted rape

[Redacted]
[Redacted]

21 .The petitioners also have an interest in the criminal propensity of people who have transitioned from male to female. There is one Swedish research project in this area (see second email above). This concluded that “Transsexual individuals were at increased risk of being convicted for any crime or violent crime after sex reassignment ([Table 2](#)); this was, however, only significant in the group who underwent sex reassignment before 1989”. The petitioners dispute that finding and say it is not supported by the detail in the research. However, the petition is not about this issue and I don’t think we need cover it.

[Redacted]
Family Law Policy
Scottish Government
[Redacted]

Exchange 4 – extract of email

From: [Redacted] [@gov.scot](mailto:>@gov.scot)> **On Behalf Of** Director of Justice
Sent: 21 December 2021 13:02
To: [Redacted] [@gov.scot](mailto:>@gov.scot)>; [Redacted] [@gov.scot](mailto:>@gov.scot)>
Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>; Director of Justice <DirectorofJustice@gov.scot>
Subject: FW: FW: Note of meeting

Hi [Redacted]

To see the attached letter from Murray Blackburn Mackenzie.

Grateful if you could consider and provide a draft for Neil to clear. I will leave it up to you to consider who the response should issue from.

Kind regards,

[Redacted]

[Redacted]

Justice Directorate | Scottish Government | St Andrew's House | Edinburgh | EH1
3DG
Email: [Redacted] @gov.scot | Telephone: 0131 [Redacted]

From: [Redacted]
Sent: 22 December 2021 18:59
To: [Redacted] @gov.scot>
Subject: FW: FW: Note of meeting with MBM

[Redacted]

Evidence on male-pattern offending

14. The Dhejne study referred to by MBM is at [Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden \(plos.org\)](https://doi.org/10.1371/journal.pone.0241111) This is an area of much dispute: <https://murrayblackburnmackenzie.org/2021/04/21/long-term-follow-up-of-transsexual-persons-undergoing-sex-reassignment-surgery-cohort-study-in-sweden-a-review-of-dhejne-et-als-findings-on-criminal-convictions/> Shortly before the March 2020 lockdown, I contacted Dr Dhejne and she confirmed she would be happy for us to email her (email above). I did not follow this up.

[Redacted]
Family Law Policy
Scottish Government
[Redacted]

Extract of a letter to correspondent

Justice Directorate
Civil Law and Legal System Division



T: 0131-[Redacted]
E: [Redacted][@gov.scot](mailto:[Redacted]@gov.scot)

[Redacted]

By email: [\[Redacted\]@gmail.com](mailto:[Redacted]@gmail.com)

Our ref: A 27390782
6 March 2020

Dear [Redacted]

CONSULTATION ON THE GENDER RECOGNITION (REFORM) (SCOTLAND) BILL

The Scottish Government is aware of this research from Sweden: <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0016885&type=printable> by Dr Cecilia Dhejne and others.

This research says that “Transsexual individuals were at increased risk of being convicted for any crime or violent crime after sex reassignment (Table 2); this was, however, only significant in the group who underwent sex reassignment before 1989”.

In this article <https://www.transadvocate.com/fact-check-study-shows-transition-makes-trans-people-suicidal-n-15483.htm> , Dr Dhejne is quoted as saying:

“ The study as a whole covers the period between 1973 and 2003. If one divides the cohort into two groups, 1973 to 1988 and 1989 to 2003, one observes that for the latter group (1989 – 2003), differences in mortality, suicide attempts, and crime disappear. This means that for the 1989 to 2003 group, we did not find a male pattern of criminality.”

Yours sincerely
[Redacted]

Extract of Briefing

Neil Rennick

Copy: [Redacted]

GENDER RECOGNITION: INITIAL BRIEFING FOR MEETING WITH MURRAYBLACKBURN MACKENZIE

Questions raised by MBM

Q the Scottish Government's view of Dhejne et al's (2011) Swedish cohort study findings on offending rates.

A. We have a current FOI from [Redacted] on this.

The study itself says <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>

“ Transsexual individuals were at increased risk of being convicted for any crime or violent crime after sex reassignment ([Table 2](#)); this was, however, only significant in the group who underwent sex reassignment before 1989.”

In this article https://www.transadvocate.com/fact-check-study-shows-transition-makes-trans-people-suicidal_n_15483.htm , Dhejne is quoted as saying:

“ Dhejne: The individual in the image who is making claims about trans criminality, specifically rape likelihood, is misrepresenting the study findings. The study as a whole covers the period between 1973 and 2003. If one divides the cohort into two groups, 1973 to 1988 and 1989 to 2003, one observes that for the latter group (1989 – 2003), differences in mortality, suicide attempts, and crime disappear. This means that for the 1989 to 2003 group, we did not find a male pattern of criminality.

As to the criminality metric itself, we were measuring and comparing the total number of convictions, not conviction type. We were not saying that cisgender males are convicted of crimes associated with marginalization and poverty. We didn't control for that and we were certainly not saying that we found that trans women were a rape risk. What we were saying was that for the 1973 to 1988 cohort group and the cisgender male group, both experienced similar rates of convictions. As I said, this pattern is not observed in the 1989 to 2003 cohort group.

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.”

[Redacted]

06 March 2020

Extract of paper

**VIEWS ON IMPACT ASSESSMENTS FROM 'BROADLY OPPOSED'
CONSULTEES**

EQIA SPECIFIC OBSERVATIONS:

Sex:

- In relation to crime:
 - fails to reference large-scale Swedish study on comparative offending;