

# Justice system unsafe for the gender diverse, Australian study finds

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An Australian-first study has found that transgender and gender diverse people face systemic abuse in Victoria's criminal justice system.

Published in the *International Journal for Crime, Justice and Social Democracy*, the study of 42 participants shows that transgender and gender diverse people have been subjected to sexual and [physical violence](#), harassment, abuse, and neglect in all areas of the criminal legal system, especially in prisons.

The perpetrators have been police, [lawyers](#), judges, corrections officers, and other prisoners.

Lead author Dr. Matthew Mitchell, from La Trobe University's Department of Social Inquiry, said until now little has been documented about transgender and gender diverse people's experiences with the criminal legal system in Australia.

"We have been appalled to find that trans and gender diverse people are experiencing intense discrimination and abuse within the Victorian criminal legal system," Dr. Mitchell said.

"Our findings highlight that changes to criminal [justice](#) policy and practice are needed urgently. Transgender and gender diverse people are being profoundly harmed by the system, and the government must respond."

The study highlights that transgender and gender diverse people are especially vulnerable in prisons.

"Multiple participants told us that they have been bashed, raped, and verbally abused in prisons by other prisoners and [prison staff](#)," Dr. Mitchell said.

Participants, who must remain anonymous for ethical reasons, told researchers that prison staff and police usually ignore or downplay harassment and assaults.

"Many have been told to 'get over it' when reporting," Dr. Mitchell said.

The study also found that transgender and gender diverse professionals working in the criminal legal system experience discrimination and abuse.

For example, a transgender lawyer in the study said that she was called a man by a Federal Court judge while sitting in the Appeal Court in a skirt, blouse, jacket, and heels.

She was also told by a Magistrate that "it takes more than surgery to make a woman."

"Policy makers and practitioners need to take these findings seriously. While governments are currently making substantial LGBTIQ-related reforms, current measures will not and do not promise to protect [transgender](#) and gender diverse people from the criminal legal system. Much more needs to be done," Dr. Mitchell said.

This study was a collaboration between academics, lawyers, community organizations and advocates.

**More information:** Matthew Mitchell et al, Criminalising Gender Diversity: Trans and Gender Diverse People's Experiences with the Victorian Criminal Legal System, *International Journal for Crime, Justice and Social Democracy* (2022). [DOI: 10.5204/ijcjsd.2225](https://doi.org/10.5204/ijcjsd.2225)

Provided by La Trobe University

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