

Tabled by: JON KRAUSE MP

At: _____

Date: 30/01/2023Signature: [Signature]

Scotland

Trans woman found guilty of rape moved to men's prison

Move follows Nicola Sturgeon telling MSPs Isla Bryson would not be detained at all-female Cornton Vale

Libby Brooks *Scotland correspondent* and **Severin Carrell**

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Isla Bryson, a transgender woman found guilty of raping two women before transitioning, has been moved from Scotland's all-female Cornton Vale prison to a male facility after an intervention by Nicola Sturgeon.

The first minister told MSPs earlier on Thursday that Bryson would not be incarcerated in the women's prison "either short term or long term", after a report saying the offender had been transferred there on Tuesday prior to sentencing prompted outrage across the political and campaigning spectrum.

Sturgeon emphasised it was important not to suggest "even inadvertently" that trans women posed an inherent threat to women.

Pressed repeatedly on the matter at first minister's questions on Thursday by the Scottish Conservative leader, Douglas Ross, Sturgeon said she agreed it was not possible to have a rapist incarcerated in a female prison.

Emphasising this was an operational matter for the Scottish Prison Service, she added: "The Scottish Prison Service is in the process of giving effect to the decision it has taken not to incarcerate this prisoner in Cornton Vale."

Ross described the decision as a "screeching U-turn" after the justice secretary, Keith Brown, told MSPs on Wednesday that he trusted the Prison Service to decide.

It later emerged that Sturgeon had made a rare intervention during a meeting involving Brown, which took place shortly before she announced at Holyrood that Bryson was being moved from Cornton Vale.

Sturgeon's official spokesperson said the first minister had not ordered the Prison Service to move Bryson to a male prison but added: "I expect and I think the Prison Service might expect ministers' views to be taken into account."

He denied suggestions Sturgeon had taken part directly in that meeting and acknowledged ministers very rarely were involved in decisions about individual prisoners, but said the first minister believed no rapist should be held in a women's prison.

On Tuesday there was widespread anger that Bryson - who first appeared in court in 2019 as Adam Graham and was known to both victims by that name - was being remanded in a female prison.

The Guardian understands the court service designates the prison to which an offender is initially sent. From there, the Prison Service decides where to locate the offender. Bryson was being kept in segregation while an initial multi-disciplinary case conference was carried out on Tuesday, to assess the risks and consider longer-term placement.

Opponents of the Scottish government's gender recognition changes, which the UK government has blocked from going for royal assent because of "safety issues for women and children", said the case vindicated their concerns about a lack of safeguards in the bill.

Asked directly by Ross if it was safe for female prisoners to be in the same facility as a double rapist, Sturgeon responded: "Firstly, in general, any prisoner who poses a risk of sexual offending is segregated from other prisoners, including during any period of risk assessment.

"Secondly, there is no automatic right for a trans woman convicted of a crime to serve their sentence in a female prison, even if they have a gender recognition certificate. Every case is subjected to rigorous individual risk assessment and as part of that the safety of other prisoners is paramount.

"Finally, in general terms and perhaps most importantly, I heard the chief executive of Rape Crisis Scotland say yesterday: 'I don't see how it's possible to have a rapist within a female prison.' And so let me be very clear, I agree with that statement."

But Sturgeon also underlined it was important during such exchanges "that we do not even inadvertently suggest that somehow trans women pose an inherent threat to women". She added: "Predatory men, as has always been the case, are the risk to women. However, as with any group in society, a small number of trans people will offend and where that relates to sexual offending, public concern is understandable."

Bryson, from Clydebank, West Dunbartonshire, was found guilty of two charges of rape on Tuesday after a six-day trial at the high court in Glasgow.

The jury heard Bryson raped two women, one in Clydebank in 2016 and one in Drumchapel, Glasgow, in 2019, after meeting them online. Prosecutors described Bryson as "preying" on vulnerable women.

Cornton Vale is due to close within weeks, with inmates already being moved out, as part of a wider revamp of the women's estate, including a purpose-built facility opening in Stirling, and two community custody units that opened last year in Dundee and Glasgow.

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