Trans People in Prison and the Law: Lessons from W.W. v. Poland

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Our Policy team colleagues, Deekshitha Ganesan (Senior Policy Officer) and Richard Köhler (Expert Advisor) have co-authored an insightful article published today in Strasbourg Observers, discussing the landmark case of W.W. v. Poland.

On 11 July 2024, the European Court of Human Rights ruled that denying hormone replacement therapy (HRT) to a trans woman in a Polish prison violated her rights under Article 8 of the European Convention on Human Rights. This decision is hugely important for trans people in prison, who often have little to no access to trans-specific healthcare.

The article explores the background of the case, an overview of the judgement and an analysis of what it means for the rights of trans people in prison. The key points include:

- **First of its kind**: This ruling marks the first time the Court has explicitly recognised the importance of HRT for trans people in prison, affirming it as essential, life-saving healthcare. This was also the first time the Court issued an interim measure, instructing the Polish prison authorities to immediately provide W.W. with hormones, even before the deliberations took place. The authorities complied within 24 hours.
- **A positive step for trans rights**: The decision underscores that States are obliged to provide access to necessary trans-specific healthcare, including in prison settings.
- **A need for systemic change**: The case reveals the systemic barriers and discrimination faced by trans people in prison, from delays in accessing care to the broader issue of transphobia within institutions.
- **TGEU's involvement**: TGEU submitted comments to the Court at the time, stressing the importance of trans-specific healthcare for both physical and mental health and the unique vulnerabilities of trans people in prison.

Read the full article on Strasbourg Observers to understand the impact of this decision and the urgent need for a comprehensive legal framework to protect trans people in prison.

More info

- ECtHR rules Polish prison authorities violated trans woman's rights by denying access to hormone therapy
- TGEU TPI
- WW v Poland case at the Court
- TGEU report on trans people in prison
- CPT report on trans prisoners
- Council of Europe Committee of Ministers CM Rec (2010)5