Counted Out: Black, Asian and minority ethnic women in the criminal justice system
About the Prison Reform Trust
The Prison Reform Trust is an independent UK charity working to create a just, humane and effective prison system. We have a longstanding interest in improving criminal justice outcomes for women and our strategy to reduce the unnecessary imprisonment of women in the UK is supported by the Big Lottery Fund.

The Transforming Lives programme: reducing women’s imprisonment
About 13,000 women are sent to prison in the UK every year, twice as many as twenty years ago, many on remand or to serve short sentences for non-violent offences, often for a first offence. Thousands of children are separated from their mothers by imprisonment every year. Yet most of the solutions to women’s offending lie in the community. The Prison Reform Trust is working with other national and local organisations to promote more effective responses to women in contact with the criminal justice system. It is a specific objective of the Transforming Lives programme to reduce the numbers of Black, Asian and minority ethnic women and foreign national women in prison. For further information see www.prisonreformtrust.org.uk/women

About this briefing
In this briefing we highlight the different experiences of women from minority ethnic groups in the criminal justice system in England and Wales, mainly in comparison to white British women but also in relation to men who are white British and men who are from minority ethnic groups. We also consider the experience and needs of Muslim women who may be subject to particular cultural pressures and prejudices. We propose measures to help ensure that women are not disadvantaged in their contact with criminal justice agencies because they are Black, Gypsy, Roma or Traveller, Asian, Muslim or from any other minority ethnic or religious group.

A note on terminology
In this report we have used the classifications of ethnicity adopted by the review by David Lammy MP of possible racial bias in the criminal justice system (the Lammy review) which in turn reflect the ethnic group classifications used by the Office for National Statistics. However we have in general chosen not to use the acronym ‘BAME’, which is widely used to mean ‘Black, Asian and other minority ethnic’. Instead we have used this term in full, or used the term ‘women from minority ethnic groups’, with the same intended meaning. Both terms are intended to include white women who belong to minority ethnic groups.

In the context of official statistics, references to Black women tend to mean women of African or Caribbean descent. In the same context, references to Asian women tend to mean women from South Asia, whereas references to Chinese and ‘other ethnic’ women tend to refer to women from South East Asia, the Middle East and North Africa. Further notes on terminology appear in the relevant sections of this report.

Where we use the term ‘community’ we are referring to women’s ethno-cultural or religious communities or backgrounds, depending on the context.

Credits and acknowledgements
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We are grateful to those who have reviewed and contributed to drafts of this report, including Sofia Buncy of Muslim Women in Prison, a project of the Huddersfield Pakistani Community Alliance in partnership with Khidmat Centres; Adrienne Darragh of Hibiscus Initiatives; Marai Larasi MBE of Imkaan; and Dale Simon CBE, Advocate Consultant to the Young review.

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Cover image: Warrior to the Rescue, HM Prison & Young Offender Institution Holloway (women’s establishment), Commended Award for Printmaking 2016. Image courtesy of the Koestler Trust.

## Counted Out: Black, Asian and minority ethnic women in the criminal justice system

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>2</td>
</tr>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>Executive summary</td>
<td>5</td>
</tr>
<tr>
<td>- Summary of Findings</td>
<td>5</td>
</tr>
<tr>
<td>- Recommendations</td>
<td>7</td>
</tr>
<tr>
<td>- Methodology</td>
<td>9</td>
</tr>
<tr>
<td>Key facts on minority ethnic women in the criminal justice system</td>
<td>10</td>
</tr>
<tr>
<td>What does the evidence show?</td>
<td>13</td>
</tr>
<tr>
<td>The evidence in more detail</td>
<td>17</td>
</tr>
<tr>
<td>- Girls from minority ethnic groups</td>
<td>17</td>
</tr>
<tr>
<td>- Black women</td>
<td>17</td>
</tr>
<tr>
<td>- Asian women</td>
<td>20</td>
</tr>
<tr>
<td>- Women of Muslim faith</td>
<td>22</td>
</tr>
<tr>
<td>- ‘Mixed ethnic’ women</td>
<td>23</td>
</tr>
<tr>
<td>- Chinese and ‘other ethnic’ women</td>
<td>24</td>
</tr>
<tr>
<td>- Gypsy, Roma and Traveller women</td>
<td>25</td>
</tr>
<tr>
<td>Experiences of custody</td>
<td>27</td>
</tr>
<tr>
<td>Safety in custody</td>
<td>28</td>
</tr>
<tr>
<td>Experiences post-release</td>
<td>30</td>
</tr>
<tr>
<td>Minority ethnic women in the criminal justice workforce?</td>
<td>30</td>
</tr>
<tr>
<td>Conclusions</td>
<td>32</td>
</tr>
<tr>
<td>Note on statistical sources</td>
<td>33</td>
</tr>
<tr>
<td>Bibliography</td>
<td>33</td>
</tr>
<tr>
<td>Useful organisations</td>
<td>35</td>
</tr>
</tbody>
</table>
Foreword

This report makes difficult but necessary reading. Sadly, the issues that Prison Reform Trust highlights here are not new or even surprising. We know that deeply held negative ideas around Black and ‘minority ethnic’ people make their way into how women and girls are treated across our society. We also know that women and girls routinely face multiple, intersecting inequalities and that the criminal justice system is too often the ‘hard face’ of this injustice.

While the statistics quoted in the report are important, it is more important for us to remember the individual women and girls who are at the heart of that data. Each of their lives is important and valuable, and not only as mothers, carers, partners and daughters, but as women and girls in their own right. Each experience of harsh sentencing or poor treatment in prison will have caused harm to that woman or girl. Each woman or girl who has had her experiences of abuse ignored, and who has been viewed only through a lens of criminality rather than vulnerability has been failed by the system. Each Black or ‘minority ethnic’ woman or girl who has been rendered hyper-visible or invisible within the criminal justice system is a woman who has been failed by our society.

I welcome the recommendations made in this report. The current situation should not be viewed as inevitable or acceptable. We need commitment to improvement, and we need sustained action which leads to a step-change in justice and equality. I urge policy makers, commissioners and others to take these recommendations forward with a view to ensuring that the lives of Black and ‘minority ethnic’ women and girls really count.

Marai Larasi MBE
Executive Director, Imkaan
Introduction

The disadvantages all women face with the criminal justice system, such as experiencing a greater likelihood of imprisonment than men for first offences and non-violent offences, higher rates of remand and poorer outcomes on release\(^1\), are compounded for Black, Asian and minority ethnic women. They make up 11.9% of the women’s population in England and Wales, but 18% of the women’s prison population.\(^2\) This represents a decline since 2012 when it was 22%, but it remains significantly disproportionate.\(^3\)

Women from minority ethnic groups face many of the same challenges as white British women compared to men within the criminal justice system, including exposure to domestic and/or sexual abuse, problematic substance use, and the probability that they have the primary care of dependent children. There is surprisingly little published information about the ethnicity of women in the criminal justice system. For example, we know the ethnic origin of those in prison on any given date (the ‘snapshot’ figure) but not that of women received into prison over the course of a year (the reception figure). Nor is information published on the ethnicity of women who are recalled back to prison following release, or of women who are on community orders. However, even the currently limited range of published statistics and survey evidence lays bare real disparities:

- Black women are more likely than other women to be remanded or sentenced to custody.
- Black women are more likely to be sole parents so their imprisonment has particular implications for children.
- Women from minority ethnic groups are more likely to plead not guilty in the Crown Court, leaving them open to potentially harsher sentencing.
- Women from minority ethnic groups feel less safe in custody and have less access to mental health support, according to surveys by HM Inspectorate of Prisons (HMIP).
- Women from minority ethnic groups experience racial and religious discrimination in prison from other prisoners and from staff, according to surveys by HMIP.
- Some women from minority ethnic groups are also foreign nationals and may be subject to immigration control and face language and cultural barriers.
- Asian and Muslim women may experience particularly acute stigma from their own communities.
- There are very few specialist organisations working with women from minority ethnic groups in the criminal justice system.

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While the experiences of women from minority ethnic groups are individual and diverse, the extent to which they have been neglected or misunderstood is something they have in common. The 2007 Corston Review of the needs of vulnerable women in prison, stated that women from minority ethnic groups are ‘further disadvantaged by racial discrimination, stigma, isolation, cultural differences, language barriers and lack of employment skills’.\textsuperscript{4} This remains true a decade on.

This briefing is intended to help remedy past neglect and inspire the development of a more informed approach that will ensure and monitor equitable outcomes for women from minority ethnic groups, and foster the specialist organisations that work with them.

Executive Summary

Summary of Findings

1 Lack of data and research signifies neglect and impedes progress
   - There is limited criminal justice data disaggregated by both gender and ethnicity which makes it harder to identify accurately and address effectively the disparities experienced by women from minority ethnic groups in the criminal justice system.
   - There has been little qualitative or quantitative research into the experiences of women from minority ethnic groups in the criminal justice system, particularly outcomes after release from custody or receipt of non-custodial sentences.
   - There is minimal data disaggregated by gender and religion, constraining analysis of the experiences of Muslim women, whose numbers in prison are growing.
   - There is minimal data on Gypsy, Roma and Traveller women, and little known about their experiences, despite considerable over-representation in custody.

2 Available evidence confirms that women from minority ethnic groups are disadvantaged compared to white women in the criminal justice system
   - There is disproportionate use of custodial remand and custodial sentencing for Black women.
   - Women from minority ethnic groups are more likely to plead not guilty at the Crown Court, impacting on their sentences if convicted.
   - As Black women are more likely to be lone parents, custodial sentences may have a particularly significant impact on their families.
   - Women from minority ethnic groups feel less safe in custody and have less access to mental health support.
   - Women from minority ethnic groups experience racial and religious discrimination in prison from other prisoners and from staff.
   - Some minority ethnic women are also foreign nationals and therefore subject to additional difficulties, including language barriers and extended detention associated with being subject to immigration control.
   - Asian and Muslim women may experience particularly acute stigma from their own communities as a result of their involvement with the criminal justice system.
   - There is no available data on the number of Black, Asian or minority ethnic women sitting as magistrates or judges or employed in the probation, prison or police services.
   - While there has been a significant reduction in the numbers of young people entering the criminal justice system and going into custody since 2008, these benefits have not been felt equally across ethnicities.
Summary of Findings

There are very few specialist, local services working with women offenders from minority ethnic groups

- Women report being more likely to access support, and feeling safer to speak about their experiences, within services led by and for women from minority ethnic groups.
- There are few organisations either working exclusively with or running programmes for Black, Asian or minority ethnic women offenders.
- Government budget cuts have reduced the availability of specialist support services for Black, Asian and minority ethnic women affected by domestic abuse and other forms of violence against women and girls.\(^5\)

Bangkok Rules

The United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders (known as the Bangkok Rules, 2010) to which the UK is a signatory, make specific provisions for ethnic minority women in prison:

**Rule 54:** Prison authorities shall recognize that women prisoners from different religious and cultural backgrounds have distinctive needs and may face multiple forms of discrimination in their access to gender- and culture-relevant programmes and services. Accordingly, prison authorities shall provide comprehensive programmes and services that address these needs, in consultation with women prisoners themselves and the relevant groups.

**Rule 55:** Pre- and post-release services shall be reviewed to ensure that they are appropriate and accessible to indigenous women prisoners and to women prisoners from ethnic and racial groups, in consultation with the relevant groups.\(^6\)

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Recommendations

1. The forthcoming government strategy on female offenders, to be published by the Ministry of Justice later in 2017, should include specific measures to improve outcomes for Black, Asian and minority ethnic women and women from minority faith communities in contact with the criminal justice system. Proposed measures should reflect:
   - consultation with women who have direct experience of the criminal justice system and specialist services in the community that work with them;
   - a rebalancing of investment away from the custodial estate and towards community solutions.

2. Criminal justice agencies should collect and publish data disaggregated by gender, ethnicity (including Gypsy, Roma and Traveller backgrounds) and religion to inform policy and practice and ensure compliance with the public sector equality duties. This data should:
   - include all sentencing disposals, prison receptions, remands, releases and recalls;
   - inform local authority joint strategic needs assessments and commissioning decisions;
   - be appropriately shared by the police, courts, Community Rehabilitation Companies (CRCs) and National Probation Service (NPS) and scrutinised for evidence of disproportionality or unmet need;
   - be used to monitor progress in addressing unequal outcomes.

3. The criminal justice inspectorates should conduct a joint thematic review to investigate the extent and nature of disparities in experience of women from minority ethnic groups and make detailed recommendations to all responsible agencies for how these can be addressed. This could for example include a National Statement of Expectations for working with women from minority ethnic groups.

4. Key guidance documents, such as the Equal Treatment Bench Book and NOMS Guide to working with women offenders, should be updated to address specific considerations for women from minority ethnic groups and Muslim women.
5. Steps should be taken to ensure appropriate ethnic diversity of jury members, and to tackle unconscious gender and racial bias.

6. A strategy to increase minority ethnic women’s representation in the criminal justice workforce should be adopted by the Ministry of Justice, HM Prisons and Probation Service (HMPPS) and the Home Office. All criminal justice agencies should take steps to improve the recruitment and retention of minority ethnic women and ensure transparent data recording so that progress can be measured. This should include police, courts, probation and prison service staff, as well as the magistracy and the judiciary. Culturally-informed and gender-responsive training should be provided throughout the criminal justice workforce. This should include programmes enabling staff and officers to understand and challenge their own unconscious biases.

7. The Judicial College should provide information and training to the judiciary on the different experiences and needs of women from minority ethnic groups as part of the social context within which they operate. This should include programmes enabling members of the judiciary to understand and challenge their own unconscious biases.

8. The National Probation Service should ensure that pre-sentence reports, whether oral or written, draw the court’s attention to relevant cultural factors and pressures, and training for offender managers should include cultural awareness relevant to their client groups. This may include for example family dynamics and gender-power relations in a woman’s community, the impact of sentencing on dependent children, and programmes enabling offender managers to understand and challenge their own unconscious biases.

9. National and local government should work together to ensure the provision of services to support women from minority ethnic groups in the community. The focus should be on increasing and strengthening specialist services and ensuring safe spaces are available for women from minority ethnic groups. Local commissioners must evidence consultation and partnership working with specialist organisations, and be held to account for this.

Methodology

In preparing this briefing we have drawn upon government statistics and the interim report published in November 2016 by the Lammy review, which identified pronounced disproportionality in the treatment of women from minority ethnic groups at the point of arrest, in relation to custodial remand and sentencing, and in prison discipline adjudications.

We have also drawn upon the research commissioned by the Lammy review from Agenda and Women in Prison, published in April 2017, which gave voice to women from minority ethnic groups through focus group discussions.

We conducted our own analysis of information from recent HM Inspectorate of Prisons (HMIP) reports from women’s prisons. The prisoner surveys in seven reports published since February 2014 were analysed to compare the responses of women from minority ethnic groups to those of white women. We also conducted a focus group with foreign national women, hosted by Hibiscus Initiatives at their London specialist women’s centre.

It is difficult to draw specific conclusions about racial disparities in criminal justice outcomes given the numerous and complex drivers to offending, including socio-economic inequalities, and the many factors that can affect decisions on prosecution, remand and sentencing. Care is needed in interpreting statistics when the numbers involved are relatively small. In developing our analysis and recommendations we have consulted individuals and organisations with specialist expertise and experience and these are listed above under Credits and Acknowledgements.

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8 David Lammy MP was commissioned by the UK government in January 2016 to consider the treatment of, and outcomes for, black, Asian and minority ethnic adults and young people within the criminal justice system in England and Wales (the Lammy review).
11 HMP Eastwood Park (November 2016), HMP East Sutton Park (August 2016), HMP Drake Hall (July 2016), HMP Foston Hall (June 2016), HMP Bronzefield (November 2015), HMP Peterborough (July 2016), HMP Send (February 2014)
Key facts on minority ethnic women in the criminal justice system¹²

### Black women

Black women make up:

- **3%** of the total female population in England and Wales
- **6.7%** of women entering the criminal justice system for the first time
- **8.9%** of the women’s snapshot prison population

There are marked local and regional variations. For example in London, 9.8% of women are Black,¹³ yet Black women made up 20.7% of first time entrants into the criminal justice system.¹⁶

In West Yorkshire, where 1.8% of the general population of women are Black, at least 3.7% of first time entrants are Black - but ethnicity is unrecorded for 31% of women first time entrants in West Yorkshire.¹⁷

- **Black women**²⁸ more likely than white women to be remanded in custody at the Crown Court.
- **Following a conviction, Black women** are 25% more likely than white women to receive a custodial sentence.

### Asian women

Asian women are generally under represented within the criminal justice system. However in the West Midlands, where Asian women represent 7.5% of the women’s population, they comprise 12.2% of first time entrants to the criminal justice system.¹⁹

**Forty per cent** of Asian women receiving convictions in 2015 had no previous convictions, compared with 12% of white women. Only 15% of Asian women had more than ten previous convictions, compared with 43% of white women.²⁰

Asian women and girls are less likely to be arrested than white women and girls across almost all offence types. The exception is for fraud offences, where Asian women are:

- **26%** more likely to be arrested than white women.

Asian women are

- **51%** more likely than white women to plead not guilty at Crown Court,²¹ the highest rate of any ethnic group. This may lead to longer sentences, where women are convicted.

Once in custody, Asian women face additional stigma from their community, for themselves and their families.²²

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12. For a comprehensive briefing on women in the criminal justice system see PRT 2017 Why focus on reducing women’s imprisonment
15. EE1: Estimated resident population by ethnic group and sex, mid-2009 (experimental statistics) available at: https://www.theguardian.com/news/datablog/2011/may/18/ethnic-population-england-wales accessed 13/06/17 (this data includes women aged 16 years and over)
Women of Muslim faith

The proportion of Muslim women in custody has increased from: **5.2%** to **6.3%** since March 2014 – up from **203** Muslim women to **251** on 31 March 2017. The Muslim Women in Prison project has reported on the disadvantages faced by Muslim women in prison without English language skills, particularly older women, who have had to rely on other prisoners to interpret for them. As this is not a formal arrangement, there is no guarantee of continuity: interpreters may be released, or transferred without warning.

Chinese and ‘other ethnic’ women

Women within the ‘Chinese and other ethnic’ group are:

- **89%** more likely to be arrested than white women.
- **32%** less likely than white women to be proceeded against.

Gypsy, Roma and Traveller women

Prison records indicate about **0.3%** of women in custody are Gypsy, Roma and Traveller (GRT) women, but HMIP survey responses record much higher numbers. In particular:

- **9%** of women at HMP Foston Hall
- **9%** of women at HMP Bronzefield
- **10%** of women at HMP Peterborough

These numbers are very high in comparison to official estimates of Gypsies and Travellers in the general population (**0.1%**) and even the estimates by GRT organisations (**0.5%**).

Across all prisons, women have been more likely than men to identify themselves as GRT (**7% compared with 5%**). The HMIP report on Gypsies, Romany and Travellers also found that this group were more likely to feel victimised, more likely to be experiencing mental health problems and less likely to feel safe in custody.

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23 Table 1.5, Ministry of Justice (2017) Prison population: 31 March 2017, London: Ministry of Justice
26 HMP Eastwood Park (November 2016), HMP East Sutton Park (August 2016), HMP Drake Hall (July 2016), HMP Foston Hall (June 2016), HMP Bronzefield (November 2015), HMP Peterborough (July 2016), HMP Send (February 2014)
**Migrant women and trafficked women**

A significant proportion of foreign national women in prison have been trafficked or coerced into offending. This is also increasingly likely to be the case for British women and girls. Women from minority ethnic groups were more likely at five out of the seven prisons recently inspected to identify as foreign national. At HMP Send, they were also less likely to understand written English than white women. Hibiscus Initiatives have identified a growth in the numbers of people in the criminal justice system for whom English is not their first language, and report that women and girls tend to have higher needs in this area as a result of more restricted access to education. This also has an impact on women’s ability to understand decisions made in relation to criminal cases and immigration status.

**Safety in custody**

Prison inspection reports highlight concerns about safety and access to support for women from minority ethnic groups, who are more likely to say they have been victimised by other prisoners because of their ethnicity, at all prisons except HMP East Sutton Park, where none of the respondents said they had been so victimised.

Recorded rates of self-harm are higher among white women in prison, representing over 90% of incidents over the last ten years. Women from minority ethnic groups may be under-represented in these statistics, for reasons including under-reporting, or misreading of the range of emotional responses that women may have to trauma. However, there has been an increase in the recorded rates of self-harm amongst women from minority ethnic groups, in particular amongst mixed ethnic women.

**Women from minority ethnic groups in the criminal justice workforce**

Regrettably there is no official data available on the number of women from minority ethnic groups working in the criminal justice system.
What does the evidence show?

Despite some progress, evidence of racial bias in criminal justice agencies persists. This was recognised in January 2016 when David Cameron commissioned the Lammy review and again in August 2016 by the Prime Minister when she ordered an audit of racial disparities in public services.

The discrimination and disadvantage that women in the criminal justice system in England and Wales may experience if they are from a minority ethnic background is multi-layered. There is a tendency to consider mainly white women when addressing gender inequality, and mainly black men when addressing racial inequality, but it is the interplay between gender and race inequalities that affects Black, Asian and minority ethnic women.

“all the women are white, all the blacks are men, but some of us are brave”

This ‘intersectional discrimination’ plays out in all aspects of the lives of women from minority ethnic groups. They face additional barriers to accessing support in relation to experiences of violence, are more likely to live in poverty than white people and men from minority ethnic groups, and tend to earn less than these groups. The disadvantages women generally face with the criminal justice system, such as experiencing a greater likelihood of imprisonment than men for first offences and non-violent offences, higher rates of remand and poorer outcomes on release, are compounded. Women from minority ethnic groups make up 11.9% of the women’s population in England and Wales, but 18% of the women’s prison population. (see Figures 1 and 2). There has been a gradual decline since 2012, when this was 22%, but it remains significant.

Writer bell hooks argues that ‘racist stereotypes of the strong, superhuman black woman have obscured the extent to which black women are likely to be victimised.

37 Hull, Gloria T. (1982) All the women are white, all the blacks are men, but some of us are brave. New York: The Feminist Press
These figures represent a snapshot number of women in prison at any one time. Receptions data would more accurately reflect the numbers of women going into custody over a period of time, including those on remand, recall and on short sentences. Our knowledge about the race and ethnicity of women being sent to prison is limited by the Ministry of Justice’s failure to publish prisons receptions data with a breakdown by ethnicity and gender. This in turn constrains progress in addressing disproportionality.

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The law on equality

Equality for women and girls from minority ethnic groups in the criminal justice system is a well established legal requirement throughout the UK. The public sector equality duty requires public authorities, when developing policies and services, to demonstrate due regard to the need to eliminate discrimination against people with protected characteristics including sex and race. This entails minimising disadvantage, taking steps to meet their needs and encouraging their involvement in public life.\(^{48}\)

Section 10 of the Offender Rehabilitation Act 2014 stipulates that in England and Wales specific arrangements must be made to meet the particular needs of female offenders in the provision of probation services, in compliance with the equality duty.\(^{49}\)

Compliance with these equality duties requires the collection, analysis and publication of data on the workings of the criminal justice system, disaggregated by gender and race.

Count minority ethnic women in - the importance of data

More than a decade ago the Fawcett Society’s Good Practice Guidelines\(^{50}\) identified a lack of data as a critical barrier to improving provision for women from minority ethnic groups in the criminal justice system, stating that most services had inadequate monitoring and evaluation frameworks. Measures to tackle inequalities can only be evidenced if sufficient data is collected and monitored.

Very little of the data published by the Ministry of Justice is disaggregated by both gender and ethnicity. Inconsistent ethnic categories are used by the police and prison services so it is not always possible to analyse and compare data at different points in the criminal justice system. The shortcomings apply to capturing sentencing outcomes, prison receptions, remand, recall and release data, and in identifying the needs of women in prison and on release and women on community orders.

Also unhelpful is a lack of rigour in recording ethnicity: overall it is unrecorded for 22% of women first time entrants to the criminal justice system.\(^{51}\) The area with the largest proportion of women first time entrants whose ethnicity goes unrecorded is West Yorkshire, where it is 31%. This inconsistency between geographical areas should be investigated with a view to improving data collection by criminal justice agencies.

Research has found that women from minority ethnic groups are under-represented as workers in the criminal justice system,\(^{52}\) but there is no current official data available on the number of Black, Asian or minority ethnic women working in the criminal justice system - as magistrates or judges or employed in the police, courts, prisons or probation services.

\(^{50}\) Fawcett Society (2006) Good practice in meeting the needs of ethnic minority women offenders and those at risk of offending. London: Fawcett Society
Professional guidance

Information available to staff in criminal justice agencies, such as the NOMS guide to working with women offenders\(^{53}\) and the Equal Treatment Bench Book for judges,\(^ {54}\) highlight the additional disadvantage faced by women from minority ethnic groups but give very limited guidance about how this should be addressed or ameliorated. There was no reference to women from minority ethnic groups in the Ministry of Justice’s Strategic Objectives for Females Offenders in 2013 nor in the update in 2014,\(^ {55}\) nor any reference to women in the NOMS Race Review in 2008.\(^ {56}\) The Lammy review provides an opportunity to address these oversights.

Specialist provision for women from minority ethnic groups

There are few organisations either working exclusively with or running programmes specifically for women from minority ethnic groups. Imkaan’s state of the sector report\(^ {57}\) highlights the effect of government budgets cuts on dedicated organisations working to end violence against Black, Asian and minority ethnic women and girls. As women have reported being more likely to access support from these specialist services, and feeling safer to speak about their experiences within them, their loss is unhelpful to improving outcomes.

Imkaan’s Safe Minimum Practice Standards\(^ {58}\) outline core principles for VAWG services working with women from minority ethnic groups. These stipulate that service provision should be developed ‘with an understanding of the impact of racism and discrimination in the lives of women and girls within the context of violence.’ These principles and standards should be considered by central and local government and criminal justice agencies when commissioning services for women in contact with the criminal justice system, as well as by providers of women-specific services.

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The evidence in more detail

This section sets out the quantitative data available for women by ethnicity in order to give a more detailed comparative account of racial disparities within the criminal justice system. While this briefing concerns adult women, we include some data on girls from minority ethnic groups as this has clear implications for the future adult female prison population.59

Girls from minority ethnic groups

“I feel like we have a double standard, it’s not just with the police or social services, with the whole public sector... Like the police, if I’m in trouble or whatever, they’ll come there super quick, they bug me, they’ll run me down, they’ll call me names... Then, when I got robbed and called them, they were very willy-nilly... There was never an explanation of what actions exactly they were going to take.”

Young Black woman with experience of care and the criminal justice system60

There was a 73.5% reduction in Black girls receiving convictions over ten years since 2006, while for white girls there was an 84.9% reduction. Black girls make up 10.8% of all girls entering the criminal justice system for the first time.61 An accurate comparator is not readily available for the general population.

Black girls are significantly more likely to be arrested than white girls. They are five times more likely to be arrested for robbery, and over three times more likely to be arrested for fraud.62 However, the numbers of girls are too few beyond the point of arrest to draw conclusions on disproportionate treatment for specific offences. Nevertheless, research conducted in 2010 found that a disproportionate number of both victims and perpetrators of serious youth violence in London are from minority ethnic communities.63

For Asian girls the picture is mixed. While there was a 52.1% drop in convictions of Asian girls over the ten year period as a whole, this masks a dramatic rise from 2015 to 2016, when convictions rose by 50% in a year, from 38 girls in 2015 to 57 girls in 2016.64

Black women

“I just think in general outside of prison life women are treated lesser than men and I think Black, Asian people are treated lesser than white people so if you are a Black or Asian woman... You’re already at a disadvantage, a double disadvantage.”

Woman from minority ethnic group in prison, quoted by Agenda and Women in Prison, 201665

59 ‘Women’ refers to those 18 years and over; ‘girls’ refers to those between 13 and 17 years of age
61 Ministry of Justice (2017) Offending history data tool: First time entrants, December 2016, London: Ministry of Justice. Black girls make up 3.3% of the general population of girls in England and Wales but this only includes girls aged 0-15, whereas the statistics for first time entrants includes girls aged 13 to 17.
65 This quotation is from a focus group: Cox, J. and Sacks-Jones, K. (2016) Double Disadvantage: The experiences of Black, Asian and Minority Ethnic women in the criminal justice system, London: Agenda and Women in Prison
Black women make up 3% of the female population in England and Wales, but 8.9% of the women’s snapshot prison population and 6.7% of women entering the criminal justice system for the first time. However national statistics are not the best measure of disproportionality, given the significant regional variations in population diversity. For example, in London 9.8% of women are Black but Black women made up 20.7% of first time entrants to the criminal justice system. In West Yorkshire, where 1.8% of the general population of women are Black, at least 3.7% of women first time entrants are Black (but as already noted ethnicity is unrecorded for 31% of women first time entrants in this region).

Numbers of Black women in prison have gradually declined since 2012, at a greater rate than all women in prison. However, this data should be treated with caution as they do not reflect the numbers of women being received into prison over time.

Nearly a fifth (18%) of Black women receiving convictions in 2015 had no previous offences, compared with 12% of white women.

Black women are more than twice as likely to be arrested as white women in the general population but 10% less likely than white women to be proceeded against following an arrest. This could suggest an over-use of arrest powers, where there is weaker evidence or for less serious incidents that do not reach the threshold for public interest to prosecute.

Black women are 35% more likely than white women to plead not guilty. Not guilty pleas may indicate mistaken arrest, a lack of trust in the system or lack of legal advice. They are likely to lead to more severe sentencing. Focus groups conducted by Agenda and Women in Prison found that women had not been aware that their sentence could be reduced with an early guilty plea.

Black women are 63% more likely than white women to be tried at the Crown Court. Decisions to try a case at the Crown Court are based on the seriousness and complexity of the case and, in some cases, the preference of the defendant. Defendants may elect Crown Court trial due to the common belief that a jury will be more sympathetic. However, Agenda and Women in Prison’s research found that women from minority ethnic groups had concerns about jury bias where juries had been dominated by older, white men.

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68 EE1: Estimated resident population by ethnic group and sex, mid-2009 (experimental statistics) available at: https://www.theguardian.com/news/datablog/2011/may/18/ethnic-population-england-wales accessed 13/06/17 (this data includes women aged 16 years and over)
73 Table 5.1, Ministry of Justice (2016) Black, Asian and Minority Ethnic disproportionality in the Criminal justice system in England and Wales, London: Ministry of Justice
74 Table 5.3, Ministry of Justice (2016) Black, Asian and Minority Ethnic disproportionality in the Criminal justice system in England and Wales, London: Ministry of Justice
77 Table 5.3, Ministry of Justice (2016) Black, Asian and Minority Ethnic disproportionality in the Criminal justice system in England and Wales, London: Ministry of Justice
Black women are 29% more likely than white women to be remanded in custody at the Crown Court.\(^79\)

### BAWSO

**Bawso** is an all Wales, Welsh Government Accredited Support Provider, delivering specialist services to people from Black and minority ethnic backgrounds who are affected by domestic abuse and other forms of abuse, including female genital mutilation, forced marriage, human trafficking and prostitution.

If convicted, Black women are 25% more likely than white women to receive a custodial sentence.\(^80\) There are broader consequences of this, as Black women are particularly likely to be single mothers. More than half of Black families in the UK are headed by a lone parent, compared with less than a quarter of white families and just over a tenth of Asian families.\(^81\) Despite the law’s requirement that the welfare of children affected should be considered in sentencing,\(^82\) many women in the focus groups conducted by Agenda felt that their family circumstances had not been considered in their sentences.\(^83\)

There is particularly marked disproportion in the experience of Black women in the Crown Court for drugs offences. These defendants are 84% more likely than white women to be remanded in custody, despite no significant difference in conviction rates, and then more than twice as likely (127% more) to receive a custodial sentence than white women.\(^84\)

### HIBISCUS INITIATIVES

**Hibiscus Initiatives** aims to improve the quality of life for those who are marginalised by language and culture by increasing awareness of the prison system and their rights by enabling them to access and exercise these rights. They provide a wide range of services to Black, Asian, minority ethnic and refugee women and foreign national women in UK prisons, and their goal is to ensure that the client’s transition from prison back into the community is as smooth as possible.

Black women are nearly six times as likely as white women to be arrested for fraud, and three times as likely as white women to be remanded in custody at the Crown Court for fraud offences, despite, again, similar conviction rates. Although Black women are over twice as likely to be arrested for violence against the person as white women, they are 46% more likely to plead not guilty at Crown Court, and 15% less likely to be convicted.\(^85\)

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\(^{79}\) Table 5.3, Ministry of Justice (2016) Black, Asian and Minority Ethnic disproportionality in the Criminal justice system in England and Wales. London: Ministry of Justice

\(^{80}\) Table 5.3, Ministry of Justice (2016) ibid

\(^{81}\) HM Chief Inspector of Prisons (2009) Race relations in prisons: responding to adult women from black and minority ethnic backgrounds, London: The Stationery Office


\(^{84}\) Table 5.3, Ministry of Justice (2016) Black, Asian and Minority Ethnic disproportionality in the Criminal justice system in England and Wales. London: Ministry of Justice

\(^{85}\) Table A2.13, Ministry of Justice (2016) Black, Asian and Minority Ethnic disproportionality in the Criminal justice system in England and Wales. London: Ministry of Justice
Asian women

…we cannot assume that because the family provides the obvious everyday locus for expressing ambiguities over female autonomy, that it should itself be regarded as pathogenic; the ambiguities may be less ‘cultural’ than political in a wider sense, less about the individual women challenging their family values than about their economic experiences and actions outside of the family, including racism and tacitly restricted opportunity.

Voluntary sector professional

Asian women make up 6.7% of the female population in England and Wales, and 3.9% of the snapshot women’s prison population. Although this is an under-representation, numbers of Asian women in prison have increased by 9% since 2012, compared with a 5.7% decrease in the overall numbers of women in prison.

Asian women made up 4.2% of women entering the criminal justice system for the first time in 2016, but 9.1% of first time entrants in London, where they comprise 12.4% of the women’s population. In the West Midlands however, where Asian women represent 7.5% of the women’s population, they are 12.2% of first time entrants to the criminal justice system.

Forty per cent of Asian women receiving convictions in 2015 had no previous convictions, compared with 12% of white women. Only 15% of Asian women had more than ten previous convictions, compared with 43% of white women.

SOUTHALL BLACK SISTERS

Southall Black Sisters is a not-for-profit, secular and inclusive organisation, established in 1979 to meet the needs of Black (defined here as Asian and African-Caribbean) women. Its aims are to highlight and challenge all forms of gender related violence against women, empower them to gain more control over their lives; live without fear of violence and assert their human rights to justice, equality and freedom. Although locally based, the organisation’s work has a national reach and reputation.

SBS runs an advice, advocacy and resource centre in West London which provides a comprehensive service to women experiencing violence and abuse and other forms of inequality. It offers specialist advice, information, casework, advocacy, counselling and self-help support services in several community languages, especially South Asian languages.

Asian women and girls are less likely to be arrested than white women and girls across almost all offence types. The exception is for fraud offences, where Asian women are 26% more likely to be arrested.

Asian women are 49% less likely to be arrested than white women, and Asian girls are 75% less likely to be arrested than white girls. Furthermore, Asian women are 29% less likely than white women to be charged by the Crown Prosecution Service following arrest, and 36% less likely than white women who have been charged, to be proceeded against.  

Stereotypes of Asian women as demure and compliant may influence the low arrest and charging rates. However, the fact that they are then more than twice as likely to be tried at Crown Court than white women suggests that once Asian women appear in court as defendants, their offences may be viewed as more serious than that of a white woman.

Asian women are 51% more likely than white women to plead not guilty at Crown Court, the highest rate of any ethnic group. Of those cases heard in the magistrates’ court, Asian women are 42% more likely than white women to be convicted. This is interesting in light of a study of the impact of race and gender on school children, which found that Asian girls were disciplined more severely for defying the ‘quiet Asian female’ stereotype. This stereotype may also affect experiences in custody. Agenda report that a woman in their focus group said her complaint of racial discrimination had been ignored because ‘you’re seen as the quiet Asian girl’. 

The data does not show custodial sentencing of Asian women to be disproportionate across all offence types in comparison with the sentencing of white women, at magistrates’ or at Crown Court. However, as first time entrants to the criminal justice system, Asian women receive more severe sentences. In 2016, 28.6% of Asian women received custodial or suspended sentences, in comparison with 17.5% of white women, while 32% of Asian women and 44.7% of white women were sentenced with a fine. While the numbers of women convicted for different offences are too small to analyse, it is possible that more severe sentencing reflects greater numbers of foreign national women within this group.

Once in custody, Asian women face additional stigma from their community, for themselves and their families ‘because in the Asian community, a woman, oh no, a woman doesn’t go to prison. Maybe men, they say prisons are made for men and not for women.’ This is echoed in the research conducted by the Muslim Women in Prison project.

The Lammy review has reported that Asian girls are significantly less likely to be arrested than white girls, but the numbers are too small at the point of sentencing to be analysed for disproportionality. However, a look at the numbers of girls receiving convictions over the past ten years raises concerns about the implications for Asian girls. (See Figure 3).
Women of Muslim faith

“...when I’m released their duty stops at the gate but I get another sentence from the community and that lasts forever!”

Muslim woman in prison, quoted by the Muslim Women in Prison Project, 2014

On 31 March 2017, there were 251 Muslim women in prison, according to data published by the Ministry of Justice. The proportion of Muslim women in custody has increased from 5.2% to 6.3%, over three years since March 2014 (203 women).

This is currently the only published data disaggregated by religion. However, HMIP survey responses from women’s prisons give some indication of the challenges this group of women may be facing in custody. Women from minority ethnic groups were more likely than white women to identify as Muslim at all the prisons, revealing a group of women at risk of gender, racial and religious discrimination. At HMP Foston Hall, where 23% of women from minority ethnic groups are Muslim, 9% of women from minority ethnic groups said they had been victimised by other prisoners because of their religious belief, and 5% of women from minority ethnic groups said that they had been victimised by staff for this reason.

102 This quote is taken from the testimony of a Muslim woman in prison who was assisted by the Muslim Women in Prison project. Op Cit.
103 Table 1.5, Ministry of Justice (2014) Prison population: 31 July 2014, London: Ministry of Justice
104 HMP Foston Hall (June 2016)
**MUSLIM WOMEN IN PRISON PROJECT**

**Muslim Women in Prison** is a pioneering multi-agency project of Huddersfield Pakistani Community Alliance in partnership with Khidmat Centres in Bradford.

Workers provide advocacy and support to Muslim women in HMP New Hall, HMP Askham Grange, HMP Bronzefield and HMP Peterborough. Their work includes support with Islamic divorce, access to children, and immigration, inheritance and other legal matters.

This work has also formed the research for the report, ‘Muslim Women in Prison,’ which has raised awareness of the barriers faced by Muslim women in HMP New Hall and HMP Askham Grange. Their research has shown that Muslim women face not only discrimination from others in custody, but also discrimination from within their own communities. The women they work with face additional barriers including increased isolation from families, resulting from the perception that they bring shame and dishonour to their communities. They are often fearful of violence and reprisal from their families, and some are unable to return home after release from prison.

'**Mixed ethnic' women**

“Through my own personal experiences, I don’t think everyone’s treated the same. I think as much as we have to educate ourselves, the police need to be educated as well, be more sensitive.”

Woman in prison, quoted by Agenda and Women in Prison, 2016

In the 2001 Census, 48% of those identifying in the ‘mixed ethnic’ group identified as Mixed White and Black Caribbean or Mixed White and Black African, and 29% identified as Mixed White and Asian. These proportions may not, however, correlate with the identities of those women coming into contact with the criminal justice system.

It is important to note that individuals may define themselves as ‘mixed ethnic’ while also identifying as Black or Asian. Individuals may also be viewed by others as Black or Asian irrespective of how they choose to define themselves. Therefore women within the ‘mixed ethnic’ group may experience inequalities and prejudices in the same way as those that self-identify as Black or Asian respectively.

The areas of disproportionality for ‘mixed ethnic’ women as a group are most consistent with the statistics seen for Black women. For example, ‘mixed ethnic’ women and girls are more likely to be arrested than white women and girls, with ‘mixed ethnic’ women more than twice as likely (111% more) to be arrested than white women. ‘Mixed ethnic’ women are 21% more likely to plead not guilty and are 36% more likely to be tried at the Crown Court than white women. They

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do not experience disproportionate rates of conviction and custodial sentencing to those of white women, but as these statistics aggregate the numbers of women with a variety of mixed ethnic identities, it is possible that any disproportion is hidden within the data.

**Chinese and ‘other ethnic’ women**

“**The police are bad. They work together with the solicitor. In the end I find out that... They just want to... finish your case to get paid...Even solicitor is more bad as well... just money. When you got money you can get away with what you do bad... I am in legal aid. They never talk for you they just want to finish the case and then that's it, bye bye.**”

Chinese woman with experience of prison

The ‘Chinese and other ethnic’ classification encompasses a wide range of ethnic identities, and there are significant limitations in drawing conclusions about these statistics when different ethnic groups may be experiencing disproportionate treatment in different ways.

Over half (51%) of respondents identifying within the ‘Chinese or other ethnic’ group in the 2001 Census identified as Chinese, and the remaining 49% were most likely to identify as Filipino, Japanese, Vietnamese, Arab, Other Middle Eastern or North African. 33% of people in the ‘Other Ethnic’ category were Christians, 26% were Muslims, and 15% were Buddhists. In the 2011 Census, approximately 40% of respondents identifying within the ‘other ethnic’ group, identified as Arab.

While this may give some idea of the backgrounds of women in the classification, it should be noted that these statistics may not correlate with the identities of those women coming into contact with the criminal justice system.

Women within the ‘Chinese and other ethnic’ group are 89% more likely to be arrested than white women, and 32% less likely than white women to be proceeded against. This may indicate the over-use of arrest powers or increased use of out-of-court disposals, although there is no evidence to support the latter explanation. Conversely, girls within the ‘Chinese and other ethnic’ group are 22% less likely than white girls to be arrested but 30% more likely to be proceeded against than white girls.

Women within the ‘Chinese and other ethnic’ group are then 54% more likely to be tried at Crown Court than white women. Those heard at the magistrates’ court are 43% more likely to be convicted than white women.

Women within the ‘Chinese and other ethnic’ group were more than twice as likely to be arrested for sexual offences and theft offences as white women, and almost five times more likely than white women to be arrested for fraud offences. It is worth noting here that sexual offences and...

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107 This quotation is from a focus group with foreign national women with experience of the criminal justice system, led by the Prison Reform Trust and hosted by Hibiscus Initiatives in London. A full briefing will be published by the PRT in partnership with Hibiscus Initiatives in autumn 2017.

108 ONS (2005) Who are the ‘Other’ ethnic groups? London: ONS

109 ONS (2005) Who are the ‘Other’ ethnic groups? London: ONS

110 Table 5.1, Ministry of Justice (2016) Black, Asian and Minority Ethnic disproportionality in the criminal justice system in England and Wales. London: Ministry of Justice

111 Table 5.1, Ministry of Justice (2016) Ibid
theft offences are amongst those likely to be associated to trafficking and coercion. Although numbers were too few in most cases to be broken down by offence, this analysis showed some disproportionate experience for drugs offences in the Crown Court, where women within the ‘Chinese and other ethnic’ group were three times more likely than white women to be remanded in custody.112

THE CHINESE INFORMATION & ADVICE CENTRE

The Chinese Information & Advice Centre (CIAC) offers support to Chinese people in the criminal justice system, and has a specialist service for women. Chinese women may be fearful of the police or other justice professionals, due to language barriers or their experiences in China, and CIAC provides support in understanding criminal justice processes and preparing for court.

Cultural awareness training, provided by CIAC, highlighted particular challenges for Chinese people in the criminal justice system, relating to the concept of ‘face,’ which refers to how a person is valued or judged by others around them. It creates a stigma which means that many Chinese people are unable to speak to their families around their experience of the criminal justice system, impeding rehabilitation and increasing isolation.

Gypsy, Roma and Traveller women

“I went once prison when I was 18 years old. It was very bad experience for me...When I came out from prison the police officer they know me and when they see me in the street they stop me every time...when we wear long skirts...you don’t do anything and they stop you and they start following you.”

Roma woman with experience of the criminal justice system113

Prison records indicate about 0.3% of women in custody are Gypsy, Romany and Traveller (GRT) women, but HMIP survey responses have indicated much higher numbers. In particular, 9% of women at HMP Foston Hall, 9% at HMP Bronzefield, and 10% at HMP Peterborough,114 identified as GRT. These numbers are very high in comparison to official estimates of Gypsies and Travellers in the general population (0.1%) and even the estimates by GRT organisations (0.5%).115 Across all prisons, women have been more likely to identify themselves as GRT than men (7% compared with 5%).116

The HMIP report on Gypsies, Romany and Travellers found that this group were more likely to feel victimised, more likely to be experiencing mental health problems and less likely to feel safe in custody.117 There is limited research in this area, particularly considering both the over-representation and increase in numbers of GRT women going into custody.118

112 Table A2.16, Ministry of Justice (2016) Black, Asian and Minority Ethnic disproportionality in the Criminal justice system in England and Wales. London: Ministry of Justice
113 This quotation is from a focus group with foreign national women with experience of the criminal justice system, led by PRT and hosted by Hibiscus Initiatives in London. A full briefing will be published by the PRT in partnership with Hibiscus Initiatives in autumn 2017.
114 HMIP Eastwood Park (November 2016), HMIP East Sutton Park (August 2016), HMIP Drake Hall (July 2016), HMP Foston Hall (June 2016), HMIP Bronzefield (November 2015), HMIP Peterborough (July 2014), HMIP Send (February 2014)
117 HMIP (2014) People in prison: Gypsies, Romany and Travellers, ibid
A small qualitative study by South Wales Women’s Aid of domestic abuse in GRT communities highlighted some of the specific challenges that women and girls face. Girls are likely to leave education in their early teens, due to the expectations on them to marry and have children young. This leads to low literacy levels so women have fewer options open to them. Furthermore, roles within marriage tend to be heavily gendered, leading to increased risk of domestic abuse. Divorce is stigmatised making it more difficult for women who experience domestic abuse to leave the relationship. 119

**ROMA SUPPORT GROUP**

The Roma Support Group can take referrals from Probation, Youth Offending Teams and Drug & Alcohol Action Teams and provide meaningful activities for young people in difficulties.

“I feel our young women benefited from the project as they got involved in something that they really enjoyed. They gained some practical skills that may divert them from their offending behaviour; the result was tangible and gave them a real sense of achievement.”

– Haringey YOS Key Worker

**FRIENDS, FAMILIES AND TRAVELLERS**

Friends, Families and Travellers supports Gypsies and Travellers in prison and carries out casework on their behalf on any issue they raise. The organisation has also supported Gypsy/Traveller groups to meet in several prisons in the South East, where inmates can meet up in a supportive group and talk about their common issues.

119 South Wales Women’s Aid Consortium (2010) Briefing 1: Domestic Abuse & Equality; Gypsy + Traveller Women. London: EHRC
Experiences of custody

“I've never heard so much racism until I came to jail.”

Woman in prison, quoted by Agenda and Women in Prison, 2016

Recent prison inspection reports have highlighted concerns about safety for women from minority ethnic groups and access to support. Our analysis of inspectorate reports at seven prisons published since February 2014 found that women from minority ethnic groups were more likely to say they had been victimised because of their race or ethnic origin by other prisoners, at all prisons except HMP East Sutton Park, where none of the respondents said they had been victimised by other prisoners. The majority of women in the focus groups conducted by Agenda also reported experiencing racism from other prisoners and from staff, as well as saying that racism was worse in prison.

Women from minority ethnic groups were more likely at five out of the seven prisons to identify as foreign national. At HMP Send, they were also less likely to understand written English than white women. Hibiscus Initiatives have identified a growth in the numbers of people in the criminal justice system for whom English is not their first language, and report that women and girls tend to have higher needs in this area as a result of more restricted access to education. This also has an impact on women’s ability to understand decisions made in relation to criminal cases and immigration status.

The Muslim Women in Prison project has reported on the disadvantages faced by Muslim women in prison without English language skills, particularly older women, who have had to rely on other prisoners to interpret for them. As this is not a formal arrangement, there is no guarantee of continuity: interpreters may be released, or transferred without warning. Women in the focus groups conducted by Agenda and Women in Prison reported being reprimanded for speaking other languages, and being told they had to speak in English on the telephone.

At HMP Bronzefield, where the governor has stated that over half of women are serving sentences of two weeks on average, women from minority ethnic groups were more likely to say it was their first time in prison, and they were less likely to be sentenced. This reflects Lammy review findings that Black women are more likely to be remanded. Fewer women from minority ethnic groups at HMP Bronzefield than white women said that most staff treated them with respect, and they were less likely to say they had a member of staff they could turn to for help.

120 This quote is from a focus group: Cox, J. and Sacks-Jones, K. (2016) Double Disadvantage: The experiences of Black, Asian and Minority Ethnic women in the criminal justice system, London: Agenda and Women in Prison
121 HMP Eastwood Park (November 2016), HMP East Sutton Park (August 2016), HMP Drake Hall (July 2016), HMP Foston Hall (June 2016), HMP Bronzefield (November 2015), HMP Peterborough (July 2016), HMP Send (February 2014)
123 HMP Eastwood Park (November 2016), HMP Foston Hall (June 2016), HMP Bronzefield (November 2015), HMP Peterborough (July 2014), HMP Send (February 2014)
124 HMP Send (February 2014)
129 HMP Bronzefield (November 2015)
Survey responses from HMP Drake Hall and HMP Peterborough showed further negative experiences of receptions, as women from minority ethnic groups were less likely to say they had been searched in a respectful way, or that they had been treated well or very well,\textsuperscript{130} in reception, than white women in the same prisons.

Other responses suggested that the food and products available did not cater to the specific needs of women from minority ethnic groups, despite prison staff undertaking consultations with women. Expected outcomes for prison inspections state that women should be offered varied meals and that food should be prepared and served according to religious, cultural and prevailing food safety and hygiene regulations. However, responses from four of the prisons showed that women from minority ethnic groups were less likely to say that the food was good, and less likely to say that goods in the shop met their needs.\textsuperscript{131} At HMP Send, women from minority ethnic groups were less likely than white women to go on association more than five times a week, or to go outside for exercise three or more times a week.\textsuperscript{132}

### Safety in custody

\textit{For a white person it's mental health and for a black person it's classed as anger management issues.}\footnote{Woman in prison, quoted by Agenda and Women in Prison, 2016\textsuperscript{133}}

Recorded rates of self-harm are higher among white women in prison, representing over 90\% of incidents over the last ten years.\textsuperscript{134} (Figure 4) There are a number of reasons why women from minority ethnic groups may be under-represented in these statistics, including a lack of trust in staff, leading to under-reporting, or misreading of the range of emotional responses women have to trauma. For example, drug dependence has been associated with deliberate self-harm in women from minority ethnic groups, but not in white women,\textsuperscript{135} and is less likely to be recorded as self-harm.\textsuperscript{136}

The data shows an increase in the recorded rates of self-harm amongst women from minority ethnic groups, and in particular amongst mixed ethnic women, which could point to a shift in the proportion of incidents across ethnic groups, or increased trust or understanding between staff and prisoners.
Responses to HMIP surveys at women’s prisons showed that safety was a more significant concern for women from minority ethnic groups than for white women.

At HMP Foston Hall, HMP Send and HMP Eastwood Park, women from minority ethnic groups were more likely than white women to say they had felt unsafe in prison. At six out of seven prisons, women from minority ethnic groups were more likely than white women to be feeling unsafe at the time of the survey. They were also less likely than white women, at six out of seven prisons, to have felt safe on their first night in prison. At three prisons, they were less likely to say they were able to speak to a Listener at any time.

At HMP Drake Hall, HMP Bronzefield and HMP Foston Hall, women from minority ethnic groups were less likely than white women to identify themselves as having emotional or mental health issues. At four of the prisons women from minority ethnic groups were less likely than white women to say they were taking medication. Focus groups conducted by Agenda and Women in Prison highlighted that mental health issues of women from minority ethnic groups may be classed as ‘anger management,’ as a result of racial prejudice and stereotyping, and a black woman is more likely to be sent to segregation than to be referred for appropriate treatment. Research on mental health in the community indicates that people from minority ethnic groups are more likely than the general population to be diagnosed with mental health problems, yet more likely to experience a poor outcome from treatment, or to disengage with mental health services. The evidence suggests it would be unwise to say the least to assume that the lower

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137 Table 2.7, Ministry of Justice (2016) Self-harm in prison custody 2004 to 2015, London: Ministry of Justice
138 HMP Eastwood Park (November 2016), HMP Foston Hall (June 2016), HMP Send (February 2014)
139 HMP Eastwood Park (November 2016), HMP East Sutton Park (August 2016), HMP Drake Hall (July 2016), HMP Foston Hall (June 2016), HMP Bronzefield (November 2015), HMP Send (February 2014)
140 HMP Eastwood Park (November 2016), HMP East Sutton Park (August 2016), HMP Foston Hall (June 2016), HMP Bronzefield (November 2015), HMP Peterborough (July 2014), HMP Send (February 2014)
141 HMP Drake Hall (July 2016), HMP Peterborough (July 2014), HMP Send (February 2014)
142 HMP Eastwood Park (November 2016), HMP Drake Hall (July 2016), HMP Bronzefield (November 2015), HMP Foston Hall (June 2016)
144 https://www.mentalhealth.org.uk/a-to-z/black-asian-and-minority-ethnic-bame-communities accessed 25/04/17
rate of reported self harm amongst minority ethnic women in prison is an indication of lower mental health needs.

Research in Newham in 2001 found high rates of self harm and suicide amongst young Asian women in the community and an inadequate service response. The Equality and Human Rights Commission has reported that in 2014 the probability of Black African women being detained under mental health legislation in England was more than seven times higher than for white British women, and that the rate was nearly seven times higher for mixed ethnicity women than for white British women and four times more likely for Black British women. There are many possible explanations for this, including the possible unwillingness of women from minority ethnic groups to seek help at an earlier stage, as explored in the 2014 study by the Women’s Health and Equality Commission, Imkaan, Positively UK and Rape Crisis ‘I am more than one thing’.

**Experiences post-release**

In research carried out on the needs of women from minority ethnic groups leaving HMP Holloway in 2013, supported by St Mungo’s, most of the women had at least three support needs recorded by their workers. Almost all the women (94%) had support needs relating to housing, 43% had support needs relating to drugs, 31% education and 29% employment. There were more women in some form of temporary accommodation than there had been prior to entering custody.

**Minority ethnic women in the criminal justice workforce?**

The following data show the percentage of professionals in the criminal justice system who identify as Black, Asian or minority ethnic, but there is no gender breakdown available.

**Judiciary**

Twenty eight per cent of court judges, 45% of tribunal judges, and 54% of magistrates are women but there is no published data broken down by both gender and ethnicity.

Ethnicity of the judiciary is self-declared and non-mandatory. As at 1 April 2017, 83% of court judges, 93% tribunal judges, and 97% of magistrates declared their ethnicity.

Eleven per cent of magistrates declared themselves as Black, Asian or minority ethnic. Seven per cent of court judges and 10% of tribunal judges did so. Amongst these, Asian and Black British accounted for three per cent, and the remaining three groups, Black and Black British, Mixed Ethnicity, and Other Ethnic Group accounted for around one per cent each. Black, Asian and minority ethnic representation is higher for judges aged under 40 - 10% for court judges and 14% for tribunal judges.

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149 Centre for Crime and Justice Studies (2013) Housing needs of women from minority ethnic groups leaving HMP Holloway. London: CCJS

Police\textsuperscript{151}

Of the 124,066 police officers in England and Wales at 31 March 2016, 29\% (35,498) were women but again there is no published data broken down by both gender and ethnicity.

Six per cent of police officers considered themselves to be from an ethnic minority (a two per cent increase from 2005), whereas 14\% of the general population is from an ethnic minority.

Of those who identified as being from an ethnic minority, 29\% were of mixed ethnicity, 19\% from Black or Black British backgrounds, 39\% identified as Asian or Asian British backgrounds, and 11\% were from ‘other’ ethnicities.

National Offender Management Service / HM Prisons and Probation

The NOMS (now HMPPS) staff consists of 32,835 staff in public sector prisons, 9,631 in the National Probation Service and 3,443 in NOMS HQ and area services.\textsuperscript{152} Women accounted for 46.8\% (21,492) of staff in NOMS but there is no published data on their ethnicity. Overall only 76.6\% of staff declared their ethnicity and of these, 7.9\% (2,794) identified as Black, Asian or minority ethnic.

Caution should be used in interpreting this figure as there were different declaration rates across the different parts of NOMS. In National Probation Service (NPS) grades, the declaration rate was only 49.6\%. The lower declaration rates are due to ‘protected characteristics’ information not being migrated from Probation Trusts when the NPS was formed in 2014 in a major reorganisation of probation services.

Crown Prosecution Service\textsuperscript{153}

Within the Crown Prosecution Service, 50.23\% of barristers and 60.39\% of solicitors were women, and overall 15.6\% of barristers and 14.4\% of solicitors identified as Black, Asian or minority ethnic. There is no breakdown available by both gender and ethnicity.


Conclusions

Any serious attempt to achieve equal outcomes for all women in the criminal justice system, must include a determination to understand the impact of both racism and sexism together. Data should be gathered and analysed to shed light on the structural inequalities which women may experience through what has been termed ‘multiple intersecting discrimination’. Solutions must be based on the recognition that where racial inequality is viewed as gender-neutral, or gender inequality as race-neutral, the experiences of women from minority ethnic groups are made invisible.154

The criminal justice system does not exist in a vacuum and will always be subject to the dynamics that exist in wider society. However this is neither an acceptable excuse nor should it be a disincentive to taking action to redress the balance. It is clear from the evidence presented in this report, as well as the gaps it has identified, that action is needed at national and local level to end unfairness and perceptions of unfairness against women from minority ethnic groups. This is important for an effective justice system as well as to improve outcomes for vulnerable women and their families.

National and local government and criminal justice agencies must adopt consistent, rigorous and transparent data monitoring in order to establish an accurate baseline and measure progress. Improving the representation of women from minority ethnic groups in the criminal justice workforce, as well as in juries, is also key to achieving cultural change.

“...The pressure faced by organisations, delivering services around a broad range of intersecting issues, when they are also the only ‘safe space’ for a woman is enormous. Yet policy and commissioning decisions rarely reflect this. Commissioning approaches which favour low cost models, rather than meaningful transformation, cannot deliver the best outcomes for women and girls more broadly – but are even more likely to fail those women who are most marginalised."

Imkaan and Ascent (2016) Good practice guide; Safe pathways? Exploring an intersectional approach to addressing violence against women and girls

Government strategies and the ongoing work of criminal justice agencies must be informed by insights from women with diverse backgrounds, and by the expertise of specialist, woman-centred organisations working within minority ethnic communities. This can only be achieved with an infrastructure in the form of a sustainable national network of gender-specific services that can support and champion vulnerable women in the community.

Consistent leadership from central government is critical. While the circumstances of individual women will vary in every case, there are common themes and standards that could helpfully be adopted at both national and local level. The recommendations in this report are designed to spur progress. Unless these measures are put in place, the specific needs and experiences of yet another generation of women from minority ethnic groups will be counted out.

Note on statistical sources

**Criminal justice statistics quarterly**
Last published: 18 May 2017 (data from January 2016 to December 2016)

**Offending History data tool**
Data on ethnicity is recorded by the police. It includes all offenders prosecuted by an English or Welsh police force, irrespective of country of residence.

**Offending History data tool – first time entrants**
Data on ethnicity is recorded by the police. It includes all offenders residing in England and Wales at the time of the offence, who have been recorded on the Police National Computer (PNC) by an English or Welsh police force as having received their first conviction, caution or youth caution. Offences resulting in a Penalty Notice for Disorder are not counted as first offences.

**Out of court disposals data tool**

**Prosecutions, convictions and remands data tool**

**Proven reoffending statistics quarterly**
Last published: 3 July 2017 (July 2014 to June 2015)

**Proven reoffending overview data tool**

**Offender Management statistics**
Last published: 27 April 2017 (October to December 2016)

**Prison population quarterly**

**Adjudications dataset**

**Punishments dataset**

**Safety in Custody statistics**
Last published: 27 April 2017

Ethnicity is based on self-reporting by prisoners and has not been independently validated.

Bibliography


A report setting out the findings of the Muslim Women in Prison project, working with Muslim women in HMP New Hall and HMP Askham Grange, and highlights the specific challenges faced by Muslim women in prison. These include a lack of specialist support, and marginalisation within the prison and within their communities. Isolation from their communities leads to additional disadvantages relating to immigration status, access to their children, and to housing on release.

Centre for Crime and Justice Studies (2013) Housing needs of women from minority ethnic groups leaving HMP Holloway. London: CCJS

A report commissioned by St Mungos and based on interviews with staff and service users, as well as project data analysis. St Mungos had a designated case worker for women from minority ethnic groups in HMP Holloway, who was one of the staff interviewed. The research found that women placed a lot of importance on their family needs and valued a respectful, supportive and diligent service that advocated for them. The report recommended that St Mungos maintain its outreach work with women from minority ethnic groups and explore with partners how this could be expanded, and seek solutions for the fact that rough sleepers were more likely to have disengaged from the service.


A report on training for London Probation, commissioned by Clinks, on greater cultural awareness when working with Chinese offenders. The two principal barriers for Chinese offenders are identified as language and culture. The training recommended use of interpreters, translated materials and awareness of body language. The training explored concepts of “face”, shame and family acceptance within Chinese culture.
Cox, J. and Sacks-Jones, K. (2016) Double Disadvantage: The experiences of Black, Asian and Minority Ethnic women in the criminal justice system, London: Agenda and Women in Prison. A report drawing on findings from two focus groups with women from minority ethnic groups in prison and one with women from minority ethnic groups in the community, conducted by Agenda and Women in Prison. It found that women did not feel heard in court proceedings and felt that racial bias affected sentencing decisions and impacted on discrimination they faced in prison. Their sentences had considerable impact on the families of the women. Language barriers were a significant problem for many of the women in the focus groups.

The report of a conference hosted by Friends Families and Travellers (FFT) and Black Training & Enterprise Group (BTEG), to focus on the needs of Gypsy and Traveller offenders. The report recognises increasing numbers of Gypsy and Traveller women in the criminal justice system and the need for further work and research in this area.

A report evaluating the delivery of literacy support to offenders and ex-offenders, focussing particularly on the Roma Literacy Project managed by Hibiscus Initiatives. The report highlights the importance of providing a ‘safe space for these women’ where they could ‘focus on their own development and increase their self-confidence.’ It identifies a greater need for support for women and girls, who have experienced more restricted access to education.

The survey carried out for this report found that women are more likely than men to identify as Gypsy, Roma or Traveller (7% compared to 5%).

These standards focus on service delivery and practice for BAME services and community organisations working with women and girls from minority ethnic groups who are affected by VAWG. The standards emphasise the importance of a non-judgmental approach, requiring ongoing challenge to perceived notions of womanhood and broader cultural perceptions of identities. They advocate for a woman-centred approach and cultural analysis in service delivery.

These guidelines for magistrates and judges recognise diversity within communities and highlight that experience of disadvantage differs across and within ethnic groups. Experiences of racism and disadvantage influence perceptions about the justice system. The guidelines note that women in most ethnic minority groups are more likely than men to have no qualifications, poorer literacy skills and low employment levels.

This is a report commissioned by Barrow Cadbury Trust, LankellyChase Foundation and the Pilgrim Trust, as members of the Corston Independent Funders’ Coalition looking beyond criminal justice to the underlying causes of risk and disadvantage for women and girls. The report identifies some specific barriers for women from minority ethnic groups, but also recognises the limitations of available studies, and the need for further research exploring both gender and ethnicity as dynamics contributing to risk and disadvantage.

This is a guide produced by NOMS Women and Equalities Group, identifying good practice for working with women offenders. It identifies that women from minority ethnic groups may face additional discrimination or greater stigmatisation and isolation.

This report, from an event hosted by Penal Reform International and Quaker United Nations Office, notes that inequalities and discrimination are exacerbated for women from minority groups due to socioeconomic marginalisation and discrimination. It draws attention to the recommendations of the
2010 UN Bangkok Rules, encouraging governments to address the needs of women who are members of minority groups and the multiple discrimination to which they can be subject.

Fawcett Society (2010) Realising rights: increasing ethnic minority women’s access to justice. London: Fawcett Society
Chapter 2. Offending: ethnic minority women’s experiences as suspects and offenders
This chapter travels the offender pathway to identify the ways that ethnic minority women suspects and offenders are treated unfairly, and what needs to change.

Fawcett Society (2006) Good practice in meeting the needs of ethnic minority women offenders and those at risk of offending. London: Fawcett Society

HMIP (2009) Thematic report by HM Inspectorate of Prisons: Race relations in prisons: Responding to adult women from black and minority ethnic backgrounds. London: HMIP
This paper provides an overview of the different experiences and specific needs of minority ethnic adult women in prison, highlighting the contextual effects of multiple discrimination; being a ‘woman’, from a ‘minority ethnic’ group, often from ‘minority nationality groups’ and from ‘lower socioeconomic’ backgrounds.

This research paper was written by a Griffin Fellow working for Women in Prison, and explores the role of ethnic culture in the resettlement experiences of minority ethnic women in London, through interviews with service users and providers.

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**Hibiscus Initiatives**  
http://hibiscusinitiatives.org.uk/  
Hibiscus aims to improve the quality of life for those who are marginalised by language and culture by increasing awareness of the prison system and their rights by enabling them to access and exercise these rights. They provide a wide range of services to BAMER and foreign nationals in UK prisons, and their goal is to ensure that the client’s transition from prison back into the community is as smooth as possible.

**Howard League for Penal Reform**  
www.howardleague.org  
The Howard League is a national charity working for less crime, safer communities and fewer people in prison. It has the only frontline national legal team specialising in the legal rights and entitlements of children and young people in custody.

**Imkaan**  
www.imkaan.org.uk  
Imkaan is a UK-based, black feminist organisation dedicated to addressing violence against women and girls. As a second-tier, human rights organisation, with national membership, Imkaan represents the expertise and perspectives of frontline specialist women’s services that work to prevent and respond to violence against women and girls.

**Irish Chaplaincy**  
www.irishchaplaincy.org.uk  
Irish Chaplaincy provides services and support to excluded, vulnerable and isolated people in the Irish community in Britain, irrespective of their beliefs and attitude to the church. They visit over 400 Irish women and men in prisons in England and Wales each year.

**Muslim Women in Prison**  
The Muslim Women in Prison project has built partnerships with a number of male and female prison and probation services, youth groups and community organisations across the country to address the concerns of Muslim prisoners and aid in their rehabilitation upon release. The Muslim Hands ‘Muslim Women’s Prisoner Rehabilitation’ programme coordinator Sofia Buncy won a Butler Trust Award in 2017 for her work. As well as offering tailored support to Muslim women in prison both while they are serving sentences and when they are released, the project aims to tackle the stigma that surrounds the issue of women in prison within the Muslim community and beyond. For more information about the Muslim Women’s Project see: https://muslimhands.org.uk

**Revolving Doors Agency**  
www.revolving-doors.org.uk  
Revolving Doors Agency aims to demonstrate and share evidence of effective ways to reform public services, transforming the lives of individuals currently failed by the system. They work in partnerships with national and local government, policymakers, commissioners and academic researchers.

**Roma Support Group**  
http://romasupportgroup.org.uk/  
The Roma Support Group can take referrals from Probation, Youth Offending Teams and Drug & Alcohol Action Teams and provide meaningful activities for young people in difficulties.

**Ruth Chigwada-Bailey**  
http://www.criminologyinthemillennium.co.uk  
Ruth is an independent consultant criminologist and Director of Criminology In The Millennium. She specialises in race, gender and criminal justice.

**Southall Black Sisters**  
www.southallblacksisters.org.uk  
Southall Black Sisters is a not-for-profit, secular and inclusive organisation, established in 1979 to meet the needs of Black (defined here as Asian and African-Caribbean) women. Its aims are to highlight and challenge all forms gender related violence against women, empower them to gain more control over their lives; live without fear of violence and assert their human rights to justice, equality and freedom.

**User Voice**  
www.uservoice.org  
User Voice are engagement specialists who run consultations, Councils and deliver peer mentoring training. They work with Prison Reform Trust on running Women’s Councils where women with lived experience of the criminal justice system can talk about what happened and to make suggestions for service improvement.

**Women in Prison**  
www.womeninprison.org.uk  
Women in Prison supports women to avoid and exit the criminal justice system and campaigns for the radical changes needed to deliver support services and justice for women.
The purpose of this briefing is to help ensure that women from Black, Asian and minority ethnic groups are ‘counted in’ – so that their experiences, needs and circumstances are identified and included in criminal justice policy development and service provision. There is still a ‘data deficit’ with very little of the information collected about people in the criminal justice system being analysed by both gender and race or ethnicity. This can obscure different kinds of disadvantage, bias and inequality. In this report, data from a wide range of sources underpins practical recommendations to end unfairness and perceptions of unfairness, increase transparency, and improve outcomes for Black, Asian and minority ethnic women and the organisations that support them.

About the Prison Reform Trust
The Prison Reform Trust is an independent UK charity working to create a just, humane and effective prison system. We have a longstanding interest in improving criminal justice outcomes for women and our strategy to reduce the unnecessary imprisonment of women in the UK is supported by the Big Lottery Fund.