

Tackling Double Disadvantage

Ending inequality for Black, Asian, minoritised and migrant women in the criminal justice system.

10-point action plan for change

Aim and Objective

The aim has been to improve outcomes and reduce inequalities and discrimination against Black, Asian, minoritised and migrant women in contact with the criminal justice system. To achieve this through partnerships with [Hibiscus Initiatives](#), [Muslim Women In Prison](#), [Zahid Mubarek Trust](#), [Agenda](#), [Criminal Justice Alliance](#) and [Women In Prison](#), as well as women with lived experience of the criminal justice system. The Tackling Double Disadvantage project is supported by [Barrow Cadbury Trust](#).

The project objective has been to develop a 10-point action plan with practical steps for meaningful change by working in partnership, alongside women with lived experience of the criminal justice system.

Methodology

The action plan was developed through the following activities, carried out across 2021:

- Holding a stakeholder engagement event with specialist organisations and women with lived experience to identify key challenges.
- Analysing existing literature, evidence, and policies on Black, Asian, minoritised and migrant women's experiences in the criminal justice system.
- Conducting a series of thematic seminars with women with lived experience on the challenges they face at different stages of the criminal justice system, from policing in the community, to courts and sentencing, to prison, to probation and re-entering the community.
- Holding a roundtable with senior government officials across the Ministry of Justice (MoJ), Home Office (HO), Mayor's Office for Policing And Crime (MOPAC), Members of the Parliaments (MPs), voluntary sector organisations and women with lived experience.

This action plan is built on the findings of the [Double Disadvantage](#) report, which was delivered by Agenda and Women in Prison as part of the [Lammy Review](#) and [Counted Out](#) by the Prison Reform Trust (all published 2017). The action plan also builds on the commitments of the Government's [Female Offender Strategy](#), to understand and meet the needs of all women in prison.

Overarching Action

In order to have central oversight of this action plan, we recommend that:

- The Ministry of Justice (MoJ) and Home Office (HO) develop a cross-governmental strategy to address the inequalities faced by Black, Asian, minoritised and migrant women, applying this 10-point action plan and embracing the ambitions of the Female Offenders Strategy (2018) and the Concordat on women in or at risk of contact with the Criminal Justice System (2020).

Action One

Train criminal justice staff on culture, ethnicity, race, faith, gender and anti-racism to meet the multiple and intersecting needs of Black, Asian, minoritised and migrant women. In particular:

- Police and Crime Commissioners (PCCs), The National Police Chiefs' Council (NPCC), Her Majesty's Courts and Tribunals Service (HMCTS) and Her Majesty's Prison and Probation Service (HMPPS) to enable and resource specialist organisations to develop and deliver this training and recruit people with lived experience to co-design and co-facilitate all elements of the training.
- PCCs, NPCC, HMCTS, HMPPS to embed reflective approaches into the daily practice of staff that are supervised by line managers.
- MoJ and the MoJ Female Offender Minority Ethnic (FOME) group to develop commissioning criteria for developing and delivering this training.
- HMPPS and MoJ to involve specialist organisations in piloting and testing the training on responding to the needs and experiences of Black, Asian, minoritised and migrant service users as part of the [Race Equality in Probation Action Plan \(2021\)](#) to ensure all staff training is gender and trauma-informed with equality of access for this group of women.
- The HMPPS Women's Self-Harm Task Force to recognise and address the specific mental health needs of Black, Asian, minoritised and migrant women.

What women with lived experience say:

“So much shame and dishonour on my family for just being in prison”

“I don't know whether it's the colour of my skin or that I'm Muslim that I was treated differently”

“I was treated like a dog!”

“Training needs to be consistent over all prisons”

Action Two

Develop practical resources and guides for HO and MoJ staff on the rights of Black, Asian, minoritised and migrant women who have language barriers and require support in different languages or in easy-to-read formats to incorporate their needs and ensure their experiences are taken into consideration throughout each stage of the CJS. In particular:

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- HO and MoJ to ensure Black, Asian, minoritised and migrant women have access to cultural mediation¹, translation, interpreting and international calls.
- HO and MoJ to provide Black, Asian, minoritised and migrant women with improved standards of translation and to be able to choose the gender of the interpreter.
- HO and MoJ to ensure Black, Asian, minoritised and migrant women have full access to religious items and menstrual products,
- and their access is not impeded by language barriers.

What women with lived experience say:

“I didn't get the chance to tell my story”

“A lot of the ladies who are sentenced do not know what a pre-sentence report is”

“Just not understanding the language of the solicitors and barristers”

Action Three

Recruit Black, Asian, minoritised and migrant women with lived experience of the CJS to become peer mentors and cultural mediators across the whole system. In particular:

- HMPPS to review the vetting procedures and remove barriers such as opaque vetting procedures for people with convictions wanting to work in police custody, prison, and probation settings.
- HMPPS to provide people with lived experience with qualifications, supervision, and professional development to generate paid opportunities and become peer mentors and cultural mediators.

¹Cultural mediation is “any interpreter mediation that addresses the cultural content of the message, the cultural context or cultural concerns, typically with the intention of addressing an apparent cultural barrier that impedes understanding” Breaking Silence, Interpreting for Victim Services, p. 227.

- HMPPS to involve people with lived experience as peer mentors in interview panels and co-production.

What women with lived experience say:

“Nobody was talking to me; I couldn’t understand what was going on”

“The Officers don’t even want to speak to me because of the way I look”

Action Four

MoJ to publish their report on **“Women in the Criminal Justice System”** on an annual basis. This report should also identify and analyse in greater depth the key racial disparities in women’s experiences, including level and type of contact with, and experiences within, the criminal justice system. In particular:

- MoJ to monitor and report on sentencing disproportionalities by ethnicities for Assaults on Emergency Workers which is likely to disproportionately impact Black, Asian, minoritised and migrant women in contact with the justice, mental health, and immigration systems.
- MoJ to publish disaggregated data by gender, ethnicity, race, faith, and nationality on prosecution decisions including racial disproportionality of the prosecution rate for the offences where histories of poor mental health were identified in pre-sentence reports.
- MoJ to monitor and report on racial disproportionalities for Black, Asian, minoritised and migrant women when new legislation is introduced through the Police Crime Sentencing and Courts Bill.
- MoJ to monitor Serious Violence Reduction Orders and any increase in average length of sentence if increased sentences are introduced for repeat drug trafficking offences.
- MoJ to collect, publish, and analyse data on the use of remand for this group of women.
- MoJ to analyse and publish trends in relation to complaints submitted by women including Discrimination Incident Reporting Forms (DIRFs) in prison.
- MoJ to collect and publish disaggregated data on gender-based violence and its links with Black, Asian, minoritised and migrant women’s pathways into the criminal justice system.

What women with lived experience say:

“If I was white, I would be treated differently”

“We get treated differently to white women in prison”

“Because I was dressed as a Muslim woman, I was treated differently”

“Our colour really matters in all situations”

“When you’re Black it’s like being a poison in the prison system”

Action Five

MoJ and HO to ensure use of diversion and out of court disposals (OOC), and end the use of disproportionate custodial sentencing and remands, for Black, Asian, minoritised and migrant women. In particular:

- MoJ and HO to ensure provision of diversion and OOCs to prevent Black, Asian, minoritised and migrant women entering the CJS and to address barriers they face to participating in these initiatives, including requirements relating to admissions of guilt.
- MoJ to establish court-based bail information services where Black, Asian, minoritised and migrant women are a ‘prioritised cohort’, and the service is delivered with input from specialist organisations.
- The Government to amend the Bail Act (1976) to make it unlawful to remand people to prison for their ‘own protection’.
- HMPPS to improve the provision for this group of women if they are remanded into custody including enabling them to access support from specialist organisations, family contact, legal advice, and opportunities to take part in positive activities such as education.

What women with lived experience say:

“When you’re on remand you have limited access to what’s going on outside”

“I pleaded guilty to something I didn’t do”

“I was in prison for four months for a crime I didn’t know I committed, then I was released because of a lack of evidence”

Action Six

Identify gaps in the services for Black, Asian, minoritised and migrant women with insecure immigration statuses.

In particular:

- HM Inspectorate of Probation (HMI Probation) to conduct a thematic review, with the support of specialist services, to inspect the services that are offered for women with insecure immigration statuses.
- MoJ's Female Offender Minority Ethnic (FOME) group to work with the MoJ Lived Experience Engagement Network (LEEN) to identify the gaps in probation services and include the voice of women with lived experience to give feedback on the services.
- HMPPS to involve specialist community-based organisations to work with the probation service to deliver more community support and suitable rehabilitation services for this group of women to reduce reoffending.
- MoJ and HO to ensure the new Nationality and Borders Bill will not criminalise or impose any unfair treatment on migrant women who are victims of trafficking, modern slavery, or domestic abuse.
- MoJ and HO to end information-sharing between police and immigration control to prevent migrant women being further vulnerable to criminalisation.

What women with lived experience say:

"If they have listened to me at the beginning, things would've been different"

"If the immigration system want to assassinate you, the probation system works to support this"

"Without the help of the specialist organisations, I wouldn't know my rights and what to do"

Action Seven

Improve the effectiveness of current external scrutiny bodies to identify and challenge direct and indirect race, sex, and religious discrimination. In particular:

- HMPPS to offer information on women's legal rights and services when first arriving and throughout their time in police custody and prison.
- MoJ to ensure all prisons have external and independent scrutiny of

Discrimination Incident Reporting Forms (DIRFS) in accordance with MoJ national equality framework.

- Independent Monitoring Boards (IMB) and Prisons and Probation Ombudsman (PPO) to introduce an escalation mechanism when repeat recommendations related to poor outcomes for this group of women are not met by individual prisons.

What women with lived experience say:

"I didn't know if I was allowed to practice my religion"

"I use my faith as a rehabilitation tool"

"Women praying on towels instead of Prayer Mats"

Action Eight

Ensure Black, Asian, minoritised and migrant women and their individual circumstances are properly taken into consideration by effective legal representation and other actions in court. In particular:

- HO, MoJ and HMCTS to enable Black, Asian, minoritised and migrant women have access to full pre-sentence reports.
- Police and court staff to take into consideration the multiple complex factors (racial discrimination, stigma, isolation, cultural differences, language barriers and lack of skills) that may affect Black, Asian, minoritised and migrant women's selection of their legal representatives and the impact this may have on their cases.
- Police and courts to enable Black, Asian, minoritised and migrant women to have access to independent and external specialist support to fully understand their rights and cases because they are more likely to distrust the criminal justice system, are therefore more reluctant to plead guilty and be given more severe sentences at magistrate and crown courts.
- HMPPS to provide Black, Asian, minoritised and migrant women with access to independent immigration advice whilst they are in custody, prior to release.

What women with lived experience say:

"I didn't know how the system worked"

"I was not allowed to get in touch with my family"

"Each time the solicitor would talk to me they'll say, I'll speak to your family members"

Action Nine

Ensure funding and commissioning mechanisms and procedures are accessible to small and medium-sized, voluntary and specialist sector organisations to deliver specialist support for this group in all parts of the criminal justice system. In particular:

- HMPPS to encourage and enable engagement of smaller specialist organisations through grants rather than contracts and by providing targeted capacity building programmes.
- MoJ to allocate more funding for legal aid to allow diverse participation of specialist organisations who would not otherwise be able to provide support to this group without additional funding.
- MoJ and HO to support specialist organisations working with this group of women to navigate the new guidance of the [APCC Equality Framework for Police and Crime Commissioners and their Offices](#) and ensure that PCCs are commissioning in line with the guidance.

What women with lived experience say:

“Without the help of the specialist organisations, I wouldn’t know my rights and what to do”



With thanks to all the women who participated in developing the action plan and Barrow Cadbury Trust who have generously supported our work.

Action Ten

Address issues identified in the Farmer Review around strengthening family, children, and community relationships in prison for Black, Asian, minoritised and migrant women, addressing their specific needs around contact, mediation, and risk. In particular:

- MoJ and HMPPS to commission specific research to gain a better understanding of the dynamics of family relations, gender roles and cultural competences within diverse communities.
- MoJ and HMPPS to upskill their staff to be aware of the role of collective family identity for Muslim women in the criminal justice system.
- MoJ and HMPPS to ensure support is in place that takes account of the circumstances around women's agency, rights, and freedoms, particularly for Muslim and other minoritised women for whom returning home after contact with the CJS is not a safe option.
- MoJ and HMPPS to develop bespoke support programmes both in prison and the community, including working closer with specialist community services to support women's transitions, family mediation, and relocation.
- MoJ and HO to ensure implementing early intervention, community-based solutions, and more effective and decent custody to significantly reduce the disproportionate imprisonment of Black, Asian, minoritised and migrant pregnant women.

What women with lived experience say:

“So much shame and dishonour on my family for just being there, so much pressure on me”

“They arrested my mum who had nothing to do with the case! Once they arrested my mum it broke me”