

Achieving an intersectional approach — combating structural oppression experienced by Black, minoritised and migrant women in contact with the criminal justice system

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Evidence of structural oppression

Evidence of structural oppression of Black, minoritised and migrant women in, or at risk of, contact with the criminal justice system is clear from the briefest look at official data. For example in 2021, women and girls from 'ethnic minority' groups were overrepresented at all stages of the criminal justice system.² In 2022-23, Black women were 1.4 times as likely as white women to be arrested.³ According to a prisoner survey by His Majesty's Inspectorate of Prisons' (HMIP), in 2019/20 7 per cent of women in prison identified as Gypsy/Irish Traveller, compared to an estimated 0.7—0.8 per cent of the general population.⁴ And finally, in 2023, 14.7 per cent of remanded admissions of women to prison were of migrant⁵ women (593 women).⁶

The figures above reveal racism layered on top of misogyny, stigmatisation of migrants, and religious discrimination. Based on what we know (and there are gaps in our knowledge), structural oppression is

endemic in multiple, overlapping spheres of Black, minoritised and migrant women's life experiences, including education, protection from violence against women and girls (VAWG), protection from modern slavery and human trafficking, housing and welfare, health and social care, and immigration control. This plays out against a national backdrop of socio-economic inequality, deepening poverty, and a crisis in housing and welfare support.

The more Black, minoritised and migrant women are excluded from protection, stigmatised and punished, the less they can participate effectively in interactions with state authorities, exercise their rights fully and thrive — and the greater the risk of their criminalisation.

This article focuses on adult women, but the position for girls is particularly worrying and historically has been overlooked.⁷ Girls from 'ethnic minority groups' are particularly overrepresented in the criminal justice system compared to other age groups⁸ and Black girls have the 'lowest level of trust in the police among all children'.⁹

1. The authors aim to use language that challenges and does not contribute to racist ideas, actions and policies. We use the term 'Black, minoritised and migrant women' and we aim to be more specific where we can be. Where we are referring to data collected by others using different terminology, we use that terminology in quotation marks in order to ensure accuracy.
2. Ministry of Justice. (2022). *Women and the criminal justice system 2021*, Available at: <https://www.gov.uk/government/statistics/women-and-the-criminal-justice-system-2021/women-and-the-criminal-justice-system-2021> (Accessed: 22/07/24).
3. HM Government. (2024). *Ethnicity facts and figures: arrests*, para.6 'By ethnicity and sex', Available at: <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/number-of-arrests/latest/#by-ethnicity-and-sex>. (Accessed: 22/07/24).
4. The Traveller Movement. (2021). *A profile of prisoners in the Adult Prison Estate*, Available at: https://wp-main.travellermovement.org.uk/wp-content/uploads/2021/09/Brief-of-prisoners-in-the-adult-estate_final.pdf (Accessed: 26/11/24)
5. The authors use the term 'migrant women' to describe women who do not have British citizenship. These women are usually termed 'foreign national' women by the Ministry of Justice and criminal justice agencies.
6. Ministry of Justice response (11/06/2024) to Hibiscus Initiatives Freedom of Information Act request (13/05/2024), reference: 240513072.
7. Goodfellow, P. (2019). *Outnumbered, locked up and overlooked? The use of penal custody for girls in England and Wales*, Available at: <https://www.thegriffinsociety.org/outnumbered-locked-and-overlooked-use-penal-custody-girls-england-wales> (Accessed: 22/07/24).
8. Ministry of Justice (2022)., see footnote 2.
9. Crest Advisory. (2022). *Forgotten voices: Policing, stop and search and the perspectives of Black children*, p19, Available at: https://64e09bbc-abdd-42c6-90a8-58992ce46e59.usfiles.com/ugd/64e09b_bc69e917eccc4ae897dfaabb9cae3c1b.pdf (Accessed: 22/07/24).

Calls for an intersectional approach

A Black girl who is inappropriately strip searched by the police at school will not expect protection from her teachers or the police in the future. A migrant woman subject to immigration detention will not differentiate this in any meaningful way from criminal justice incarceration; in both cases she is being treated like a criminal, probably for circumstances beyond her control. An Asian woman who calls the police in fear of her abuser and is detained overnight and separated from her children following false counter-allegations, even if she is released without charge the following day, will never again approach the police for help.

The prioritising of immigration control over the safety of women and girls ties the hands of state agencies tasked with protecting and supporting them. And endemic institutional racism, layered upon sexism, creates barriers to support for Black and minoritised women and widens the net of criminalisation.

Hibiscus,¹⁰ leading Women's Justice Reimagined, has called for an intersectional approach to address this structural oppression.¹¹ It has pointed to the need for women's experiences of racism, sexism, religious discrimination and stigmatisation of migrants — experienced through their interaction with the criminal justice system, the immigration system and other services, including VAWG services — to be addressed together, not one at a time.¹²

Intersectionality has been described as 'efforts to think, analyse, organise as we recognise the interconnections of race, class, gender, sexuality'. Angela Davis explains how Black feminist activists and

academics came to adopt this term, originally coined by Kimberlé Crenshaw¹³, recognising that these characteristics 'weren't separate in our bodies [or] in terms of struggles'.¹⁴

An intersectional approach in this context means taking strategic, meaningful (not 'tick box') action, taking into account how multiple axes of oppression based on race, gender, religion and immigration status operate together to impact all aspects of women's lives. This means taking a multi-disciplinary approach aimed at meeting the needs of Black, minoritised and migrant women, looking across different areas of policy and practice, recognising the historical context, working to understand women's experiences, and centring anti-racist practice. It requires serious, collective endeavour across government departments in partnership with Black, minoritised and migrant women, and with the women's specialist services (WSS) supporting them. The new Labour government's planned cross-departmental approach could prove useful to this end.¹⁵

Harsh realities

Racism and misogyny in the criminal justice system have been exposed through revelations about police practice in the UK and abroad. The global Black Lives Matter movement drew renewed attention to racist

policing in the United Kingdom.¹⁶ This coincided with revelations of police racism and misogyny in England and Wales, including the taking and sharing of photographs of the bodies of murdered sisters Nicole Smallman and Bibaa Henry by police officers in June 2020;¹⁷ the abduction, rape and murder of Sarah Everard by a serving police officer in London in 2021;¹⁸

In 2022-23, Black women were 1.4 times as likely as white women to be arrested.

10. Hibiscus provides services to Black and minoritised migrant women in prison, in immigration detention, in court and in the community and can be contacted at: info@hibiscus.org.uk
11. The partnership's other members are Muslim Women in Prison project, Agenda Alliance, Women in Prison, Criminal Justice Alliance and Zahid Mubarek Trust. As of July 2024, the partnership has adopted the new name of *Women's Justice Reimagined*.
12. Hibiscus Initiatives. (2023). *Race, migration, criminalisation and mental health: The gendered experiences of Black, minoritised and migrant women in contact with the criminal justice system supported by Hibiscus Initiatives*, Available at: <https://hibiscusinitiatives.org.uk/media/2023/06/rmc-mental-health-report-document.pdf>. (Accessed: 22/07/24).
13. Crenshaw, K. (2013). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. In *Feminist Legal Theories* (pp. 23-51). Routledge.
14. Davis, A. (2016). *Freedom is a constant struggle*. Penguin Books.
15. The Independent, 'Starmer says he will chair 'mission delivery boards' to meet manifesto pledges', July 2024, Available at: <https://www.independent.co.uk/news/uk/labour-sue-gray-nhs-prime-minister-cabinet-b2575228.html> (Accessed: 22/07/24).
16. See for example: Joseph-Salisbury, R., Connelly, L., & Wangari-Jones, P. (2021). "The UK is not innocent": Black Lives Matter, policing and abolition in the UK. *Equality, diversity and inclusion: An international journal*, 40(1), 21-28.
17. Independent Office for Police Conduct, 'Met accepts IOPC recommendations after investigation into photos taken at murdered sisters crime scene', 8 July 2022, Available at: (Accessed: 22/07/24).
18. The Angiolini Inquiry. (2024). *Part 1 Report*, Available at: [E02740018_Angiolini-Inquiry.pdf](https://www.angioliniinquiry.gov.uk/part-1-report) (iipcv-prod.s3.eu-west-2.amazonaws.com) (Accessed: 22/07/24).

bullying, racism and misogyny by police constables based in Charing Cross, London;¹⁹ and the findings of Baroness Louise Casey's review of the Metropolitan Police.²⁰ These events increased the urgency of feminist calls for a transformation of the police response to women and girls,²¹ but they have led to surprisingly little action by government and criminal justice agencies to reform and rebuild trust.

Meanwhile, the political response to deepening public discontent with standards of living has involved the scapegoating of so-called 'illegal migrants', with harmful political rhetoric and increasingly harsh immigration legislation.²² This has put migrant women at greater risk of abuse, exploitation and criminalisation, eroding anti-trafficking protections.²³

Women's specialist services leading the way

The government's commitments to improve responses to Black, minoritised and migrant women rightly include a commitment to support the services that specialise in supporting them.²⁴ However, recent years have seen the disappearance of many such

services, particularly those led by and for Black, minoritised and migrant women.²⁵

Nonetheless, WSS have been at the vanguard of efforts to promote their service users' rights. This has included support and advocacy for individual women, research, creative projects and policy advocacy, crucially providing a platform for women and girls to speak for themselves.²⁶

What reforms have been promised?

The 2017 Lammy Review made only one recommendation focused on women, for 'a detailed examination of magistrates' verdicts'. This arose from Lammy's finding that, of those women tried at Magistrates' Courts, Black women, Asian women, Mixed ethnic women and Chinese/Other women were all more likely to be convicted than White women.²⁷ Subsequent MoJ updates suggest this recommendation has not been implemented.²⁸

The 2018 Female Offender Strategy (FOS) acknowledged the 'unique challenges' faced by Black, minoritised and migrant women in the criminal justice

19. BBC News, 'Met Police: Misogyny, racism, bullying, sex harassment discovered', 1 February 2022, Available at: <https://www.bbc.co.uk/news/uk-england-london-60215575> (Accessed: 22/07/24).
20. Casey, L. (2023). *Baroness Casey Review: Final Report – An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service*, Available at: <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf> (Accessed: 22/07/24).
21. See for example: Wistrich, H. (2022). Misogyny in the criminal justice system. *The Political Quarterly*, 93(1), 64-68.
22. See for example: Hubbard, P., 'Suella Braverman's talk of a refugee 'invasion' is a dangerous political gambit gone wrong', 3 November 2022, Kings College London, Available at: <https://www.kcl.ac.uk/suella-bravermans-talk-of-a-refugee-invasion-is-a-dangerous-political-gambit-gone-wrong>. (Accessed: 22/07/24).
23. Section 45 of the Modern Slavery Act 2015 provides a defence for trafficking victims compelled to offend as part of, or as a direct result of, their exploitation, although many offences are excluded. Measures restricting access to support for trafficking victims are likely to restrict access to this defence.
24. Ministry of Justice. (2018). *Female Offender Strategy*, pp. 25 and 42, Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf (Accessed: 22/07/24).
25. EAW press release, 'Spring Budget 2024 fails to meaningfully impact VAWG services', 6 March 2024, Available at: <https://www.endviolenceagainstwomen.org.uk/spring-budget-2024-fails-to-meaningfully-impact-vawg-services/> (Accessed: 22/07/24).
26. See for example: Hibiscus Initiatives. (2021). *Black women's experiences of the criminal justice system*, Available at: <https://hibiscusinitiatives.org.uk/resource/black-womens-experiences-of-the-criminal-justice-system-2021/>. (Accessed: 22/07/24); SBS' and Liberty's super-complaint on data sharing between the police and Home Office regarding victims and witnesses to crime and subsequent publications, Available at: <https://www.libertyhumanrights.org.uk/issue/liberty-and-southall-black-sisters-super-complaint-on-data-sharing-between-the-police-and-home-office-regarding-victims-and-witnesses-to-crime/> (Accessed: 22/07/24); Leeds Beckett University, 'Muslim Women in Prison Research and Film Launch', 4 June 2024, Available at: <https://www.leedsbeckett.ac.uk/blogs/school-of-humanities-and-social-sciences/2024/06/muslim-women-in-prison-research-and-film-launch/> (Accessed: 22/07/24); Agenda/Women in Prison. (2017). *Double Disadvantage: the experiences of Black, Asian and Minority Ethnic Women in the Criminal Justice System*, Available at: https://www.agendaalliance.org/documents/7/Double_Disadvantage_Report.pdf (Accessed: 22/07/24); Agenda Alliance. (2023). *A Call To Action: Developing Gender Sensitive Support for Criminalised Young Women*, Available at: https://www.agendaalliance.org/documents/155/Agenda_Alliance_-_A_Call_To_Action_Briefing-Nov_2023.pdf (Accessed: 22/07/24); Wainwright, S. (2021). *Gypsy, Roma and Traveller Women in Prison*, Available at: <https://www.russellwebster.com/gypsy-roma-and-traveller-women-in-prison/> (Accessed: 22/07/24).
27. Ministry of Justice. (2017). *The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and minority ethnic individuals in the Criminal Justice System*, p.33 and Table 2, p.32, Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf (Accessed: 22/07/24).
28. Ministry of Justice. (2018). *Tackling Racial Disparity in the Criminal Justice System: 2018 Update*, p.24, Available at: <https://assets.publishing.service.gov.uk/media/5bbde3a740f0b63873bce7f1/tackling-racial-disparity-criminal-justice-system-2018-update-web.pdf> (Accessed: 22/07/24) and Ministry of Justice. (2020). *Tackling Racial Disparity in the Criminal Justice System: 2020 Update*, p.60, Available at: <https://assets.publishing.service.gov.uk/media/5ea69dc386650c031e39e823/tackling-racial-disparity-cjs-2020.pdf> (Accessed: 22/07/24).

system,²⁹ although contrary to Baroness Corston's recommendation for a 'distinct strategy' for migrant women³⁰, it barely mentions migrant women and does not mention trafficked women at all. The strategy includes commitments to work with women's services to help them 'share best practice and form networks'; to train staff and introduce 'tailored approaches'; to increase staff diversity; to address barriers to migrant women accessing services; to engage with women with lived experience; and to ensure all its work with women is consistent with the Equality Act 2010. While the FOS was broadly welcomed, the MoJ has been criticised for failing to implement it effectively, largely due to lack of investment, measurable targets and timetables.³¹ The government responded with the publication of the FOS Delivery Plan 2022-25, which again acknowledges the distinct needs of Black, minoritised and migrant women but contains limited commitments to action.³²

The Action Plan

The Action Plan, published in 2022 by Women's Justice Reimagined, 'set out recommendations to achieve equal treatment and outcomes for racially minoritised and migrant women in contact with the criminal justice system' and 'was informed by consultation with policy makers, criminal justice practitioners and women with relevant lived experience'.³³ At its launch, a senior MoJ official praised the practical nature of its recommendations. Nonetheless, the partnership reported 18 months later that implementation had been 'limited and piecemeal, lacking an overarching strategic approach, and with no evidence so far of improvements in outcomes for women' while '[i]n some respects the picture has worsened, with new evidence of systemic racism and sexism in the police, and police-perpetrated VAWG'.

A migrant woman
subject to
immigration
detention will not
differentiate this in
any meaningful way
from criminal justice
incarceration...

The MoJ's Female Offender Minority Ethnic (FOME) policy working group, which includes migrant women in its remit, has been the focal point for the MoJ's implementation activity. FOME has operated through meetings between MoJ and HM Prisons and Probation Service (HMPPS) officials with representatives of WSS. Some of FOME's engagement work with WSS is facilitated by Clinks, a third sector organisation under contract with the MoJ which is intended to represent WSS. Some WSS do not feel comfortable working through an intermediary in this way, but instead feel they ought to be able to collaborate in these spaces on their own terms as organisations supporting Black, minoritised and migrant women.

What the Action Plan called for

Central to the Action Plan was the call for a cross-governmental strategy to achieve reforms; the introduction of measurable objectives; and the addition of a strategy to address women's intersectional needs through the MoJ's Race Action Plan (RAP). These recommendations have not been fulfilled.

The partnership called for work to ensure HMPPS' forthcoming revised Women's Policy Framework and Young Adult Women's Strategy reflect the needs of these women. It called for improved staff training and guidance; measures to enable women to participate effectively in proceedings, and to ensure equal access to diversion and end disproportionate use of remand and prison sentences; improved external scrutiny of discrimination in prison; removal of barriers to recruiting peer mentors and trainers with lived experience; more use of disaggregated data; improvements in migrant women's support; adequate and sustainable funding for WSS; and for the Farmer Review's recommendations³⁴ on strengthening family

29. Ministry of Justice. (2018). p.25, see n.24

30. Home Office. (2007). *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*, p.28, Available at: <https://webarchive.nationalarchives.gov.uk/ukgwa/20130206102659/http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf> (Accessed: 22/07/24).

31. National Audit Office. (2022). *Improving outcomes for women in the criminal justice system*, Available at: <https://www.nao.org.uk/wp-content/uploads/2022/01/Improving-outcomes-for-women-in-the-criminal-justice-system.pdf> (Accessed: 22/07/24).

32. Ministry of Justice. (2023). *Female Offender Strategy Delivery Plan 2022-2025*, pp.13, 22, 23 and 32. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1132790/female-offender-strategy-delivery-plan-2022-25.pdf (Accessed: 24/07/24).

33. Tackling Double Disadvantage partnership. (2023). *'One Year On' Progress Report*, p.1, Available at: <https://hibiscusinitiatives.org.uk/media/2023/07/dd-action-plan-one-year-on-1-3.pdf> (Accessed: 22/07/24).

34. Ministry of Justice. (2019). *Importance of strengthening female offenders' family and other relationships*, known as the Farmer Review for Women, Available here: <https://www.gov.uk/government/publications/farmer-review-for-women> (Accessed: 22/07/24).

relationships to be addressed for Black, minoritised and migrant women.

Recognising that training and guidance in isolation cannot overcome static institutional cultures, Women's Justice Reimagined seeks to ensure that all Black, minoritised and migrant women in, or at risk of, contact with the criminal justice system can access WSS offering a trauma-informed, intersectional approach, that such services are adequately funded, and that criminal justice agencies work closely with them, and the women they support, to develop their own practice.

FOME policy group activity

Work led by the FOME policy group has focused primarily on prisons and probation services, and funding for WSS. The FOME group has tried to improve interpretation and translation services and has developed guidance for women on criminal proceedings;³⁵ however there are concerns about whether this resource will be workable in practice in its current form.

The MoJ has developed internal operational guidance for prison and probation staff and training for some agencies. However, some of this is online rather than face to face and it is not clear how it has been developed or what it includes. Measures are needed to assess its impact on behaviour change and culture change. There are still barriers to recruiting women with convictions as peer trainers or mentors.³⁶

There have been attempts to address disproportionality in use of remand through HMPPS pilots; lack of resources, particularly in relation to

housing and community support, has been identified as a barrier. The MoJ is reviewing its work on remand, following a recent Justice Select Committee inquiry.³⁷

Women and Black and minoritised service users were priority cohorts in the MoJ's Pre-Sentence Report pilot and the CPS have worked to ensure women have a Bail Information Report and that pre-sentence reports can then be pre-populated. The MoJ has committed to ensuring the Bail Information Service 'takes into account cultural factors and sensitivities'.³⁸

Despite these efforts, a recent inspection found the quality of court work and assessments to be 'notably poorer for Black and minority ethnic women' and raised concerns about limited availability of specialist services to support 'minority groups'.³⁹

Activity by the Police and Crown Prosecution Service (CPS)

Police activity in response to the FOS has mainly focused on using conditional cautions to divert women from prosecution and into WSS. There has been little attention to the over-use of arrest for women, and no publicised work to address the disproportionate targeting of Black women and other minoritised women and girls.⁴⁰ The CPS has had little involvement in FOS delivery.

Black women experiencing domestic abuse are less likely than white women to be referred by police to specialist support.⁴¹ As mentioned above, police racism and sexism have been exposed through recent events, and Black girls' trust in the police is particularly low. It is welcome that the rate of arrest of Black women has come down since 2021 and the reasons for this should be investigated to identify any learning; however,

The prioritising of immigration control over the safety of women and girls ties the hands of state agencies tasked with protecting and supporting them.

35. Ministry of Justice. (2024). *Female offender strategy delivery plan tracker table*, row 7, Available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F6634a4524d8bb7378fb6c1ea%2FTracker_02.05_FINAL.ods&wdOrigin=BROWSELINK (Accessed: 22/07/24).

36. Tackling Double Disadvantage partnership (2023). p.12, see n.33.

37. House of Commons Justice Committee. (2023). *The role of adult custodial remand in the criminal justice system: Government Response to the Committee's Seventh Report*, Available at: <https://committees.parliament.uk/publications/34667/documents/190808/default/> (Accessed: 22/07/24).

38. Ministry of Justice (2024). row 53, see n.35.

39. HM Inspectorate of Probation and HM Inspectorate of Prisons. (2024). *The quality of work undertaken with women: A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons*, p.12, Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2024/05/The-quality-of-work-undertaken-with-women-A-thematic-report-2.pdf> (Accessed: 22/07/24).

40. For a discussion of the over-use of arrest for women, particularly Black women, see: Howard League for Penal Reform. (2020). *Arresting the entry of women into the criminal justice system: Briefing Two*, Available at: <https://howardleague.org/publications/arresting-the-entry-of-women-into-the-criminal-justice-system-briefing-two/> (Accessed: 22/07/24).

41. Refuge, 'Ahead of Black History Month, Refuge calls for better protection for Black women experiencing domestic abuse', 30 September 2021, Available at: <https://refuge.org.uk/news/refuge-better-protection-of-black-women-domestic-abuse/> (Accessed: 22/07/24).

disproportionality remains high. Recent research has also identified evidence of racial disproportionality in the outcomes of CPS decisions.⁴² Informal observations by Hibiscus, who took part in a women's police diversion scheme in London, suggest significant barriers to accessing such schemes for Black and minoritised migrant women.⁴³

Despite these concerns, the Police Race Action Plan only mentions women and girls to acknowledge that 'Black women... are disproportionately victims of sexual assault' and to comment, 'We should consider where racial inequality in the application of police powers is amplified due to overlapping with other protected characteristics, such as age and gender.'⁴⁴ No specialist women's or girls' organisations are referenced as having been consulted on the plan.

Hibiscus, in collaboration with Centre for Women's Justice and City University of London's Centre for Justice Reform, has engaged with the National Police Chiefs Council (NPCC) and CPS to seek reforms. This work has centred women with lived experience through the use of film and supporting women to attend meetings with strategic leads.⁴⁵ The NPCC and CPS have begun strategic work to improve their response to women and girls as suspects and defendants, making commitments to address intersectional discrimination experienced by Black, minoritised and migrant women and girls, and to improve understanding of the links between victimisation and criminalisation.⁴⁶

Racism and misogyny in the criminal justice system has been exposed through revelations about police practice in the UK and abroad.

Migrant women's treatment

Stigmatising political rhetoric about 'illegal migrants', recent immigration legislation and the failure to introduce a data firewall continue to increase the vulnerability of migrant women to abuse, exploitation and criminalisation. Immigration control is still being prioritised over women's rehabilitation, as illustrated in a recent inspection of HMP and YOI Peterborough which repeated an earlier, unmet recommendation for 'foreign national' women to be considered for open conditions whether or not they face deportation.⁴⁷

What next?

The work undertaken in pockets of the system is welcome and important. However, without a rigorous, strategic, intersectional approach, these efforts may have little or no impact. Policy makers and practitioners have outlined key barriers to progress; in response, Women's Justice Reimagined has reiterated the need for 'a strategic, cross-government approach to achieve culture change and systems change, focusing on impact', calling on government and criminal justice agencies to centre women and girls' expertise, reform funding for WSS and resolve its issues with data.⁴⁸

The unequal treatment and outcomes experienced by Black, minoritised and migrant women in contact with the criminal justice system provide clear evidence of structural oppression. There has been a historical failure by policy makers to

42. Crown Prosecution Service. (2023). *CPS charging decisions – examining demographic disparities in the outcomes of our decision making*, Available at: <https://www.cps.gov.uk/publication/cps-charging-decisions-examining-demographic-disparities-outcomes-our-decision-making#:~:text=The%20research%20found%20disproportionality%20relating,cases%20resulting%20in%20a%20charge>. (Accessed: 22/07/24).

43. Advance. (2021). *"Women need women who support them": London Women's Diversion Service – The impact of community support on diverting women from the criminal justice system*, Available at: <https://www.advancecharity.org.uk/wp-content/uploads/2021/11/London-Womens-Diversion-report-2021-final-.pdf> (Accessed: 22/07/24).

44. College of Policing & National Police Chiefs Council. (2022). *Police Race Action Plan: Improving Policing for Black People*, pp.40 and 28, Available at: <https://assets.college.police.uk/s3fs-public/Police-Race-Action-Plan.pdf> (Accessed: 22/07/24).

45. See for example Centre for Women's Justice series of films, 'Stop Criminalising Survivors', launched in December 2023, including 'Ivory's Story', Available at: <https://www.centreforwomensjustice.org.uk/stop-criminalising-survivors> (Accessed: 22/07/24).

46. Presentation by ACO Cat Hemmings at multi-agency online meeting, 29/02/2024. Similar commitments are expected to be included in the CPS' forthcoming Tackling VAWG Strategy.

47. HM Chief Inspector of Prisons. (2023). *Report on an unannounced inspection of HMP/YOI Peterborough (Women) by HM Chief Inspector of Prisons (6-16 November 2023)*, p55, Available at: <https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/19/2024/03/Peterborough-women-web-2023.pdf> (Accessed: 22/07/24).

48. Tackling Double Disadvantage partnership (2023). pp.10 and 19, see n.33.

use an intersectional approach, giving proper strategic consideration to race, religion and nationality at the same time as gender, reflecting women's and girls' real-life experience. This has increased the risk of criminalisation for Black, minoritised and migrant women and girls.

Implementation of reforms has been 'limited and piecemeal' and outcomes have not improved enough, or at all in many areas. The harsh reality of racism and misogyny in the criminal justice system has been exposed by recent events, and the limited response from government and criminal justice agencies has been disappointing; meanwhile the erosion of public services and failure to prioritise the rights, safety and rehabilitation of migrant women over immigration

control increases their exposure to abuse, exploitation and criminalisation.

WSS supporting Black, minoritised and migrant women have led the way in centring women's insights into their own experience, promoting their rights and developing effective practice using an intersectional approach. Their continued feminist leadership will be crucial to realising radical reform.

Achieving progress requires a cross-government approach with strong, visible leadership; it must be based on serious collaborative work with Black, minoritised and migrant women and girls, and WSS, centring anti-racist practice; this in turn requires adequate and sustainable investment. Fostering intersectional feminist leadership in this way, will be money well spent.