

Commission on Women and the Criminal Justice System

Vera Baird outlines some of the major issues being investigated by the Fawcett Society's Commission on Women and the Criminal Justice System.

By the end of June this year, ten women and girls had committed suicide in prison – a record high – and these tragic statistics offer just a glimpse of what experts are calling an 'epidemic' of mental illness in female prisons. This is just one of the reasons why the Fawcett Society set up the Commission on Women and the Criminal Justice System.

I am delighted to be chair of a high profile and expert group of commissioners from across the system which includes Martin Narey, the Commissioner for Correctional Standards, and Baroness Vivien Stern of the International Centre for Prison Studies.

The Commission will examine women's experiences of the criminal justice system, historically a particularly male-dominated part of our legal system. It is looking at the whole system; from

victims and witnesses, to offenders and women working in the system. By taking this uniquely holistic perspective we believe we can make a significant contribution to our knowledge in this area.

Women victims of crime

It is clear from the evidence of individual women, as well as experts and NGOs that we have spoken to, that the system is failing female victims of serious offences. Victims of rape have so little faith in the system that fewer than 20% report the attack at all. Of those few cases that are reported, the rate of conviction is actually falling and is now at a low of 5.8%. The situation for victims of domestic violence is similarly poor.

Whilst recent and proposed changes to rape laws which should help victims in court are welcome, legislation is not enough. We have found that the support a victim receives in the aftermath of an assault can be crucial, both to her recovery and to the likelihood of conviction. However, good service provision is a lottery which depends on where the victim lives.

Sexual Assault Referral Centres (SARCs) offer a 'gold star' standard of care to rape victims which includes access to a female doctor, ongoing counselling and, if the woman wishes, an opportunity to report the attack to specially trained police officers. But there are only seven of these centres of excellence across the country and for a woman who does not live in a SARC area there is no guarantee that she will even see a female forensic medical examiner (police doctor), let alone receive the support she needs.

In our *Interim Report on Victims and Witnesses* (available on www.fawcettsociety.org.uk) we make recommendations that a network of SARCs should be established across the country. We are also calling for a national 24 hour helpline for rape victims and the Home Office have now confirmed that they will fund this. We believe that these measures would vastly improve the services that rape victims receive and help boost the low conviction rates.

Women offenders

Women make up only 20% of the offending population. However, in recent years, attention has been drawn to the particular problems that female offenders face, largely due to the staggering rise in the numbers of women in prison. In 1993 the average female prison population was 1577, today it is over



Vera Baird

4500; a rise of almost 200% in ten years.

Most women inside are serving short sentences for non-violent offences and around 20% of them are unconvicted prisoners on remand. The effect of incarcerating women can be very damaging: experts say that prison sentences of less than a year are not long enough for the woman to do any rehabilitative work but long enough for her to lose her home, employment and community ties.

Moreover, half of all women prisoners have dependent children and the proportionately small numbers of female prisons means that they are likely to be located far from home, making it hard for them to maintain good family links, a known factor in helping to reduce re-offending.

When a woman is released from a sentence of less than 12 months she does not have support or supervision in the community and the Criminal Justice Bill introduces new short-term sentences, custody plus and custody minus, which provide for a period of supervision under licence. However the Commission has heard concerns that these new provisions could fuel the rising numbers of women in prison even further by giving sentencers increased opportunities for passing custodial sentences at the lower end of the offending scale.

The Prison Reform Trust's report, *The Decision to Imprison*, indicates that sentencers are more likely to use imprisonment and impose longer sentences now in comparison to ten years ago. There has also been a reduction in the use of fines and in relation to women, this may reflect a reluctance to add to financial insecurity and a tendency to take a 'welfare' approach. However, the result is that women offenders then start further up the sentencing ladder and so exhaust non-custodial alternatives sooner.

The Commission has taken evidence from a group of women in a female prison who warrant particular concern. Foreign nationals make up 15% of the female prison population, many of them are Jamaican women convicted of importing drugs. Such women are usually first time offenders, single parents and have a background of extreme poverty. Yet they do not benefit from mitigation and face sentences of up to 15 years.

Two-thirds of women prisoners are suffering from a mental disorder and a third of women self-harm. 40% of sentenced female prisoners report some degree of drug dependency in the year before prison and approximately half of women prisoners say they have experienced domestic violence.

The picture could not be clearer; women who end up in prison bear all the characteristics of social exclusion. This is putting incredible pressure on a system that is not set up to deal with the scale of these types of problems and is often unable to recognise that many women are not only 'offenders' but 'victims' also. Instead of investing in more women's prisons these resources could be diverted to much needed therapeutic care in the community.

Women working in the system

We are now taking evidence about women who work in the criminal justice system as prison staff, police officers, lawyers, judges or in any other capacity. We will be publishing a report of our findings and recommendations in December.

If you would like to participate in any of the areas of our work please contact Holly Dustin on 020 7253 2598 ext 213 or email to: holly@fawcettsociety.org.uk or write to the Fawcett Society, 1-3 Berry Street, London EC1V 0AA.

Vera Baird QC MP spent many years practising as a criminal barrister before being elected as the member for Redcar.

References

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