

## **Women's Budget Group Submission to Labour National Policy Forum Consultation: Building an effective criminal justice system**

Since the Labour Government commissioned the Corston report in 2007 it has been recognised that the Criminal Justice System (CJS) is significantly gendered:

- women are a tiny minority - around 5% of the prison population
- Most are convicted of crimes of poverty (shoplifting for food,<sup>1</sup> unable to pay TV licence fines) or related drug abuse - often, supporting someone else's addiction).
- 69% suffer from mental health problems, and 60% have histories of experiencing male violence.

The Women's Budget Group welcomes the commitment made by the Labour to mainstream gender into all policy making and think about women in the CJS. We hope that the manifesto will reflect these commitments. For the purposes of this submission we will focus on two core policy recommendations for the Labour party:

1. The importance of comprehensive understanding of how violence against women and girls (VAWG) and crime intersect and therefore, the need for properly funded VAWG services in early prevention work
2. The funding of non-custodial alternatives for women offenders

### **How can courts work more closely with local authorities, health service, probation providers and other public bodies, as well as the third sector, to address underlying behaviour?**

The Women's Budget Group welcomes Labour's commitment to early intervention as an integral part of building an effective CJS. However, it is important to recognise the intersection of age with other factors, particularly income, gender and race in peoples experience of the criminal justice system as victims, offenders and employees. Our particular focus is on gender inequality: it is important that an early intervention strategy reflects the different situation and needs of young women and men. We would like to see consideration of these needs in discussions about how local authorities, health services, probation providers and other public bodies can help with early intervention.

In thinking about prevention it is important to consider the links between crime and all forms of violence against women and girls (VAWG) – domestic and sexual violence and abuse, forced marriage, honour based violence, female genital mutilation, and the costs, as well as the return

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<sup>1</sup> In 2017, shoplifting accounted for 43% of adult females sentenced for indictable/triable either-way offences. Female Offender Strategy, 2018,

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719819/female-offender-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf)

on investment of prevention<sup>2</sup>. This requires a stronger analysis of the sex discrimination and inequality of women and girls that drives VAWG. VAWG is a cause and consequence of women's inequality: women are more vulnerable to VAWG because they are poor; women are poor as a result of CSA and VAWG. The link between economic autonomy and violence is clear:

- Women living in households with an income of less than £10,000 were more than four times as likely (14.3%) to have experienced partner abuse in the last 12 months than women living in households with an income of £50,000 or more (3.3%).
- Women living in social housing (11.1%) were nearly three times as likely to have experienced partner abuse in the last 12 months than women who were owner occupiers (4.1%).<sup>3</sup>

Prevention is even more important for women as they lack trust in CJS so do not report (for example, only 17% report rape.) It is important to increase trust but realistically, as this reporting rate has remained intractably low over many decades, prevention is even more important to protect women and girls, coupled with parallel justice systems to help women and girls rebuild their lives after years of abuse.

**Some groups of people, for instance women offenders or people from a BAME background, are much more likely to receive a custodial sentences for a first offence.**

**What can we do to tackle underlying biases within the criminal justice system so sentencing is applied fairly?**

The previous Labour government began this process in part by setting up specialist courts to deal with domestic violence, recognising that there are biases in the courts arising from the fact that judges and lawyers may not develop expertise in VAWG through hearing general cases and are more likely to treat repeated offences as 'one-offs'. These have been important in making the CJS more effective in dealing with these crimes.

Multi agency working, such as MARACs, has also helped to offer more effective protection but the real problem of failing to fund the women-lead, community-based services like Rape Crisis and Women's Aid has not been solved. Home Office figures show that the overall costs of domestic violence alone, in England and Wales alone, are £66 billion.<sup>4</sup> Central government

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<sup>2</sup> We note that the latest Crime Survey for England and Wales (CSEW) estimated that approximately 700,000 adults aged 16 to 59 years had experienced sexual assault in the 12 months prior to interview. This is equivalent to 2.1% of the population aged 16 to 59 years. The majority of victims were women, with approximately 560,000 female victims and 140,000 male victims. Women were nearly four times as likely as men to have experienced sexual assault in the last year (3.4% compared with 0.9%).<sup>2</sup>

<sup>3</sup> Women most at risk of experiencing partner abuse in England and Wales: years ending March 2015 to 2017 <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/womenmostatriskofexperiencingpartnerabuseinenglandandwales/yearsendingmarch2015to2017>

<sup>4</sup> Home Office, The economic and social costs of domestic abuse Research Report 107 Rhys Oliver, Barnaby Alexander, Stephen Roe and Miriam Wlasny, 2019

investment in £100m through to 2020 for rape support centres, national helplines, and FGM and Forced Marriage Units.<sup>5</sup> Early intervention for women and girls must be part of a wider move to properly fund the VAWG sector and stop the cycles violence and crime that impact women. This therefore also relates to queries regarding re-offending.

The current government has also recognised that female offending cost £1.7 billion in 2015/2016, promising to invest £5 million over 2 years in community provision for women. We note with disappointment the huge gap in the reality of what was promised and what was delivered i.e. £3.25 million a year. We would welcome a recommitment to this prevention strategy from the Labour party.

With these figures in mind the economic case for sustainable funding of a national network of Women's Centres delivering holistic, women-centred, services, is very strong. The services will vary according to local need but will typically include support for the major drivers of women's offending: mental health, housing, employment, substance abuse, and domestic and sexual violence and abuse. These should be single sex services, in recognition of the histories of male abuse most of these women have suffered.

**It is not in the interest of society or the individual for persistent low level offenders to serve very short sentences in prison, further exacerbating problems of overcrowding, and reducing their chances of rehabilitation. How can sentencing be rationalised to address these issues?**

**If there is a presumption against short sentences, how can we ensure community based alternatives, command the confidence of the public and the criminal justice system, as well as provide a chance for effective rehabilitation?**

The Women's Centre's described above could be one alternative to short term custodial sentences which are costly for the government and for women themselves who are more likely to lose their homes and children while serving short sentences than men.

**Which public services beyond the criminal justice system should be included in offender management?**

VAWG services – as above.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/772180/horr107.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772180/horr107.pdf)

<sup>5</sup> Women most at risk of experiencing partner abuse in England & Wales: years ending March 2015 to 2017, para 7, <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/womenmostatriskofexperiencingpartnerabuseinenglandandwales/yearsendingmarch2015to2017#what-is-the-uk-government-doing-to-tackle-domestic-abuse>

