

Submission on ‘access to justice’ for women in the UK under CEDAW article 15 - Equality before the law and civil matters

The police service in the UK is facing a budget cut of 20% by 2014/15 which may reduce the support available to victims and survivors of violence. The Crown Prosecution Service (CPS) is also facing cuts of 25%. Research into the experience of the criminal justice system among women who have suffered domestic or sexual violence shows that large numbers of women already “*felt disillusioned about the level of protection and response received from the police and felt they had unequal access to the CJS.*”¹

The provision of specialist voluntary and community services for violence against women is essential to facilitate women’s access to legal remedies and increase their confidence in the criminal justice system (CJS).² However, these organisations are also facing crisis at a national and local level.

Case study:³

“The Government must accept that women’s voluntary organisations have a wealth of expertise, experience and knowledge with regard to male violence against women and children.”

There is evidence of a very real commitment to improving the responses of agencies such as the police and CPS and significant advancements have been made. However, the patchy implementation of these policies at the frontline mean that women continue to be let down and discouraged from accessing remedies through the criminal justice system. Work clearly still needs to be done to ensure that the responses of statutory agencies are consistent at all levels, particularly amongst those agencies which have direct contact with women.⁴

Judicial training on diversity and fair treatment issues

More must be done to ensure that equality and diversity issues are mainstreamed into all judicial training and information for juries and that CEDAW is a core part of this training. More needs to be done to ensure that law and policy effectively prevents discrimination and ensures an appropriate and gender sensitive response to all women. Women report facing negative

¹ Women’s National Commission (2009) *Still We Rise: report from WNC focus groups to inform the cross government consultation “together we can end violence against women and girls”*.

http://www.wrc.org.uk/includes/documents/cm_docs/2010/s/still_we_rise_wnc_focus_groups_report_nov09.pdf

² Rights of Women (2010) *Measuring up? UK compliance with international commitments on violence against women in England and Wales*. ROW: London

http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

³ Rights of Women (2010) *Measuring up? UK compliance with international commitments on violence against women in England and Wales*. ROW: London

http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

⁴ Rights of Women (2010) *Measuring up? UK compliance with international commitments on violence against women in England and Wales*. ROW: London

http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

attitudes, stereotypes and a general lack of awareness from the very professionals they seek support from.⁵

The support available for women involved in criminal and civil cases, in particular survivors of violence against women, is also cause for concern. There are also still issues with women's relationship to the CJS which impacts on their decision to report crimes against them and to take cases to court at all.

Case study:⁶

"Police still divide women into good victims and bad victims. Good victims leave abusers. Go to refuges. Carry on with prosecution. And never go back even once. Bad victims...are most of us. There still needs to be much attitude changing needed in police although their response has improved over years."

Women reporting crime

There are various barriers to women reporting crimes against them and to accessing the CJS system and this is exacerbated for particular groups of women. Lesbian and bisexual (LB) women are not reporting homophobic hate crime because they fear discrimination which leads to a lack of information on incidents against women.⁷ Disabled people's access to justice is also restricted due to access and attitudinal barriers.⁸

Just ten per cent of victims of serious sexual assault will go to the police, mainly because they do not believe the criminal justice system will help them and only four in ten victims of domestic abuse report it.⁹ Although 58% of people charged with rape are convicted, only 6% of rapes initially reported to the police get to the point of conviction¹⁰ and a large proportion of cases reported to the police do not progress any further.¹¹

⁵ Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London

http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

⁶ Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London

http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

⁷ Women's Resource Centre (2010) *In All Our Colours: Lesbian, bisexual and trans women's services in the UK*. Briefing 13: LBT women and hate crime. Women's Resource Centre: London www.wrc.org.uk/lgbt

⁸ Ortoleva, S. (2011) 'Inaccessible Justice: Human Rights, Persons with Disabilities and the Legal System' *ILSA Journal of International & Comparative Law*, Vol. 17, No. 2, pp. 281 - 320.

⁹ <http://www.telegraph.co.uk/news/uknews/law-and-order/9418762/Nine-in-ten-sex-attacks-go-unreported-warns-DPP.html#>

¹⁰ Government Equalities Office (2010) The Stern Review: a report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales

http://webarchive.nationalarchives.gov.uk/20100418065537/equalities.gov.uk/stern_review.aspx

¹¹ Equality and Human Rights Committee (2010) *How Fair is Britain?* EHRC: London <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/>

Case study:¹²

Research by Durham University found that women do not think the police take rape, domestic violence and stalking as seriously as they should. The study found that only half the women would definitely report domestic violence if it happened to them. Women in all four police areas of the region – Northumbria, Cleveland, Durham and Cumbria – said rape, domestic violence and stalking were extremely serious but many women were reluctant to report these crimes to the police if they happened to them. Only 49% said they would definitely report domestic violence if it happened to them and although 89% of women would report rape by a stranger, the percentage of women who would report rape by someone known was lower at 68%. Just over half of women in the study (53%) would definitely report stalking to the police. The women who would not report these crimes gave a range of reasons, including a lack of trust in the police, fear of re-victimisation by the criminal justice system, and the emotional strain of going through a prosecution. In the case of domestic violence, one woman, who would not report it, said “*I do not trust the police to follow it up or protect me*”.

70% of women in refuges have called the police at least once, of those only 15% have a conviction against their abuser.¹³ Despite significant improvements in the police response to domestic violence, policies on the investigation of domestic violence and the treatment of vulnerable and intimidated witnesses needs to be implemented consistently across all police force areas and in all ranks. Women who report domestic violence to the police should be treated with dignity and respect and complaints need to be investigated thoroughly and in a way that is victim centred.

Many women reporting violence are simply not responded to appropriately or in line with current guidance.¹⁴ Therefore training, alongside the widespread use of the ACPO Guidance on Investigating Domestic Abuse 2008 is vital if women experiencing violence are to receive a consistent and high quality response from the police. The police and prosecutors are also required to comply with the Code of Practice for Victims of Crime. However, the implementation of the Victims Code varies considerably, and in a high percentage of cases, is simply not followed at all. Many women are simply unaware of the provisions of the Victims Code, and so have no knowledge about the service they are entitled to or how to complain. Therefore much more needs to be done to ‘embed’ the Victims Code in police and prosecutor practice to ensure that all victims of violence get the service that they need and are entitled to and survivors do not continue to feel let down by the criminal justice process.¹⁵ While CPS policies purport to be victim centred,

¹² <http://www.nr-foundation.org.uk/2012/07/26/womens-views-on-the-policing-of-rape-domestic-violence-and-stalking-across-the-north-east-and-cumbria/>

¹³ Women’s Aid (2011) Annual Survey of Domestic Violence Services 2009-10
<http://www.womensaid.org.uk/domestic-violence-articles.asp?section=00010001002200210002&itemid=1195>

¹⁴ Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London
http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

¹⁵ Payne, Sarah, Victims’ Champion (2009) Redefining justice: Addressing the individual needs of victims and witnesses. MoJ: London

these policies are still not followed routinely by prosecutors, a failure that results in those who have experienced violence continuing to feel, in many cases, disenfranchised by the criminal justice system.

Women's confidence in the criminal justice system will only improve if all women receive an 'enhanced service' from agencies like the police and CPS. There needs to be a stricter adherence to the Victims Code by all agencies bound by it.

Lesbian and bisexual women and hate crime

Reports of violence against LB women indicate that, like violence against women in heterosexual relationships, the perpetrator will often be known to the victim yet the clear-up rate, when reported to the police, is low and inconsistent.¹⁶ Only 43% of lesbian women believe that they can be open about their sexual orientation in their local police station without fear of prejudice and discrimination.¹⁷ As with other women, most LB women would prefer to report to a female police officer and use women-only services, but this is rarely an option as these services do not exist.¹⁸

One barrier to reporting is the interpretation of what constitutes a homophobic hate crime. A study in 2008 found that respondents were most likely to report physical assaults but less likely to report verbal abuse or harassment, blackmail, mugging, and worryingly, also less likely to report rape or other sexual violence as a homophobic incident. Just under one fifth of LB women experiencing homophobic incidents had reported them to the police. This was because the police officer did not make them feel comfortable about disclosing the nature of the incident, did not ask the right questions to establish that the incident was homophobic and over half of those that did disclose the nature of the incident felt that the police were unsupportive.¹⁹ LB women have not felt adequately informed about an investigation or provided with information about an appropriate support organisation and four out of 10 reported cases resulted in no action being taken or victims not knowing if action had been taken as there was no follow-up.²⁰ 14% of victims of

<http://www.cjp.org.uk/publications/archive/redefining-justice-addressing-the-individual-needs-of-victims-and-witnesses-05-11-2009/>

¹⁶ Women's Resource Centre (2010) *In All Our Colours: Lesbian, bisexual and trans women's services in the UK*. Briefing 13: LBT women and hate crime. Women's Resource Centre: London www.wrc.org.uk/lgbt

¹⁷ Ellison, G. and Gunstone, B. *Sexual Orientation Explored: A Study of Identity, attraction, behaviour and Attitudes in 2009* (2009) Equality and Human Rights Commission: Manchester http://www.equalityhumanrights.com/uploaded_files/research/research35_so_explored.pdf

¹⁸ Women's Resource Centre (2010) *In All Our Colours: Lesbian, bisexual and trans women's services in the UK*. Briefing 13: LBT women and hate crime. Women's Resource Centre: London www.wrc.org.uk/lgbt

¹⁹ Paterson, S., Kielinger, V. and Fletcher, H. *Women's Experience of Homophobia and Transphobia: Survey Report* (2008) Metropolitan Police Service: London http://ilga-europe.org/home/guide/country_by_country/united_kingdom/women_s_experience_of_homophobia_and_transphobia_survey_report

²⁰ Paterson, S., Kielinger, V. and Fletcher, H. *Women's Experience of Homophobia and Transphobia: Survey Report* (2008) Metropolitan Police Service: London [http://ilga-](http://ilga-europe.org/home/guide/country_by_country/united_kingdom/women_s_experience_of_homophobia_and_transphobia_survey_report)

homophobic hate crimes or incidents do not report them to anyone because they happen so frequently that they do not think that repeatedly reporting them is worthwhile.²¹ This underreporting has led to a lack of information or statistics on homophobic incidents against women which in turn creates a lack of public awareness.

Legal aid

The changes to legal aid within the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Bill passed in 2012 have undoubtedly restricted women's access to justice in the UK. Areas such as social welfare law and the majority of private family law cases will no longer be eligible for legal aid, or claimants will have to pay higher contributions. This means that many support organisations that rely on legal aid, such as the Citizen's Advice Bureau, will be unable to provide legal advice services that women rely on when challenging unfair benefits decisions or resolving family issues through the courts.²²

Providing a system of legal aid is a significant part of how Britain meets its obligations to protect the right to a fair trial and the right to equality, liberty and security. Changes to legal aid contained in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 will limit women's access to legal advice and services in areas of civil law and for criminal cases.

57% of those likely to be affected by the proposed changes to legal aid are women, compared to 43% men²³ and 65% of those who will lose legal aid for family law cases are women; this increases to 73% of education cases.²⁴ Community Legal Service show that more women than men apply for civil legal aid. For example, in 2005/2006, 62.2% of applications for civil representation in family matters were made by women.²⁵ A recent survey by Rights of Women and Welsh Women's Aid found that 54.4% of women suffering from domestic violence would not qualify for legal aid under these

europe.org/home/guide/country_by_country/united_kingdom/women_s_experience_of_homophobia_and_transphobia_survey_report

²¹ Dick, S. *Homophobic Hate Crime: The gay British crime survey 2008* (2008) Stonewall: London http://www.stonewall.org.uk/what_we_do/research_and_policy/2842.asp

²² Women's Resource Centre (2012) Factsheet: Women and the cuts 2012 http://www.wrc.org.uk/includes/documents/cm_docs/2012/f/1_factsheet_women_and_the_cuts_2012_finaleditv2_omnes.pdf

²³ Towers & Walby (2012), Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls, <http://www.nr-foundation.org.uk/wp-content/uploads/2012/03/Measuring-the-impact-of-cuts-in-public-expenditure-on-the-provision-of-services-to-prevent-violence-against-women-and-girls-Full-report-3.pdf>

²⁴ Towers & Walby (2012), Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls, <http://www.nr-foundation.org.uk/wp-content/uploads/2012/03/Measuring-the-impact-of-cuts-in-public-expenditure-on-the-provision-of-services-to-prevent-violence-against-women-and-girls-Full-report-3.pdf>

²⁵ Rights of Women (2012), Rights of women briefing on the proposed changes to legal aid, http://www.rightsofwomen.org.uk/pdfs/Policy/Rights_of_Women_briefing_on_Ministry_of_Justice_proposed_changes_to_legal_aid.pdf

criteria.²⁶ This research also found that 89% of individual women and 97% of legal professionals did not think that women who had experienced violence should represent themselves in court.²⁷

The cuts to legal aid introduced in the LASPO Act 2012²⁸ will significantly reduce the ability of women suffering violence to get the legal help and support they need. Under the terms of the Act, access to justice is effectively removed from vulnerable women and girls in the private family law sphere. Calls to the Community Legal Advice Helpline²⁹ show that in the area of family law, approximately twice as many women as men seek advice. Therefore as the majority of those accessing family law remedies via legal aid are women (especially in relation to domestic violence) this is arguably the most discriminatory piece of legislation enacted since the last UK State enquiry, and is in direct contravention of UK obligations under various CEDAW Articles.

Many women do not feel able to represent themselves in court, especially if they have experienced violence, and many women could not have gone to court without legal representation or would have not felt safe enough to do this. 90% of women and 97% of professionals who work with survivors of domestic violence do not think a woman who has experienced violence should represent herself in court.³⁰ Women who have represented themselves have found the experience traumatic and found they lacked the skills or expertise to negotiate the legal system alone.³¹

Research³² has shown that when women are unable to access free or low cost specialist legal advice they are deterred from taking legal action, even if they are experiencing violence. Women need access to legal aid to ensure protection for themselves and their children. Lack of access to legal aid constitutes another barrier for women trying to leave violent relationships,

²⁶ Rights of Women (2012), Rights of women briefing on the proposed changes to legal aid, http://www.rightsofwomen.org.uk/pdfs/Policy/Rights_of_Women_briefing_on_Ministry_of_Justice_proposed_changes_to_legal_aid.pdf

²⁷ Rights of Women (2012), Rights of women briefing on the proposed changes to legal aid, http://www.rightsofwomen.org.uk/pdfs/Policy/Rights_of_Women_briefing_on_Ministry_of_Justice_proposed_changes_to_legal_aid.pdf

²⁸ <http://www.legislation.gov.uk/ukpga/2012/10/schedule/1/part/1/enacted>

²⁹ CLA Helpline 2010-2011, 8686 calls were from men; 15528 from women. Equality and Diversity Information for Community Legal Advice Helpline 2010-2011, Legal Services Commission, January 2012

³⁰ Rights of Women (2011) Women's Access to Justice: A research report. ROW: London http://www.rightsofwomen.org.uk/pdfs/Policy/Womens_access_to_Justice_a_research_report.pdf

³¹ National Federation of Women's Institutes (2011) Legal Aid is a Lifeline: Women speak out on the legal aid reforms. NFWI: London <http://thewi.org.uk/campaigns/current-campaigns-and-initiatives/no-more-violence-against-women/take-action>

³² Rights of Women (2010) Measuring up? UK compliance with international commitments on violence against women in England and Wales. ROW: London http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

which for some women could mean life or death.³³ (For more information see appendix on legal aid).

Case study:³⁴

“If I didn’t have legal representation there for me as some kind of backbone, I would’ve felt like I couldn’t have actually gone to court.”

Increasing the diversity of judicial appointments

Women continue to be underrepresented in the senior judiciary. There remains only one woman out of 12 on the Supreme Court (a position unchanged for the past eight years), four women out of 43 on the Court of Appeal, and 17 out of 111 (15.3%) on the High Court.³⁵ Although the Judicial Appointments Commission has achieved some success in increasing diversity at lower levels of the judiciary (tribunal members, district judges and part-time, fee-paid appointments),³⁶ it has not proved fit for the purpose of achieving greater diversity among the senior judiciary.³⁷ As a consequence, women do not see themselves equally represented at senior levels, there are insufficient role models and mentors for women law students, lawyers and lower level judges, and the law does not adequately incorporate women’s experiences and viewpoints.

Recommendations have been made and accepted by the UK Government for improving diversity in the judiciary³⁸ but progress on implementing them has stalled.³⁹ Best practice is shown by the Feminist Judgements Project⁴⁰ in which a group of academics and lawyers wrote alternative judgments in key cases in English law from a feminist perspective. The alternative judgments

³³ National Federation of Women’s Institutes (2011) *Legal Aid is a Lifeline: Women speak out on the legal aid reforms*. NFWI: London <http://thewi.org.uk/campaigns/current-campaigns-and-initiatives/no-more-violence-against-women/take-action>

³⁴ National Federation of Women’s Institutes (2011) *Legal Aid is a Lifeline: Women speak out on the legal aid reforms*. NFWI: London <http://thewi.org.uk/campaigns/current-campaigns-and-initiatives/no-more-violence-against-women/take-action>

³⁵ Source: Senior Judiciary website: <http://www.judiciary.gov.uk/about-the-judiciary/judges-magistrates-and-tribunal-judges/list-of-members-of-the-judiciary/senior-judiciary-list#headingAnchor1> (accessed 30/11/11).

³⁶ Source: Judicial Appointments Commission and Ministry of Justice, *Statistical digest of judicial appointments of women and BME candidates from 1998/99 to 2008/09* (1 July 2010) http://jac.judiciary.gov.uk/static/documents/Statistical_digest_of_judicial_appointments_of_women_and_BME_candidates_from_1998_to_2009_report.pdf

³⁷ The House of Lords Constitution Committee is currently holding an inquiry into the judicial appointments process which has discussed the issue of judicial diversity. Information about the inquiry can be found at: <http://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/inquiries/judicial-appointments-process/>. Of particular interest is the evidence given by Baroness Hale and Baroness Neuberger on 2 November 2011 on judicial diversity. Information about their appearance is available at: <http://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/news/jap-evidence-session-2-nov/>, and the uncorrected transcript of their evidence is at: <http://www.parliament.uk/documents/lords-committees/constitution/JAP/corrCNST021111ev7.pdf>.

³⁸ <http://www.judiciary.gov.uk/publications-and-reports/reports/diversity/advisory-panel-recommendations>

³⁹ <http://www.law.qmul.ac.uk/eji/docs/58393.pdf>

⁴⁰ <http://www.kent.ac.uk/law/fjp/index.html>

give different accounts of the facts of cases, paying close attention to the people involved and often giving voice to women who have been silenced or sidelined in other judgments. They also contextualise the law, challenge gender bias in judicial doctrine and legal reasoning, and resist essentialist categories and classifications. They demonstrate powerfully that even at the time they were originally heard, and operating within all the constraints binding appellate judges, cases could have been reasoned and decided differently if the bench had incorporated a wider range of life experiences and judicial perspectives. The Equal Justices Initiative⁴¹ also promotes the equal participation of women and men in the judiciary, and monitors and disseminates official data and research on the issue of judicial diversity. These projects should be supported and emulated.

Over 45% of solicitors are now women⁴² however changes to legal aid (see above) will impact on female solicitors as the majority of those working on civil cases are women.

Four in 10 women police officers have considered leaving the force because of low morale, a survey has suggested. Female officers cited reasons including lack of flexible working and issues surrounding childcare.⁴³

Women in the criminal justice system

The UK Government is taking no discernible action at this time to further the implementation of a gender-responsive CJS and is in the process of rolling back some of the progress that has been made. The Government is undertaking a process of criminal justice reform in which women are invisible. The principle piece of legislation arising from this reform process, the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012,⁴⁴ (for more information see appendix on legal aid) makes no mention of women and no specific provision for women in conflict with the law.

The number of women in prison increased by 85% between 1996 and 2011.⁴⁵ Women are still more likely than men to be incarcerated for non-violent offences - 68% of women are in prison for non-violent offences, compared with 47% of men⁴⁶ and in 2010, 61% of women were sentenced to custody for

⁴¹ <http://www.law.qmul.ac.uk/eji/index.html>

⁴² Cole, B, Fletcher, N, Chittenden, T and Cox, J (2010) Trends in Solicitor's Profession: Annual Statistical Report 2009. The Law Society

<http://www.lawsociety.org.uk/aboutlawsociety/whatwedo/researchandtrends/researchpubs.law>

⁴³ <http://www.bbc.co.uk/news/uk-18851715>

⁴⁴ *Legal Aid, Sentencing and Punishment of Offenders Act 2012*. The Stationary Office: London <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

⁴⁵ Prison Reform Trust (2012) Bromley Briefings Prison Fact File June 2012

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/FactfileJune2012.pdf>

⁴⁶ All Party Parliamentary Group on Women in the Penal System (2011) Women in the penal system. Second report on women with particular vulnerabilities in the criminal justice system. http://d19y|po4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Publications/Women_in_the_penal_system.pdf

six months or less.⁴⁷ The cost and social implications of the current system are also huge – it is estimated that imprisoning mothers for non-violent offences carries a cost to children and the State of more than £17 million over a ten year period.⁴⁸

The impacts on women in the criminal justice system include:

- Women are held in higher security conditions than required.⁴⁹
- The lack of accredited women-specific programmes in prison
- Disproportionately high rates of self-harm in women's prisons.
- Inappropriate behaviour by male prison staff.⁵⁰
- Indefinite incarceration of women with mental illness.⁵¹
- Lack of women-specific community sentencing disposals

Despite being 5% of the prison population, women accounted for 47% of all incidents of self harm across the prison estate in 2010.⁵² The Equality and Human Rights Commission⁵³ has reported that the Government may be breaching the right to life through its failure to protect individuals from harm they cause to themselves in State custody.⁵⁴

There is a clear link between mental health problems and the likelihood of being sent to prison. Over a third of women who are sent to prison say they've attempted suicide at some time in their life⁵⁵ and almost a third have had a

⁴⁷ Prison Reform Trust (2011) 'Bromley Briefing Prison Factfile December 2011'
<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefing%20December%202011.pdf>

⁴⁸ E. Lawlor, J.Nicholls and L. Sanfilippo (2008) *Unlocking Value: How we all benefit from investing in alternatives to prison for women offenders.*

<http://neweconomics.org/publications/unlocking-value>

⁴⁹ Prison Service (2012) *Prison Finder.* <http://www.justice.gov.uk/contacts/prison-finder>

⁵⁰ HM Chief Inspector of Prisons (2011) *Report on a full unannounced inspection of HMP Holloway 15 – 23 April 2010.* HM Prisons Inspectorate: London, para. 2.35.

http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmpris/prison-and-yoi-inspections/holloway/Holloway_2010_rps.pdf

Her Majesty's Inspectorate of Prisons is an independent inspection body which has a coordinating function for the UK's National Preventative Mechanisms under the Optional Protocol to the UN Convention Against Torture

⁵¹ HM Chief Inspector of Prisons and HM Chief Inspector of Probation (2008) *The indeterminate sentence for public protection: A thematic review.* Criminal Justice joint Inspection: London http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmiprobation/joint-thematic/IPP_report_final_2-rps.pdf

⁵² Ministry of justice (2011) *Safety in Custody 2010 England and Wales.* Ministry of Justice: London. <http://www.justice.gov.uk/downloads/statistics/prison-probation/safety-custody-2010.pdf>

⁵³ Equality and Human Rights Commission (2012) *Annual Report and Accounts 1 April 2011–31 March 2012.* Equality and Human Rights Commission: London.

<http://www.equalityhumanrights.com/about-us/corporate-reporting/annual-reports/>

⁵⁴ Equality and Human Rights Commission (2012) *Human Rights Review 2012.* Equality and Human Rights Commission: London. <http://www.equalityhumanrights.com/human-rights/our-human-rights-work/human-rights-review/>

⁵⁵ Prison Reform Trust (2012) Bromley Briefings Prison Fact File June 2012

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/FactfileJune2012.pdf>

previous psychiatric admission before they came into prison.⁵⁶ Similarly, there are strong links with having experienced some form of abuse. Up to 50% of women in prison report having experienced violence at home compared with a quarter of men. One in three women in prison has suffered sexual abuse compared with slightly less than one in ten men. In a case study of 50 prolific self-harmers in women's prisons, 38 reported that they had experienced abuse or rape while 18 had been abused as a child.⁵⁷

Women in prison in general report high levels of sickness and poor health – 83% of women in prison stated that they had long-standing illness compared with 32% of the general female population and three quarters were on medication on arrival at prison.⁵⁸

Women specific sentencing disposals are not consistently available across the country. For example, between April 2009 and March 2010 only four of 35 Probation Trusts were running the Women's Programme.⁵⁹ The National Offender Management Service has produced guidance on working with women;⁶⁰ however, the guidance was not referenced in the latest Government policy proposals on community sentences.⁶¹ This illustrates how the lack of a strategy on women in the criminal justice system is causing opportunities for progress to be missed. (For more information see appendix on women in the criminal justice system).

There are also worrying signs from the voluntary sector working with offenders that the economic downturn is impacting heavily on the most vulnerable service users and disproportionately upon women. For example organisations delivering services to women have raised concerns about the specific impact on women of current reforms to benefits and legal aid.⁶² (For more information see appendix on legal aid).

⁵⁶ Prison Reform Trust (2011) 'Bromley Briefing Prison Factfile'
<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefing%20December%202011.pdf>

⁵⁷ J. Corston (2007) A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the Criminal Justice system. Home Office: London
<http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf/>

⁵⁸ Prison Reform Trust (2011) 'Bromley Briefing Prison Factfile'
<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefing%20December%202011.pdf>

⁵⁹ Ministry of Justice (2010) *Freedom of Information Request: FOI 67233*. Ministry of Justice: London

⁶⁰ National Offender Management Service Women and Equalities Group (2012) *A Distinct Approach: A guide to working with women offenders*. Ministry of Justice: London
<http://www.clinks.org/assets/files/PDFs/Holding%20Page%20docs/A%20Distinct%20Approach%20A%20guide%20to%20working%20with%20women%20offenders%20March%202012.pdf>

⁶¹ Ministry of Justice (2012) *Punishment and Reform: Effective Community Sentences*. Ministry of Justice: London <https://consult.justice.gov.uk/digital-communications/effective-community-services-1>

⁶² Reducing Reoffending Third Sector Advisory Group (2012) A report of the Task & Finish Group. Breaking the cycle of women's offending: a system re-design.
<http://www.clinks.org/publications/reports/rr3-women-tfg>