

What About **Women?**



ELECTION 2010 - WHAT ABOUT WOMEN?

CRIME AND JUSTICE BRIEFING



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Crime and Justice

What About Women is a Fawcett led coalition of over forty organisations and thousands of individual women and men that have come together for the General Election to ask the political parties '*what about women?*'

Purpose of this briefing

This briefing gives some background information on the issues behind the *What About Women* questions on **crime and justice**. It also includes a number of policy options from Fawcett and other *What About Women* campaign partners working on crime and justice. Links to further information can be found at the end of this briefing along with details of our partner organisations.

Women are not a homogeneous group and women's experience of crime and the criminal justice system will depend on a wide range of factors including social class, ethnicity, age, sexual orientation, disability, religion and caring responsibilities.

The questions

Women have a right to be free from violence and fear of violence and to be treated fairly in our criminal justice system.

- **What will you do to end violence against women and girls?**
- **How will you reduce the number of women being sent to prison?**
- **How will you ensure that the people who run our criminal justice system represent the population of the UK?**

Some key issues for women

Too many women lack confidence in the criminal justice system. 40% of women say that fear of crime has a high or moderate impact on their quality of life^{1 2}. Women victims of violence feel let down by a system that fails to protect them. Violence against women and girls is still not being treated with the same professionalism as other crimes. Support for women who experience violence very much depends on a woman's postcode and is failing to respond to the diverse needs of women. Women are more likely than men to be in prison for non violent offences. Most are serving short sentences which have a devastating effect on their lives, and the lives of their children. Women are still under-represented at senior levels in the judiciary, the police and as prison governors.

¹ Alison Walker, John Flatley, Chris Kershaw and Debbie Moon, *Crime in England and Wales 2008-09, Findings from the British Crime Survey*, London, Home Office, 2009

² Gordon et al, *Poverty and Social Exclusion in Britain*, Joseph Rowntree Foundation, 2000.



Ending Violence against Women and Girls

- 42% of women feel unsafe walking alone after dark.³
- 3 million women across the UK experience rape, domestic violence, trafficking, forced marriage or other violence each year.⁴
- 45% of women in England and Wales experience domestic violence, sexual assault or stalking in their lifetime. One in five women in Northern Ireland experience domestic violence.⁵ Disabled women are twice as likely to experience violence as non-disabled women.⁶
- It is estimated that violence against women costs society £40 billion each year.⁷
- The conviction rate for rape in Scotland is 3.7%.⁸
- 42% of young people know girls whose boyfriends have pressurized them into sex.⁹
- It has been estimated that nearly 66,000 women living in the UK in 2001 had undergone female genital mutilation (FGM), and over 20,000 girls could currently be at risk but no prosecutions have been made under the Female Genital Mutilation Act 2003.¹⁰
- Nearly 90% of local authorities do not have a Rape Crisis Centre¹¹ and one in four local authorities in Britain have no specialist support services for women who have experienced violence.¹²
- 600 women with no recourse to public funds facing domestic violence seek help every year. Only 10% of those who seek help are likely to receive refuge housing and support.¹³

Why reduce the number of women in prison?

Each year it is estimated that more than 17,700 children are separated from their mother by imprisonment. Nearly all have to leave home as well as losing their mother - just 5% of women prisoners' children remain in their own home after their mother goes to prison.¹⁴ Women offenders are often also victims of crime - at least one in three have histories of sexual abuse and over half have been victims of domestic abuse.

³ Gordon et al, *Poverty and Social Exclusion in Britain*, Joseph Rowntree Foundation, 2000.

⁴ <http://www.endviolenceagainstwomen.org.uk/>

⁵ Walby, S and Allen, J *Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey*, London, Home Office, 2004, Northern Ireland Office & Department of Health, Social Services and Public Safety, *Tackling Violence at Home: A Strategy for Addressing Domestic Violence and Abuse in Northern Ireland*, 2005.

⁶ P. Magowan, 'Domestic Violence and Disabled Women', *Safe*, Women's Aid, Spring 2003.

⁷ Justine Järvinen, Angela Kail & Iona Miller, *Hard Knock Life*, New Philanthropy Capital, April 2008.

⁸ <http://www.rapecrisisscotland.org.uk/news.htm>

⁹ http://www.amnesty.org.uk/news_details.asp?NewsID=17168 (accessed 07/01/10).

¹⁰ FORWARD, *A Statistical Study to Estimate the Prevalence of Female Genital Mutilation in England and Wales*, October 2007. A further study is currently being conducted which should provide a more up-to-date indication of the prevalence of FGM using data from maternity and other specialist services – see <http://www.forwarduk.org.uk/news/news/562>.

¹¹ Maddy Coy, Liz Kelly and Jo Foord, *Map of Gaps 2*, End Violence Against Women, 2009.

¹² M Coy, L Kelly & J Foord, *Map of Gaps 2: The Postcode Lottery of Violence Against Women support services in Britain*, End Violence Against Women and Equality and Human Rights Commission, January 2009.

¹³ Sundari Anitha, *Forgotten women: Domestic violence, poverty and South Asian women with No Recourse to Public Funds*, Saheli, March 2008.

¹⁴ *Women in Prison Briefing*, Prison Reform Trust, 2009.

Crime and Justice

- Since 1997 the female prison population has increased by 60% compared to 28% for men.¹⁵
- 64% of women are in prison for non-violent offences, compared with 45% of men.¹⁶
- Women in prison are five times more likely to have a mental health concern than women in the general population.¹⁷
- 29% of the female prison population is made up of ethnic minority women (whereas ethnic minority women make up just over 5% of the population as a whole).¹⁸
- 81% of the women who Women in Prison worked with in 2008 reported having experienced domestic violence or sexual abuse.¹⁹
- For every pound invested in support-focused alternatives to prison (for women), 14 pounds worth of social value is generated for women and their children, victims and society generally over ten years.²⁰
- 42% of female young offenders have experienced domestic violence.²¹

Why ensure the people who run our criminal justice system represent the population of the UK?

Higher positions within the justice system remain male dominated. A greater representation of women, particularly in high level positions is crucial to create a criminal justice system which is representative of our diverse society; responsive to the needs of women; and reflective of unique perspectives to issues.

- There is only one female judge on the UK Supreme Court.²²
- Only 15 of the 109 High Court Judges are female.²³
- Only 13.4% of police officers at Chief Inspector grade and above are female.²⁴
- Less than a quarter of prison governors are women.²⁵
- There is only one ethnic minority woman in the senior judiciary and only 0.2% of police officers at Chief Inspector grade and above are ethnic minority women.²⁶
- Women lawyers working in private practice earned 28.9% less than men in 2008.²⁷
- In 2008/09, the number of women applying for Queens Counsel was at its lowest level in ten years.²⁸

¹⁵ Bromley Briefings Prison Factfile, Prison Reform Trust, 2009.

¹⁶ Ministry of Justice, *Population in Custody, England and Wales*, June 2009, London.

¹⁷ Women in Prison Briefing, Prison Reform Trust, 2009.

¹⁸ The Fawcett Society, *Realising Rights: Increasing Ethnic Minority Women's Access to Justice*, January 2010: This includes women categorised as 'BME' by the Home Office, as well as women categorised as 'White Irish' and 'White Other': p.171: *Statistics on Race and the Criminal Justice System- 200*, Home Office, 2007/8.

¹⁹ Women in Prison, *Internal Monitoring Information*, 2008.

²⁰ New Economics Foundation, *Unlocking Value: How we all benefit from alternatives to prison for women offenders*, 2008.

²¹ Centre for Social Justice [http://www.](http://www.centreforsocialjustice.org.uk/default.asp?pageRef=307)

[centreforsocialjustice.org.uk/default.asp?pageRef=307](http://www.centreforsocialjustice.org.uk/default.asp?pageRef=307)

²² <http://www.supremecourt.gov.uk/about/biographies.html>

²³ <http://www.judiciary.gov.uk/keyfacts/statistics/women.htm>, April 2009.

²⁴ Source: Police Service Strength England and Wales, 13/09 (The Home Office), <http://www.homeoffice.gov.uk/rds/pdfs09/hosb1309.pdf>

²⁵ *Statistics on Women and the Criminal Justice System*, January 2009.

²⁶ *Realising Rights: Increasing Ethnic Minority Women's Access to Justice*, Smee and Moosa, Fawcett Society, January 2010

²⁷ The Law Society, *Gender and Earnings in Private Practice: Findings from the 2008 Salary Survey*, The Law Society, June 2009.

²⁸ <http://www.justice.gov.uk/news/docs/queens-counsel-2008-09-statistics.pdf>



Violence against women is a violation of women's fundamental human rights. States have a positive duty to protect women and children from violence in the home. This was highlighted by a European Court of Human Rights ruling in June 2009 where Turkey was found to have failed to prosecute adequately a man who repeatedly attacked his wife and eventually shot and killed his mother in law

Case of Opuz v Turkey, Application Number 33401/02, ECHR, Strasbourg, 9 June 2009

Policies that could make a difference

Policies proposed by Fawcett and other *What About Women* campaign partner organisations to create a criminal justice system that works for women and girls include:

Ending Violence against Women and Girls

- The Cross-Government Strategy on Violence Against Women and Girls must be implemented with real commitment from all Government departments and adequate resources.
- A strategy to end all forms of violence against women and girls in Wales to ensure women in Wales get the same protection as women in other parts of Great Britain.
- Exemption to the 'no recourse to public funds' rule for abused women and equal and full access to protection under the law to safe housing, advocacy and support for all abused women and children with insecure immigration status.
- Civil law protection orders should be extended to cover all forms of VAW and the impact of legal aid reforms on the ability of women to access civil protection should be reviewed.
- The Government should fund a national awareness raising campaign on rape and sexual violence, similar to awareness raising campaigns in relation to drink driving.
- Specific training aimed at frontline staff within the police and the CPS to change attitudes towards rape, and improve initial responses to women and early evidence collection must be rolled out across the country.
- Joint targets for the CPS and the police should be developed to incentivise them to work together and develop a national strategy towards rape and other serious sexual violence offences.
- A Government commitment to long term funding for violence against women and girls service provision, including a national network of rape crisis centres and a 24 hour helpline.
- Ensure the criminal justice system provides women-specific responses to women offending.
- Ensure that increased reporting is matched by increased resources for support and advocacy.

Helping female offenders

- A consistent approach to the needs of female suspects in police custody.
- Implement the recommendations of the Corston Report into women offenders, particularly in relation to community alternatives to custody, the mental health needs of female offenders, women with caring responsibilities and the relationship between female offending and histories of violence and abuse.
- The procedures for breach of community sentences must be examined to reduce the number of women being imprisoned for non-compliance.
- Long term funding for a national network of women only support services for women on community sentences and women in and leaving prison.
- Gender-proof all serious youth violence policy and strategy by encouraging all agencies involved in addressing youth violence to take a gendered approach to understanding needs.
- Review safeguarding procedures in the light of the risks faced by girls who disclose gang related sexual violence.
- Develop a separate and coherent policy for reducing the numbers of foreign national women in prisons.

Creating a representative justice system

- Methods for promotion and locations for prerequisite training should take into account caring commitments of staff as well as any disadvantage for part-time or flexible workers in assessment methods chosen.
- Use the genuine occupational qualifications exception in relation to recruitment, training, promotion or transfer under section 7(2) of the Sex Discrimination Act to increase the number of female staff where they are required to undertake particular functions (such as searching within female prisons).
- Promote part-time and flexible working and job-sharing options and positive action measures.
- Provide appropriate avenues for reporting and responding to sex and race discrimination and harassment in the workplace as well as support mechanisms for women who have experienced discriminatory treatment and/or harassment.

The Beijing Platform for Action, which was agreed by governments around the world in 1995 states: *'Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed'*



Further information and resources:

[The Fawcett Society](#)

www.fawcettsociety.org.uk

[Engender](#)

www.engender.org.uk

[Wales Women's National Coalition](#)

<http://www.wales-womens-national-coalition.org.uk/>

[Fawcett's Commission on Women and the Criminal Justice System, Final Report, May 2009](#)

<http://www.fawcettsociety.org.uk/documents/Commission%20report%20May%202009.pdf>

[Clean Break \(a theatre, education and new writing company that works with women ex-offenders or those at risk of offending\)](#)

<http://www.cleanbreak.org.uk/>

[Clinks](#)

<http://www.clinks.org/index.aspx>

[Criminal Justice Alliance](#)

<http://www.criminaljusticealliance.org>

[End Violence Against Women Map of Gaps 2 report](#)

http://www.endviolenceagainstwomen.org.uk/data/files/map_of_gaps2.pdf

[Law Centres Federation](#)

<http://www.lawcentres.org.uk/>

[YWCA](#)

http://www.ywca.org.uk/resources/category/offending_and_crime

http://www.ywca.org.uk/resources/category/violence_and_abuse

[Making Every Adult Matter coalition four-point manifesto](#)

<http://www.meam.org.uk/wp-content/uploads/2009/09/MEAM-report.pdf>

[Rights of Women, Female Voice in Violence Project](#)

<http://www.rota.org.uk/pages/FVV.aspx>

[Race On The Agenda](#)

<http://www.rota.org.uk/pages/ResearchPublications.aspx>

[The Griffins Society directory of criminal justice resources](#)

<http://www.thegriffinssociety.org/links.html>

[White Ribbon Campaign](#)

<http://www.whiteribboncampaign.co.uk/links.html>

[Women Asylum Seekers Together](#)

<http://www.wast.org.uk/>

[Women in Prison](#)

<http://www.womeninprison.org.uk>

Links to further information and resources can be found on the *What about Women* pages of the Fawcett Society website www.fawcettsociety.org.uk/whataboutwomen