



**Girls and women in prison:  
Challenging the reproduction of the gendered social order**

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# Howard League for Penal Reform

“I felt constantly judged on how I looked and how I acted compared to how girls and women are supposed to be.”

# Howard League for Penal Reform

- Less crime, safer communities, fewer people in prison
- Policy, research, direct legal work for young people (confidential helpline)
- Membership organisation: no government funding



Children in residential care



Commission on Crime and Problem Gambling



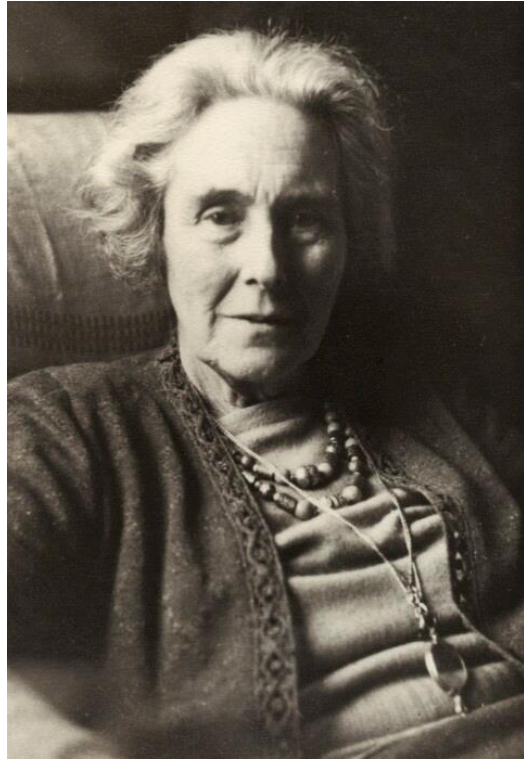
Legal advice



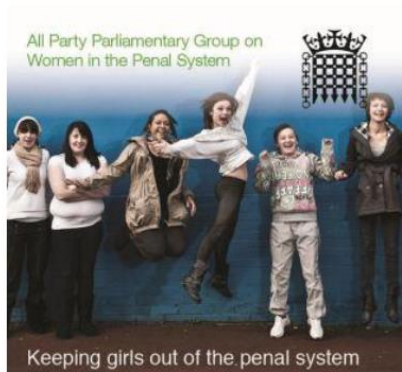
Howard League Community Awards

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# Women of penal reform



# Howard League work on women in the penal system

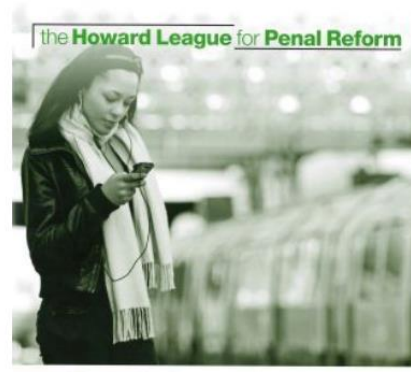


All Party Parliamentary Group on Women in the Penal System

Keeping girls out of the penal system

**Key points**

- Girls in England and Wales can enter the penal system from the age of 10. This is one of the lowest ages of criminal responsibility in Western Europe.
- Girls are brought into the penal system because of unaddressed needs including neglect, abuse and poverty.
- The provision of gender specific services for girls in need is patchy.
- Evidence from the YAS (2011) shows that the number of offences committed by girls has fallen, as has the number of adult offences committed by girls. Common perceptions that girls are committing more crime and are more violent do not come out of the evidence.
- The majority of girls in the penal system have committed low level misdemeanours.
- The police are the first point of contact for girls entering the penal system. Thinking problems at this point would avoid the negative consequences of penal intervention.
- There are examples of good practice which are working across without the use of formal sanctions in the criminal justice system. Public safety has been maintained and avoid being for girls new taken.
- Inappropriate criminal justice interventions are expensive and counterproductive.



the Howard League for Penal Reform

**Out of place: The policing and criminalisation of sexually exploited girls and young women**



Arresting the entry of women into the criminal justice system

**Key points**

- Far too many women are drawn into the criminal justice system. Arrests of women, which are the first point of contact with the criminal justice system, fell by 1,785 to 97,117 in the year ending 31 March 2019. This is a welcome start, but police forces should do more to reduce the unnecessary criminalisation of women.
- The APPG received original and detailed evidence from five police forces in England and Wales providing anonymised data on more than 600 arrests of women over specified periods of time.
- Analysis of the data provided by forces showed that 40 per cent of arrests of women resulted in no further action. This suggests that thousands of women each year are arrested, held in police custody and then released without charge, which is an unnecessary and wasteful use of police resources.
- There were 50,374 arrests of women for non-violent offences in the year ending 31 March 2019.
- There were more than 43,000 arrests of women for alleged violence in the year ending 31 March 2019. Evidence provided by police forces showed that around half of arrests of women for alleged violence resulted in no further action. Further investigation is needed to explain the high number of arrests of women for alleged violent offences. Police need to be responding to incidents of alleged violence in a gender-informed way.
- Black and ethnic minority women are more than twice as likely to be arrested as white women. A reduction in the arrests of women must also lead to a reduction in disproportionality.
- All forces should adopt a set of principles for policing women taking into account the factors that bring women into contact with the police and preventing criminalisation when it is unnecessary and inappropriate.
- Some women come into conflict with the police when they need support. Rather than arresting them, police should be diverting them to services that can address their needs.
- There are examples of good practice where forces are doing things differently and not making arrests, providing women with a way out of – rather than a way into – the criminal justice system.

APPG All Party Parliamentary Group on Women in the Penal System

Briefing Two



Prison for their own protection: The case for repeal

**Key points**

- The use of prison for protection or welfare has no place in a modern justice system.
- Under the Bail Act 1976, the courts can remand an adult to prison for their own 'protection', or a child for their own 'welfare', without that person being convicted or sentenced, and when the criminal charge they face is unlikely to, or even cannot, result in a prison sentence.
- It is wrong in principle to use the most punitive sanction available to the state, imprisonment, to make up for failings in care and protection in the community.
- The power is outdated and out of step with other legal frameworks that recognise the need to support vulnerable individuals and to treat them with dignity.
- Scrutiny of this extraordinary power is virtually non-existent. The government does not collect data about how often adults and children are detained for their own protection or welfare.
- Despite these reminders to prison being driven by the need to protect vulnerable, often unconvicted, people, the safeguards for them are minimal.
- Using this power the courts can remove someone's liberty without expert evidence or any formal investigation into their circumstances, and without them having legal representation.
- These provisions are also problematic in practice. The court cannot direct which location a person is remanded to and has no power to ensure that adults or children remanded under these provisions receive particular care or treatment.
- Prisons are not suitable environments for people in crisis, particularly for women with complex mental health needs.
- There are ample more appropriate legal mechanisms, and duties, to protect and support adults and children without the need for this power.
- It is time to abolish the power to remand adults to prison for their 'own protection' and children for their 'welfare'.

APPG All Party Parliamentary Group on Women in the Penal System

# Representing girls and women in prison - reflections

- Dramatic reduction in the number of girls in prison since 2005
- Since the (welcome) closure of female YOIs, all girls in custody have been held in mixed-sex institutions
- Accusations of sexual assault by prison staff are still met with disbelief
- Striking that every case exposes multiple layers of prejudice, compounded when women and girls are young, poor, from a minority group, traumatised
- Words such as “Manipulative”, “Difficult”, “Strong willed” and “Provocative”
- Two case studies and some possible ways forward

## Parole: representing “Anna”

- Serious offence – reports described as “cold”
- Hearing – a chance to progress and move forward to an open prison
- Research is clear that remorse or displays of remorse are not indicative of risk reduction
- Nevertheless Panel hostility until Anna broke down was palpable
- The moment was a permanent change in her well-being

## Criminal appeal: representing “Cassie”

- Cassie had been in care since the age of 12
- She had missed appointments because she did not feel safe with her male YOT worker
- Cassie was breached and sent to prison for non-compliance with a community order
- She was heavily pregnant and experienced verbal and physical abuse from other children, including threats against her unborn baby
- The Court of Appeal upheld the sentence, even claiming that as Cassie had been doing well in her education in prison, it was in her best interests to stay there



# Reflections and questions

- Clearly the starting point is to reduce the criminalisation of women
- Small numbers may mean that we are less likely to spot and share trends, but is there a duty on lawyers to intervene in the “state’s role in the production and reproduction of the gendered social order” (Anette Ballinger)?
- To **notice** examples of systemic prejudice against women, and the layers of disadvantage faced by girls and women who are seen to transgress
- To **call** it out
- To be more **open and transparent about our interest and experiences** in representing girls and women in conflict with the law
- How can we support each other to do this and effect change?

**Thank you!**

**Do keep in touch or even join as a member**

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