

Written evidence from Hibiscus Initiative

About Hibiscus Initiatives

Hibiscus Initiatives (Hibiscus) is a specialist charity with 35 years' experience working with Black, minoritised and migrant women at the intersection of the immigration and criminal justice systems. We deliver high-impact support and advocacy services to women in prisons, in the community and international resettlement.

Hibiscus currently works with women in three prisons (HMP Bronzefield, HMP Downview and HMP Peterborough); and with women in the Greater London area in contact with the police, Courts and probation services, and survivors of trafficking and modern slavery. We partner with women through specialist casework support, advice and advocacy; group information and therapeutic workshops; and engaging them to transform the immigration and criminal justice systems. Our clients are among the most consistently and systematically excluded groups in society, facing multiple and complex disadvantage compounded by racial injustice, including institutional and systemic racism, immigration restrictions, destitution, and language and cultural barriers.

Hibiscus has also contributed to the submissions to this inquiry from Clinks and Women in Prison, and fully support their responses and the points covered there. Rather than attempting to cover the same points here in answer to the questions raised by the Committee, we have chosen to highlight the following key issues affecting Black and minoritised women specifically.

Institutional Racism

Successive reviews and reports, from the Corston Report into women in the criminal justice system in 2007; to the 2017 Lammy Review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System; Double Disadvantage (Agenda and Women in Prison, 2017) and Counted Out (Prison Reform Trust, 2017) reports, have repeatedly highlighted the significant inequalities faced by Black and minoritised women in relation to the justice system.

Black and migrant women today remain over-represented throughout the criminal justice system, including in custody. In 2020 Black women were twice as likely to be arrested as white women¹. Over 7% of women in prison are Black and Black British ethnicity², compared to 3.3% of the general population. Those who identify as Gypsy, Roma and Traveller are estimated to comprise 7% of women in prison but just 0.1% of the general population³. 9.4% of women in prison are identified as foreign national.

¹ [Arrests - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://www.ethnicity-facts-figures.service.gov.uk) 2020

² [Offender management statistics quarterly: October to December 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

³ [Winter 2021 Factfile final.pdf \(prisonreformtrust.org.uk\)](https://www.prisonreformtrust.org.uk)

Women we work with experience both direct racism – such as police officers making racist comments when arresting them - and the impact of institutionalised discrimination in their treatment by the criminal justice system:

“When a minority woman gets sent into prison, they look at you – someone else gets 3 months, but for you they give you 3 years, just to justify it. People are coming and going, you are [still] there. They just want you to go through the end of the system, so they can push you to one side.”

“[They just think] ‘I’ll throw her in prison, she’s a brown girl’.”

Hibiscus clients, Feb 2021

Given this, it is striking that the Female Offender Strategy included just four commitments specifically relating to women with protected characteristics or who are foreign nationals. None of these included clear deliverables or plans for implementation; and according to analysis by the Prison Reform Trust, only one (to engage BAME women with lived experience of the criminal justice system to inform policy development for multi-agency approaches) has seen any progress since publication⁴.

Double disadvantage and a Whole Systems Approach

Black and migrant women are “minorities within a minority” in the criminal justice system.⁵ They experience the same multiple and complex disadvantages as the Committee note in their introduction to this inquiry as affecting many women in contact with the criminal justice system, including mental and physical health problems, substance misuse, homelessness, abuse and trauma. However, they also face many additional challenges, including racism, language and cultural barriers, immigration restrictions, modern slavery and trafficking, and destitution.

A Whole Systems Approach which considers all of women’s needs must include responding to the specific challenges faced by minoritised women; yet too often these additional needs are overlooked or ignored.

Women with language barriers, for example, are often extremely isolated, struggle to understand the prison system and rules, and may find themselves excluded from or simply unaware of vital support services due to their limited English. Access to information in other languages and to official phone translation services is variable, and women often have to rely on informal support from other prisoners for communication. Hibiscus have recently supported a Romanian national in prison, who contacted our Romanian-speaking project worker to ask for help to get in touch with her solicitor and to get an update about her current case. She could not contact other agencies from prison due to the language barrier and her extradition had been postponed several times without any explanation, which had left her feeling desperate. Hibiscus’ worker has facilitated contact with her solicitor and has been assisting her to get financial support and basic clothing items while in prison. The client has also been emotionally impacted by the Covid-19 lockdown in prison due to the

⁴ [Female Offender Strategy PRT Matrix 140421.pdf \(prisonreformtrust.org.uk\)](#)

⁵ [Corston report - review of women with vulnerabilities in the criminal justice system \(nationalarchives.gov.uk\)](#)

extended regime restrictions and was grateful to have the opportunity to talk to someone for emotional support.

For women whose sentence or immigration status means they are liable for potential deportation, there is also an urgent need for better specialist immigration advice to help them understand their situation, rights and options. In 2019-20 Hibiscus ran a short pilot project with Birnberg Peirce solicitors to improve access to legal help for vulnerable Black and minoritised mothers in prison. The project evaluation showed there is a lack of immigration information, advice and representation, as well access to general legal advice, for those

Kate* came to the UK with her mother when she was 8 years old. Kate had a difficult childhood and was eventually taken into foster care. From a young age, she started to hang out with the wrong crowd and ultimately became involved with gang activity.

In time Kate felt that was not what she wanted and after several years of involvement, she started to distance herself from the gang and get her life back on track - she found a place to live, and was going to college, but unfortunately it all had to stop when she was arrested. Due to the length of sentence she was given, Kate was served a notice of deportation to her country of origin. Kate met Hibiscus' worker in prison who liaised with social services and helped her to obtain necessary social services reports and school records to use as evidence of her life and residency in the UK since the age of 8.

Although the evidence showed that Kate had lived in the UK for more than half of her life, she was still liable for deportation based solely on the length of her sentence. Kate was very distressed and anxious; she did not have any family or support network in her country of origin having not been there for so long.

Hibiscus found an immigration solicitor who agreed to take on Kate's case and represent her to appeal her deportation order. Kate's behaviour and mood changed significantly after receiving this news and she expressed feeling relieved and less distressed.

migrant women who cannot afford a private solicitor.

In addition, there is often an assumption that all migrant women will be deported at the end of their sentence, meaning they are given no access to resettlement support, regardless of their actual status or right to appeal. Resettlement plans for migrant women in custody sometimes amount no more than a referral to Hibiscus. Excluding these women from full through-the-gate resettlement services means they do not receive the same level of care, and at times has led to Hibiscus project workers being called on at the last minute to support women being released into the community, without time to prepare with her for her release.

It is clear from listening to the women we work with that these issues have not improved in the 3 years since the publication of the Female Offender Strategy. At a roundtable discussion in with Black women with experience of the criminal justice system, held in February 2021, women highlighted the same concerns set out in the Double Disadvantage and Counted Out reports into the experiences of Black, Asian and minority ethnic women in the criminal justice system, both published in 2017. These concerns included bias in their treatment by police and in sentencing decisions; impact on family life; inadequate healthcare; and the ongoing impact of immigration restrictions and threat of deportation, even years after a

woman's sentence has ended. Full notes from the roundtable discussion are included at the end of this submission for reference. **Criminalisation of women who are victims of trafficking**

From our experience working with migrant women in different stages of the criminal justice system (CJS), it is vital to understand the experiences and vulnerabilities of marginalised women which can lead to differential involvement in, and outcomes in, the CJS. As noted above, many of the women we work with experience multiple disadvantages, and are victims of abuse, human trafficking, or other criminal activity; and their own offending behaviour cannot be viewed in isolation. Yet evidence confirms the victims of trafficking continue to be prosecuted, and given custodial sentences, for crimes they were forced to commit.

Hibiscus project workers in prison identify potential survivors of trafficking who were failed to be recognised as such by the authorities at their time of arrest. For example, Hibiscus identified 45 women in prison as survivors or potential survivors of trafficking from February 2013 to March 2017, all of whom had disclosed information about their exploitation prior to their conviction. The most common offences for which foreign national women are imprisoned are fraud (18%), theft (18%) and false document offences (10%). These are all indicator offences for trafficking and coercion⁶.

Few prison staff have sufficient training or awareness around trafficking and modern slavery, or knowledge of how to refer someone to the National Referral Mechanism (NRM). This means once a woman is imprisoned it is even less likely that she will be identified as a trafficking survivor and given appropriate support. Prison staff routinely rely on Hibiscus project workers to provide this knowledge and facilitate referrals to the NRM, highlighting a worrying gap in support for women in prisons where there is no such specialist service.

Flora is from the Balkans. She was trafficked across Europe before being trafficked to the UK. Whilst being held by her traffickers in the UK, there was a police raid and she was taken into police custody, at which point she told the police what had happened to her. Despite informing the police of her situation, where she should have been referred to the National Referral Mechanism (NRM) to determine her status as a victim of trafficking, Flora was charged and sent to prison.

Flora was later subjected to a deportation order, after which she learned that she could claim asylum in the UK.

Flora was referred to Hibiscus whilst her trafficking claim was being reconsidered. Hibiscus is an official First Responder to the NRM and has specialisms across the organisation working with trafficking survivors.

For migrant women, the restrictions imposed and lack of protection due to their immigration status can leave them trapped in abusive relationships, economically dependent on abusive partners who use their lack of immigration status as a means of coercive control⁷.

One Hibiscus client for example, recalls how her abusive partner would control her life and

⁶ <http://hibiscusinitiatives.org.uk/wp-content/uploads/2018/09/Still-No-Way-Out-summary-report.pdf>

⁷ [DA Bill must protect migrant women | Southall Black Sisters](#) 8 Feb 2021

make threats to report her to the authorities if she did not do what he told her to do. This included criminal acts, which concluded in her being sentenced to two years in prison. Instead of recovering from what she suffered, she is now awaiting the outcome of her immigration application, living in poverty with her British child, having no recourse to public funds and feeling immense shame for what she did. Instead of being recognised as a victim of crime and empowered to seek support and help at the time of the abuse, the justice system and hostile environment has criminalised her.

Addressing the Double Disadvantage

Achieving the ambitions set out in the Female Offender Strategy, including to reduce the number of women in custody and adopting a Whole Systems Approach, will be impossible without tackling the systemic issues and intersectional needs which lead to disproportional representation of Black and minoritised women in the criminal justice system.

Ensuring a sustainable funding model for specialist services, such as Hibiscus Women's Centre, is a vital component of this. Women's centres have a proven track record of providing holistic, trauma-informed support to women in the community, and have been shown to be highly cost-effective with an estimated saving of £2.84 for every £1 spent.⁸ In particular, funding must take into account the higher costs of working with Black and migrant women, owing to the complexity of their situations as noted above, and ensure ring-fenced funding for specialist providers working with these communities.

Similarly in prisons, the lack of any dedicated funding for work with foreign national women in recent years has led to inevitable cuts to specialist services and gaps in support. Hibiscus regularly receive requests for support from prisons where we do not currently work, which we have no capacity to meet.

Despite substantial evidence and repeated recommendations made to the Government to address the double disadvantage faced by Black and minoritised women in the criminal justice system, very little progress has been made in terms of action and change. Over the coming year, Hibiscus will be working in partnership with Muslim Women in Prison, Zahid Mubarek Trust, Criminal Justice Alliance, Women in Prison and Agenda to review the recommendations from previous reports such as the Lammy Review, and create an action plan for their implementation. We will be seeking input from a wide range of stakeholders, as well as women with lived experience, to ensure the action plan is both meaningful and achievable; and to develop an accountability framework for delivery of the recommendations. We would welcome the support of the Justice Select Committee in ensuring that the voices of marginalised women are heeded and that action is taken.

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⁸ [The Case for Sustainable Funding for Women's Centres - Womens Budget Group \(wbg.org.uk\)](https://www.womensbudgetgroup.org.uk/)