

# Hibiscus Initiatives' submission to Sentencing Review 2024-2025 – call for evidence

January 2025

## About Hibiscus Initiatives

[Hibiscus Initiatives](#) ('Hibiscus') is a voluntary sector organisation with a track record of delivering high-impact support and advocacy services to Black and minoritised migrant women in contact with the criminal justice system (CJS) and immigration system. We have been active in this field for over thirty years. In the past seven years alone, we have worked with over 12,000 migrant people from over 100 different countries. The information in this response is drawn from our own caseload and discussions with our frontline practitioners.

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. We partner with women through specialist casework support, advice and advocacy; group information and therapeutic workshops; and engaging them to transform the immigration system and CJS. Our service users are among the most consistently and systematically excluded groups in society, facing multiple and complex discrimination compounded by institutional and systemic racism, immigration restrictions, destitution, and imposed communication and cultural barriers.

## Introduction

We welcome the government's announcement of the Independent Sentencing Review and its commitment to involving those with relevant experience through the associated call for evidence. This review has been long awaited by organisations supporting individuals in contact with the CJS, including Hibiscus. The current crisis in the prison system characterised by overcrowding, poor conditions, high reoffending rates, and surges in violence, deaths, and self-harm in custody, underscores the urgent need to acknowledge that existing sentencing practices are failing.

This review is significant as it represents an opportunity to ensure fairness, consistency, and public trust in the CJS. However, we believe that to provide a long-term solution to the current crisis, the review must address and make recommendations focusing on tackling the structural factors and policymaking that have contributed to exacerbating this crisis. For example, austerity has led to severe budget cuts in public services, including the prison system. The review should prioritise addressing the drivers of offending, including social, political, and economic factors, while incorporating a trauma-informed approach that acknowledges how violence (including state forms of violence) and coercion can push victim/survivors of crime into offending.

In this context, we contribute to this review as we are witnesses to the urgent need to radically overhaul the system. It is clear from our frontline experience that changes are needed to the current sentencing regime. It is also notable that the current regime was not designed with Black and minoritised migrant women in mind. As a result, the intersectional discrimination, including the multiple and overlapping

forms of harm that they face, are compounded by systems that treat them unfairly and fail to adequately address their particular needs. This is intrinsically linked to the systemic racism that a wealth of evidence has shown to exist within the CJS and, as such, we call for a further review into the changes needed to sentencing practices to end this injustice.

## The absence of the impact of racism from the scope of the review

*“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 service user

Successive reviews and reports, from the Corston Report into women in the CJS in 2007<sup>1</sup>; to the 2017 Lammy Review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System<sup>2</sup>; Double Disadvantage (Agenda and Women in Prison, 2017)<sup>3</sup> and Counted Out (Prison Reform Trust, 2017)<sup>4</sup> reports, have repeatedly highlighted the significant inequalities faced by Black and minoritised women in relation to the justice system.

These communities are affected by institutional racism through their journey within the CJS as a whole. From over-policing and surveillance to harsher sentences and being less able to access legal representation and other forms of support, the experiences of the women we support at Hibiscus are shaped by systemic racism.

Whilst racism in the CJS is certainly not a new issue, there has been an explicit acknowledgement of it in recent years by the government and some organisations in the third sector, which seemed to mark progress. It is, therefore, extremely disappointing to see that the impact of racism has not been included in the scope of the review. It is a hugely significant problem and one that demands examination and urgent action. Although we understand the scope of the review explicitly mentioned not to consider some issues such as remand, we offer the key data below to show the relevance that race, and other related characteristics, have on the overrepresentation of Black and minoritised and migrant women within the CJS:

- In 2022-23, Black women were 1.4 times as likely as white women to be arrested.
- Gypsy and Traveller women account for approximately 6% of the prison population compared to an estimated 0.7–1% of the general population. The true number is likely to be higher<sup>5</sup>
- Black women experiencing domestic abuse are less likely than white women to be referred by police to specialist support<sup>6</sup>

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<sup>1</sup> The Home Office. (2007). [The Corston Review](#).

<sup>2</sup> Lammy, D. (2017). [The Lammy review](#).

<sup>3</sup> Women in Prison and Agenda. (2017). [“Double disadvantage” The experiences of Black, Asian and Minority Ethnic women in the criminal justice system](#).

<sup>4</sup> Prison Reform Trust. (2017). [Counted Out: Black, Asian and minority ethnic women in the criminal justice system](#).

<sup>5</sup> The Traveller Movement. (2021). [Gypsy, Roma and Traveller women in prison](#).

<sup>6</sup> Refuge. (2021). [‘Ahead of Black History Month, Refuge calls for better protection for Black women experiencing domestic abuse’](#).

- In 2023, 14.7% of remanded admissions of women to prison were of migrant women<sup>2</sup> (593 women)<sup>7</sup>
- Black girls have the ‘lowest level of trust in the police among all children’<sup>8</sup>

We therefore call for urgent and wide-reaching consideration as part of this review into the impact of racism and intersectional discrimination in the CJS. This must include recommendations for the radical changes needed to address this systemic, institutional and entrenched problem, along with a commitment and clear timeline to enacting them. Furthermore, we call for the recommendations made by the Lammy Review and the Female Offender Strategy addressing racism to be considered as part of the redesign of the system.

Failing to incorporate this critical area in the sentencing review risks perpetuating the racial disparities of the sentencing practice and the further erosion of trust amongst the affected communities. Overall, we believe that failing to address the impact of racism in sentencing as part of the review would be a missed opportunity to propose an effective reform that addresses the root causes of these systemic problems within the CJS.

## Theme 1 – History and trends in sentencing

Over recent years, populist ‘tough on crime approach’ approaches to criminal justice have led to a substantial increase in both the use and length of prison sentences. This trend appears to disproportionately affect women, as it has led to a surge in the use of custodial sentences for minor offences, resulting in excessive punishment for women, particularly those subjected to marginalisation. Additionally, in recent years, increasingly hostile immigration policies and legislation have shifted the approach to immigration-related offences from administrative issues to criminal offences, intensifying the criminalisation of migrants and imposing harsher punishments on those convicted of those.

During the same period, austerity measures introducing significant cuts to welfare and support services have increased inequalities, fostered economic hardship and dismantled initiatives focused on prevention, whilst leaving the basic needs of communities, particularly those subjected to intersectional disadvantage, unmet. Our frontline experience shows that these inequalities can be significant factors in women’s offending as they are left without viable alternative ways to meet their needs. These inequalities are then magnified by the impact of imprisonment, which removes support available to women and their families and impedes rehabilitation.

Overall, these factors have led to several concerning trends: a rise in the number of women in prison, a prevalence of women pushed towards offending by their circumstances, growing rates of self-harm, increased criminalisation of Black and minoritised migrant women and persistent shortcomings in rehabilitation.

Women’s offending differs from men’s, both in the types of offences typically committed and in the factors that lead to it. For instance, women are more likely to commit offences driven by experiences of coercion and other forms of VAWG. Their offences are also more likely to be non-violent. As such, a

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<sup>7</sup> Ministry of Justice response (11/06/2024) to Hibiscus Initiatives Freedom of Information Act request (13/05/2024), reference: 240513072.

<sup>8</sup> Crest Advisory. (2022). *Forgotten voices: Policing, stop and search and the perspectives of Black children*, p19; cited in Children’s Commissioner. (2023). *Strip search of children in England and Wales – analysis by the Children’s Commissioner for England*.

different approach is needed: one that places their VAWG experiences at the forefront of deliberations about sentencing, to address women's offending and support them within the CJS.

*The number of women in prison is increasing disproportionately.* Government data shows a significant and sustained decrease in the number of people given community sentences following conviction from 2012 to the present. Over the same period, the average length of prison sentences has increased significantly from 14.5 months to 20.9 months: a 44% increase<sup>9</sup>. Unfortunately, the government does not provide disaggregated data to break this trend down by gender. However, we know that there were 10% more women in prison in March 2024 than a year earlier, compared with a 5% increase in the male population<sup>10</sup>. Prison population data published by the Ministry of Justice (MoJ) and His Majesty's Prisons and Probation Service (HMPPS) in January 2024 suggests that the increase was even larger: 11% more women were serving criminal sentences in prison, and 25% more women were being held on remand in prison at the end of 2023 than a year earlier.

Although there is no obvious reason for the discrepancy, the data clearly shows that the increase in women's imprisonment has been disproportionately large. Notably, this contrasts with the decrease in the proportion of convicted offenders who were female, falling from 26% in 2017 to 21% in 2021<sup>11</sup>. As such, there is no clear explanation for this change.

Structural racism and socioeconomic inequalities intersect with gender inequality and place Black and minoritised migrant women at risk of further disadvantage. The MoJ's Statistics on Ethnicity and the Criminal Justice System, 2022 shows that Black and minoritised people are overrepresented in the CJS, stop and search, arrests, prosecutions, convictions, custodial remand, custodial sentences, and the prison population<sup>12</sup>. While, again, the MoJ does not provide disaggregated data to break this down by gender, the same report shows that Black and minoritised women were significantly more likely to be remanded in custody at both the magistrates and Crown Court<sup>13</sup>, and women in Black, Asian, and 'other' ethnic groups were given longer average custodial sentences than white women<sup>14</sup>. Our internal statistics have shown the average sentences of Black and minoritised migrant women are significantly longer than those of white migrant women, with Asian women receiving the longest sentences of all broader ethnic groups.

*Women's offending and pathways to committing offences typically differ significantly from men's.* Women's offences are more likely to be linked to socio-economic hardship, mental health difficulties, and extensive experiences of trauma, including being subject to VAWG, rather than because of violent or aggressive behaviour. Over half the women in prison or under community supervision are victim/survivors of VAWG<sup>15</sup>. Aware of the barriers to disclosing abuse, barriers that are more acute for Black and minoritised migrant women (including fear of disbelief, destitution and deportation), we believe this data likely underrepresents the real number. While there is no reliable data on the total number of women in prison who are victim/survivors of trafficking, our experience and research indicate that this

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<sup>9</sup> Ministry of Justice. (2024). HYPERLINK "<https://data.justice.gov.uk/cjs-statistics/cjs-sentence-types#cjs-offenders-sentenced-immediate-custody>" *CJS sentence types: Offenders sentenced to immediate custody*.

<sup>10</sup> Howard League for Penal Reform. (2024). *Howard League responds to safety in custody statistics*.

<sup>11</sup> Ministry of Justice. (2021). *Women and the criminal justice system 2021: Convictions*.

<sup>12</sup> Ministry of Justice. (2022). *Statistics on ethnicity and the criminal justice system 2022*.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Prison Reform Trust. (2017). *Domestic abuse and criminal justice: Tackling the drivers of women's offending*.

number is significant<sup>16</sup>. For many of the women we support, criminal convictions are directly linked to the abuse they experienced, either because they were coerced or forced into committing a crime, or because their actions were shaped by the trauma they endured.

At Hibiscus, the women we work with are often arrested and convicted for crimes that are directly linked to their socio-economic situation and trauma they have experienced. As one project worker comments:

*“One of the most common offences we see with the women we support in prison is drug importation, usually of cannabis or cocaine. The women we work with mostly brought a relatively small amount in either one or two suitcases. When recounting their stories the women usually tell us that someone in their community asked them to take this in exchange for payment. The women will tell us often that they were struggling financially and took the opportunity to try to alleviate this. For several women this is their first offence and first time in contact with the criminal justice system.”*

Addressing the root causes, such as poverty, trauma, and mental health needs, and providing interventions tailored to the specific needs of women can significantly reduce their involvement in crime. We believe that prison is an inappropriate environment for these women. Sentencing practices for victim/survivors of VAWG and trafficking must be reformed. Alongside Women in Prison, Centre for Women’s Justice, Agenda Alliance, Advance and Women’s Aid, we are calling for a government’s commitment to ending the unfair punishment of survivors of domestic abuse and reducing the harm done to survivors if they are drawn into the CJS<sup>17</sup>.

*Current sentencing guidelines and practices do not meet the statutory purposes of sentencing and have not been designed to help reduce reoffending, particularly for Black and minoritised migrant women.* From our experience supporting Black and minoritised migrant women in contact with the CJS and considering the external context of the prison crisis as well as the significant lack of confidence in the CJS among victims of crime<sup>18</sup>, it is evident that current guidelines and practices are not achieving their intended purposes. As mentioned above, the prioritisation of criminalising approaches is not leading to safer communities where people, including women, who have offended are rehabilitated. Project Workers at Hibiscus report meeting women in prison who are given repeated short custodial sentences with no meaningful change or positive impact on their lives or social situations. Over the course of one of our current project workers’ time at HMP Bronzefield, she has encountered several women who were given short custodial sentences, experienced the resultant upheaval of their social and financial stability, were released without adequate support, and subsequently repeated the cycle due to poverty and unmet needs. Witnessing women return to prison for repeated short custodial sentences underscores the ineffectiveness of the current sentencing framework in bringing about real social change or individual progress. Another project worker supporting women in the CJS notes that from her experience:

*“It is really unclear what the plan is in terms of rehabilitation. When we see women who are going in and out of prison constantly and who don’t really get much support.[...] I don’t think we see any rehabilitation happening, whether regarding housing, emotional support, physical or medical care,*

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<sup>16</sup> Centre for Women’s Justice. (Undated). [Stop criminalising survivors.](#)

<sup>17</sup> Women in Prison. (2024). [Stop punishing abuse survivors.](#)

<sup>18</sup> Victims' Commissioner. (2023). [2022 Victim survey.](#)

*or legal support. It's not fair and I don't think that rehabilitation is really on the table for most of the women that we see."*

Current trends in the imprisonment of women, particularly Black and minoritised migrant women, must be reversed. Achieving this requires steps to prevent their criminalisation, including addressing the root causes of offending and eliminating discriminatory practices. Additionally, changes in the approach to sentencing are essential to ensure fairer outcomes that do not further marginalise women.

A transformative approach is urgently needed: one that prioritises addressing socio-economic disparities, trauma, and experiences of violence against women and girls. By adopting a justice framework rooted in equity, compassion, and systemic change, we can work towards reducing the unnecessary criminalisation of women and fostering safer, more inclusive communities.

## Theme 2: Structures

The structures that comprise the CJS require radical reform to address the needs of those it is intended to serve. At present, the system fails to meet the specific needs of Black and minoritised migrant women and does not adequately account for the vulnerability of those who are convicted of criminal offences. The issue is further exacerbated by the intersection between the CJS and immigration systems, and the complexity and lack of accessibility within both.

*The particular needs of Black and minoritised migrant women need to be considered and addressed from the point of first contact with the CJS.* Crucial to this is the acknowledgement that racism and misogyny are embedded within the current system, resulting in intersectional discrimination and prejudicial treatment throughout. For example, this includes the assumption that Black and minoritised migrant women are likely to be perpetrators, but not victim/survivors, leading to their overcriminalisation and overrepresentation at every stage in the CJS.

Hibiscus' service users report feeling that staff in the CJS do not 'understand their culture, their religion'. This can lead to particular sensitivities and needs being ignored. Additionally, and despite some steps towards modernisation, there is still a 'impervious white, heterosexist, male culture'<sup>19</sup> within the CJS, and particularly within the police. This can be extremely intimidating, particularly for Black and minoritised migrant women. The women we support rarely encounter staff they can identify with or feel more comfortable talking to.

One woman supported by Hibiscus project workers shared:

*"[...] during my stay in prison, three black ladies committed suicide. They killed themselves because no one was listening to them. They were on suicide watch for some time, but never received the appropriate support they were crying for. Staff members were telling them to do whatever they feel like when they were expressing that they wanted to commit suicide. Finally, the worst happened and one day out of extreme desperation, they banged their head harshly on the wall [...]."*

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<sup>19</sup> Loftus, B. (2008). 'Dominant culture interrupted: recognition, resentment and the politics of change in an English police force', *British Journal of Criminology*, 48 (6): 778-797.

To address this fundamental inequality within the system, a transformative anti-racist approach that is culturally competent is needed. As a prerequisite for achieving real and meaningful change within the CJS, specialist training, designed and delivered by specialist organisations, for all staff is needed to ensure they understand socio-political, economic and cultural factors and challenge discriminatory practices. Nevertheless, training itself is not enough. There is a need for the establishment of accountability processes for those who fail to comply with their obligations under the public sector equality duty.

Further to this, improvements in communication within the system itself are needed to ensure that support is consistent and impactful from first contact. For example, where a trafficking concern is raised by police as first responders, prison staff must be made aware of this additional vulnerability if the person is given a custodial sentence. Without these improvements in training, awareness and communication, Black and minoritised women will continue to experience unequal treatment in the CJS, compounding trauma and hindering rehabilitation.

*The vulnerability of those in the CJS and the support they require must be a primary consideration at every stage.* Many of our service users are victim/survivors of VAWG and human trafficking, with clear signs of abuse and trauma apparent from their first encounter with the police. However, they are often treated solely as offenders, and these signs are not considered. Duty solicitors frequently fail to explore the possibility that they may be victim/survivors, and therefore have a potential defence. In the prisons, the women we work with often tell us that regardless of their experiences and vulnerabilities, they are usually encouraged to plead guilty in order to expedite their court case and receive a sentence sooner. This has been particularly detrimental for some, especially those with more complex cases, such as those where they have been coerced or threatened into committing the crime - such as drug cultivation or smuggling – as they do not have an opportunity to explain this crucial context in court. Our experience shows that CJS staff continually fail to recognise the signs of VAWG and human trafficking and respond appropriately to victim/survivors' needs despite it being a serious and significant issue for those in contact with the CJS. Our frontline teams have observed instances where sensitive information about a service user was disclosed to an anonymous telephone caller, even though she was known to be a victim/survivor of human trafficking and ostensibly under the care of the prison. In other cases, we have seen women granted bail to addresses associated with abusive partners. This is extremely concerning, as it places vulnerable women at serious risk of harm.

It is therefore essential that prison staff understand the associated risks. For example, aside from general care, there are no distinct care pathways for women in the National Referral Mechanism (NRM) or for those recognised as victims of exploitation. For women who have been victims of crime, such as VAWG, we observe a lack of additional support or consideration during sentencing. Given these circumstances, we recommend that pre-sentence reports comprehensively address a range of issues, including the context of victimisation for women.

Our experience indicates that rehabilitation requires an appropriate response to the needs of those who have offended, in order to address the root causes of their behaviour (including the impact of victimisation as a driving factor). For Black and minoritised women, this becomes even more critical, as a one-size-fits-all approach is unlikely to be effective. A trauma-informed, holistic, and wraparound support system provided by specialist organisations—where women are supported in navigating the various stages of the CJS—would ensure effective and inclusive rehabilitation.

Committing a criminal offence does not negate the possibility that a person is also a victim/survivor. Black and minoritised migrant women who have experienced trauma must be provided with appropriate

support to recover and rehabilitate. This is of the utmost importance as without care and consideration of circumstance, the cycle of offending and sentencing is likely to continue with no improvement to the lives of women in contact with the CJS.

*The link between the CJS and immigration systems results in migrant women receiving additional punishment when they are imprisoned.* Prisons refer all migrants (“foreign nationals”) given a custodial sentence to the Home Office to consider whether deportation is appropriate. The Home Office will automatically consider deporting a foreign national who is sentenced to 12 months or more in prison<sup>20</sup>. While this is being considered, appeals are made, or practical steps for their release are taken, they may be detained for a further, indeterminate period under immigration powers after their criminal sentence has ended. This arbitrary detention is not something that would ever be imposed on a UK national. The denial of liberty through imprisonment is the most severe punishment available in the UK. That it can be imposed so easily on migrants, simply because they are migrants, is anathema to justice. While deportation and immigration detention are outside the scope of this review, they should be taken into consideration as they are direct consequences of imprisonment.

Hostile immigration legislation and policy changes over recent years have also led to an increase in the criminalisation of immigration, including for those seeking asylum. For example, under the Nationality and Borders Act 2022, asylum seeking people are criminalised for entering the UK ‘illegally’ despite having the right to under international law. Action against those arriving by small boat has been particularly harsh, with many of those identified as steering a boat being prosecuted, despite only doing so out of necessity<sup>21</sup>. This has led to the imprisonment of people fleeing persecution and violence at the very time that they should be being offered protection.

*The criminal justice system is complex and difficult to understand, especially for those with communication barriers or who are new to the UK.* Navigating the CJS is an inherently complex process especially for those who have been subjected to harm. For Black and minoritised migrant women, this complexity is exacerbated by the lack of adequate support to help them understand the system. For instance, many of our service users are not provided with appropriate interpreters or translated copies of paperwork, presenting an additional barrier to their understanding. As a result, they may not be aware of what is happening to them or what their rights are until our frontline staff discuss it with them. Whilst they should have at least a criminal solicitor, their contact with them is often very brief, and (in part due to the constraints of legal aid) the quality of the advice they receive is often inadequate. This issue extends to navigating the prison regime, such as accessing healthcare or arranging family visits.

*“It is common for us as project workers to have to reach out to solicitors to request that documents and letters be translated into the client’s primary language. One client who is a Spanish speaker once met with us after she had her court hearing. She told us that the translator provided in the court was good, however she only translated what was directly asked to the client and not the other things being said in court. As a consequence, the client did not know what was happening or what was decided in the end.”*

In this context, the role of specialist organisations becomes crucial. Organisations such as Hibiscus are a lifeline for women who otherwise would not be able to access the holistic support they need to assert their rights, recover and rehabilitate.

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<sup>20</sup> House of Commons Library. (2023). [Deportation of foreign national offenders.](#)

<sup>21</sup> University of Oxford, Faculty of Law. (2024). [No such thing as justice here.](#)



Radical reform of the structures that comprise the CJS is urgently required. Crucially, this reform must prioritise creating a system that protects and supports everyone it affects, with particular attention to Black and minoritised migrant women, who are currently being failed. Key to this transformation is the separation of the CJS from the immigration system, including the introduction of a firewall between CJS agencies and Immigration Enforcement.

Specialist organisations play a critical role in bridging the gaps left by the system, offering holistic support to help women navigate the CJS, recover, and rebuild their lives. However, systemic reforms are essential to ensure that these women are treated with dignity and fairness, their vulnerabilities are acknowledged, and their rights are protected at every stage of the process. Without such reforms, the CJS will continue to perpetuate harm rather than deliver justice.

## Theme 4 – Community sentences

Community sentences are a highly preferable alternative to prison sentences. They enable individuals in contact with the CJS to engage more effectively in rehabilitation without enduring the severe detriments associated with imprisonment (as detailed in Theme 5). This distinction is particularly significant for women. Our experience of supporting Black and minoritised migrant women, who are disproportionately affected by custodial sentences, demonstrates that community sentences address the root causes of offending behaviour while minimising the social, emotional, and economic costs of imprisonment on women.

However, community sentences must be tailored to meet the specific needs of those subject to them, ensuring that the conditions support rather than hinder rehabilitation. The integration of technology could enhance the effectiveness of these sentences. From our frontline work, we have found that diversion schemes are especially effective in facilitating rehabilitation and reducing reoffending.

*Community sentences offer significant benefits compared to custodial sentences, especially for Black and minoritised migrant women.* They allow families to remain intact, reducing the risk of family and relationship breakdowns, and enable women to maintain employment or education, thereby decreasing the likelihood of losing their homes. Our frontline staff report that working with women in the community allows for a women-centred approach, as there are fewer restrictions limiting their engagement. As shared by a Hibiscus' frontline staff:

*"[...] it (community sentence) keeps families together. A lot of the women that have children are able to stay living with them. Their kids don't get put into care, they don't lose their homes, their benefits aren't stopped. They don't have to worry about their stuff being removed from flats that they've been renting, so just kind of maintaining the lives that they have already. [...] even if someone is to get like a 3 week [custodial sentence] that can put their kids in care and you can destroy a family by choosing to do something like that."*

While in the community, women can access emotional and practical support from specialist services, as well as from support networks. This support can be engaged with in an environment that fosters recovery and rehabilitation, without causing additional harm.

*"[...] remaining in the community allows women to accelerate rehabilitation and prepare themselves for future endeavours, be that going back to school or getting work, and just being more prepared. When you're doing that in a community-based setting it allows women to progress*

*a bit more throughout their sentence and then be fully prepared to take on whatever they want to.”*

*The roles of specialist services in community sentences.* Our service users often describe feeling ‘stuck in a cycle’, where the factors that led to their offending remain unresolved. These factors can include issues such as homelessness, lack of income, racism, discrimination, and exclusion from means of support. Specialist services help women address these issues by advocating for their rights and ensuring their entitlements are guaranteed. Through the provision of trauma-informed, holistic, and wraparound support, organisations such as Hibiscus help women recover from the abuse and trauma they have experienced, equipping them to rebuild their lives. Women receive services free of judgement and harm, leading to better outcomes. This includes preventing repeat and secondary victimisation and re-traumatisation. The value of Women’s Support Services, particularly through the existence of Women’s Centres, has demonstrated a clear cost-benefit worth investing in<sup>22</sup>. Sustainable and long-term funding for these services is essential to ensure the effectiveness of community sentences.

Access to specialist support is more relevant for migrant women with no recourse to public funds, as often they are barred from accessing suitable housing or financial support, leaving them in a position where their basic needs cannot be met. This lack of support prevents them from building a stable foundation for rehabilitation, leaving the factors that contributed to their offending unchanged. As a result, breaking free from the cycle of offending becomes much more difficult.

*The conditions of community sentences can be excessively onerous and restrictive.* Although community sentences are preferable to custodial sentences, improvements to their current roll out are necessary. For instance, our frontline workers share that current conditions can be difficult to meet, particularly for women experiencing intersectional discrimination. This limits the ability of those subject to them to engage effectively with rehabilitation and rebuild their lives. Issues such as excessive curfews and exclusion zones are common. Whilst some restrictions may be necessary in certain cases, these often do not appear to be reasonably balanced against the detriment that they cause.

Those on community sentences should not be given conditions they cannot realistically meet particularly if they are dealing with issues such as mental health conditions or substance misuse. A women-centred approach is needed to ensure that the CJS works with women after sentencing to develop a tailored plan for their rehabilitation and to ensure that reoffending is not the only choice that appears available to them.

*Using technology to facilitate community sentences is a preferable alternative to prison. However, it also presents issues that need to be addressed.* When a woman needs to maintain contact with the probation service and other support services, technology can enable them to do so consistently and regularly. As such, it can be an effective tool for mitigating any perceived risks they may pose in the community and helping them engage with rehabilitation. This was demonstrated during the Covid-19 lockdowns in 2020-2021. In our frontline service provision, we have identified the benefits of remote reporting. A Hibiscus Project worker shares:

*“Reporting or staying in contact is something that should be made more easily accessible and widespread for immigration and probation reporting. Instead of that stress for women who often have to travel quite far to get to probation appointments, they could report remotely. If that’s something that’s an option for low risk offenders – to be able to just check in via telephone - it*

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<sup>22</sup> Women in Prison. (2022). [The value of Women’s Centres: Supporting women to rebuild their lives.](#)

*takes so much stress off women who no longer have to go all the way to Croydon or Ealing to report, particularly those who have childcare needs, or for people who can't afford to regularly travel long distances."*

However, our service users have reported significant issues, particularly with electronic monitoring, due to discomfort and the stigma associated with them. Service users have reported feeling self-conscious about others seeing their electronic monitors when out in public, and experiencing pain and discomfort, particularly when exercising. Electronic monitors require a significant amount of time to charge each day, during which wearers must sit by an electrical socket. Service users have reported anxiety about the battery running out when away from home or the monitor malfunctioning, with the risk of being unintentionally considered to have breached their sentence conditions. This is particularly difficult for those subject to electronic monitoring for extended periods, as illustrated by the below testimony from a Hibiscus' frontline worker:

*"I recall a woman I supported who was fitted with a tag which fell off, so she was walking around with it in her handbag because she had been told she would need to keep it on her, but no one was answering the phone that is connected to in the house - it either wasn't working, or no one was answering. For her, she had no idea what she was supposed to do. She was terrified because she hasn't got this thing on, and she ended up carrying it around for a week in a handbag until someone sorted it out. So, it's clear they don't work and they often break and are not very accurate."*

For victim/survivors of human trafficking and VAWG, there are additional issues with electronic monitoring related to the trauma they have experienced. For example, some may have been restrained (including with ties around their ankles), meaning the presence of the electronic monitor can evoke extremely upsetting memories of that experience. Others report distress at the knowledge they are subject to surveillance, having previously experienced similar monitoring by their traffickers or abusers. These examples show that introducing alternatives to electronic monitoring tags can result in more positive outcomes. Community-based monitoring, in collaboration with specialist organisations, can provide a more trauma-informed alternative for women, particularly considering that the majority of those sentenced are low-risk offenders.

*Diversion schemes have been shown to be effective in preventing reoffending and rehabilitating offenders.* These schemes allow individuals with criminal convictions to remain in the community under the supervision of probation, with the additional condition that they engage with support from third-sector organisations. This helps them address the root causes of their offending, such as substance misuse or homelessness, removing the need to offend and improving their lives. Hibiscus was previously contracted to provide this support. The recidivism rate among our service users was extremely low, demonstrating how effective the scheme could be. With long-term sustainable funding for third sector organisations, this would be an excellent alternative to custodial sentences for many women.

*"[when Hibiscus was supporting women in this way] women could agree to their charge and be given a conditional caution, so they were in the community, they had the caution, they had to engage with the police and probation but they also, as a condition of their sentence or caution, had to engage with us as their support. It was a minimum of three supporting sessions, and we could then refer these women to our other services for them to continue to engaging and be supported - the re-offending numbers on the project were quite low for us.*

*As a result of the engagement we had, the reoffending rates were low because we're there and we can step in and be like, "OK, you shoplifted? Why did you do it? What do you need?" Because of the engagement and relationships, we build with them, the women feel able to tell us: "I'm in an abusive situation" or, "My kids are hungry" and we can then signpost and support. And then they don't need to commit crime anymore because we've solved the problem."*

We have observed that community sentences provide a preferable and effective alternative to custodial sentences. This is especially true for Black and minoritised migrant women, for whom imprisonment causes substantial additional harm and broader negative impacts. Tailored, women-centred approaches and trauma-informed support are essential to maximise their impact, ensuring conditions promote rather than hinder rehabilitation.

However, it is crucial that support and rehabilitation systems for those serving community sentences are adequately funded, with particular emphasis on sustained investment in third-sector organisations. By fostering rehabilitation in a supportive, community-based environment, these sentences empower women to rebuild their lives and break free from cycles of offending.

## Theme 5 – Custodial sentences

Popularist 'tough on crime' approaches to criminal justice have led to sentence inflation, with the aim of making 'justice seen to be done'. Imprisonment is not the same as 'justice being done'. For the women we support this is compounded by the introduction of new criminal offences and increased maximum penalties brought in by recent anti-immigration legislation. Sentencing has become detached from its statutory purposes as a final and most serious resort for those for whom no other sentence would be suitable, and has instead become a contributing factor to the pressing crisis the CJS is experiencing.

Detention should only be for those who pose a danger to others that cannot be managed within the community. Even in these limited circumstances, prisons in their current form are not suitable for rehabilitating offenders: it is an intrinsically harmful system. This is particularly true for groups such as Black and minoritised migrant women and victim/survivors of VAWG and human trafficking for whom the system was not designed and who are disproportionately impacted by it as a result of institutional racism and intersectional discrimination.

The inherent violence within the prison system makes it unfit for its intended purpose. Moreover, the particular needs of groups subjected to marginalisation, such as Black and minoritised migrant women, are not addressed. As a result, the impact on Black and minoritised migrant women is disproportionate. Furthermore, in our experience, rehabilitation does not take place in prisons, and little is done to prepare women for their release. As a result, the negative effects of imprisonment are felt long after release.

*"Having a custodial sentence massively increases women's risk of reoffending in the future because it just totally upheaves their life. If man goes to prison, he is often able to come out and stay with a partner or with family, but it often brings a huge amount of shame for women and damages any relationships they may have had prior to going in. They might have had children taken away for example, so when they come out of prison, they're left in an even worse situation than the reasons that led them to going in. They often are forced into exploitative or abusive situations in order to survive after prison, which then increases the likelihood of committing crime again."*

*Racism is still very much present inside prisons, as shown by Black and minoritised women's experiences of them.* MoJ statistics<sup>23</sup> show that Black and Asian women were significantly less likely to report having had positive experiences in prison compared to white women. 'Positive experiences' included having access to showers and being treated respectfully by staff. The statistics also show that 58% of women of 'mixed ethnicity' and 53% of black women in prison report experiencing 'a form of verbal abuse/intimidation, physical or sexual assault, theft, and other types of victimisations from staff in the prisons', in comparison to 42% of white women. 81% of Asian women reported experiencing 'verbal abuse/intimidation, physical or sexual assault, theft, and other types of victimisations from other prisoners', compared to 60-65% across other ethnicities. This data is confirmed by our frontline experience, as we witness the pervasive racism that migrant women face in prison.

*The particular needs of Black and minoritised migrant women in prison are not being considered or addressed.* For those subjected to immigration control legal advice and representation is often difficult to access. Letters and documents from the Home Office are written in English without written translations, meaning that many individuals may not understand them. As a result, they may be unaware of what is happening in their immigration case, which could lead to them failing to take necessary action or being unaware that a significant decision has been made. The Foreign National Coordinator should explain Home Office paperwork with an interpreter if needed. However, in practice, this is often ineffective. We have come across cases where a woman who speaks basic English is assumed not to need any help or where there is a lack of understanding of the harms of not responding to communication barriers. Furthermore, letters from the National Referral Mechanism (NRM) or the Single Competent Authority regarding human trafficking claims are not explained at all. This may also apply to letters from solicitors.

Specialist third sector organisations are particularly important in this context. They can understand and address the particular needs of their service users and advocate for them to ensure they receive the necessary support within prison. Their independence from the CJS allows service users to trust them as a valuable source of support.

Our frontline staff typically use interpreters to read letters to service users, taking the time to explain them and ensure they have understood their contents. They will discuss the available options and help the service user decide how to proceed. If legal advice is needed, they will refer the service user to solicitors or immigration advisors and assist them in instructing them. If they believe the service user may be a victim/survivor of trafficking but has not made a trafficking claim, they will refer them to a first responder so that they can be referred into the NRM. If a woman raises concerns for her safety in her home country, they will inform the staff so that she can make an asylum claim.

Given the time and cost constraints on communication from prison, when a service user is awaiting a decision that should have been made, our frontline staff will follow up on the case and keep the woman updated. They also arrange appointments with criminal and immigration solicitors to ensure the service user is informed about the status of their case. However, advocating for a service user becomes more challenging once they are sent to prison, compared to those under community sentences, where more specialist support is available for women.

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<sup>23</sup> Ministry of Justice. (2022). [Statistics on ethnicity and the criminal justice system 2022: Prison experience.](#)

*Mental health needs are a significant issue; yet there is very little support available.* Evidence shows that over 80% of women in prison report having mental health problems<sup>24</sup>. This shockingly high number is far greater than the 59% of men in prison and 8% of the general population that report having mental health problems. This profound and serious impact that prison is having on women's mental health clearly indicates the unsuitability of prison, and the CJS, for women.

Of particular concern are women experiencing trauma and in need of urgent, specialist treatment and support, such as victim/survivors of human trafficking and VAWG. According to official government data, over half the women in prison or under community supervision are victim/survivors of domestic abuse. Aware of the barriers to disclosing abuse, which are more acute for Black and minoritised migrant women, we believe this data is likely to be an underrepresentation of the total number<sup>25</sup>. There is no reliable data on the number of women in prison who are victim/survivors of trafficking. However, our experience and research show that this number is significant<sup>26</sup>.

Our frontline staff report that there is no specialised support available for victim/survivors of VAWG or human trafficking. Even when a woman receives a positive decision in their trafficking claim, no additional support is available to them in prison. This marks a failure to comply with the Home Office's NRM guidance<sup>27</sup> which states that those '*recognised as a potential victim of modern slavery through the NRM have access to specialist tailored support for a period of at least 30 days while their case is considered*'. It also goes against the recommendations set out in The Slavery and Trafficking Survivor Care Standards (Chapter 5 Access to Healthcare for Survivors of Modern Slavery and Trafficking)<sup>28</sup>.

Our frontline staff have observed waiting times for mental health services in prisons of over two months, with no exceptions made for those experiencing acute trauma. The same issue is apparent for those in the process of making trafficking or asylum claims. These processes follow significant trauma and require the disclosure of painful experiences, which can itself be re-victimising and re-traumatising. Despite this, no additional follow-up support or welfare checks are provided within prisons.

Medical racism presents a significant barrier to many accessing healthcare in prison. Black and minoritised women are less likely to seek help for their mental health and more likely to experience a lower quality of healthcare in general compared to white women<sup>29</sup>. Many of the women we support are either unaware that mental health support is available to them in prison, or do not feel comfortable disclosing their need for such support to prison staff. As a result, it is often our frontline staff who notify the prison and mental health services when support is required. This is particularly true when service users are affected by external events, such as the death of a close relative or concerns about their children.

*When women are imprisoned, the impact on their families is particularly profound.* The Prison Reform Trust estimate that 17,000 children are affected by maternal imprisonment every year<sup>30</sup>. Women are more likely to be the primary carers for their children or other dependent family members, and their

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<sup>24</sup> Women in Prison. (2024). [Women in Prison respond to overcrowding crisis and impact on women's prisons.](#)

<sup>25</sup> Prison Reform Trust. (2023). [Majority of women in prison have been victims of domestic abuse.](#)

<sup>26</sup> Prison Reform Trust. (2020). [Still no way out: Women in prison in England and Wales.](#)

<sup>27</sup> Home Office. (2024). [Guidance on the National Referral Mechanism for potential adult victims of modern slavery \(England and Wales\).](#)

<sup>28</sup> Human Trafficking Foundation. (2018). [Care standards for supporting victims of human trafficking.](#)

<sup>29</sup> Women in Prison. (2018). [Double disadvantage: The experiences of Black, Asian and Minority Ethnic women in the criminal justice system.](#)

<sup>30</sup> Prison Reform Trust. (undated). [Women and the criminal justice system.](#)

absence leaves a significant void. This often results in children being taken into care or inadequate care arrangements being made, both of which can be extremely disruptive and harmful to the well-being of those affected. For the children of migrant women sent to prison, the situation becomes even more challenging, as a lack of support and family networks often leads to intensified isolation and trauma.

*“Arguably petty offences, things like possession of fraudulent documents or claiming benefits fraudulently or that sort of thing - that shouldn't be a custodial sentence in my opinion. I work with women who've experienced all those things, and it did uproot their lives, for example, their child went into care and they had to fight to get their child back, and it put them at risk of homelessness.”*

*Rehabilitation is not carried out effectively in prisons.* While our frontline staff have observed that the availability of schemes varies considerably between prisons, they are, in all cases, often inadequate and unfit for purpose, particularly for the women we support. Rehabilitation services that aim to be effective need to be designed and implemented beyond generic programmes that often overlook the particular needs and circumstances of Black and minoritised migrant women. There is also a pressing need to ensure that post-release support is suitable and available to all women without discrimination.

*Not enough is done to prepare women for their release from prison.* In addition to the lack of rehabilitation, there is a failure to address the underlying needs of Black and minoritised migrant women preparing to leave prison, including those needs that may have contributed to their offending, such as homelessness, substance abuse, and exploitation. Our frontline staff work with service users to ensure that support is in place for their release, as there is minimal assistance provided by prisons or the probation service. This often involves trying to secure accommodation, a particularly challenging task for those with no recourse to public funds. Without such support, women are released into highly vulnerable situations, often with significant safeguarding concerns. Comprehensive and adequately funded through-the-gate and wraparound support should be made available to all women.

At present, the impact of prison on women continues long after they are released. This includes emotional and psychological effects, as well as the far-reaching consequences that prison can have on women's lives. For migrant women, this may involve ongoing appeals against deportation orders years after their release or living under NRPF conditions.

*Short sentences increase recidivism: they are detrimental both to the individual serving them and to society.* Our frontline staff have observed that short sentences are ineffective for rehabilitation, as there is insufficient time for individuals to engage with available programs. Women serving short sentences are often excluded from participating in certain courses or programs, as well as from working or holding certain prison jobs, due to their imminent release dates.

There is also minimal opportunity for women to prepare for their release, such as arranging housing. Engaging effectively with third-sector organisations is also challenging due to the short timescale and the slow administrative processes within prisons. For example, it may take two weeks for our staff to be notified about a prisoner, an additional week to arrange and hold an appointment, after which the individual may be released the following week.

As a result, the impact of imprisonment and having a criminal conviction can be as significant as it would be with a longer sentence, yet the potentially beneficial elements, such as meaningful rehabilitation and establishing stability, are absent.

Custodial sentences are inherently harmful and fail to achieve their intended rehabilitative purpose. This is amplified for Black and minoritised migrant women who are disproportionately impacted by the system due to institutional racism, inadequate support, and the failure to address their specific needs. Prisons often exacerbate the challenges faced by women, including trauma, mental health issues, and family separation, while offering limited opportunities for rehabilitation or preparation for release. Short sentences in particular are counterproductive, increasing recidivism and disrupting lives without providing meaningful support.

Imprisonment is not synonymous with justice. Community-based alternatives are available that equally fulfil the statutory purposes of sentencing while offering the dual advantages of effectiveness and reduced harm to those subject to them (as detailed in Theme 4). Moreover, systemic racism and other forms of discrimination within the criminal justice system disproportionately amplify the negative impacts of imprisonment on already marginalised groups, such as Black and minoritised migrant women (as detailed in Themes 1 and 2). Comprehensive reforms, prioritising community-based alternatives and adequately funded through-the-gate support are essential to address these systemic failures.

## Theme 7 – Individual needs of victims and offenders

*“The women we work with have committed crimes, but a lot of their crimes are connected to being victims of crime themselves- they end up committing a crime based on their situation and then come into contact with the criminal justice system. But when they were the victim, they were not taken seriously. But as soon as they now become the perpetrator, the law comes down on them with a ton of bricks.”*

As acknowledged by the review, individual’s experiences within the CJS vary significantly based on their backgrounds and characteristics. In our experience, the needs of Black and minoritised migrant women are currently neither acknowledged nor adequately addressed, particularly the role of victimisation in forcing women into offending behaviours. Evidence shows that many women in prison are facing unjust criminalisation of victim/survivors of VAWG and modern slavery<sup>31</sup>.

*“I was working with a woman who was going through domestic violence and being ignored, and she retaliated and found herself being charged with a crime. This happens to quite a few of the women I work with - what we find is that when you are Black and minoritised you're not really considered a victim, the only time the system pays attention to you is when they can categorise you as a perpetrator.”*

*The particular needs of Black and minoritised migrant women are consistently overlooked throughout the criminal justice system: from police and the statutory provision of legal advice to the court system, prisons, and the probation service.* Our frontline staff in the courts assist migrant women during their criminal trials. They are able to advocate for these women by explaining the support that can be provided to them in the community, or by raising concerns that they may be victim/survivors of trafficking. This advocacy has been instrumental in ensuring that more of the women they support receive community sentences as opposed to prison sentences.

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<sup>31</sup> Centre for Women’s Justice. (2022). [\*Double Standard: ending the unjust criminalisation of victims of violence against women and girls.\*](#)



There often appears to be an underlying assumption that deportation is the inevitable outcome for migrant women. As a result, little effort is made to assess their needs, and they are frequently denied the support that is routinely provided to UK nationals.

*For criminal offences related to human trafficking, there is significant overlap of victims and offenders.* In our experience supporting victim/survivors of human trafficking and modern slavery, we see how women are treated solely as perpetrators by the CJS, with little to no consideration of their needs or status as victim/survivors. We have encountered numerous cases where women who should have been identified as victim/survivors of trafficking during their first contact by the police were instead arrested, charged with a criminal offence, convicted and imprisoned, seemingly without their victim status being considered.

Additional challenges faced by victim/survivors in both prison and serving community sentences are outlined in Themes 4 and 5 above. Their perspectives on sentencing should be considered in this review, alongside those of victim/survivors who are not criminalised.

*Failing to address the individual needs of offenders can lead to further offending.* Criminal offending by women is strongly associated with financial hardship, substance abuse, mental health challenges, and their own experiences of VAWG. Many have ‘*multiple, acute and unmet needs*’, which are further exacerbated by cuts to services resulting in a lack of crisis support<sup>32</sup>. Effective support and rehabilitation should address these needs; however, in practice, this does not happen. Women are frequently excluded from support and left with the same unmet needs that contributed to their offending, compounded by the additional disruption of prison and a conviction.

These challenges are particularly acute for those subjected to marginalisation. Black and minoritised migrant women often face systemic barriers that make mainstream support inaccessible or unavailable. It is essential to provide holistic and comprehensive support to all women in the CJS to address their needs, enabling them to engage effectively with rehabilitation and rebuild their lives. Third-sector organisations play a crucial role in this area. Their expertise in supporting women with complex needs, coupled with their independence from the CJS, often encourages service users to engage with them.

The individual needs of offenders, particularly Black and minoritised migrant women, are routinely overlooked within the CJS, perpetuating cycles of harm and offending. Systemic racism and a lack of understanding of the interplay between victimisation and offending leave many women unsupported and further marginalised. Addressing these systemic failures requires a comprehensive approach that considers the unique challenges faced by these groups, including the provision of tailored support and rehabilitation. To ensure meaningful outcomes, it is vital to properly fund and empower specialist organisations, allowing us to continue our vital work. Without these reforms, the system will continue to fail those it is meant to support.

## Key recommendations

1. Develop and implement gender and intersectional sentencing guidelines that are tailored to the experiences of Black and minoritised migrant women. This must include a move away from custodial sentences for women, particularly those who are additionally vulnerable and subjected

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<sup>32</sup> Her Majesty's Inspectorate of Probation. (2021). [Women and Probation.](#)

to marginalisation such as victim/survivors of VAWG and human trafficking, and Black and minoritised migrant women.

2. Address and tackle intersectional discrimination that Black and minoritised migrant women face within the CJS, with a particular focus on the impact of systemic racism and hostile immigration policies, and the resulting overrepresentation of Black and minoritised migrant women within the CJS.
3. De-emphasise 'tough on crime custodial' responses to offending in favour of effective and non-harmful community-based solutions.
4. Provide long-term sustainable funding to specialist organisations (including Women Centres) that provide wrap-around, trauma-informed, women-centred and rights-based support to women in contact with the CJS.

## Conclusion

*"There does need to be a justice system. But the current one is not providing justice to everyone. It's harming them. It's just finding the line."*

The Criminal Justice System (CJS) is at breaking point. This review provides an opportunity to acknowledge and address the harm that current sentencing guidelines and practices inflict on different groups of people in contact with the system. As a specialist organisation supporting Black and minoritised migrant women, we understand that prison is an inherently violent system where rehabilitation is not occurring. Instead, it is causing significant harm, particularly to those who face intersectional discrimination.

This is especially true for victim/survivors of violence against women and girls (VAWG) and human trafficking, who are treated solely as perpetrators. By doing so, the CJS not only fails to protect and support them but also actively exacerbates their trauma. We are calling for a radical shift away from imprisoning women and towards community-based alternatives. Such an approach would enable the statutory purposes of sentencing to be fulfilled without causing unjustifiable harm.

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