

To: Robert Buckland QC MP, Secretary of State for Justice; Lucy Frazer QC MP, Minister for Prisons

CC: Ingrid Wheeler, HMPPS Women's Team

24th November 2020

The release of pregnant women and mothers of children under two from prison

Dear Mr Buckland and Ms Frazer

As restrictions are tightened again in English prisons, including the suspension of social visits, we the undersigned are writing to ask you to renew the Ministry of Justice's previous commitment to the early release of eligible pregnant women, and that the scheme is extended to include mothers of children under the age of two.

There is a growing body of evidence that strict prison regimes are resulting in [significant suffering](#) across the women's prison estate. Levels of isolation are heightening already acute mental health needs amongst pregnant women and mothers. Pregnancy and the postnatal period are associated with some of the most significant [mental health risks](#) in a woman's life, even in more 'normal' times and with access to the support of professionals, friends and family. The physical health risks of reduced mobility and limited access to healthcare services are also significant in all trimesters of pregnancy. It cannot therefore be acceptable to keep pregnant women in near total isolation in their prison cells, as occurred during the first lockdown, for as long as this pandemic continues. These women's needs, and the needs of their unborn child, are better addressed in the community. Where they are deemed to present no risk to the public, there cannot be a justification for keeping them confined in the current circumstances.

Despite this, there are reports from among our cosignatories of significant numbers of pregnant women entering prison in the last few months, many on short sentences. While the impact of a prison sentence carries higher risks than ever before, the majority of these women should be released as soon as possible, and the tide of prison sentences being handed down stemmed.

It's not only pregnant women who are experiencing such harms in the system. Many mothers didn't see their children for more than six months in the first lockdown, and now face another period of separation. This is a trauma for women and children that cannot be underestimated and was not foreseen in sentencing decisions made at a time when regular contact visits and Release on Temporary License (ROTL) were routine.

While video visits are now in place in the majority of prisons, these are not equal to a physical visit, and they are largely redundant in the case of women whose children are aged two or under. These children cannot meaningfully engage with their mother in a 30-minute video call, and attempts to do so can be deeply confusing and distressing for all concerned. Given the government's recognition of the critical nature of the ['first 1001 days'](#) from conception to a child's second birthday in shaping their long term development through childhood and into adulthood, these separations are potentially entrenching and perpetuating dangerous cycles of disadvantage.

We believe that the impact of these prison sentences on pregnant women and on mothers of young infants has not been fully acknowledged and addressed. In all but exceptional cases, these risks cannot be deemed appropriate or proportionate given the impact on the child – born or unborn. While the previous commitments to arrange the release of pregnant women and those on Mother and Baby Units were welcomed, they proved slow and largely ineffective, as pointed out by HMIP in

their [Short Scrutiny Visits](#) in the women's estate. Now is the time to revisit and increase those commitments. We the undersigned are calling on the Ministry of Justice and HMPPS to:

- Make a renewed commitment to a swift, effective programme of early release for eligible pregnant women and mothers and babies on Mother and Baby Units (MBUs);
- Extend this early release scheme to include eligible mothers of children under the age of two in the community across the estate;
- Work with the Sentencing Council and the Magistrates Association to make a clear statement to sentencers emphasising the need for sentencing decisions made during the pandemic to take full account of the risks posed to the physical and mental health of women and their babies in the current prison regime, in line with existing sentencing guidance;
- Engage in an urgent and open discussion with voluntary sector specialists on the needs of pregnant women and mothers of young infants in the prison system at this time, and taking account of the recommendations made by the [Joint Committee on Human Rights](#) in their recent report in this area.

We would welcome a chance to meet with the MoJ and the HMPPS Women's Team to discuss the response to pregnant women and mothers in prison as soon as possible.

Yours sincerely

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Dr Kate Paradine, Women in Prison

Marchu Girma, Chief Executive, Hibiscus Initiatives

Deborah Coles, Executive Director, INQUEST

Anna Herrmann, Joint Artistic Director, Clean Break

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Dr Laura Abbott, University of Hertfordshire

Dr Shona Minson, Centre for Criminology, University of Oxford

Dr Lucy Baldwin, De Montfort University

Rona Epstein, Coventry Law School, Coventry University

Sofia Buncy, National Coordinator, Muslim Women in Prison Project

Niki Gould, Head of Women's Community Services, The Nelson Trust

Kate Fraser and Nikki Guy, Managers, Greater Manchester Women's Support Alliance

Joy Doal, Chief Executive, Anawim Birmingham Women's Centre

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Laura Fraser-Crewes, Strategic Lead, Sunflower Women's Centre, Trevi

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Amanda Greenwood, Chief Executive, Lancashire Women