



Birth Companions' manifesto for the next government

The next government of the United Kingdom must protect the health, safety and human rights of women and babies by ending the imprisonment of pregnant women and mothers of infants.

Prison is not, and never will be, a safe place in which to be pregnant, go into labour, look after a baby, or cope with being separated from your baby.

- The tragic deaths of babies in prisons in 2019 and 2020 led to all pregnancies behind bars being designated 'high risk' by the Prison and Probation Ombudsman and NHSⁱ.
- Women in prison are five times more likely to experience stillbirthⁱⁱ.
- One in ten women give birth outside a hospital setting (in prison/ on the way to hospital)ⁱⁱⁱ.
- Babies experience higher premature birth rates and neonatal unit admissions^{iv}.
- Many women are needlessly and unjustly separated from their babies^v.
- Women separated from their babies are at risk of serious mental ill-health^{vi}.

In the year from April 2022-March 2023, 194^{vii} pregnant women were held in prison^{viii}. This is the first time the government has published the total figure, so we do not yet have any way to tell if this number is rising or falling.

Women in prison have the right to healthcare equal to that provided in the community^{ix}. Yet despite efforts to improve care, this equivalence remains theory rather than practice. In reality, women in prison struggle to access routine and primary healthcare services: research from the Nuffield Trust^x identified higher rates of missed midwifery and obstetric appointments among women in prison compared to those in the community. Women suffer acute mental health needs that risk significant impact to their unborn and newborn babies^{xi}
^{xii}.

It is not only about what happens during pregnancy and birth. Many women in the prison system are separated from their babies. Maternal separation as a result of imprisonment is one of the 'adverse childhood experiences' known to have a significant impact on long-term outcomes for children^{xiii}. While mothers can apply to have their baby with them during their time in custody, the Chief Social Worker's recent review of applications to prison Mother and Baby Units^{xiv} found many are unjustly and avoidably separated from their babies because of fundamental flaws in the current system of decision-making.

The next government has to do more than pledge to deliver impossible improvements in a broken system. It should legislate to end the imprisonment of pregnant women and mothers of children under the age of two in all but the most exceptional of circumstances.

These are not radical proposals. In the vast majority of cases the imprisonment of pregnant and postnatal women is unnecessary and avoidable. It is a choice made by the legal system in this country. At least eleven countries, with a total population of around 646 million, do not permit or severely curtail the incarceration of pregnant women^{xv}. These include Brazil, Russia, Georgia, Ukraine, Mexico and Columbia. Instead, these countries prioritise use of community sentences, probation supervision, house arrest or electronic monitoring. Italy also prohibits pre-trial detention (remand) unless there are exceptional circumstances.

Yet in England we only have one reference to pregnancy and primary caring responsibilities, in the mitigating factors buried within sentencing guidelines that are inconsistently applied^{xvi}.



There is no requirement for a woman's pregnancy or primary caring role to be assessed (through pre-sentence reports) or for sentencers to take this into account.

It will not be enough to focus on sentencing alone. We need to end the use of remand, which has spiralled in recent years. Half (52%) of women remanded and tried by the magistrate courts in 2021 did not go on to receive a custodial sentence^{xvii}. We also need to end the criminalisation of women whose offending is largely driven by experiences of trauma, abuse and poverty, and unmet needs associated with mental ill-health, domestic abuse and the use of substances.

If the next government ends the use of custody for pregnant women and mothers of infants up to the age of two, and prioritises services that address the root causes of female offending, it will break intergenerational cycles of disadvantage and deliver huge benefits for women, their families and society.

Birth Companions is a charity specialising in the needs and experiences associated with pregnancy and early motherhood amidst inequality and disadvantage. The organisation has had a focus on women in contact with the criminal justice system since it was founded in 1996.

Find out more about Birth Companions' campaign to end the imprisonment of pregnant women and mothers of infants at www.birthcompanions/campaigns

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- ⁱ NHS Health & Justice (2022) National service specification for the care of women who are pregnant or postnatal in detained settings <https://www.england.nhs.uk/wp-content/uploads/2022/06/B1708-National-service-specification-for-the-care-of-women-who-are-pregnant-or-post-natal-in-detained-settings.pdf>
- ⁱⁱ Guardian report (2021) Jailed women in UK five times more likely to suffer stillbirth, data shows <https://www.theguardian.com/society/2021/dec/05/jailed-women-in-uk-five-times-more-likely-to-suffer-stillbirths-data-shows>
- ⁱⁱⁱ Nuffield Trust (2020) Locked out? Prisoners' use of hospital care <https://www.nuffieldtrust.org.uk/research/locked-out-prisoners-use-of-hospital-care>
- ^{iv} Guardian report (2021) Jailed women in UK five times more likely to suffer stillbirth, data shows <https://www.theguardian.com/society/2021/dec/05/jailed-women-in-uk-five-times-more-likely-to-suffer-stillbirths-data-shows>
- ^v Dept for Education (2022) Applications to mother and baby units in prison: how decisions are made and the role of social work https://hubble-live-assets.s3.amazonaws.com/birth-companions/file_asset/file/616/Applications_to_mother_and_baby_units_in_prison_-_how_decisions_are_made_and_the_role_of_social_work.pdf
- ^{vi} Powell, C., Marzano, L. & Ciclitira, K. (2016). Mother-infant separations in prison. A systematic attachment-focused policy review. The Journal of Forensic Psychiatry & Psychology
- ^{vii} HMPPS revised this figure from 196 to 194 on 4th October 2023.
- ^{viii} HMPPS (2023) Annual Digest April 2022 to March 2023 <https://www.gov.uk/government/statistics/hmpps-annual-digest-april-2022-to-march-2023>
- ^{ix} HM Govt and NHS National Prison Healthcare Board Principle of Equivalence of Care for Prison Healthcare in England https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/837882/NPHB_Equivalence_of_Care_principle.pdf
- ^x Nuffield Trust (2022) Inequality on the inside <https://www.nuffieldtrust.org.uk/research/inequality-on-the-inside-using-hospital-data-to-understand-the-key-health-care-issues-for-women-in-prison>
- ^{xi} Royal College of Midwives Position statement: Perinatal women in the criminal justice system https://www.rcm.org.uk/media/3640/perinatal-women-in-the-criminal-justice-system_7.pdf
- ^{xii} Royal College of Obstetricians and Gynaecologists Position statement: Maternity care for women in prison <https://rcog.org.uk/media/wwhogsk5/rcog-maternity-care-and-the-prison-system-position-statement-sept-2021.pdf>
- ^{xiii} Minson, S (2020) Maternal sentencing and the rights of the child <https://link.springer.com/book/10.1007/978-3-030-32738-5>
- ^{xiv} Dept for Education (2022) Applications to mother and baby units in prison: how decisions are made and the role of social work https://hubble-live-assets.s3.amazonaws.com/birth-companions/file_asset/file/616/Applications_to_mother_and_baby_units_in_prison_-_how_decisions_are_made_and_the_role_of_social_work.pdf
- ^{xv} Brown, Epstein and de Frutos (2022) Why are pregnant women in prison? <https://www.coventry.ac.uk/research/research-directories/current-projects/2020/why-are-pregnant-women-in-prison/>
- ^{xvi} Minson, S (2017) Who Cares? Analysing the place of children in maternal sentencing decisions in England and Wales <https://ora.ox.ac.uk/objects/uuid:51411529-99f0-4d2f-bc90-9f0c5ae84a28>
- ^{xvii} Prison Reform Trust (2022) Why focus on reducing women's imprisonment? <https://prisonreformtrust.org.uk/wp-content/uploads/2022/08/Why-women-2022-briefing.pdf>