

## YOUNG WOMEN'S JUSTICE PROJECT BRIEFING

# "I WANTED TO BE HEARD"

Young women in the criminal justice system at risk of  
violence, abuse and exploitation

September 2021



With thanks to

**LLOYDS BANK  
FOUNDATION**

England & Wales



# ABOUT THE YOUNG WOMEN'S JUSTICE PROJECT

Funded by Lloyds Bank Foundation for England & Wales and run in partnership by Agenda and the Alliance for Youth Justice (AYJ), the Young Women's Justice Project provides a national platform to make the case for the needs of girls and young women aged 17–25 in contact with the criminal justice system.

Consistently overlooked in policy, young women are a minority in the criminal justice system on account of both their age and gender. Despite pockets of good practice, there is limited provision designed to meet their needs. Engaging with young women, frontline practitioners and other experts in the field, the Young Women's Justice Project is building an evidence-base on key themes in young women's lives. Empowering young women as advocates to safely share their experiences and use their voices to make change, we campaign alongside young women to prevent them falling through the gaps and enable the development of more effective practice through gender- and age-informed policy.



# ABOUT THIS BRIEFING

This briefing paper is about young women aged 17–25 in contact with the criminal justice system and their experiences of violence, abuse and exploitation which are often overlooked. In particular, it highlights the experiences of Black and minoritised young woman and young women with experience of the care system as both groups are over-represented in the criminal justice system.

The briefing is based on new research undertaken by Agenda, existing literature and publicly available data. It sets out key findings about young women's experiences of violence and abuse, barriers they face in accessing support, and the policy context. It highlights what young women in contact with the criminal justice system facing **multiple disadvantage** need from statutory and voluntary services and makes recommendations for **change in policy and in practice across the youth and adult criminal justice system**.

Earlier this year, the Young Women's Justice Project brought together over 50 professionals from the youth, women and girls' and criminal justice sectors to gather insights from those with both lived and learned expertise and discuss the challenges facing young women at risk of violence and abuse. Guest speakers also provided expert reflections, informing both seminar discussion and the development of this briefing.

Young women in contact with the criminal justice system face multiple forms of disadvantage. They are likely to have complex, overlapping needs, with their experience of coming into contact with the criminal justice system frequently underpinned by experiences of violence, abuse and exploitation, poor mental health, addiction, exclusion from education, poverty and having no safe place to call home. The challenges they face are mutually reinforcing and take place in a wider context of social and structural inequalities which shape their lives, including gender-inequality and racism.

This briefing builds on the work of the Young Women's Justice Project [literature review](#) and is the second in a series of briefing papers produced during the project. It has been informed by qualitative analysis of seven interviews conducted with young women aged 17–28 with lived experience of the issues and a focus group involving a further six young women, as well as conversations with the services supporting them. Of the seven young women interviewed, five young women are from Black and minoritised groups and five have experience of the care system. In some cases, pseudonyms have been used to protect the identity of the young women whose insight and expertise we have drawn on.



# INTRODUCTION

Young women are in a unique position in the criminal justice system as a minority on account of both their age and their gender. They have limited access to specialist support, despite facing risks and vulnerabilities that are distinct from their male counterparts and older, adult women. These include different and, in some cases, heightened risks of violence, abuse and exploitation.

Whilst there is much evidence pointing to how experiences of violence and abuse drive some young women into contact with the criminal justice system, this critical issue has been left largely unaddressed in policy and practice. This means that the needs of some of the most vulnerable young women in our society are overlooked. As the risks they face escalate and harm becomes more entrenched, these young women who have experienced violence and abuse are all too often criminalised – driven into a system where, instead of care and support, they are met with punishment and stigma.

As the Police, Crime, Sentencing and Courts Bill moves closer towards becoming law, this briefing highlights a number of ways in which disadvantaged young women dealing with the impact of trauma, gender inequality and racism will be disproportionately impacted by this new legislation intended to ‘enhance public safety’. Without recognition of this, young women experiencing violence, abuse and exploitation will continue to be punished rather than supported. This briefing paper makes recommendations about what needs to change in policy and practice to prevent this, and ensure young women’s age- and gender-specific needs are recognised and responded to.

# WHO ARE YOUNG WOMEN IN CONTACT WITH THE CRIMINAL JUSTICE SYSTEM?

Young adult women are in a unique position in the criminal justice system as a minority on account of both their age and gender. Small in numbers, young adult women are nevertheless present at all stages of the criminal justice system and in all criminal justice settings – from the point of arrest to prison. Facing an array of complex issues that often become entrenched, these young women are rarely prioritised in decision-making processes relating to policy, resourcing and practice development.

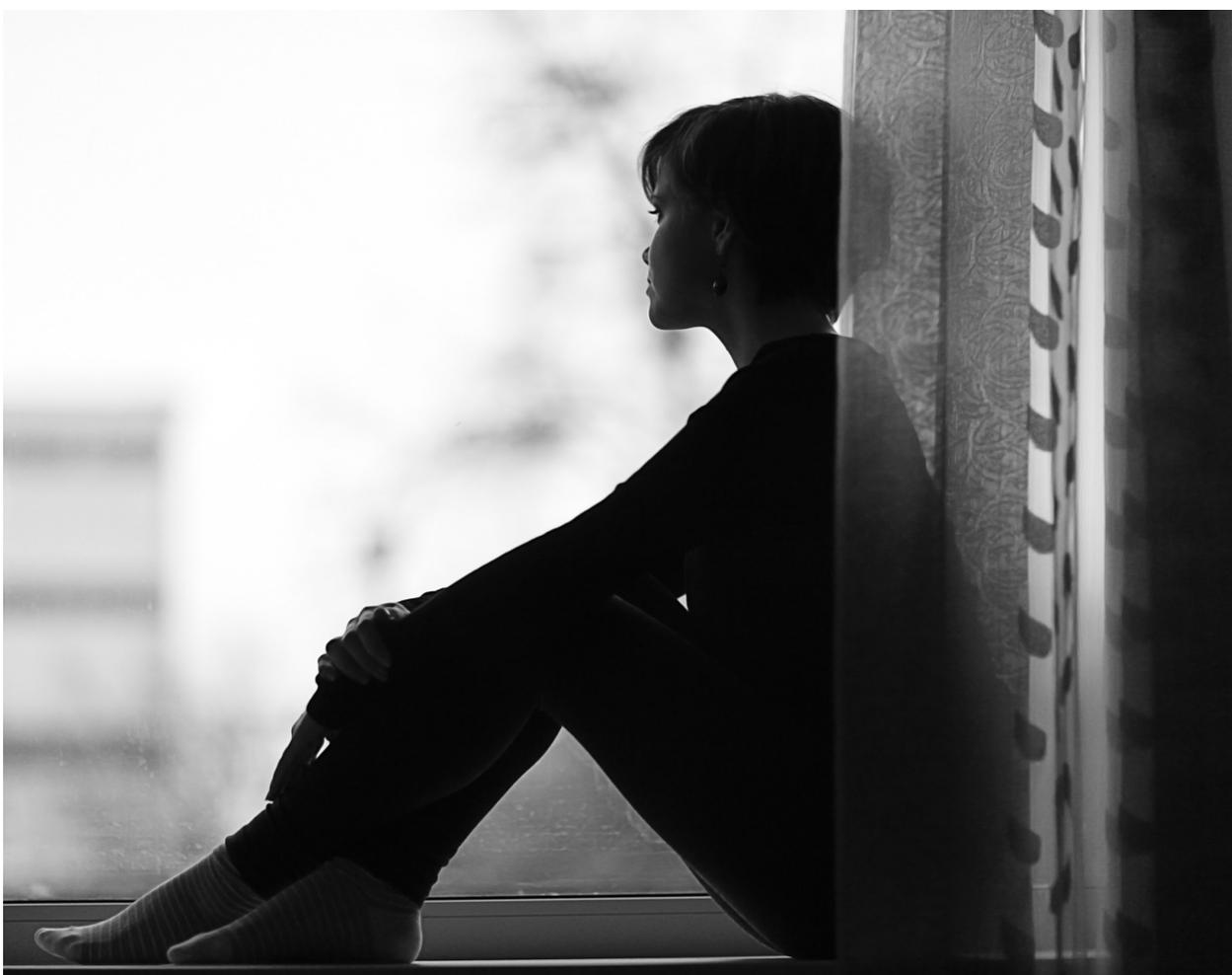
- In 2019/20, 734 girls aged 17 received a caution or a sentence in the youth justice system, compared to 5,578 boys of the same age.<sup>1</sup>
- Girls' (under 18) visibility is particularly low in custody, with an average per month of only 28 girls compared to 753 boys, held in the youth secure estate in the year ending in March 2020.<sup>2</sup>
- In 2019, 2,709 young women aged 18–24 were being supervised by probation services under either a community order or a suspended sentence, compared to 21,004 young men of the same age.<sup>3</sup>
- There were 3,641 adult women (18+) in prison in England and Wales at the end of March 2020 – 91 of these were young women aged 18-20.<sup>4</sup>

Facing issues such as violence and abuse, poor mental health, addiction, homelessness and poverty, young women continue to enter the criminal justice system for offences which are driven by a complicated combination of needs, often stemming from complex trauma and disadvantage. The challenges they face are mutually reinforcing and take place in a wider context of social and structural inequalities which shape their lives, including gender inequality and racism.

There is clear evidence of racial disparity amongst this group, with Black women and mixed-race women more than twice as likely to be arrested than white women.<sup>5</sup> Prosecution rates for Black female defendants are double those of their white counterparts.<sup>6</sup> Black and minoritised young women, including Gypsy, Roma and Traveller young women, are over-represented in custody,<sup>7</sup> with 22% of 18-24 year old women in prison being from a Black

and minoritised group,<sup>i</sup> despite only 13% of the general population identifying themselves in this way.<sup>8</sup> Whilst less is known about levels of disproportionality amongst young adult women under supervision of probation services, it is likely that they are also over-represented in these settings.

Young women with experience of care are also consistently overrepresented, with nearly two thirds of girls and young women (16–21) in custody estimated to have been in statutory care (compared to just under half of boys).<sup>9</sup> In 2020, there were 42,960 care leavers aged 17 to 21 in England,<sup>10</sup> making up just 1.1% of all 17 to 21 year olds.<sup>11</sup>



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i There are greater levels of ethnic disproportionality amongst young women (18–24) in custody than amongst the adult women's prison population as a whole. In June 2018, 83% per cent of all women adult prisoners (18+) were white, and approximately 17% were from a Black and minoritised group. This rose to 22% amongst young adult women (18–24), with 10% of young adult women identified as 'Black', 7% as 'Mixed', 4% as 'Asian' and 1% as 'Other'. Ministry of Justice (2019) [Race and the criminal justice system statistics 2018](#).

# YOUNG WOMEN'S EXPERIENCES OF VIOLENCE, ABUSE AND EXPLOITATION: THE DATA

"I feel like females are a lot more vulnerable to things that maybe boys wouldn't be... Things like mental abuse... Males trying to get females to do something... [Sexual] things..."

Lauren, 17

"I was shocked how many girls went through it... When I was in prison, I was speaking to other young women and they were sharing similar stories... I thought, I can relate..."

Razia, 23

Experiences of violence, abuse and exploitation in the family home, in intimate partner relationships, and in peer groups play an important role in driving young women's offending.

Whilst all girls and young women face shocking rates of physical and sexual violence,<sup>12</sup> young women in contact with the criminal justice system are more likely to have experienced extensive violence and abuse. They are also at heightened risk of going on to face further abuse following their contact with the system as the ripple effects of criminal justice involvement like worsening mental health, isolation and poverty increase their vulnerability.<sup>13</sup> They may also be particularly likely to have their experiences overlooked – being stigmatised rather than supported when their coping mechanisms and survival strategies put them at risk of offending.

- **Between three quarters and 90%** of girls in contact with the youth justice system may have experienced **abuse from a family member or someone they trusted**.<sup>14</sup>
- **63%** of girls and young women (16–24) serving sentences in the community have experienced **rape or domestic abuse** in their own intimate partner relationships<sup>15</sup> and, in the general population, girls and young women (16–24) report the highest rates of domestic abuse in the past year compared to any **other age group**.<sup>16</sup>
- **15%** of young women (16–24) supervised by youth offending or probation services have been involved in **sex work or prostitution**.<sup>17</sup>

- **Child sexual exploitation** has been identified as a risk to girls in all Youth Offending Team (YOT)<sup>ii</sup> areas, often related to **involvement with older men or 'gangs'**.<sup>18</sup>
- Girls and young women affected by gangs experience particularly high levels of sexual violence, including individual and multiple perpetrator rape.<sup>19</sup>
- Girls and young women are **more frequently identified** as experiencing **peer-on-peer abuse**,<sup>20</sup> with young people who have experienced abuse in a familial context also more vulnerable to this.<sup>21</sup>

Trauma stemming from violence and abuse is common for all young women in contact with the criminal justice system, but there are specific forms of violence and abuse that disproportionately impact certain groups. For example, care-experienced young women are at **increased risk**<sup>22</sup> of both **criminal and sexual exploitation**.<sup>23</sup> There are also forms of violence and abuse which may disproportionately impact Black and minoritised young women as a result of the greater barriers they face in accessing support, reduced access to specialist services, overlapping forms of discrimination and cultural specificities.<sup>24</sup> For example,

national data suggest that, amongst the general population, victims of so-called **'honour'-based violence or abuse**<sup>iii</sup> are likely to be identified as young women from South Asian communities and research conducted by Muslim Women in Prison has highlighted forced marriage as a 'recurring theme' in interviews conducted with Muslim women with experience of prison.<sup>25</sup>

Whilst practices such as so-called 'honour'-based violence and forced marriage do require specialist responses, they are not driven by factors unique to one faith, culture or community. Their root cause is the same as other forms of violence and abuse – that is, gender inequality.<sup>26</sup> In policy and in practice, however, Black and minoritised women and girls' experiences of abuse are often reduced to or assumed to primarily consist of these kind of harmful practices.<sup>27</sup> As well as reinforcing racist stereotypes which problematise Black and minoritised young women's families and communities, this has resulted in less attention being afforded to Black and minoritised young women's experiences of other forms of violence, abuse and exploitation, including the dynamics of and effective responses to their experiences of domestic abuse, sexual violence and childhood sexual abuse and exploitation.

ii Each local authority in England and Wales has a youth offending team (YOT) or youth offending service (YOS) – a team of professionals who work with children who are in trouble with the police, have been arrested, charged with a crime, have to go to court, or who are convicted of a crime and given a sentence. YOTs work with children to prevent them from offending or-re-offending.

iii So-called 'honour'-based violence is a term used to describe violence and abuse committed against a person who the family or the community feels has not followed what they believe is acceptable behaviour and has brought dishonour or shame to the family.

## AN INCOMPLETE PICTURE

A lack of gender-specific data, reporting and monitoring of outcomes at a national and local level means that the needs of all girls and young women in contact with the criminal justice system have not been comprehensively mapped and understood, limiting the development of effective responses in criminal justice and statutory agencies. Gaps in the evidence-base remain, with a notable lack of large-scale research and data relating to the prevalence and dynamics of certain forms of violence and abuse experienced by young women, how these forms of violence and abuse inform pathways into the criminal justice system and, crucially, opportunities to disrupt this. This is despite specialist organisations,

communities and young women with lived experience of the criminal justice system holding this knowledge.

These worrying gaps are reflected in policy and practice too. Agencies' ability to identify and respond to the full extent of young women's vulnerabilities are limited, opportunities to intervene are missed, and the long-term impacts of violence and abuse become more complex and entrenched. The need to address these gaps is particularly urgent for young women with intersecting, marginalised identities, including Black and minoritised young women and care-leavers given their over-representation in the criminal justice system.

# CRIMINALISATION OF YOUNG WOMEN AT RISK

Girls and young women's experiences of violence and abuse can drive them into the criminal justice system in a number of ways, as the survival strategies they enact and their responses to trauma may put them at risk of offending.

- Research has shown that girls and young women experiencing **sexual exploitation** are 'routinely criminalised' at a rate **2.5 times higher** than the national average, often charged with public order offences stemming from the exploitation they experience.<sup>28</sup>
- Often associated with exploitation by intimate partners, **criminal exploitation** of young women is reported to have **increased during the coronavirus crisis**.<sup>29</sup>
- **Coercion and control** in relationships can drive young women further into the criminal justice system. For example, a young woman's partner not allowing her to attend appointments may result in a breach for non-compliance by probation services.
- Women in custody are more likely to report **offending to support another person's drug habit** than men (48% compared to 22%).<sup>30</sup> Young women in particular report being **pressured by male partners** or those connected to them to **carry or store weapons and drugs**, fearful of the consequences of saying no.<sup>31</sup>
- In one study, almost half of young women (18–25) involved in **violent offences** identified the victim as their partner, just over a quarter as a sibling, and just under a quarter as a friend.<sup>32</sup> The relational context of young women's violence suggests that this may sometimes be a **response to their own victimisation** – a problematic attempt to re-assert control and identity in their immediate social context. This theme has emerged in our interviews with young women with participants often describing acting out violently following prolonged abuse.

**“When I got arrested, it was because of fights at home with my dad. As I got older, I started to think, “I’m not taking this anymore, I’m not going to keep getting hurt by you.” I’d lash out... When the police came, they’d arrest me...They’d ask me what happened but they’d do it when they had me in handcuffs and were searching me.”**

Amelia, 19

There are also clear links between young women’s experiences of violence, abuse and exploitation, and other forms of disadvantage associated with coming into contact with the criminal justice system, including poor mental health, substance use issues, exclusion from education and spending time in care.

**Agenda’s research shows that 1 in 20 women have a history of extensive physical and sexual violence starting from childhood.<sup>33</sup> Of these women:**

- over half (54%) have a common mental health condition;
- a third (31%) have an alcohol problem;
- more than a fifth (22%) have run away from home in childhood;
- 8% have spent part of their childhood in care (compared to 1% of women in the general population); and
- 4% have been permanently excluded from school.<sup>34</sup>

These challenges are all indicators of potential contact with the criminal justice system and existing research and data finds that young women in contact with the criminal justice system encounter these issues at higher rates than both young men and older women.<sup>35</sup>

# A FAILURE TO PRIORITISE YOUNG WOMEN IN POLICY

With no strategic focus and no action plan in place to respond to their needs, young adult women are consistently overlooked in both criminal justice policy and practice, with their experiences of violence, abuse and exploitation even further disregarded.

There has been a welcome focus on adult women in the criminal justice system through the **Female Offender Strategy** (2018). However, this makes no reference to young women. Whilst the Government states that the Female Offender Strategy is 'underpinned' by the Violence Against Women and Girls (VAWG) Strategy (2016–2020), it refers only to women in the criminal justice system affected by domestic abuse. The relationship between other forms of violence against women and girls and offending – and young women's age-specific experiences of this – is not addressed.

The new **Violence Against Women and Girls Strategy** (2021–2024) also makes limited reference to girls and young women, acknowledging their distinct experiences of violence and abuse only in relation to sexual harassment, 'virginity testing' and female genital mutilation. Reference to preventative work with young people in education is largely gender-neutral and the strategy

fails to address the role of VAWG in women and girls' pathways into the criminal justice system. This lack of attention is alarming considering the risks they face. More positively, the needs of young women in the criminal justice system have been addressed in the most recent draft of the **Domestic Abuse Act** statutory guidance, currently open for consultation, although critical questions remain about how this will impact practice on the ground.

It is imperative that the Home Office's VAWG Strategy and the Ministry of Justice's Female Offender Strategy are closely linked, with a clear and distinct focus on the age-specific needs of young women. Despite clear evidence demonstrating the links between violence and abuse and young women's offending behaviour, these two policy areas do not currently connect closely enough. They also afford insufficient attention to young women who are most at risk of criminalisation as a result of their experiences of violence and abuse, including Black and minoritised and care-experienced young women.

Young women are absent in other key policy areas too, even where it is understood that they face poorer outcomes or additional vulnerabilities as compared to other groups.

- The **Tackling Child Sexual Abuse Strategy** (2021) overlooks the specificities of girls' risks and vulnerabilities, despite research suggesting suggesting that between 15–20% of girls have experienced this compared to 7–8%<sup>36</sup> of boys. Barriers to disclosing or reporting abuse for Black and minoritised groups are highlighted but not given sustained attention. There is also a lack of consideration given to the distinct experiences of different ethnic groups, or the way in which this may differ according to gender.<sup>37</sup>
- **Child sexual exploitation guidance** (2017) for practitioners offers no discussion of girls' and young women's gender-specific pathways into the criminal justice system as a result of sexual exploitation, and there is little consideration of how this continues to impact young women into early adulthood.<sup>38</sup> Likewise, the **National protocol on reducing criminalisation of looked-after children** (2018) overlooks these gender-specific risks for care-experienced girls and young women.<sup>39</sup>
- In **Pupil Referral Units**, where girls who go on to have contact with the criminal justice system are over-represented,<sup>40</sup> there is no national framework for gender-specific responses to their experiences of abuse and no standardised method of recording incidents of sexual violence which take place in school, despite recognition in policy that sexual violence and harassment is a serious issue in education settings. A recent Ofsted review of sexual abuse in schools and colleges also failed to address the heightened risk of abuse facing girls who have been excluded from mainstream education and who are most at risk of being caught up in the criminal justice system.<sup>41</sup>

Without recognition of girls and young as a distinct group in policy, there is limited scope to tackle the underlying causes of girls' and young women's involvement in the criminal justice system. Instead, political debate and public perceptions of young women in contact with the criminal justice system tends to blame them for their behaviour and the challenges they face, and young women facing violence and abuse continue to be punished rather than supported.

# SWEEPING MORE YOUNG WOMEN INTO THE SYSTEM

**The Police, Crime, Sentencing and Courts Bill** currently progressing through Parliament risks further entrenching this punitive approach to girls and young women facing multiple disadvantage and exacerbating existing racial inequalities. Introduced to the House of Commons on 9th March 2021, the stated aims of this legislation are to enhance public safety through the introduction of tougher sentencing and increased powers for police, courts and probation staff. However, our research indicates that it may in fact do more harm to young women with experiences of abuse.

Since its introduction, concerns have been raised by the voluntary and community sector that proposed measures in the Bill will fundamentally undermine the Government's ambition of reducing the number of women and girls in prison, reducing re-offending, and creating safer communities.

Key clauses in the proposed legislation risk sweeping greater numbers of young women who have experienced significant trauma and disadvantage into the criminal justice system, with Black and minoritised young women disproportionately, negatively impacted.

The creation of **Serious Violence Reduction Orders (SVROs)**, for example, will directly impact young women experiencing criminal exploitation, leaving them facing up to 2 years

imprisonment because they "ought to have known" someone in their company was in possession of a bladed article or offensive weapon.<sup>iv</sup>

These are similar to joint enterprise laws which have brought women into the criminal justice system that had no involvement in the alleged offence but were experiencing abuse from their co-defendant(s).<sup>42</sup> The proposed terms of an SVRO render invisible the impact of coercion in relationships experienced by many young women drawn into the criminal justice system, or at risk of criminal exploitation.

## CASE STUDY: RAZIA'S STORY

Razia is now 23. She experienced abuse in a relationship with an ex-partner who was arrested for drugs offences. Her experiences highlight how fear, pressure and coercion in relationships can make it both difficult and unsafe for young women to challenge or recognise criminal behaviour.

*"I was in a coercive and abusive relationship, and it was wrong place, wrong time... Because I turned a blind eye to it, I was still sort of involved inadvertently because I was in contact with him and because he'd been making phone calls from my phone... I didn't recognise it and I just thought it was normal. When I got to court, my ex-partner and all his friends were there... They were looking at me, making snide comments... Saying, "If you say something... It's game over for you"..."*

<sup>iv</sup> An earlier version of this briefing claimed that Serious Violence Reduction Orders could also be applied to young women who 'ought to have known' someone in their company was in possession of drugs. This is incorrect. For further details, see: HL Bill 40, Part 10, Chapter 1 – Serious Violence Reduction Orders, <https://bills.parliament.uk/publications/42132/documents/484>.

For young women dealing with the impact of trauma, **the increase in sentence length for Assaults on Emergency Workers** from 12 months to 2 years contained within the Bill will also drive more young women into the criminal justice system, and for longer.

Assaults on emergency workers are serious offences which should not be accepted as 'part of the job'. However, these frontline staff – be they police officers or healthcare workers – regularly come into contact with extremely vulnerable and traumatised individuals.

**Offences of this kind account for a significant proportion of young women's offending**, with assault on an emergency worker making up 6% of all offences young women (18–24) were immediately sentenced to prison for in 2019, compared to 2% for young men.<sup>v</sup> Black young women are particularly likely to be drawn into the criminal justice system this way – it is **the most common offence** that Black young women are sentenced to prison for, making up a staggering **17% of total offences leading to a custodial sentence for Black young women aged 18–24.**<sup>43</sup>

The official data does not capture the context in which such offences take place, but the term 'emergency worker' includes frontline roles such as police officers, prison officers and healthcare workers.<sup>44</sup> These professionals are on

the frontline of dealing with severe and complex problems, but are not always equipped and adequately resourced to identify and respond to the challenges facing young women. Research shows that women displaying 'challenging or unusual behaviour' are often arrested, for example, despite showing signs of distress or themselves being victims of crime.<sup>45</sup>

#### CASE STUDY: NIYA'S STORY

Niya is now 22. She has experienced extensive abuse and trauma as she grew up with domestic abuse taking place in the family home. As a teenager, she was taken into care where she was groomed and experienced sexual abuse. As an older teenager, she began living with family members again and was forced to enter into a marriage with someone much older than her.

When she told members of her family that she wanted to leave her marriage, she was attacked and tried to end her life. This incident resulted in a police call-out, during which Niya herself was arrested after she kicked a police officer.

*"It's like, "You assaulted a police officer, you're a criminal..." But when you look at the rest... That's just the tip of the iceberg...*

*There was like four or five police officers, and I was crying... I'd just tried to kill myself and been beaten up by my family really badly – dragged across the ground by my hair... And then the police said, "You're going to get arrested." No one was listening to me.*

*They were all gathered around me... If they had just backed off a little bit, I think I would have reacted differently but they were all in my face after going through what I had just gone through..."*

<sup>v</sup> As young women are a minority in the criminal justice system, total numbers of young women receiving a custodial sentence for this offence are low. However, with data only currently available for the year after the Assaults on Emergency Workers Act (2018) was introduced, we expect that numbers sentenced to prison for this offence will continue to grow, continuing to disproportionately criminalise young women. Ministry of Justice (2021) Immediate Custody (by specific offence), [Women in the CJS: Local Data Tool 2019](#). Accessed on 20th August 2021.

Everyone deserves to be safe in their place of work. However, there remains concerns that this approach risks criminalising young women, particularly Black and minoritised young women, who are in distress and whose needs have not been recognised. For young women struggling with the impact of abuse, negative interactions with professionals like this may **trigger past trauma, or can themselves be traumatic**. This can also include the use of restraint which is used disproportionately against women and girls in both custodial and mental health settings<sup>46</sup> and can be particularly distressing for survivors of abuse, particularly when carried out by male staff.<sup>47</sup>

Instead, there should be investment in training for emergency workers to identify those in need and de-escalate situations in a trauma-informed way. In the recently published interim report, from Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services' inspection, into how the police engage with women and girls effectively, such training is not addressed. Nor are police responses to women and girls who are both victims

of violent and sexual offences and at heightened risk of offending as a result of their experiences of violence and abuse.<sup>48</sup> Investing in services that support girls and young women before they reach crisis may also prevent many of these offences occurring in the first place keeping emergency workers safer.

Trauma can be life-altering, changing the way that an individual views the world and their place within it. A 'trigger' is a stimulus that can prompt survivors to recall previous traumatic experiences. The way in which an individual responds to a trigger or trauma itself is often involuntary and can result in a temporary loss of the ability to process information, plan and take appropriate action. Survivors of violence and abuse may be particularly vigilant and aware of potential threat for some time after their original experience(s) of trauma, which can become chronic.<sup>v</sup>

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vi AVA (2013) [Complicated Matters: A toolkit addressing domestic and sexual violence, substance use and mental ill-health](#). Ascent, Women and Girls Network and Women's Resource Centre (2020) [Good Practice Briefing – Developing A Trauma Informed Approach: The importance and application of a Trauma Informed Approach for Working with Survivors of Gender Based Violence](#).

# RESPONSES TO YOUNG WOMEN IN PRACTICE

A lack of attention to girls' and young women's needs in policy translates directly into what gets measured, who gets heard and what gets funded on the ground. This prevents the delivery of an effective response to the needs of a significant minority within the criminal justice system where young women who have experienced violence and abuse feel alienated, unsafe and disempowered in spaces and services not designed with them in mind.

**“The first worker that I had – he didn't really understand... And he was young as well, and he's gone through that life, like jail and stuff, but he didn't get it. He related more to boys.”**

Amelia, 19

Research highlights a limited understanding of gender-sensitive, trauma-informed practice<sup>vii</sup> in the criminal justice system, with the secure estate and services in the community acting as sites of re-traumatisation, if not further violence and abuse.

Young adult women struggling with the impact of trauma which has driven them into the system are approached first and foremost as 'perpetrators' of crime, rather than as young women facing vulnerabilities in need of support – punished for their survival strategies and responses to trauma.

In combination with gender inequality, other forms of oppression including racism, both drive and magnify this. There is a well-established evidence-base highlighting the likelihood of Black and minoritised girls and young women facing harsher treatment across a number of systems, from education to criminal justice to healthcare.<sup>49</sup>

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vii Developed by the women and girls' voluntary sector and usually delivered in women-only spaces, a gender-sensitive approach to working with girls and young women involves the provision of 'wraparound' support to address young women's multiple, interlinked needs. Crucially, this approach is grounded in an understanding of and responsiveness to the impact of trauma, making use of a strength-based framework to empower and restore a sense of control to young women who have experienced extensive violence and abuse. For further discussion of the core components of a gender-sensitive, trauma-informed response to young women in contact with the criminal justice system, see Section 5 of the Young Women's Justice Project [literature review](#).

## Unrecognised risk

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In both the youth and adult criminal justice system, the ability of services to meet the needs of girls and young women at risk of violence and abuse has been called into question. The quality of support available to girls has been shown to vary considerably across Youth Offending Teams (YOTs)<sup>50</sup> with insufficient consideration given to the risks of sexual exploitation for girls, despite this being an area of concern across all local areas.<sup>51</sup> Likewise, a thematic inspection of probation services for adult women found that insufficient work was undertaken to manage and minimise women's vulnerability in one in three cases where this was related to domestic and sexual exploitation – both forms of violence and abuse experienced by young women at particularly high rates.<sup>52</sup>

Rather than approach statutory services, young women seeking support in relation to violence and abuse report higher levels of confidence in voluntary sector organisations with both lived and learned expertise on the subject.<sup>53</sup> Speaking with Agenda, young women often highlight the benefits of having a worker they identify with and who has **"gone through stuff"**. Crucially, they want to receive support from someone who is willing and able to spend time listening to and understanding the many layers of abuse they have

experienced, including the ways in which their experience of or response to this has been informed by their personal context and history, including their ethnicity and community and cultural background.

Saba is now 27 but was under the age of 25 at the time of a conviction which was closely linked with abuse she had experienced from family members. She described how, up to the point of her release from prison, criminal justice agencies did not recognise the complex dynamics of power and control within her family, or the ongoing coercion she experienced whilst in prison.

**"It was so complicated... Even my offending manager didn't really know how to deal with me, because it was abuse within the family... They need to not judge someone straight away and jump to the assumption that everyone's alright... They need to stop brushing everyone with the same comb... They need to understand culture".**

Saba, 27

In our interviews, young women felt that professionals did not regularly consider or explore their experiences of abuse but would assume that they were 'okay' or just 'acting out'.

**"For me, it took a long time to get out what was going on at home and what I was having problems with... It got to the point where no one had actually asked and I was so stressed about it, I just exploded... I think we're forgotten about – if a woman isn't kicking off or making a fuss, it's kind of deemed that maybe we don't have any issues?"**

Fats, 26

This builds on findings from an evaluation of services working with young women across several London boroughs which found that practitioners' lack of knowledge about 'asking the question' about violence and abuse can give rise to a belief in young women's 'reluctance to disclose'.<sup>54</sup> Stigmatised both for their experiences of abuse and their offending, young women themselves come to be seen as the problem and are labelled 'hard to reach', rather than the problem being identified as a lack of expertise and tailored provision.

In some cases, young women may even be blamed for the abuse they have experienced. Research conducted by the Independent Inquiry into Child Sexual Abuse found that, in the youth secure estate, staff used derogatory, victim-blaming language such as 'attention seeking', and 'promiscuous' when speaking about girls who had been sexually exploited.<sup>55</sup>

Black and minoritised young women may be particularly likely to experience this. As well as being more likely to be caught up in the criminal justice system and subjected to harsher sentencing than their white counterparts,<sup>56</sup> research suggests that Black and minoritised young women are more likely to be viewed as complicit in violence and abuse they experience and less likely to be recognised as 'victims'.<sup>57</sup> This was reflected in our interviews.

**"It's very much like white girls are portrayed as innocent and vulnerable and then you have girls of colour these things are happening to, but it's not spoken about as often because they're not seen as on a level as a victim, if that makes sense..."**

Nadine, 25

## Stereotyping and assumptions

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Young women we have spoken to highlight similar failures to understand their motivations and experiences when professionals assume their situation by association – making assumptions about girls’ and young women’s situation and character on the basis of the behaviour of friends and family members. This starts early in childhood, before girls and young women enter the criminal justice system, particularly in education. One young woman interviewed by Agenda noted that she felt as if teachers and other professionals treated her **“as the child of people who’ve got [criminal] records”**. Another young woman shared her experience of hostile treatment at school, which she attributed to teachers’ being aware of her sibling’s involvement in gang activity.

Black and minoritised young women may be even more vulnerable to this kind of association, purely because of their ethnic or faith group. When talking about a lack of social care intervention despite her experiences of physical and sexual abuse, drug use and offending, one young woman explained –

**“They’d seen me with bruises, black eyes, that kind of thing... But I feel like because I was Black and because of my [sibling’s] convictions and that type of stuff, they were like, “Oh well, that’s what they [Black people] do.”**

Laila, 19

Laila’s experience attests to wider processes of ‘adultification’ whereby Black girls are viewed as older than their age and more ‘adult-like’, with professionals assuming that they have greater levels of maturity and less ‘innocence’ than their white peers.<sup>58</sup> As well as informing more punitive responses to Black girls and young women, this may reduce professionals’ sense of their safeguarding responsibilities, with practitioners highlighting the way in which stereotyping of Black young women as particularly ‘resilient’ can be a barrier to accessing timely support.

**“A lot of young women we meet are very resilient but there’s another side to that... Particularly with young Black women, they’re seen as being able to manage – that they have a higher threshold for when we need to start giving them support, which isn’t the case at all...”**

Youth practitioner

Research also highlights the ways in which racist stereotyping of this kind can limit agencies’ understanding – and thus accurate identification of – abuse experienced by Black and minoritised young women. This includes Black young women’s experiences of sexual abuse in childhood being overlooked<sup>59</sup> and the under-identification of Asian girls and young women experiencing

sexual exploitation.<sup>60</sup> There are also significant gaps in knowledge relating to the prevalence of all forms of violence, abuse and exploitation for Gypsy, Roma and Traveller women and girls.<sup>61</sup> Young women we have spoken to recognise how this plays out in practice, preventing young women from accessing the support that they need and may be seeking out.

**“When I was in custody I actually went to the officers asking for help... For me, it was like [they thought] I didn’t need help – they just left me at the back of the queue, thinking I was going to be alright... I turned to self-harming...”**

Saba, 27

## Re-traumatisation and further harm

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Where risks to young women in contact with the criminal justice system are identified, interventions to manage this can be experienced by young women as unhelpful, unnecessarily punitive and re-traumatising. In custody, use of force, physical restraint and isolation may be used against young women presenting with symptoms of trauma, including exhibiting disruptive behavior or self-harming. Restraint can be particularly distressing for young women who have experienced violence and abuse.<sup>62</sup> Young women feel that staff do not always try to de-escalate a situation prior to using restraint, and report restraint being used in response to young women exhibiting emotional distress, including the use of self-harm.

**“I got restrained a few times... I wasn’t in the right mindset after everything I’d been through... It was just for petty things... Mostly just refusing to comply... They wouldn’t take the time out to actually sit down and find out what the problem was... It was, ‘Well, if you’re not going to comply then we’ll restrain you.’”<sup>63</sup>**

Amber, 20

In addition to triggering past trauma, the criminal justice system can also fail to protect the young women within it from further abuse. Adult women report feeling unsafe in mixed-gender probation services<sup>64</sup> and describe being ‘resigned’ to harassment from men which they view as ‘part and parcel of their punishment’.<sup>65</sup> In custody, girls can also report experiencing male-dominated Secure Training Centres<sup>viii</sup> as sites of further violence and abuse, reporting experiences of sexually abuse and inappropriate behaviour from boys and staff.<sup>66</sup>

**“I was there [in a Secure Training Centre] with twenty four boys, which was a struggle... I had a lot of assaults that I’d made because I had to put these boys in their place... I couldn’t walk through the unit in like a pair of leggings and stuff... Some of them would take my washing out of the washing machine while it was in progress and sniff my underwear and all this weird stuff.”**

Sheena, 19<sup>67</sup>

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viii A type of secure accommodation for children (usually aged 12 or over) to live if they are in custody. Secure training centres are run by private companies and house between 50 to 80 children. There are two STCs in England and Wales.



## SPOTLIGHT ON YOUNG WOMEN WITH EXPERIENCE OF CARE

For young women in contact with the criminal justice system who also have experience of care, the experience of feeling unsafe in institutional settings may not be new. In addition to experiencing abuse or neglect prior to entering care,<sup>68</sup> the environments girls taken into care are placed in often expose them to new risks and other forms of disadvantage which ultimately increase their likelihood of getting in trouble with the law.<sup>69</sup>

Rather than considering the care system to be a safe place that protected them from risks they faced at home, young women interviewed by Agenda felt they had been failed by professionals who should have protected them from further abuse.

*“Living in the care home, I’ve been exposed to things... I was hanging around with these girls who were being groomed... It ended up happening to me too. Obviously the care home staff weren’t going to tell me about another young person’s experience, but they shouldn’t have put me in that situation... They could have spoken to me about it – done some kind of awareness...”* Niya, 22

Recent reports from the Independent Inquiry into Child Sexual Abuse have highlighted the severity and scale of historic sexual abuse of children in care. A number of young women Agenda has spoken with make clear that this also remains a current and pressing concern. For Niya, a lack of a supportive environment in which she felt protected and listened to – in combination with the short- and longer-term impacts of the sexual abuse she experienced whilst in care – acted as a catalyst for ‘behavioural issues’ for which she could potentially be criminalised.

*"After that, I started rebelling a bit... I was 15 and I was using drugs... I started barricading my door, saying I'm not going to school... Cutting my arms, having mental health problems... I wanted to be heard. If you're not going to listen to me, I'm going to break the rules..."*

Niya, 22

Young women with experience of care may also have experienced being placed in mixed-gender, unregulated accommodation.<sup>ix</sup> Widely recognised as an inappropriate environment for vulnerable children, research shows that that girls in these settings – as well as girls in other, out-of-home placements, who experience instability in or frequently go missing – are at increased risk of both criminal and sexual exploitation.<sup>71</sup>

Speaking with Agenda, one young woman described how she would regularly go missing for long periods of time whilst in care. The failure of professionals to identify these periods of enhanced risk and vulnerability as a consequence of exploitation rather than as a choice she was making meant that, when she reached her 18th birthday, she was informed she was ineligible for leaving care support as she was not recorded as having been in care for a sufficient length of time, despite being homeless for a number of years before she entered adulthood.

*"With exploitation, there's a lot of control by people... So there'd be times when I'd go missing for a month and then come back, and then they'd have to help me again – my time in care was very choppy and unclear... Before I know it, it's my 18th birthday and I get told I'm not eligible for any type of aftercare support or anything..."* Laila, 19

Care-experienced young women who have experienced violence and abuse may be less able to access support for other reasons too. Ongoing stigma around care experience can create biases – conscious or unconscious – which inform how professionals respond to girls and young women at risk.<sup>72</sup> For young women, negative stereotyping on the basis of their care status is compounded by gender stereotypes which shape perceptions of young women who offend as particularly transgressive or 'deviant'.

*"Because you're a woman, you're not supposed to be angry... You're not supposed to fight... You're not really supposed to have any emotions and that outside of your station in life."*

Kay, 28

These perceptions may impact how professionals respond to disclosures of abuse, and whether access to support services is secured or even offered to young women who continue to experience abuse and exploitation into adulthood.<sup>73</sup>

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ix 'Unregulated accommodation' refers to the accommodation children in care are supported to live in more 'independently', typically when they are over the age of 16. Unlike children's homes, which are registered with Ofsted and regularly inspected, there is no legal minimum standard for unregulated accommodation. This means there can be large variation in the quality of these homes and many do not meet young people's needs. In February 2021, the Government announced its intention to ban the placement of children under the age of 16 in these settings. Become (2020) [Unregulated accommodation](#).



## SPOTLIGHT ON MUSLIM YOUNG WOMEN

The disadvantage faced by Black and minoritised girls as gender intersects with race can also be compounded by discrimination on the basis of faith.<sup>74</sup> The offending of Muslim young women, for example, may be seen as particularly transgressive and can be particularly stigmatised as a result of gendered Islamophobia and stereotypes of Muslim women as passive and oppressed.<sup>75</sup> Practitioners also highlight a lack of understanding of the cultural and faith-based contexts for survivors disclosing experiences of abuse, or asking for help.

Research conducted in partnership with the [Muslim Women in Prison](#) project as part the Young Women's Justice Project research, highlighted additional barriers to disclosure facing Muslim young women caught up in the criminal justice system. This includes the stigma associated with out-of- marriage relationships within some Muslim communities and the 'silencing' of experiences of abuse in order to protect so-called 'honour' codes.

*"As I was growing up, I tried to get support but no one seemed to understand or help – not even the police or social workers. I just don't think they understand faith or culture or how we can't talk about domestic violence..."*

Saba, 27

Muslim young women with experience of prison reported experiencing violence and abuse from a young age which could be clearly linked with their convictions. Experiences they described included criminal exploitation by a partner, forced marriage, and being present when a so-called 'honour'-killing took place in a family home. In the majority of cases, young women did not disclose their experiences of abuse to professionals until they were in prison or post-release. This was due to concerns about their family and subsequently their communities' responses to disclosure as well as fear that the risks they were facing could escalate if disclosure was handled inappropriately without an understanding of their specific needs and experiences.

*"I didn't know what to do... I knew if I didn't say something then it would be even worse, but I just feared that they'd become more violent and I was just worried what they'd say in the community."*

*Razia, 23*

With practitioners ill-equipped to identify and respond to the barriers facing these young women – in combination with Islamophobic discrimination and suspicion experienced by many women in prison<sup>76</sup> – some of the most vulnerable and marginalised young women in the criminal justice system are left entirely without support.

*"If we do talk about it, who do we go to? Who will believe us? No one understood it. But just because we don't talk about what we go through, it doesn't mean that we're not struggling..."*

*Saba, 27*



# WHAT DO GIRLS AND YOUNG WOMEN NEED FROM SERVICES?

## Changing the narrative

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**“We need to shift the central question – from “What is she doing wrong?” to “How has she managed to survive?”**

Girls’ and young women’s service practitioner

The way in which young women in contact with the criminal justice system are understood needs to be reframed, particularly for Black and minoritised young women and those who have experience with the care system. Stigmatised for their experiences of abuse and criminalised for coping mechanisms and survival strategies, the system often ends up re-traumatising them. This is particularly when in touch with professionals who do not understand how their experiences of abuse, discrimination and inequality are interlinked. As one practitioner at our expert seminar explained-

**Young women can have a difficult relationship with statutory services – particularly police. This can start from a really young age and can be something that is pretty confirmed by the time they’re teenagers. There can be lots of situations where they are re-traumatised by the way they’re treated by police and the criminal justice system.”**

Youth practitioner

Seminar attendees were clear there is a need to upskill police and those in other frontline roles to respond sensitively to girls and young women in a trauma-informed way which prioritises de-escalation. To increase practitioners’ understanding of the drivers of young women’s offending and address some of the perceived barriers to engagement, attendees at our expert seminar spoke about the need for a cultural shift within agencies. This included professionals and services asking themselves how aspects of their day-to-day practice and procedures might alienate or re-traumatise young women as part of both individual case management and longer-term planning around service design and development.

Practitioners also spoke about the need to challenge the idea of a 'victim-perpetrator dichotomy' whereby young women at risk of arrest and who may be charged with or convicted of offences are frequently overlooked as 'victims' in their own right in policy and in practice.<sup>77</sup>

**"This idea of a 'perfect victim' negatively impacts the support young women receive... They are labelled things like 'combative' or 'aggressive', when they're actually managing a difficult situation in the way they have resources to because of the trauma they've experienced."**

Youth practitioner



## Asking the question

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**“I felt like I couldn’t openly speak about it prior to custody... I think a change needs to happen so all the women out there that are experiencing it feel like they can voice it...”**

Razia, 23

Identifying opportunities to make early interventions are crucial in order to prevent girls and young women becoming drawn into the criminal justice system. During our expert seminar, practitioners emphasised how violence, abuse and exploitation start to drive disadvantage for girls and young women **“a long way before the criminal justice system”**, but that too often, girls’ experiences of abuse can go unnoticed, including whilst still at school. As one practitioner explained, girls’ responses to sexual violence and abuse in school can present as ‘bad behaviour’, putting them at risk of exclusion if professionals fail to recognise this.

Such missed opportunities mean that issues may escalate to a point where placing limits on young women’s freedom is considered the only appropriate response. As several practitioners noted, for young women in contact with the criminal justice system who continue to experience extensive violence and abuse, professionals can come to view custody as a **‘place of safety’**, despite the well-documented harm it causes to women.<sup>78</sup> This belief is also currently

reflected in legislation, with provisions for adults and children to be remanded to prison for their ‘own protection’.<sup>79</sup>

Speaking with Agenda, young women often mentioned that professionals “did not ask” about their experiences of abuse, or did not want to listen to their account of events. This underscores the need for significant upskilling of professionals working with young women at risk of coming into contact with the criminal justice system, to ensure they are not only able to identify the warning signs of abuse, but engage young women in open, trusting dialogue around this at a much earlier stage. Frontline staff should be trained to make sensitive ‘routine enquiries’, where they ask all young women they come into contact with about their experiences of violence or abuse, whether or not there are any signs. Professionals should also consider the way in which they ask around experiences of abuse and violence, ensuring they use language that is clear and understandable to the young women they are engaging with. As one young woman explains

**“I had a gangs worker when I was younger and she kept talking about sexual exploitation... I didn’t actually know what that means and, at that age, I’m not going to go and Google it...”**

Amelia, 19

Young women suggested that the most effective way of asking about their experiences of abuse would feel informal, be respectful and sensitive to their cultural background and reflect the language young women use themselves to describe their experiences, whilst raising awareness of violence, abuse and exploitation for young women who may not recognise or identify their experiences in this way.

**You could break it down and be like... "They're violating you", or "They're not good people, they could harm you." If someone said to me when I was younger, "That person's getting exploited", I would be like, "Okay...?" But if someone said, "That person's being harmed" – I'd want to see what was going on and if they were okay."**

Amelia, 19

As the sentence length for the offence of assault on an emergency worker is set to increase, it will be imperative that police, and other criminal justice professionals, are trained to recognise and respond to victims of abuse. This will make members of the criminal justice workforce safer, and protect some of the most vulnerable young women in our society from being driven further into the criminal justice system.



## Specialist support and co-production

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**“It was something to look forward.... When you have no one there, you have no support, nothing – no friends. You have to have a reason to live if that makes sense... So I was looking forward to those weekly meetings with [young women’s worker] every week.”**

Amelia, 19

Specialist services delivered by the women and girls’ voluntary sector provide dedicated, age-responsive, gender-sensitive and trauma-informed support to girls and young women for the range of challenges they face as they approach and enter adulthood. Where these specialist services are not commissioned, young women can report feeling alienated from youth provision that does not offer gender-specific support, and from gender-sensitive services designed primarily around the needs of older, adult women. Young women describe these spaces as feeling like they are **“not for them”**.

For Black and minoritised girls the role of specialist ‘by and for’ organisations – services that are led and run by the communities they serve – are even more crucial. As this young woman says,

**“Only because of the support of the Muslim Women In Prison (MWIP) – community that was able to understand my situation and help me. If they weren’t there to support me when I came out of prison, I probably would have ended up in prison again.”**

Niya, 22

Expert seminar attendees highlighted the involvement of young women in the design and management of the services they access as paramount, and as a distinctive feature of this kind of specialist, gender-and age-specific provision. This can support young women whose sense of control or agency may have been stripped away through abuse to feel that they have ownership over the support that they receive, and creates a sense of equality and mutuality in relationships the relationships they have with professionals. This, in turn, can facilitate higher levels of engagement amongst young women – both on an individual basis, and in terms of creating a service which other young women quickly recognise as being designed around their distinct needs and experiences and which, as one practitioner noted, **“doesn’t reflect the institutions young women have been harmed by”**.

## Service spotlight: Abianda

Abianda is a social enterprise, working with young women affected by gangs and county lines. They work with young women who have previously accessed support from Abianda as Consultants who participate in a range of activities including delivering training to police and youth offending teams, working with young people in schools and youth clubs, creating campaigns to raise awareness of issues impacting young women, and inputting into the design and development of Abianda's own services.

*"No one knows their life like they do, and no one walks in their shoes 24/7... Young women are best-placed to know and explain the problems they face, and what solutions will work for them..."*

*We work alongside a young woman, rather than leading the way... If we assume that we know what solutions will work, we risk creating service provision that doesn't match the reality of young women's lives. It's therefore logical that young women would use their expertise to influence how services are designed and delivered...*

*There is a power imbalance that happens when you get a service-provider and a service-user. We endeavour to tip the balance of power in favour of young woman... We embed young women in the organisation so they're shaping their own support, they're sense-checking our work, and they're having an impact on where the organisation is going..."*

Whilst this co-production work is vital, it can be resource-intensive, particularly when working with a marginalised young women who do not usually feel included in decision-making processes of this kind. This is particularly the case for Black and minoritised young women and those in contact with the care system. To support the development of this work at-scale, distinct funding streams must be made available which

recognise the complexity and volume of need amongst young women in contact with the criminal justice system, and the intensity of working with them required. Embedding meaningful consultation and co-production work with young women at every level, including in policy-making and commissioning processes, would also support this.

## Working in partnership

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**“Youth workers carry so much – they are often the only professional workers young women are interacting with.”**

Research and policy professional

There exists great potential for organisations to work together, develop expertise and knowledge-sharing to inform systems and processes to generate change for young women at risk of being driven into the criminal justice system by violence and abuse. Practitioners at our expert seminar spoke about a clear and notable compatibility between women and girls’ and youth services’ underlying principles, focusing on empowerment and taking into consideration the presence of multiple, complex needs.

Practitioners also highlighted the need for better joint-working between the voluntary and community sector and statutory agencies to address the problems that young women often

raise such as being required to repeat their stories to multiple workers, a lack of consistency in support and other potentially re-traumatising responses. Better communication between agencies and enhanced knowledge-sharing on what care experienced young women are entitled in terms of support was also highlighted as crucial.

Practitioners felt that the voluntary sector has led the way in developing gender-specialist, trauma-informed work. They emphasised that, through joint-working, it would be important to promote capacity-building and commissioning of these services by statutory bodies. There should be a particular focus on ensuring that small, specialist services – including those led by and for Black and minoritised women and girls – are invited to the table and get the opportunity to meet with local decision-makers.

## Spotlight on information sharing and the serious violence duty

Working in partnership raises important questions about information-sharing. Research highlights the confidentiality of services for girls and young women at risk of violence and abuse as a critical factor in determining their engagement.<sup>80</sup> As one practitioner working in a specialist girls' and young women's service explains:

*"We're really keen on being clear and transparent about safeguarding and confidentiality... We are constantly reminding her throughout the work in what circumstances we might have to pass information on. This helps us build trust and a collaborative environment – and one where she feels that she has choice in service delivery. We do things like show the young woman her referral form so everything is out on the table."*

Girls' and young women's service practitioner

Plans to introduce a new legal duty on public services to work together to prevent and reduce serious violence as part of a 'public health' approach in the Police, Crime, Sentencing and Courts Bill will give the police decision-making powers about funding of interventions to address serious violence. This may require schools, colleges, healthcare services, youth offending teams and probation services to facilitate access to information that girls and young women experiencing abuse and exploitation have shared with trusted professionals.<sup>81</sup> Whether relating to potentially criminal activities carried out by somebody known to them, or that they themselves have been asked to participate in, information-shared by girls and young women disclosing experiences of abuse may inadvertently expose family members, peers, or themselves to increased surveillance and punitive measures on the basis of uncorroborated evidence.

Whilst the adoption of a multi-agency strategy is welcome, the stated preventative intentions of this approach may be undermined by the focus on enforcement in the Bill as a whole. Expanding surveillance of girls and young women in this way, including through agencies and professionals that they may not associate with the criminal justice system such as teachers, nurses and youth workers, may further erode vulnerable girls' and young women's trust in services and pose further barriers to disclosure of abuse. The emphasis on criminal justice agencies as lead partners in local arrangements, rather than agencies with a focus on safeguarding, raises concerns that this will mean an increased emphasis on punitive responses, with few assurances given to date that information shared will be used for safeguarding rather than enforcement purposes.

## An intersectional approach

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**When I had a worker with a similar background to me, she got it more, and knew that what was happening was wrong. It's so important to have someone you can relate to – someone who understands your perspective."**

Amelia, 19

With the concerning and persistent over-representation of Black and minoritised young women in the criminal justice system, expert seminar attendees were clear that it is important to understand the distinct experiences of these young women to ensure their needs are addressed, and to reduce further disproportionality. Approaches must consider how young adult women's experiences differ according to self-defined ethnicity, including consideration of the experiences of Gypsy, Roma, Traveller young adult women. While young adult women in contact with the criminal justice system have many common experiences, these are mediated by each individual's social context. The intersections of race, ethnicity, faith, migration status, sexuality, gender identity, dis/ability and socio-economic status are all factors that inform young adult women's experiences and further marginalise those facing multiple disadvantage.

Young women in contact with the criminal justice system face multiple and different forms of disempowerment, and the design and

delivery of effective services for them must start from an understanding of this. Both the research, and young women themselves, emphasise the value of services which place young women's experiences of violence, abuse and exploitation and criminalisation in the context of gendered and racialised inequalities.<sup>82</sup> Speaking with Agenda, Black and minoritised young women often said that the most effective support they had received was from someone who had faced similar challenges, or grown up in a similar environment.

**"There needs to be more community-based support, because they [community-based support service] understand us. They understand our needs, and they understand faith, and they understand culture, and what it's all about and where it all fits in... And they understand how family dynamics work."**

Saba, 27

Whilst this kind of support is something that specialist services led by and for Black and minoritised women and girls are often best-placed to provide, professionals working in larger, mainstream organisations may not always be familiar with these services, or may not actively refer young women on to them.

**“Bigger organisations need to signpost. If you have a Black young woman who you think could benefit from a Black support worker, there are organisations out there that could offer that.”**

Women and girls’ service practitioner

In addition to mainstream organisations playing a stronger role in linking young women in with support most closely tailored to their needs and experiences, expert seminar attendees highlighted the importance of larger service providers carving out space for critical reflection on their own ways of working with Black and minoritised young

women.<sup>83</sup> This might include reflection on organisational strategy which may play a role in reinforcing inequalities in funding and service provision,<sup>84</sup> particularly in a challenging funding environment for specialist services not part of mainstream commissioning pathways.<sup>85</sup> Increased opportunities could also be created for professionals to consider how their own practice might be informed by or reproduce harmful labels and stereotypes.

**“The experience of Black girls should not be an add on for a funding bid, it should be done with and for Black girls. So, if you don’t understand them, don’t do it.”**

Youth practitioner



# CONCLUSION

In policy and in practice, responses to young women driven into the criminal justice system by violence, abuse and exploitation treat vulnerable young women first and foremost as 'perpetrators' of crime, rather than being in need of support. Punished for survival strategies and their response to trauma, young women face a lack of understanding and recognition of their needs. They have limited access to specialist support despite extreme levels of need, and face blame, re-traumatisation and risk of further harm whilst in contact with statutory services. Black and minoritised young women and young women with experience of the care system face greater barriers still in accessing safety and support as overlapping forms of stigma and discrimination put them at greater risk of criminalisation, perpetuating cycles of abuse and inequality.

Where specialist, dedicated services for young women are available, young women in contact with the criminal justice system describe this as having a significant, positive impact on their lives. Too often, however, young women experience this kind of intervention as coming too late – when risk has escalated, extensive harm has been done, and young women are at heightened risk of repeated criminal justice involvement.

These findings are stark. They underscore the need for age-, gender- and trauma-informed practice to become embedded in statutory provision as a matter of urgency. This must be done alongside meaningful investment in specialist, independent provision to prevent young women being left to navigate the long-term impact of trauma and the stigma of criminalisation as they are just beginning their adult lives.

# RECOMMENDATIONS

## Responding in legislation

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### 1. Proposed changes to the Assaults on Emergency Workers Act 2018 to be scrapped.

Instead, the Ministry of Justice must:

- a. divert resources into specialist, community-based women and girls' services – including ring-fenced funding for services led by and for Black and minoritised women – which play a critical role in addressing the underlying causes of young women's entry into the criminal justice system, including experiences of violence, abuse and trauma;
- b. invest in training for frontline emergency workers supporting them to de-escalate situations involving girls and young women in a trauma-informed and gender-sensitive way. Training should equip emergency workers with the knowledge and skills required to help keep themselves and the young women they interact with more safe, by addressing how young women's offending, experiences of trauma and inequality are interlinked; and
- c. monitor and report on prosecution and sentencing disproportionalities for this offence, considering disparities across all protected characteristics including age, sex and ethnicity, and cases where histories of poor mental health were identified in pre-sentence reports.

- 2. Removal of the 'ought to have known' provision in plans for Serious Violence Reduction Orders (SVROs) and introduction of routine enquiry by trained professionals.** Accompanying guidance should be developed through consultation with the women and girls' voluntary sector. This should include requirements for the police, courts, youth offending teams and probation services to consider the impact of violence, abuse and exploitation when: deciding to apply for an SVRO; determining conditions of an SVRO; granting an SVRO application; and monitoring and implementing sanctions for breaches of an SVRO.
  
- 3. Duties to collaborate and plan to prevent and reduce serious violence to include children's and adult's social care, with a duty on specified bodies to:**
  - a. Undertake open consultations with the voluntary and community sector on the development and implementation of local strategies;
  - b. undertake local needs-assessments to identify where girls and young women at risk of or involved in serious violence 'fall through the gaps', with a particular focus on young women with experience of the care system; and
  - c. commission age- and gender-sensitive services for girls and young women at risk, based on local needs, involving the women and girls' voluntary sector in all stages of this process.

## Responding in policy and commissioning

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4. **The Ministry of Justice to develop a comprehensive policy framework to support improved criminal justice responses to women and girls whose offending behaviour is driven by their experience of violence, abuse and exploitation.** This should:
  - a. take a **cross-departmental approach** and be developed in partnership with the Home Office, the Department for Education and the Department of Health and Social Care prioritising early intervention and incorporating **wraparound support** for girls and young women at risk;
  - b. **address racial inequalities** which drive the concerning and persistent over-representation of Black and minoritised young women in contact with the criminal justice system;
  - c. include the integration of an **age-informed response to young adult women** within the Female Offender Strategy;
  - d. establish the Home Office's responsibility for ensuring the **collection of comprehensive, comparable and disaggregated data on gender-based violence, abuse and exploitation** and its links with other forms of disadvantage across government as part of the **new Violence Against Women and Girls Strategy**, including contact with the criminal justice system.

5. **Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services to ensure the final inspection report into how effectively the police engage with women and girls includes a focus on police responses to women and girls whose offending is driven by their experiences of violence, abuse and exploitation.**
6. **The new National Policing Lead for Tackling Violence Against Women and Girls to engage with young women with lived experience and the women and girls' voluntary sector** as experts on the needs of young women facing violence and abuse. The National Policing Lead should publish a plan for open consultation, with advice given to the National Policing Board directly informed by this process of engagement.

## Responding in practice

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7. **The Youth Custody Service and Her Majesty's Prison and Probation Service to develop and publish best practice guidance for practitioners working with girls and young women who have experienced violence and abuse.** This should accompany the Youth Custody Services' forthcoming Girls' Strategy and Her Majesty's Prison and Probation Service's forthcoming strategy for young adult women. This should address the disproportionate use of punitive and restrictive interventions against girls and young women in custodial settings and be responsive to the needs of Black and minoritised young women and young women with experience of the care system.

8. **Local Authorities to lead on developing local partnerships, with a specific focus on girls and young women, between youth offending teams, probation services, children's services' 'Leaving care' teams, youth services and women and girls' services.** This should support the development of a whole-system response to young women facing multiple disadvantage, where all services in contact with young women work collaboratively and share knowledge and skills to provide age-, gender- and trauma-informed support. Initial priority areas for development of effective local practice should include: 'asking the question' about violence and abuse; tackling racial injustice; responding to the needs of care leavers, and co-production of systems and services with young women.

## Responding in research and data

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9. **The Ministry of Justice, HM Prison and Probation Service and the Youth Justice Board to publish data annually about girls and young women in the criminal justice system's experiences of Violence Against Women and Girls, disaggregated across all protected characteristics** – in particular, age and ethnicity – as well as care experience. This must be made publicly available and accessibly presented to allow for further analysis.
10. **Research into the prevalence and dynamics of violence, abuse and exploitation experienced by Black and minoritised and care experienced young women in contact with the criminal justice system.**

## Acknowledgements

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This briefing was authored by Maggie Bridge, with contributions from Maithreyi Rajeshkumar and Sofia Buncy, and qualitative analysis by Marija Antanaviciute.

Agenda and the AYJ would like to extend our thanks and appreciation for all the individuals and organisations who contributed to this briefing, including those who attended our expert seminar, and particularly to the girls and young women who have spoken with us as part of the development of this work, and the services supporting them. We would also like to thank the members of our expert advisory group for their invaluable input and support.

Special thanks go to the Muslim Women in Prison project for their generosity with their time and expertise, as well as those who presented at our seminar, including Sally Phillips on behalf of [Abianda](#), [Professor Claudia Bernard](#), Hannah Chetwynd on behalf of [The Children's Society](#) and Fiona Stocker on behalf of Amelia, a young woman supported by specialist young women's workers at [Redthread](#).

We would also like to thank Lloyds Bank Foundation for England and Wales, the funders for this project.

**Agenda**, the alliance for women and girls at risk, is working to build a society where women and girls are able to live their lives free from inequality, poverty and violence. Agenda campaigns for women and girls experiencing violence and abuse, poverty, poor mental health, addiction, criminalisation and homelessness to get the support and protection they need.

The **Alliance for Youth Justice (AYJ)** is an alliance of over 70 non-profit organisations working together to drive positive change in youth justice in England and Wales. AYJ advocates for a distinct and child-focused system that tackles the underlying causes of offending, respects rights and promotes positive long-term outcomes.

## ENDNOTES

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