“Women have had just a hundred years to become players in every bit of the present day. It is essential that we don’t allow the future to become a new exclusion zone.”

Jeanette Winterson, *Courage Calls*

In 2018 the suffragist Millicent Fawcett joined 11 male statues in Parliament Square. She was the President of the National Union of Women’s suffrage societies.

A lot has been highlighted concerning the unfairness and unwieldiness of the proposed reforms to HMCTS to bring about a digitised court services. Judges, barristers, lawyers have been consulted and vociferously expressed their discontent. However at no stage has any consultation been undertaken of the people who will most be affected by these proposed reforms – the defendants in these proceedings, particularly in criminal cases. In fact, we have been wilfully ignored and excluded. The voices and complaints of those who have power and their influence, commands attention and action but the misconduct upon and grievances of those who have no power are routinely ignored. In the words of Emmeline Pankhurst in her speech delivered in Hartford, Connecticut on 13/11/13 “that is the history of humanity right from the beginning”. It would seem that her bleak description of the treatment of women prisoners had not much changed:

“When they put us in prison at first, simply for taking petitions, we submitted; we allowed them to dress us in prison clothes; we allowed them to put us in solitary confinement; we allowed them to put us amongst the most degraded of criminals; we learned of some of the appalling evils of our so called civilisation that we could not have learned in any other way. It was a valuable experience and we were glad to get it.”

The Lord Chancellor, Lord Chief Justice and the Senior President of Tribunals published a £1billion package of reforms and proposals to move to a justice system where cases can be increasingly resolved online. The Government’s stated overarching aim is to increase access to justice while making the system more efficient overall.

This submission is made by serving women prisoners and we intend to inform the UN rapporteur and the Justice Committee about the so called “progress” of these reforms, to date, particularly in so far as they affect our access to justice.

The Chairman of the Justice Committee and the Chairwoman of the Committee of Public Accounts have highlighted their concerns about the implications for access to justice and the deliverability of these reforms, particularly when a core group of stakeholders has never been consulted about the impact of the reforms. This submission seeks to address the proposed digital transformation of the court and tribunal system, in the context of an analogue prison system, particularly evident within the female prison estate, which holds 4,200 women on remand, detention or as sentenced prisoners.

Unfortunately, we are the consumers of these reforms as defendants in these proposed reforms, in court proceedings. Yet no account had been made or taken, as to how they might impact our lives or our liberty.

Every single men’s prison in England has access to video link facilities, to link to every court and tribunal where it is available. In the women’s estate, not one of the Surrey prisons (HMP
Send/HMP Downview) have a videolink facility with functionality to the courts. We are transferred in prison vans, contracted through private contractors via bandit capitalism that have been banned by the European Court of Human Rights. We are treated like second class citizens, from arrest, through imprisonment and the trial process, sentencing and supervision.

Although England locks up more women, per capita than Iran + North Kora, and any other mature western democracy as EU member state, women are still treated like an ill considered afterthought. Although HM Government’s stated policy intention is to help women become more IT literate, and launched the prisons much awaited digital campus for virtual learning, these initiatives have fizzled out in the women’s estate. There is a recognised shortage of women entering careers in STEM subjects. Only 18% of computer science graduates are women. Most women in prison have not achieved level 1 ITC or computer literacy qualifications, let alone the most basic literacy and numeracy qualifications, yet, according to the Lord Chief Justice’s evidence to the Justice Committee, more of us are having to represent ourselves in both civil and criminal proceedings. IT systems feel a world away, there has been no training or consultation for prisoners who will be directly affected by the proposed changes to resolve more cases online. Prisoners can’t even access the portal to see the casefiles, if we are litigants in person.

Jeanette Winterson writes in her book *Courage calls to courage everywhere*, 2018 “discrimination of any kind is never, ever rational – it just pretends to be”. There can be no justification for the unlawful, continuing discrimination against women in prison by HM Government, and in particular, the Ministry of Justice.

We enclose the access to digital evidence policies from HMP Bronzefield, a privately run women’s prison in West London and HMP Downview, a public prison. These are in themselves unlawful and violate our Articles 5 and 6 rights. Officials contracted to or directly in the employment of the State and its Agencies require sight of our full case files, from our solicitors to determine whether we can even have access to the digital evidence and information. We ask the Justice Committee to consider the lawfulness of these policies and whether they disadvantage women prisoners. It appears these policies are only for the women’s estate and have been specifically modified. We do not have access to the policy for access to digital evidence for the male estate.

Under no circumstances can it be deemed fair or proportionate for the state and its agencies to have access to criminal proceedings brought against us, albeit by another agency of the state, prepared by HMCTS. The issue of legal privilege is also not enshrined, as protected and confidential between a solicitor and a client; in these policies it states that evidence does not fall under Rule 39 or legal privilege. To deprive women of proper access to justice, such as the use of laptops to prepare creates disparity between the male and female estate of the prison service and is reckless and discriminatory.

Returning to the lack of videolink facilities in the female estate, we ask the UN rapporteur and the Justice Committee to scrutinise the issues raised in our substantive evidence and to call the Prison and Probation Minister to account for the lack of videolink facilities at every women’s prison, thus saving public funds and minimising trauma and upset countenanced by women prisoners.
At present, women from HMP Downview and HMP Send are shipped to HMP Bronzefield a few days before and after their videolink appearance. Increasingly, more women are subjected to post conviction proceedings such as proceeds of crime and also have to endure other actions concerning their families, property or housing, thus having to appear before other tribunals.

Although HMP Bronzefield is not physically far away from HMP Send and HMP Downview, the physical, mental and emotional turmoil is disproportionate, harmful and unacceptable. In its latest presentation of a gendered approach to dealing with the issues of women in prison, HMPPS states that it will use a trauma informed approach. Shipping women around the south east in cattle vans that have been deemed unfit for transporting humans is not a trauma informed approach. Sometimes, more often than not, these ancilliary proceedings take many more years to complete. (see PSO 4800 – now replaced with a framework). A woman has to pack up all her belongings and take everything to HMP Bronzefield; every woman is meant to be following a prescribed sentence plan, and doing courses at the prison she is located at – all of this falls by the wayside when she is moved, even for a few days. Women prisoners go through the process of sequencing to deal with the causes and rehabilitative work and she will lose her place in this process. Mental health is notoriously difficult to access in prisons, yet women prisoners will fall off the caseload of the mental health practitioners they are seeing. Due to long lists and diminishing resources it takes a very long time to be able access any courses or therapeutic interventions.

Non attendance at therapeutic interventions or courses may well prevent women from being granted release by the Parole Board, or they may be delayed in their application for open conditions. Basically, a temporary move, to find a private contractor and serve the courts can set a woman back many months, she will not progress through the system. If she misses more than 2 weeks of any mental health course, she will be removed from it and have to start again. Most of these courses only run a few times a year and have long waiting lists. The Parole Board will routinely refuse release if it appears a woman is not complying with or progressing along her sentence plan.

HMPPS plan to expand the role of the offender manager or probation service in prison, and the role of the Personal Officer. Both of these are aspirational and unrealistic changes to a system which does not work. These relationships are very hard to build and again, they break down because of unnecessary interruptions.

We present our own experiences of trying to access videolink at HMP Send and HMP Downview and of trying to obtain A2J or access to digital evidence laptops, and our horrific experiences of being transferred to HMP Bronzefield for court appearances or videolink on evidence to the Committee as evidence for your inquiry into the modernisation and digitalisation of HMCTS.

We ask that you your powers to hold ministers accountable to force the Ministry of Justice to reconsider its proposed new contracts with Serco Prisoner Escort Services to ship women from HMP Downview and HMP Send to HMP Bronzefield as this is a serious and irresponsible waste of taxpayers’ money. It is also causing human suffering.

We have approached the Prison and Probation Ombudsman through the complaints system, to ask if it could then intervene, but its opinion at the time in 2017 was that women were very
well served by being transferred to HMP Bronzefield. The cost of soundproofing EXISTING video link facilities at the 2 Surrey prisons would cost less than £20,000, to bring them to studio quality soundproofing. The minimum cost of transporting ONE woman, per trip from HMP Downview or HMP Send to HMP Downview is £1000, per capita. The estimated cost of the Prisoner Escort Service is £46m. To bring videolink to all the women’s prison is a decent first step towards digitalisation.