

New-born deaths lead academics to call for law changes to prevent the imprisonment of pregnant women

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A new report from academics at Coventry University and City, University of London, recommends legislative and policy changes for

the protection of pregnant women and their unborn children under the criminal justice system in England and Wales. The report follows the death of a new-born baby at HMP Bronzefield in 2019 to a prisoner who gave birth alone in her cell, and a stillbirth at HMP Styal in 2020 to a woman who did not realize she was pregnant and was not visited by the prison's duty nurse despite complaints of acute abdominal pain.

The report, "Why Are Pregnant Women in Prison?" from academics at Coventry University and City, University of London, analyzed the real-life experiences of 22 [women](#) who had served [prison](#) sentences while pregnant in England, with the aim of understanding and outlining why custody is currently imposed and exploring arguments for a change in social attitudes and the law.

Working with charities Birth Companions and Women in Prisons, the report's authors, Rona Epstein, Honorary Research Fellow at Coventry Law School and Coventry University, Geraldine Brown, Assistant Professor at the Centre for Agroecology, Water and Resilience at Coventry University, and Maria Garcia de Frutos, Lecturer in Midwifery at City, University of London, surveyed 19 of these women for their experiences, with information about the remaining three women obtained from official reports.

They found that two of the women had been on remand and six of the women had been recalled to prison after breaching their probation conditions.

The other women had been sentenced to between two weeks and four years in prison for various offenses including: an immigration offense, robbery, drugs offenses, burglary, fraud, perjury, and shoplifting—the most common offense.

Six women had been sent to prison at 28 weeks pregnant or later (late

pregnancy), and four women discovered they were pregnant while serving their sentence. The authors recommend that any woman found to be pregnant after entering prison should have her sentence immediately reviewed.

The report found the 19 women interviewed were very vulnerable. Many reported experiencing hardships including domestic violence and coercion, drug addiction, homelessness, and mental ill health.

It found that the women's experiences of pregnancy in prison included being 'lonely and difficult' as a result of patchy specialist care and [support services](#), and a lack of compassion from prison officers, with one claiming she reported early signs of being in labor on a Saturday but was left alone in her cell until Monday morning. While another claimed she was told by a prison officer to 'prove' she was in labor through the door hatch.

There were stories of general feelings of being unwell due to pregnancy being dismissed by prison officers, and a lack of access to what they considered nutritious food or additional snacks.

In view of its findings, the report recommends that [prison sentences](#) given to [pregnant women](#) should either be deferred or suspended, or replaced with community orders, and if custodial sentences are deemed unavoidable for reasons of public protection, those reasons must be justified in open court.

It recommends the government scraps its current plan to invest £150 million in 500 new prison places for women, and divert some of the funds into Women's Centres, and other facilities and support in the community.

Rona Epstein, lead author of the report, says that "imprisonment for

pregnant women may not always be necessary, it is the choice made by the legal system of each country. Eleven countries have already enacted laws to prevent pregnant women from entering prison, among them the Russian Federation, Brazil, Mexico and Colombia."

"The prison environment is often unsuitable for pregnant women and can be dangerous for the unborn child, and there needs to be a complete rethink if the outcomes are to be improved for pregnant women, many of whom will be vulnerable, who find themselves in the criminal justice system."

"Non-punitive options need to be created and sustained, and community orders should be the preferred choice."

Co-author Maria Garcia de Frutos says that their "report contributes to the growing evidence that shows that outcomes for women are not equal. Studies have shown those suffering from multiple vulnerabilities face the worst of them, including women from Black ethnic groups being four times more likely to die during pregnancy and childbirth."

"Structural failures and lack of timely access to care and specialist services are some of the inequalities reflected through the stories of the women in our research. We have enough evidence to support pregnant women and people in suitable facilities away from prisons. We need to move to a model of care that is fair, respectful and safe for all."

More information: Report: [www.coventry.ac.uk/globalasset ... son-report-final.pdf](http://www.coventry.ac.uk/globalasset...son-report-final.pdf)

Provided by City University London

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