

PRESS RELEASE

PREGNANT WOMEN HANDCUFFED DURING LABOUR GIVEN PERMISSION TO CHALLENGE THE OMBUDSMAN'S INVESTIGATION

For immediate release

The Administrative Court has granted permission, on all grounds, for a group of women to bring a judicial review of the Prison and Probation Ombudsman's (PPO) investigation into the handcuffing of pregnant women in custody.

The women are survivors of domestic and sexual abuse, and each has a significant mental health diagnosis. They were handcuffed to officers, including male officers, during antenatal appointments, intimate examinations, consultations, labour and after birth. This inhuman and degrading treatment has caused them lasting trauma.

The claim challenges:

- The Secretary of State for Justice's failure to provide the women with publicly funded legal representation, despite their vulnerability and trauma.
- The Secretary of State for Justice's refusal to amend the Terms of Reference to publicly recognise the Secretary of State's own role in overseeing the alleged abuses over a number of years.
- The decision to limit the investigation to 2021-2025, despite the known use of handcuffs on pregnant women before then.
- The investigation's lack of power to compel witnesses implicated in the human rights abuses.

Jane Ryan, partner at Bhatt Murphy solicitors, said: "The only inference I can draw is that the Secretary of State is deliberately excluding the women affected. By limiting the investigation's powers and scope, the Secretary of State avoids accountability for the human rights abuses experienced by pregnant women prisoners that the Government oversaw. The Court has recognised our arguments that victims have rights that cannot be overruled by the Secretary of State for Justice."

Kirsty Kitchen from the charity Birth Companions, which helped bring the practice to light, said:

"Being restrained while pregnant, in labour or after giving birth is deeply traumatic and degrading, as well as posing significant risks to health. The women affected deserve an investigation that can uncover the full extent of that harm, which means they need to be able to take part fully and safely. That requires funded legal representation, alongside the scope and powers needed to get to the truth. Without these, there is a real risk the Ombudsman won't be able to deliver the answers and lasting change that women and their babies need and deserve."

Janey Starling, Co-director of feminist group Level Up, which campaigned for the investigation said:

“Women need lawyers in order to access justice – funded legal support is their right, not a nice to have. Without that, this is nothing but a sham investigation and an insult to mothers who have already suffered traumatic human rights abuses.”

NOTES TO EDITORS

The permission order is here.

Court documents are available from the Administrative Court office.

For further information or request for comment please contact:

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