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**THE EXPERIENCES OF BLACK FOREIGN NATIONAL  
WOMEN PRISONERS IN ENGLAND:  
A QUALITATIVE STUDY**

by

**Tres-Ann Alicia Kremer**

**This thesis is submitted in partial fulfilment of the requirements for the  
degree of Doctor of Philosophy in Criminology**

**School of Social Policy, Sociology and Social Research  
University of Kent**



## **DECLARATION**

This thesis is my own work, and it has not been submitted for a degree at another university.

Tres-Ann Alicia Kremer

School of Social Policy, Sociology and Social Research  
April 2010

## ABSTRACT

The thesis explores the experiences of the disproportionately high percentage of black foreign national women in prisons in England by paying special attention to their narratives. It provides a case study of the way in which the voice of the black foreign national prisoner can and should be located, in order to increase awareness of the high rates of imprisonment of foreign national women in England and to influence how the Prison Service develops and alters its policies towards this group.

Through in-depth interview schedules and focus groups, the harrowing circumstances of these women prisoners before they entered prison, during their sentences and after deportation, have been collected and analysed in this thesis. The lengthy and uninhibited narratives of the women illuminate their unenviable experiences: in their own countries before their imprisonment, within the English prison estate, and upon returning home after deportation.

Various factors are examined, including: the socio-economic as well as the political conditions in the home countries of the women, the matrifocal system in their countries of origin and its impact on driving them towards crime, the various reasons for committing the offence, the presence and rationalisation of guilt or shame in the minds of the women prisoners, the probable instances of discrimination and racism within the UK prison system, the rupture in family relationships, the viability of the rehabilitation schemes designed by the prison system, and the predicament of the women deported after their prison terms.

The thesis also considers the role that non-governmental organisations can play in lobbying home governments to create awareness of the conditions and circumstances of imprisonment in England.

The thesis concludes that policies for foreign national women prisoners in England should take into greater consideration the voice of the black foreign national female prisoner and its histo-racial nuances, particularly as the women account for a sizable portion of the foreign national prison population in England.

## ACKNOWLEDGEMENTS

My respondents in the prisons where this research was conducted made this thesis possible. I found an anchor line by listening to them speak out and speak the truth of their experience as they saw it and felt it. I am indebted to the sixty inmates and the twenty deported women who entrusted me with their stories.

Many persons gave valuable help during the course of this thesis. I thank the Prison Service for granting the permission to conduct the research and I thank the various prisons who made special arrangements to accommodate me, my tape recorder and notepad.

I wish to express my appreciation to my initial supervisor, Dr. Azrini Wahidin, who provided guidance on how to negotiate access to the prisons and on how to prepare myself for PhD-level fieldwork.

My two supervisors, Dr. Axel Klein and Professor Chris Hale, provided important and progressive insight into this research as soon as they became involved. Dr. Axel Klein's meticulous comments and suggestions proved extremely useful. His responses to my fieldwork were a great source of encouragement. The continuous advice of Dr. Klein, often unrelated to this thesis, gave me hope and kept alive my belief that I could complete the PhD.

The unflinching support of Olga Heaven from FPWP Hibiscus, who played *the* most important role in its commencement, was invaluable to me. Olga believed that this work was necessary and she gave unwavering support, emotionally and financially. I will always cherish her vision.

I am also grateful to the School of Social Policy, Sociology and Social Research for financial support in the form of an ESRC-funded departmental bursary.

I am eternally indebted to my grandmother Daisy Cooke (née Lindo) who mothered and fathered me. Indeed, this research journey has been a period of growth not only for my understanding of the research process and my interest in the subject, but also in my own personal life. Since I started this journey in 2003, I have moved to three countries, married, and had two beautiful children – who are not twins! The love and patience of my husband Felix, who I met during this PhD, is humbling. He successfully navigated the lonely road of the PhD partner. To my dear children, Daisy Skye and Oscar Elliott, who were born in 2008 and 2009 – when I saw your faces I knew that, despite all obstacles, I had to finish this journey. *Thank You.*

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## **LIST OF ABBREVIATIONS**

<b>BIA</b>	<b>Border and Immigration Agency</b>
<b>EEA</b>	<b>European Economic Area</b>
<b>EU</b>	<b>European Union</b>
<b>GCC</b>	<b>Global Commodity Chain</b>
<b>GDP</b>	<b>Gross Domestic Product</b>
<b>HMCIP</b>	<b>Her Majesty's Chief Inspector of Prisons</b>
<b>HMP</b>	<b>Her Majesty's Prison</b>
<b>HMPS</b>	<b>Her Majesty's Prison Service</b>
<b>IMB</b>	<b>Independent Monitoring Board</b>
<b>IMF</b>	<b>International Monetary Fund</b>
<b>IND</b>	<b>Immigration and Nationality Directorate</b>
<b>FPWP Hibiscus</b>	<b>Female Prisoners Welfare Project Hibiscus</b>
<b>NACRO</b>	<b>Nat. Assoc. for the Care and Resettlement of Offenders</b>
<b>NCIS</b>	<b>National Criminal Intelligence Service</b>
<b>PSO</b>	<b>Prison Service Order</b>
<b>UN</b>	<b>United Nations</b>
<b>YOI</b>	<b>Young Offenders Institution</b>

## PROLOGUE

Perhaps the best personal indicators of the relevance and necessity of my research topic came in 2003, just before commencing, when I received a call from a friend who was inconsolable. She informed me that there was a bitter family dispute in Jamaica between her brothers and cousins because of something that had happened with another 'cousin' living in the UK. She was devastated that the quarrels seemed to be getting very serious and dangerous. I enquired why. She then told me that her grandmother, a woman known to me as a child growing up in Jamaica as a decent church-going lady, had visited the UK four months prior and had unknowingly transported drugs to the UK. The grandmother was not caught and she still had no idea that she was a drug courier. Her grandsons had given her six bottles of rum to give to their cousins in the UK, with cocaine distilled through them. A family feud began when the financial proceeds of the drugs were not remitted back to Jamaica to the grandsons by the 'cousins'. This was when the family found out what could have happened to their grandmother had she been caught. I was just beginning my PhD at the time and the coincidence and nearness of the matter was startling.

Three months ago, on preparing my post-viva corrections, I was speaking to an aunt<sup>1</sup> on the phone. Aunt is Jamaican and she is almost like family. She migrated to the UK years ago and is a British citizen. She works as a cleaner in a hospital, and has nevertheless managed to carve a comfortable life for herself in the UK. Aunt conveyed to me that because she has to get up very early for work, for the past seven months she has usually been at the bus-stop at the same time as a Nigerian woman who does similar work. They had struck up a friendship of small talk in the mornings and on the bus. Two months earlier, the Nigerian woman had suggested that my aunt come with her to Italy for a holiday. My aunt told her she could not do that because she was saving for a Jamaica trip. The next month, her bus-stop friend told her she wanted to go to the markets in Germany to get cheap stuff and that she should accompany her; and that my aunt did not have to worry about the fare. My aunt replied that she does not like taking cold holidays: her holidays must include 'some sun'. One week after that, the bus-stop friend attempted to recruit my aunt as a drug courier. Her arguments were that (1) my aunt was a British national and they would

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<sup>1</sup> 'Aunt' is also a term given to elders in the African and Caribbean to whom you show respect through close friendship and community ties. She is not my 'blood' relative. See Klein (2009) for further discussion on Nigerian 'aunts' in prisons.

## Prologue

not deport her even if she was arrested; (2) the authorities do not stop British nationals coming from Europe; (3) my aunt has very light skin, so they would not stop her in the way they do the 'black' women; (4) my aunt would not have to do so much back-breaking work anymore, and she definitely deserved the break from waking up so early in the morning to clean up people's mess.

My aunt was in shock; she called me when she got off the bus, asking what she should do as she was scared that the woman knew where she lived. She refused to even consider reporting it to the police. For the next week, my aunt reported sick for work, afraid to meet the woman at the bus-stop. She resumed work the following week, and she is yet to see her bus-stop friend.

These two incidents, at the start and almost at the end of my PhD journey, have ensured that I remain convinced that the issue of black foreign national women prisoners in English prisons is one that needs in-depth exploration and analysis.

The area of foreign nationals in prisons in the UK is a fast-moving one, and policy in the area has evolved since the fieldwork conducted for this thesis. This prologue aims to provide a brief timeline regarding the period in which the fieldwork for the research was conducted. It will also offer a brief timeline of the major developments in the area of foreign national prisoners since the start of the research.

### Fieldwork Timeline

The journey for this PhD commenced in April 2003. When I started my fieldwork, with the exception of sensationalized journalistic stories on 'drug mules',<sup>2</sup> there was little public emphasis on the topic of foreign national prisoners. The years that followed saw many policy changes, some addressing the issues that the research tackled, such as immigration and repatriation of foreign national prisoners. The following dates reflect the fieldwork timeline:

- May 2004: Began negotiating access to prisons;
- Approved for access to three prisons: HMP/YOI Holloway,<sup>3</sup> HMP Morton Hall,<sup>4</sup> and HMP/YOI Bullwood Hall,<sup>5</sup> by November 2005;

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<sup>2</sup> 'Mules' is the term used to describe women who transport illegal drugs, whether in their bodies or in property. The word 'mules' implies that they are beasts of transport. Feminists have criticised the metaphor, saying that it further belittles the woman and portrays her as an animal. See Jones (2004) and Klein (2009) for further discussion.

<sup>3</sup> HMP YOI Holloway is a closed female prison in North London. The prison accepts women adult and young offenders remanded or sentenced by the courts.

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- Began interviewing in those three prisons, December 2005.

In February 2006, I was notified by a gatekeeper at HMP Holloway prison that in line with new research rules, since I was conducting research in prisons across regions in the UK, I would need to submit a request for research to the Efficiency Strategy and Research Department of Her Majesty's Prison Service on Prison Service Order (PSO) 7035,<sup>6</sup> and hence that my interviews had to be halted. This process delayed further interviews until the application was approved in August 2006. After approval was granted, I needed to restart negotiating access to two prisons, HMP Downview<sup>7</sup> and HMP Bronzefield,<sup>8</sup> as well as conduct another round of recruitment of participants in order to resume interviews in Holloway prison. The recruiting tasks were not completed until November 2006 and interviews did not resume until early 2007. Final interviews were conducted in November 2007.

### Developments Since Fieldwork

The issue of foreign national prisoners has been central to the prison population and immigration discourse in the UK over the past five years. While reports of high numbers of foreign national women in prisons became increasingly frequent, by the media, non-governmental organisations and overwhelmed prison staff, it was not these on-going claims which finally made foreign national prisoners 'sufficiently important' to warrant government attention, but rather the revelation that over one thousand foreign nationals had been released into the community without being considered for deportation. The national discourse chastising the prison system and the Immigration Directorate was scathing and fierce, and political and other senior-

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<sup>4</sup> HMP Morton Hall is a semi-open to closed female prison in Lincolnshire. Foreign national women are not allowed out. The prison is largely seen as a specialist foreign national centre.

<sup>5</sup> HMP/YOI Bullwood Hall is situated in Hockley. At the time this research was conducted it was a closed women and young offenders prison.

<sup>6</sup> Applications to the HMP Research Applications and Ethics Panel are made on PSO 7035.

<sup>7</sup> HMP Downview Prison is a closed prison for women at Sutton in Surrey. The prison opened in 1989 as a Category C male prison. In September 2001 Downview re-rolled to a closed prison for adult women and in December 2004 a sixteen-bed juvenile unit – The Josephine Butler Unit – opened for young female offenders (both remand and convicted) aged from 15-18 in partnership with the Youth Justice Board.

<sup>8</sup> HMP Bronzefield is a privately-run modern purpose-built prison for women which opened in June 2004, near Heathrow. It performs the function of a local prison, accepting prisoners direct from the courts, and is run by Kalyx. HM Chief Inspectorate of Prisons inspects private prisons in the same way as public sector prisons. All private prisons have a 'Controller' linking them to the Ministry of Justice, and the governors of private prisons are called 'Directors'. This research found no differences in the narratives of the black foreign national women prisoners from HMP Bronzefield compared to those of state-run prisons.

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level figures suddenly tumbled as blame began to be traded over mismanagement and mishandling of foreign national prisoners. The then–Home Secretary, Charles Clarke, was forced to resign.<sup>9</sup>

Subsequently, Her Majesty’s Inspectorate published a report entitled *Foreign National Prisoners: A Thematic Review* (Home Office 2006), which presented findings that foreign national prisoners were not given adequate immigration and language support, and that contact with family members overseas was severely lacking. A follow-up report (Home Office 2007b) posited that foreign national prisoners were increasingly self-harming, particularly because of the stress caused by new immigration scrutiny and insufficient support regarding their cases. With heightened national discourse and scrutiny, the Immigration and Nationality Directorate (IND) was given the Herculean task of increasing the deportation rate for foreign national prisoners and detainees who were eligible for deportation. Their case load for evaluation was monumental, and many foreign national prisoners due for release are still being held in detention long after their sentence has ended, while the IND considers their cases.

The Corston Report<sup>10</sup> (Home Office 2007a), entitled *A Review of Women with Particular Vulnerabilities in the Criminal Justice System*, called for a comprehensive, UK-wide and joined-up foreign national prisoner strategy, which had auditable standards. While there have been many efforts to address the foreign national prisoner issue since 2006, particularly because of the political implications in a context in which crime and immigration are very high among public concerns, there is still no coherent national strategy. Indeed, many initiatives have been started and changes made to address the high rates of foreign national imprisonment. Most of these initiatives are geared towards channeling deportation and providing encouragement to voluntarily leave the UK and its criminal justice system. I will examine some of the changes made which directly impact on the topic of this thesis.

This research was undertaken in five prisons: HMP/YOI Holloway, HMP/YOI Bullwood Hall, HMP Bronzefield, HMP Morton Hall and HMP Downview. It is important to examine Her Majesty’s Chief Inspector of Prisons (HMCIP) and the

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<sup>9</sup> ‘Clarke under intense pressure’. *BBC News*. April 25, 2006. [http://news.bbc.co.uk/1/hi/uk\\_politics/4943636.stm](http://news.bbc.co.uk/1/hi/uk_politics/4943636.stm). accessed October 1, 2008.

<sup>10</sup> A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system, outlining the need for a radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach. The report called for a comprehensive and UK-wide foreign national prisoners strategy, something which, to this date, has still not been achieved.

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Independent Monitoring Board (IMB) reports for these institutions as a secondary data source for all five establishments during this time. This assists in determining the extent to which the HMCIP reports for the establishment correspond to or negate the findings of this research: in other words, it assists in triangulating the data.

### **Her Majesty's Chief Inspector of Prisons Reports for where Research was Conducted**

Research was conducted in the following five prisons in England:

1. HMP/YOI Bullwood Hall
2. HMP Morton Hall
3. HMP Bronzefield
4. HMP Holloway
5. HMP Downview.

Fieldwork first began in HMP/YOI Bullwood Hall and HMP Morton Hall between December 2005 and February 2006. Interviews for HMP Bronzefield began in 2006.

#### **1. HMP/YOI Bullwood Hall**

*HMCIP Report of an Unannounced Short Follow-up Inspection of HMP/YOI Bullwood Hall, 13-15 December 2005.*<sup>11</sup>

At the time when fieldwork was conducted in 2005, HMP Bullwood Hall was still a closed prison for women. The report found that Bullwood Hall had not improved its service delivery based on the recommendations of the last inspection in December 2003. It found that the prison was struggling to provide a safe environment for prisoners. Significantly, the prison had alarmingly high self-harm rates and there were no safer cells or care suite to assist those who were at high risk. While the report found that race relations at the institution had improved, it criticized the lack of adequate provisions for foreign nationals at the prison.

The inspector found that the recommendation from the 2003 inspection that a foreign national prisoner policy be put in place had not been achieved or actioned. The 2003 recommendation stated that there should be a foreign national prisoner management policy and management team, which should be supported by best practice information from those women's prisons across the UK which had developed

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<sup>11</sup> HMCIP (2006c). Report can be viewed at <http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/bullwoodhall-rps.pdf>.

## Prologue

expertise in holding substantial foreign national populations. The report acknowledged that the Race Relations Officer had drawn up a statement of intent setting out briefly the prison's attitude and intentions toward foreign national prisoners. This was supposedly monitored by: the Race Relations Assistant; a probation officer; an administrative officer who made contact with immigration when necessary; and volunteers from the charity FPWP Hibiscus, which specializes in assisting foreign national female prisoners. There was no operational co-ordination of staff to manage foreign national prisoners according to their different needs.

While the prison had a functioning foreign national support group, led and managed by the prisoners themselves, which regularly indicated the need for more support, this was not forthcoming from the management of Bullwood Hall at the time of the inspection. Significantly, while the previous report had recommended that the prison formalize a service-level agreement with Hibiscus to assist with the support of foreign national women, this had still not been actioned for the 2005 inspection and Hibiscus was still only offering voluntary services to the prison according to its limited resources. There was also no proper support system to assist foreign national prisoners plan their resettlement, and the prison had failed to action this recommendation from the last inspection. The report concluded the following:

Nonetheless, the fact remains that Bullwood Hall requires urgent attention from national, regional and local managers to ensure that it achieves its potential as a safe, respectful, purposeful prison that contributes effectively to the reduction of reoffending by the women it holds. (HMCIP 2006c:5)

HMP Bullwood Hall was converted to a Category C male prison for foreign national and YOI offenders in May 2006, reportedly because of a shortage of male prisons.

## **2. HMP Morton Hall**

*HMCIP Report of an Unannounced Short Follow-up Inspection of HMP Morton Hall, 5-7 September 2005.*<sup>12</sup>

The report found that Morton Hall had significantly improved since its last inspection in February 2003, and had established a safe prison with specialist skills in looking after incarcerated foreign national women. The black and ethnic minority prison

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<sup>12</sup> HMCIP (2006b). Report can be viewed at <http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/mortonhall-rps.pdf>.

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population at HMP Morton Hall was 71 percent; however, there were only two black and ethnic minority members of staff. The inspector's report recommended that the mostly white staff complement be diversified to improve cultural understanding and interactions with the mostly black foreign national prisoners. The inspector recommended that resettlement assistance to its more than 80 percent foreign national prison population be increased. The prison had relied on other women prisoners to act as interpreters and this was reviewed in order to identify a specific list of women who were to be used in this capacity. It was suggested that the practice at the prison which only partially allowed the delivery of unsolicited items to prisoners was unfair to foreign nationals who relied on such parcels because they had no family or other support within the UK. Prisoners could only access any items sent for them and make catalogue purchases every six months. The report found that this practice was useful for staff rather than for the practical needs of foreign nationals who needed seasonal changes of clothing.

HMP Morton Hall was commended for developing a foreign national policy, explaining the complex rules and procedures for assisting women in various capacities such as early release, deportation, repatriation and immigration-related matters. The prison had invested in cultural awareness training for its staff. As was indicated above, diversifying the staff to include more black and ethnic minority members could improve the prison's performance in cultural awareness regarding foreign national women prisoners. The prison was commended for its formalized service-level contract with Hibiscus, which had a beneficial presence in the prison and was indispensable in assisting the foreign national policy of the prison to work. Hibiscus frequently assisted the prison in establishing resettlement plans for foreign national women by contacting their families and children in their home countries, and in some cases arranging for the dispatch of additional personal possessions amassed while serving long prison sentences which could not be sent by the prison because of weight restrictions.

Morton Hall was recognised for having taken the initiative to develop an informed strategy to work with the high number of foreign national women in the institution. The report noted that there were

*Two full-time foreign national liaison officers, with a dedicated senior officer, who were continuing to develop policies for foreign national women in areas such as communications, resettlement, training and religion. The team had developed links*

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with 24 international criminal justice agencies to support prisoners' reintegration and risk management. They also had close contacts with staff in a number of embassies and consulates. A member of the team had attended the Hibiscus international conference on working with foreign national prisoners and had adapted a number of strategies in the prison from information learnt there. This included the introduction of smallholding training and courses on the management of small businesses. (HMCIP 2006b:21)

### 3. HMP Bronzefield

*HMCIP Report of an Unannounced Short Follow-up Inspection of HMP Bronzefield, 1-4 October 2007.*<sup>13</sup>

HMP Bronzefield in Ashford, Middlesex, was opened in 2004 and is a privately managed local prison for women operated by Kalyx. The Inspector's report indicated that the prison was a reasonably safe place for prisoners with a clean and bright environment. The inspector found that no progress had been made in its 2005 inspection recommendation to improve support for foreign national prisoners. Moreover, general staff-prisoner relationships had deteriorated.

The report highlighted that while the prison had a foreign national prisoner's policy which covered key areas, there was no real policy explaining how services for foreign nationals would be systematically delivered and outlining what were the expected outcomes from specific actions. Consequently, complaints from foreign nationals were frequently signed-off by the Director but never fully investigated.

While the prison had assigned the Race Equality and Diversity Officer to oversee foreign national issues, this officer devoted little time to this aspect of the work, even though over 40 percent of the prison population were foreign nationals. It noted that instead of truly understanding and adapting to the needs of foreign national prisoners, the prison had simply turned over foreign national issues to one Hibiscus member of staff who was overstretched because of demand. There was also no foreign national support group within the prison. It was again recommended, as in the last inspection in 2005, that a full-time foreign national officer be 'appointed to assess fully all the needs of foreign national prisoners, including requirements for translation services and immigration advice, and to coordinate and help deliver services across the prison

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<sup>13</sup> HMCIP (2008b). Report can be viewed at [http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/2007\\_-\\_bronzefield\\_final-rps.pdf](http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/2007_-_bronzefield_final-rps.pdf).

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for this group' (HMCIP 2008b). This service was even more necessary because the report found that resettlement needs for foreign nationals were not addressed, even at minimal standards.

The report commended the service-level agreement with Hibiscus, which agreed a worker for four days per week to work with foreign national prisoners on issues such as advocacy, repatriation, deportation and general support for deportees who spoke English. The Hibiscus service therefore omitted, however, non-English speakers. Furthermore, since Hibiscus was not given a daily list of foreign national arrivals, there were concerns that many foreign national women were not being identified or made aware of the service.

### 4. HMP/YOI Holloway

*HMCIP Report of an Unannounced Short Follow-up Inspection of HMP/YOI Holloway, 5-14 March 2008.*<sup>14</sup>

Regarding foreign national prisoner operational management the report stated:

The foreign nationals policy should be based on analysis of the specific needs of foreign national women and, in consultation with the women, set out a clear strategy on how needs will be met, with time-limited objectives reviewed regularly at the foreign nationals committee meeting. (HMCIP 2008a:16)

The prison was commended for having appointed a foreign national co-ordinator, who was working with Hibiscus to plan and deliver services for the women. It was, however, noted that the demand for the service required much more of a human resource effort. Therefore it was recommended that the prison establish protocols with Hibiscus, setting out partnership arrangements and clearly delineating responsibilities. This protocol was to be regularly reviewed.

The report found that services for foreign national women, who accounted for over a third of the prison population at the time, were less developed than strategies for dealing with general racial issues within the institution. While there had been a recent forum for foreign nationals at the prison, there had been little analysis of the event to assist the prison to improve its services or to better understand foreign national concerns. There was little support for women who did not understand

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<sup>14</sup> HMCIP (2008a). Report can be viewed at [http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/holloway\\_\(2008\)-rps.pdf](http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/holloway_(2008)-rps.pdf).

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English; in fact the report found that prisoners felt that staff overwhelmingly ignored them, and felt very isolated because the cost of telephone calls meant they had little contact with family except for the free five-minute phone call given to each foreign national prisoner on a monthly basis.

The prison also houses a mother-and-baby unit where a few foreign mothers and their children abide. However, lack of cultural understanding frequently led to misunderstandings in the way prison officers reacted to how some foreign national women cared for their children and transported them. For example, a Nigerian woman was banned from carrying her baby strapped to her for comfort using a traditional wrap-cloth.

Only 40 percent of the foreign national women, compared to 74 percent of the British women, stated they felt they were accorded respect, and more foreign national women than British women said they were victimized by other prisoners. The prison was commended for its support via the chaplaincy, as many foreign national women reported that this provided them with enormous emotional support. Foreign national women lauded the service provided by Hibiscus but stated that the service was overstretched, with only one full-time worker.

### **5. HMP Downview**

*HMCIP Report of an Unannounced Short Follow-up Inspection of HMP Downview, 3-7 July 2006.*<sup>15</sup>

Although Downview had been largely regarded in the UK criminal justice system as one of the foreign national prisoner centres, and though the prison saw itself as a 'specialist' centre for foreign national prisoners, a draft policy had only recently been drawn up at the time of this inspection. And though the foreign national policy had been drafted, it was not done out of a needs analysis or in consultation with prisoners.

The prison had good buy-in services, such as immigration surgeries, detention advice sessions and weekly support from a Hibiscus worker. However, there were no foreign national groups, and the appointed foreign national officer rarely had time to attend to foreign national issues. Most staff had minimal awareness of the special needs of foreign national prisoners. There was a Foreign National Liaison Officer, but his time did not afford opportunity to attend to duties assigned under the foreign

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<sup>15</sup> HMCIP (2006a). Report can be viewed at [http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/downview\\_follow-up-rps.pdf](http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/downview_follow-up-rps.pdf).

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national portfolio. Operational foreign national issues were assigned to the Diversity and Race Equality Action Team, but this team rarely had time to appreciate the significance of this group given their heavy workloads. This resulted in unfair service-delivery to foreign national prisoners, who were frequently told by other prison staff to put any concerns they had to the lone Foreign National Liaison Officer – who had had to cancel a visit session with foreign nationals during the inspection because other pressing duties took precedence. While the Foreign National Liaison Officer tried his best, and actually did meet with the Hibiscus worker weekly and also met with the foreign national orderly who welcomed new arrivals, the work was not being used to improve practice or promote foreign national policy.

Foreign national women and black and ethnic minority women felt that prison staff did not adequately monitor victimization and bullying by other prisoners, and the report recommended that prison staff engaged more with foreign national prisoners and showed them more respect. Foreign national women also found it increasingly difficult to maintain contact with family at home because of the high cost of phone calls. They were allowed four airmail letters each month, and if they had unused visits they could exchange these for phone calls.

### **Independent Monitoring Board (IMB), Report on Foreign Nationals 2007<sup>16</sup>**

The IMB completed and published a report on the state of foreign nationals within the UK Prison Service, concluding as follows:

1. HMPS needs a dedicated person at a senior level charged solely with the management of foreign national prisoners.
2. There is no evidence of systematic progress regarding the problems with foreign national prisoners, only ‘fire-fighting’.
3. Channels of communication between HMPS and BIA (Border and Immigration Agency) appear sporadic and obscure; they need aligning and strengthening.
4. Statistics should be maintained and published on the number of foreign nationals in prisons and the number held beyond their sentence expiry date.
5. There is no firm and objective procedure for confirming nationality when a person enters prison; BIA should be required to authoritatively establish nationality on a person’s entry to prison.

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<sup>16</sup> IMB (2007). Report can be viewed at [http://www.imb.gov.uk/docs/Sue\\_Simkins\\_FN\\_Paper.pdf](http://www.imb.gov.uk/docs/Sue_Simkins_FN_Paper.pdf).

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6. The police service should be required to forward to HMPS any passport (and personal possessions) of a person remanded or sentenced to imprisonment.
7. A foreign national prisoner should be given more than six days from the notice of liability for deportation to state why she or he should not be deported.
8. Deportation cases should be started much earlier than twelve months before the prisoner's sentence expiry date; to notify them of deportation very late in their sentence is inhumane.
9. Those foreign national prisoners who do not wish to appeal their deportation should be fast-tracked out.

Who give the guns, who give the crack  
No-one to take the blame  
And a who import the guns and cocaine  
And a who inoculate the ghetto youths brain  
And mobilize dem in this Bloodsport game  
Say if you want to rich, you haffi kill Shane  
And wicked enough to kill him mother miss Jane  
Mek dem say you a di wickedest man pon the lane  
And if you want you respect fi long like a train  
Well you better make shot fall like a rain  
If you want to put one foot on their concord plane  
Hey, you better sell twenty kilos a cocaine!

Lyrics from 'Down in the Ghetto'  
Bounty Killer, Jamaican Dancehall Artiste  
Self-styled 'Poor People Governor.'

## INTRODUCTION

One of the most telling signs that criminal justice systems have become fixated by punishment is the high rate of imprisonment, particularly in First World countries. This has been lamented by many scholars, and so will not be the focus of this research. This study was embarked upon in order to navigate and explore the disproportionately high rates of imprisonment among foreign nationals, especially black women, in prisons in England.

This thesis will examine the various epistemological paradigms that have been used to identify and address the issue of black foreign national women in prisons in England. In recent years, this issue has certainly received attention in terms of policy and best practice, as well as with respect to the financial burden that the high rate of imprisonment of foreign national women brings to the United Kingdom. A few scholars (Agozino 1997, 2000a, 2002; Chigwada-Bailey 2003; Devlin 1998; Bhui 2005, 2006, 2007, 2009) have highlighted the problems facing the UK regarding these issues: in fact, Bhui (2005) makes a sincere effort to influence national policy and practice. This first section of this thesis examines the current and traditional theories, as well as the contemporary literature, that inform any discussion of black foreign national women in prison.

Initially, I started out with grand aims for this research: to explore, to advise policy, to educate; but a few observations and some short conversations with black foreign women prisoners made me understand how much really needed to be done in order to achieve these goals. This became most obvious, in fact, when I attempted to recruit women as participants for the research and found that they were sometimes reluctant to participate because they did not believe that their voices would matter in any policy discussion. In this context, a Nigerian prisoner commented: 'They [researchers/interviewers] come in here, they take what we say and they twist to do what they want [...] why waste your time and mine?'

I found that respondent's off-the-cuff observation a very insightful comment. I realized that research into black foreign national women imprisoned in England would not be successful unless the journey, the story, and the experiences of prison for the black foreign national female offender, were given full pedagogical acknowledgement.

### **Locating the Research Problem**

This research seeks to explore the experiences of black foreign national women prisoners in England, both before they entered prison, during prison and shortly after being released. The subject of the research, 'black foreign national women' prisoners, will hereafter be referred to as BFNWOM prisoners in this thesis.

Much research has already been conducted on the profile of the BFNWOM prisoner, who is often a drug courier. One example is Penny Green (1998), who has enlightened us on the position of vulnerability that such women occupy, one that makes them such perfect accomplices as low-level players to high-stakes crime. Bhui (2006) tells us that foreign national women prisoners have special needs as against those of British prisoners, such as specific telecommunication needs and family contact. Chigwada-Bailey (2003:113) writes

in addition to the problems associated with imprisonment, such women – who are often young black women – face additional difficulties in coping with an alien culture, language problems, isolation, lack of family contact, and acute anxiety about the welfare of children who are either in care or in poverty stricken conditions in their home country.

Baroness Corston's report on vulnerable women in the criminal justice system (Home Office 2007a:28) highlights the need for a comprehensive strategy to work with foreign national prisoners, stating:

In my view the strategy should be before prison and all other options for dealing with these women should be considered. [...] My initial thinking is that there should be shorter sentences for drug mules; increasing consideration by sentencers of mitigating factors particularly for foreign national women with young children whose safety cannot be guaranteed in the absence of their mothers; and the use of community sentences in the UK in appropriate cases.

When this research commenced in 2003, the guiding principle used by the UK government for dealing with the high number of foreign national drug couriers was long sentences. The number of foreign national prisoners increased rapidly (see Figure 2, p. 23, and Figure 3, p. 23). Interest in the foreign national prisoner population reached a peak in 2006 when the public was alerted that prison incapacity had led to systemic problems. As a result, many foreign national prisoners were

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released into the UK community instead of being considered for deportation. This 'foreign national prisoners scandal' forced the resignation of then–Home Secretary Charles Clarke. There is now an increased effort by UK authorities to rid prisons of foreign nationals who are subject to deportation.

Three major actions resulted from this effort. First, in April 2006 the Border and Immigration Agency (BIA) was created. The BIA website describes the remit of the agency as follows:

The UK Border Agency is responsible for securing the UK borders and controlling migration in the UK. We manage border control for the UK, enforcing immigration and customs regulations. We also consider applications for permission to enter or stay in the UK, and for citizenship and asylum.<sup>17</sup>

In May 2007, the BIA reported that between April 2006 and March 2007, it had deported 2,784 foreign national prisoners. Of this total, one thousand foreign national prisoners had been deported in the first three months of 2007 alone.<sup>18</sup>

Second, in October 2007 two new prisons – HMP Bullwood Hall and HMP Canterbury – were designated as male 'foreign national prisons'<sup>19</sup> with annual operational costs of £7.5 million each. However, the high number of foreign national prisoners in England means that this measure does little to address the issue in totality, since many more foreign national prisoners languish in prisons all over the country.

Third, Section 32 of the new 2007 UK Borders Act came into force on August 1, 2008.<sup>20</sup> It stipulates that the UK Borders Agency can deport any non-British and non-EEA<sup>21</sup> citizen who has been sentenced to a prison term of twelve months or more, no matter how long they have been settled in the UK and no matter how valuable their

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<sup>17</sup> <http://www.ukba.homeoffice.gov.uk/>.

<sup>18</sup> 'A Review of the Failure of the Immigration and Nationality Directorate to Consider Some Foreign National Prisoners for Deportation.' Report on the Borders and Immigration Authority webpage. issued May 2007. <http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/failuretodeportforeignprisoners/reviewofforeignprisoners1/reviewofind?view=Binary>.

<sup>19</sup> 'Jails Adapted for Foreign Inmates', *BBC News*, October 24, 2007. <http://news.bbc.co.uk/1/hi/uk/7059283.stm>. accessed October 1, 2008.

<sup>20</sup> UK Borders Act (2007), chap. 30, section 32. The law was enacted October 30, 2007. The text is available from the Office of Public Sector Information website: [http://www.opsi.gov.uk/acts/acts2007/ukpga\\_20070030\\_en\\_1](http://www.opsi.gov.uk/acts/acts2007/ukpga_20070030_en_1).

<sup>21</sup> A citizen of a country not in the following list may be defined as a 'non EEA/EU national': Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland (not actually part of the EU or EEA, but linked to the EU by an agreement), the United Kingdom. See UK Visa website: <http://www.ukvisas.gov.uk/en/ecg/eunationalsschemes/eeanationals#14715633>.

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work is to their local community, unless they can show that deportation breaches their human rights. There is also no right of appeal against deportation – only against the decision that human rights are not breached by deportation.

A careful assessment of the foreign national prisoners' situation reveals that if an effective foreign national strategy is to be implemented, then the voices and experiences of black foreign national women before, during and after prison must be examined minutely. This research will seek to give a voice to these women. There is much to be gained from elucidating the narratives of BFNWOM. While a discourse has indeed been started in England on foreign national women prisoners, the prevalence of BFNWOM in the English prison estate demands a concentrated and qualitative discussion with the women themselves, in order to comprehend the issues they face in prison, before any comprehensive foreign national prisoner strategy can be drafted and implemented.

What has not been extensively and definitively researched is the way in which BFNWOM experience their prison sentences and their post-deportation resettlement, taking as a reference point their own perspectives. The voluntary organisation Female Prisoners Welfare Project Hibiscus (FPWP Hibiscus),<sup>22</sup> working with foreign national women prisoners, has always been vociferous in campaigning for reduced sentences and a more pragmatic approach to the financial burdens of imprisoning foreign national women – notably, the cost per foreign national prisoner is about £38,000.<sup>23</sup>

The new policy developments outlined earlier indicate that the government realises the need to take action to reduce the number of foreign national prisoners. However, the measures being taken are largely reactionary. They do little to buck the trend of high and rising numbers of BFNWOM prisoners and to reduce the rate of imprisonment of this group. If deportation for sentences over twelve months is used as the only deterring measure against foreign national prisoners, the UK may well see a continued increase in the number of BFNWOM prisoners, with the only result of this policy being a higher turnover rate. This is why this research is important. The best way to fully understand what drives BFNWOM to criminality and how they view

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<sup>22</sup> FPWP/Hibiscus is a registered charity established in 1986 to provide support for females of all ethnic origins and nationalities within the UK criminal justice system. Hibiscus is a branch of FPWP and was set up in 1991 to address the special needs of foreign national women imprisoned in the UK. The organisation also has a branch in Jamaica.

<sup>23</sup> See 'Jails Adapted for Foreign Inmates', *BBC News*, October 24, 2007.

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and experience their imprisonment is to engage with their voices and thereby undertake detailed analysis.

### **Research Questions and Aims**

This research seeks both to explore the growing problem of BFNWOM in English prisons and to elucidate the raw narratives of these women in an effort to understand how they experience the English prison system.

In this thesis I have attempted to address the following issues:

- To identify the countries with the highest number of BFNWOM in English prisons.
- To investigate the reasons BFNWOM provide for committing their offences.
- To explore the experience of imprisonment for the BFNWOM.
- To investigate the resettlement experience for the BFNWOM following deportation.

### **Purpose of the Empirical Investigation**

The interviews with BFNWOM prisoners highlighted how important the issue of globalisation is in understanding the black female foreign national offender. While this was not an explicit intention of this thesis at the outset, the interviews conducted with the BFNWOM showed how globalisation affects transnational crime through free trade and the opening up of borders. Criminals are no longer operating mainly within their own sovereign territories. The internet and the general development of telecommunications have made the scope for criminality much wider than national borders. It therefore forces criminal justice authorities to examine the source of the crime beyond their own sovereign jurisdictions (Mittelman and Johnson 1999). It is my contention that long prison sentences for foreign nationals does not by itself address the problem of the high numbers of women from developing countries trying to smuggle drugs into the UK. Furthermore, I am of the opinion that longer prison sentences lead to ever-higher costs, and that such measures could have results that are quite opposite to those which policy makers and criminal authorities in England anticipate. To support this claim, this thesis will first present the contemporary theoretical discourses about women offenders and their imprisonment within the context of globalised crime, and subsequently explores the imprisonment experience of the BFNWOM offenders themselves. In doing so, I hope to highlight the ways in

which the experiences of the BFNWOM are similar to or differ from previous scholarly understandings of women's imprisonment and criminality.

Certain distinct themes arose from the interviews with the women, and these gave birth to the chapters looking at the issues of social identity, the experience of prison, and rehabilitation and resettlement.

### **Drug Trafficking and Drug Couriers: UK and Wider Europe**

Women who have been convicted in England for drug offences between 1990 and the present have been predominantly convicted for drug trafficking (see Table 2, p. 24). McSweeney, Turnbull and Hough (2008) argue that drug trafficking is the most profitable sector of transnational criminality and has evolved into the most dangerous threat to the UK of all the various organized crimes. The drug market in the UK is enormous and this means that traffickers are seeking to exploit wide and established diaspora networks, taking high risks because of the possibility for high profits. Its impact on the UK is socially, economically, politically and culturally devastating, with increased drug-related illnesses and crimes, and social exclusion and marginalization of the most vulnerable. Violent crimes and the illegal possession of firearms have notably increased, and this has been repeatedly linked to drug trafficking, as violence and intimidation strategies are employed to protect a market base (McSweeney et al. 2008:32).

FIGURE 1. Cocaine Supply Routes to the UK.



McSweeney, Turnbull and Hough (2008), citing  
'Drug Suspect Assets to be Seized', *BBC News*, February 27, 2007.

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Brombacher and Maihold (2009) argue that the most significant routes through which cocaine enters Europe are via Spain, Portugal and the Netherlands, and to a lesser extent through Germany, Belgium, France and the UK. They also state that since 2005, the ability of drug traffickers to exploit vulnerable and weak states to create cocaine routes into Europe has become evident by the increased targeting of West Africa by drug traffickers. Increasing controls along direct routes, a slow US market for cocaine, increasing demand in Europe and excellent criminal networks and weak state institutions in Africa is making Africa a profitable transshipment point. Poor women, with little knowledge of the devastating effects of drugs and the traumas of imprisonment in Europe, have frequently been recruited by drug barons in all regions they use as transshipment points. The European Commission's 2009 report 'Global Illicit Drug Markets 1998-2007' states:

Though high level dealers make attractive targets for law enforcement, offering the opportunity to remove entrepreneurial energy and *organizational leadership* from the drug trade, there is almost no systematic information available about programs aimed at accomplishing this. (European Commission 2009:43)

The report further states:

Considerable prominence has been given to efforts aimed at seizing the assets of drug dealers. Much of the initial impetus for creating the international money laundering control system arose from the belief that this could be used to cripple the international drug trade. In fact the seizures of drug related assets have been slight in all countries, at least relative to what is believed to be the scale of the trade. (Ibid.: 45)

Female drug couriers from poor developing countries in Africa and the Caribbean are nothing but small-time low-level transportation options for drug barons who use them to transport 'currency cocaine' (Brombacher and Maihold 2009). Maher and Hudson (2007) conducted a qualitative assessment of the literature on women in the drug economy and asserted that women primarily accessed and sustained their roles in the drug trade through links they developed with men, and remained primarily in low-level and marginal roles. McSweeney et al. (2008) agree that women, particularly non-UK nationals, are usually used as couriers of cocaine through UK ports in

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preference to men. It is this phenomenon that has led to the high numbers of BFNWOM in prison in England.

This thesis contends that drug trafficking has indeed had a detrimental moral and social effect on the UK. It is, however, the standpoint of this thesis that BFNWOM prisoners in England are, as Green (1998) puts it, 'scapegoats' in the war on drugs. Few of the calls for policy changes in England to address the new challenges brought by foreign national prisoners have given space to the 'voice' of the women. Before beginning this research, I probed for the most effective way to reach an understanding of the issues affecting the BFNWOM prisoner. I recalled Devlin's work *Invisible Women* (1998), which gave a voice to women in prison and was powerful in its ability to elucidate the plight of mainstream women prisoners. The issue of BFNWOM in prisons in England is so multi-faceted that it is not to the credit of the criminological literature that there should be such a glaring gap in the discourse where their voices should be.

While the media have highlighted some surface issues, the small number of participants and the sensationalism that accompanies media stories have not led to rigorous intersectional analysis that could inform policies on this issue. This is why this research is important. It explores and provides data on the BFNWOM prisoner's experience of the criminal justice system in England, and analyses the various consequences of the offenders' actions. It also analyses the resettlement experience of BFNWOM offenders: interviews were conducted with twenty Jamaican women after their deportations to assess the rehabilitative impact of imprisonment on their lives and how they experienced resettlement.

### **Definition of Variables and Statement of Research Problem**

For the purposes of this research, the term 'black women' will refer to women of African and Caribbean descent. This term is also adopted by some women of Asian descent to express solidarity of feeling as a result of the discrimination they experience because of the darker colour of their skin. These concerns are not to be overlooked. This research will be investigating 'only' foreign national women of African and Caribbean descent for no other reason than, that other researchers have found that the experiences of the Asian female prisoner are quite different to those of African and Caribbean descent. Devlin's (1998) research demonstrated that Asian women were never branded with the same threatening stereotype as black women of

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African or Caribbean origin. This difference in stereotyping can also be linked to the fact that Asian female prisoners are usually convicted for non-violent crimes that are not drug-related (Devlin 1998).

My decision to focus this research on black African and Caribbean women does not at all suggest that one group's needs are greater than another's. My focus is so chosen because of the increase in the number of female prisoners who are foreign nationals, and because there are clear facts which show that this increase is largely due to BFNWOM who are of African and Caribbean origins. The term 'foreign national female prisoners', when used in this research, refers to women prisoners who do not have a United Kingdom travel document.

The prison population for England and Wales as of March 12, 2010 was 84,897. The total number of women in prison was 4,266.<sup>24</sup> Ministry of Justice statistics on women and the criminal justice system in the period 2008-2009 (Ministry of Justice 2010) state that 23 percent of this total were foreign nationals and that 55 percent of foreign national women prisoners were black.

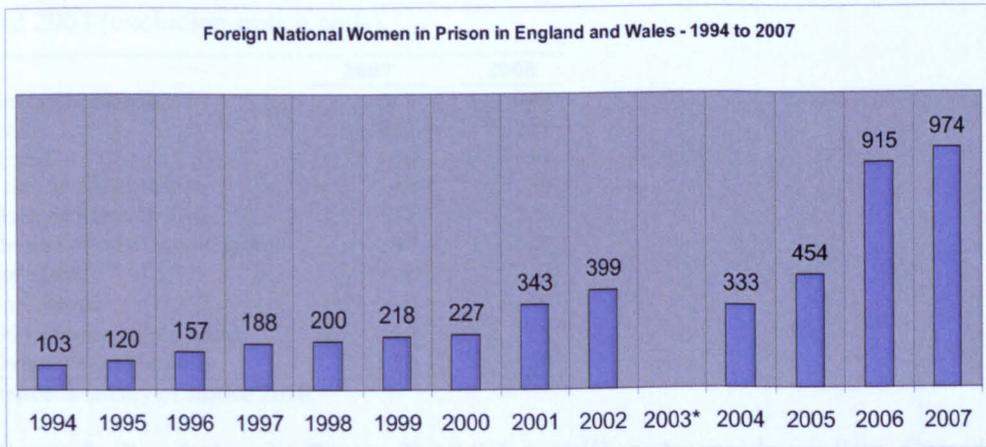
Figure 2 shows the number of sentenced foreign national prisoners from 1994 to 2007, and Figure 3 identifies the Caribbean and African countries with the highest numbers of foreign national women prisoners in England and Wales between 2005 and 2007. African and Caribbean women account for a very high proportion of the female foreign national women prison population. Table 1 shows the ethnic make-up and nationality of foreign national women in 2007 and 2008, while Table 2 provides the prison population by gender and offence for both foreign nationals and British prisoners.

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<sup>24</sup> Ministry of Justice. National Offender Management Service, Prison Population and Accommodation Briefing for March 26, 2010. [http://www.hmprisonservice.gov.uk/assets/documents/10004A4Dpopulation\\_bulletin\\_weekly\\_26\\_03\\_10.doc](http://www.hmprisonservice.gov.uk/assets/documents/10004A4Dpopulation_bulletin_weekly_26_03_10.doc).

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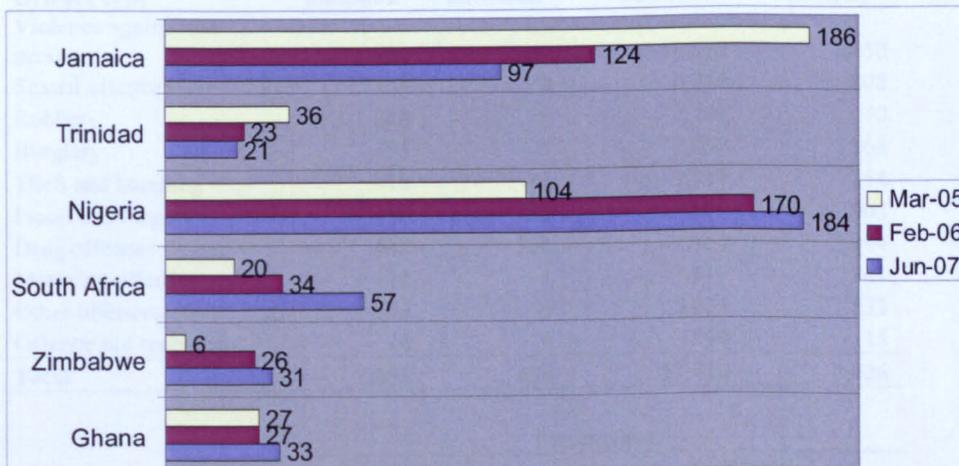
FIGURE 2. Sentenced Foreign National Women in Prisons in England and Wales. All Criminal Offence Categories, 1994-2007.



Adapted from Home Office and Ministry of Justice Statistics. Not Included: Those held under Immigration Act or Remand Prisoners.

\* 2003: Not available because of Home Office policy changes.

FIGURE 3. Top Five Countries with Sentenced BFNWOM in England and Wales.



Adapted from Home Office and Ministry of Justice Statistics.<sup>25</sup>

<sup>25</sup> It is important to note that the number of Jamaican women in prisons in England and Wales halved between March 2006 and June 2007. This reduction was the result of a combination of approaches. First, UK customs engaged the Jamaican government to assist them in effective border control by providing powerful ION scan machinery to detect concealed drugs. Second, the voluntary organisation Hibiscus was assisted to engage the Jamaican public in an intense educational media and school education campaign to sensitise the public about the real and harrowing nature of life in prison in the UK away from family.

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TABLE 1. Women in Prison Establishments by Ethnic Group and Nationality, 2007 and 2008 (excluding police cells).

	2007	2008
Foreign Nationals	963	949
White	243	217
Mixed	50	31
Asian or Asian British	48	49
Black or Black British	519	520
Chinese or other ethnic group	97	129
Not Stated	6	2
Unrecorded	0	0
1991 Census ethnic codes	0	0
Unrecorded nationality	90	89

Source: Ministry of Justice 2010.

TABLE 2. Population in Prison Establishments<sup>(1)</sup> under an Immediate Custodial Sentence, by Nationality,<sup>(2)</sup> Offence Type and Gender, 30 June 2008, Numbers and Percentages.

Offence type	Number of persons			
	Women		Men	
	British nationals	Foreign nationals	British nationals	Foreign nationals
Violence against the person	726	44	16,672	1,450
Sexual offences	38	9	6,745	808
Robbery	288	6	7,787	640
Burglary	195	7	7,452	268
Theft and handling	417	43	3,111	254
Fraud and forgery	110	182	800	903
Drug offences	682	308	7,954	2,014
Motoring offences	21	1	1,210	141
Other offences	363	50	5,471	533
Offence not recorded	18	6	214	15
<b>Total</b>	<b>2,858</b>	<b>656</b>	<b>57,416</b>	<b>7,026</b>

Offence type	Percentages			
	Women		Men	
	British nationals	Foreign nationals	British nationals	Foreign nationals
Violence against the person	25.4	6.7	29.0	20.6
Sexual offences	1.3	1.4	11.7	11.5
Robbery	10.1	0.9	13.6	9.1
Burglary	6.8	1.1	13.0	3.8
Theft and handling	14.6	6.6	5.4	3.6
Fraud and forgery	3.8	27.7	1.4	12.9
Drug offences	23.9	47.0	13.9	28.7
Motoring offences	0.7	0.2	2.1	2.0
Other offences	12.7	7.6	9.5	7.6
Offence not recorded	0.6	0.9	0.4	0.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(1) Excludes police cells.

(2) Includes persons of unknown or unrecorded nationality.

Source: Ministry of Justice 2010.

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Consequently, the respondents in this research are mainly the women prisoners from the two countries with the highest number of foreign national women prisoners – Jamaica and Nigeria. However, I also interviewed offenders belonging to other Caribbean and West African countries with relevant similarities. The analysis of the BFNWOM prisoners' voices therefore reflects the experiences of the women from these cultures.

The following tables set out the statistical composition of the research sample:

**TABLE 3. Basic Research Interview Sample Overview.**

Number of Women Interviewed While in Prison	60
First Time in Prison	57
Women with children	49

**TABLE 4. Research Sample Nationality Statistics.**

Jamaican	27
Nigerian	12
Ghanaian	11
Trinidadian	6
Netherlands	1
France	1
Antigua	1
United States of America	1

**TABLE 5. Research Sample Age Statistics.**

Age range	Number of participants
19-29	18
30-39	27
40-49	8
50-59	7

### **Focus Groups Research Statistics**

**TABLE 6. Focus Group 1, N=8.**

Jamaica	3
Nigeria	3
Trinidad	1
Ghana	1

**TABLE 7. Focus Group 2, N=10.**

Jamaica	4
Nigeria	2
Antigua	1
France	1
Trinidad	2

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TABLE 8. Focus Group 3, N=12.

Jamaica	5
Nigeria	4
Trinidad	2
Barbados	1

Harsh sentencing measures result in more women being imprisoned each year. The Misuse of Drugs Act (1971), Sections 3, 4 and 5, distinguishes between the possession of drugs, supplying of drugs and the trafficking/importation/ exportation of drugs. It stipulates that trafficking in Class A drugs carries a maximum penalty of fourteen years, while possession of Class B drugs carries a maximum of seven years. However, new precedents were set in the Appeal Court case of Aranguren and others (1994),<sup>26</sup> which established that regard should be had to the weight of the pure drug imported, rather than the estimated street value. At 100 percent purity, 500 grams of a Class A drug attracted a sentence of ten years and 1,000 grams of Class A a sentence of ten to fourteen years. For five kilograms or more, a sentence of fourteen years or more was recommended (Harper et al. 2000). This has resulted in the overcrowding of the female prison estate. The monthly prison population statistic for September 2005 reported that 79 percent were foreign nationals and 21 percent UK nationals.<sup>27</sup>

At the start of this research in 2003, Jamaican women formed the largest number of foreign national women in prisons in England and Wales. Juliet Lyons of the Prison Reform Trust wrote in the *Guardian* in 2006 that 80 percent of the foreign national women were being imprisoned for drug offences.<sup>28</sup> Harsh sentencing policies on drug smuggling have handed these women long sentences, with the aim of deterring women from poor countries from taking up the smuggling of drugs. However, as statistics since 2005 show,<sup>29</sup> it appears that these measures have had minimal long-term success in thwarting the practice.

The Chief Executive of NACRO, Paul Cavadino, states:

The damage caused by hard drugs can devastate users' lives; but that cannot justify unfair sentencing. Why should courts be required to look at individual culpability in

<sup>26</sup> Regina v. Aranguran and others (1995). See Sentencing Guidelines website, <http://www.sentencing-guidelines.gov.uk/guidelines/other/courtappeal/>, Guideline Judgements Case Compendium, section (F).

<sup>27</sup> Prison population statistics sheet provided to me by HMP Morton Hall for September 2005.

<sup>28</sup> Juliet Lyon. 'The Foreigners Still Locked in Our Jails are the Other Scandal: Non-British Prisoners are Trapped in a Racist, Isolated, Bureaucratic Limbo Created by the Home Office's Failures'. *Guardian*, April 26, 2006. <http://www.guardian.co.uk/commentisfree/2006/apr/27/comment.politics1>.

<sup>29</sup> Ibid.

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cases of serious violence but barred from doing so when sentencing drug mules? As import offences disproportionately involve foreign nationals, the guidelines are also institutionally racist. (*Guardian*, October 2, 2003)

Collaborative measures between Britain and Jamaica to curb drug smuggling, such as Operation Airbridge,<sup>30</sup> which provided ION SCAN and EMIT x-ray machines at Jamaican airports, were effective in the short term at curbing the rate of BFNWOM caught at UK ports. At a seminar entitled 'Effects of Crime on Jamaica', held on December 8, 2003 at the Jamaican High Commission in London, Carl Williams, Senior Superintendent in charge of the Narcotics Division of the Jamaica Police Force at the time said that since these technological aids were provided by the UK to Jamaica in December 2002, 589 drug couriers had been caught in Jamaica in the period up to November 2003, as they were about to board flights, and that 80 percent of all drug couriers caught in Jamaica were headed for the United Kingdom. Superintendent Carl Williams echoed Rethink's report 'Bitter Pill to Swallow' (Rethinking Crime and Punishment 2003), by adding that Jamaican police intelligence at the time revealed that drug dons were regrouping to find more ingenious ways of couriering the contraband. Thus, this thesis asserts that effective long-term deterrence measures must include extensive sensitisation of the population in countries where women are targeted by criminals to become agents for transborder crime. Travellers from Jamaica to the UK, including myself, report that while manual searches are still employed by customs officials at the Jamaican airports, the ION scan and emit machines are now frequently turned off. In other words, the commitment by officials in developing countries to use such aids and thus justify the costs associated with their operation are by no means consistent. Education and awareness initiatives such as the 'Eva Goes to Foreign'<sup>31</sup> media campaign in Jamaica,

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<sup>30</sup> Operation Airbridge is an initiative launched in 2002 to stop the flow of cocaine traffickers into the UK by intercepting them before they board their flights. A technical assistance and training programme was set up for the Jamaican Constabulary Force, and ION testing machines were provided by the FCO. with training provided by UK Customs.

<sup>31</sup> 'Eva Goes to Foreign' was launched by Hibiscus (funded by the British High Commission in Jamaica) in Jamaica in tandem with Operation Airbridge. The campaign used posters, comics and beer mats to show the story of Eva and her arrest and imprisonment in the UK. The main feature was a 2.40 minute animation showing the story of Eva who was imprisoned in the UK, the hardships she experienced in prison because she left her family behind and had no contact with them. the loss of her mother while she was in prison and the dire economic and emotional issues facing her when she was deported. See the animation on Youtube here: [http://www.youtube.com/watch?v=x6JKsBq2JT1&feature=player\\_embedded](http://www.youtube.com/watch?v=x6JKsBq2JT1&feature=player_embedded).

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the 'Bola Get Rich Quick'<sup>32</sup> anti-drug trafficking campaign in Nigeria and the 'Maame Goes to London'<sup>33</sup> campaign in Ghana are direct appeals to citizens in these countries not to be tempted by drug barons. Moreover, with regards to human drug couriers Williams stated that while drug lords had hitherto offered £1,000 to £1,500 to potential drug couriers for a single delivery trip by air, they are now offering women between £2,500 to £3,000 because of the new risks.

Reports of the prison population post-2001 showed a dramatic increase in convicts from Nigeria<sup>34</sup> (Klein 2009:385). This hints at the globalised nature of drug trafficking and explicitly points to its tendency to move to areas of less restriction,<sup>35</sup> while always preying on the most vulnerable group – women in poverty. It therefore becomes evident that measures such as the introduction of x-ray machines to curb drug smuggling can only be short-term measures, and need to be supported by other means of collaborative work to raise awareness about the issue of drug couriering in countries like Nigeria. As Figure 3 shows, the number of Jamaican women in prison in England significantly declined – to ninety-seven – in June 2007. This decline can be attributed to the relentless effort to raise awareness in schools, in the media, in churches, etc., in Jamaica about the practice and consequences of couriering contraband: in other words, it was not simply due to the imposition of long sentences in the UK in the absence of engagement of vulnerable women at the community level.

The decline in the number of women trafficking drugs may provoke claims that deterrence did in fact work. However, this thesis argues that deterrence by virtue of incarceration alone was not effective in preventing drug couriers. The evidence from Nigeria and Jamaica indicates that deterrent measures involving widespread educational and awareness campaigns are a far more effective means of tackling the

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<sup>32</sup> 'Bola Gets Rich Quick' is an educational anti-drug trafficking campaign including posters and a short animation film. Like 'Eva Goes to Foreign', the campaign is aimed at warning vulnerable women who are targeted by drugs barons about the dangers of carrying drugs for them. See [www.fpwphibiscus.org.uk](http://www.fpwphibiscus.org.uk).

<sup>33</sup> 'Maame goes to London' is a public educational campaign launched in November 2007 by FPWP/Hibiscus in partnership with the British High Commission in Accra. It establishes local partnerships with community leaders, market women, universities and schools, as well as media representatives, who all play their part in carrying the anti-drug trafficking campaign to the public. See [www.fpwphibiscus.org.uk](http://www.fpwphibiscus.org.uk).

<sup>34</sup> Richard Ford. 'Britain Secretly Converts Prisons to Detain Foreign Prisoners Only', *Times*, October 24, 2007. <http://www.timesonline.co.uk/tol/news/uk/crime/article2727025.ece>. See also Christine Jeavans. 'Nigerian Drug Mules On the Rise'. *BBC News*, October 3, 2005, [http://news.bbc.co.uk/2/hi/uk\\_news/4261934.stm](http://news.bbc.co.uk/2/hi/uk_news/4261934.stm).

<sup>35</sup> 'Nigerian Gangs Use Indian Women for Drug Trafficking,' IANS News Agency, July 14, 2008. See article on Thaindian News website: [http://www.thaindian.com/newsportal/uncategorized/nigerian-gangs-use-indian-women-for-drug-trafficking\\_10071276.html](http://www.thaindian.com/newsportal/uncategorized/nigerian-gangs-use-indian-women-for-drug-trafficking_10071276.html).

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high rates of BFNWOM imprisonment in the UK. In addition, the findings of this research showed that while many BFNWOM interviewed felt that they would not be future drug couriers, some also stated that they had no idea how they would act if they were again placed in a position of grave need and were asked to take the chance. At the 2008 Perrie Lectures, in a speech entitled 'The Inconvenient Truth about Drug Smuggling', Olga Heaven stated the following:

A deterrent can only be a deterrent if the consequences of an action are known in advance and a choice is made. However, in the countries where poverty, desperation and lack of education abound, the drugs barons rely on the fact that the women they target as drugs mules are ignorant of the consequences of carrying drugs into the UK. (Heaven 2008:24)

She further stated that the experience of the charity FPWP Hibiscus had been that women are willing to get involved in transborder crimes such as drug trafficking because there is an absence of opportunity in their own countries, and that they had no idea within their own countries what imprisonment abroad meant, nor of the penalties associated with the crime. These penalties are hidden from them when they are recruited by drug barons. By ignoring these global realities and not consistently educating women from poor countries who are targeted by drug barons, long prison sentences will not be an effective global policy. Heaven said: 'The current regime [of long prison sentences] has therefore not had any success in stemming the supplies of couriers, or on the availability of class A drugs coming into the UK. It is an ineffective weapon in the fight against drugs' (ibid.).

The most recent statistics<sup>36</sup> also show that foreign national women are being sentenced for fraud and forgery, usually of travel documents, at much higher rates. Home Office Circular 15/2006<sup>37</sup> stated that offences regarding fraudulent travel documents which fall under the charges of possession of false identity under sections 25, 26 and 30, and schedule 2 and related sections of the Identity Cards Act (2006),<sup>38</sup> could upon conviction face a maximum prison sentence of up to ten years. In the light of recent concerns about terrorist threats, the UK courts have taken a hard line on

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<sup>36</sup> See Table 2. p. 24.

<sup>37</sup> 'Offences Relating to Possession of False Identity Documents', Home Office Circular 15/2006. See Home Office website: <http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2006/015-2006/index.html>.

<sup>38</sup> Identity Card Act 2006 c. 15. ss. 25, 25, 30, and Sch. 2. See Office of Public Sector Information website [http://www.opsi.gov.uk/acts/acts2006/ukpga\\_20060015\\_en\\_1](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060015_en_1).

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false travel documents. I spoke informally to one woman at HMP/YOI Holloway who used false documents to obtain her job as a cleaner in a school and was given a six-month custodial sentence. It was disclosed in court that she had been living in the UK illegally since 2002. Upon sentencing, the magistrate told her that he had no choice but to give her a custodial sentence. Anecdotal evidence from FPWP Hibiscus's development workers show that most of the women who are convicted of fraud and/or forgery are predominantly from African countries. Transnational information technology and the increasing penetration of global media provide women with continuous reminders that there is an alternative way of life to be had in the developed world. Many BFNWOM prisoners report frequent cases of domestic abuse in their own countries, and when presented with the opportunity to leave such situations, albeit via illegal means such as drug couriership or fraud, some are willing to take the chance.

The system of legal plurality<sup>39</sup> which exists in Nigeria also contributes to the victimization of poor and vulnerable women and their recruitment into criminality. While juridical codes condemn domestic violence, some African women accept domestic violence because customary laws implicitly permit the husband to beat his wife as long as he does not cause her 'serious bodily harm'. It is not easy for some African women to dissolve a marriage to an abusive husband. Parents of the woman often encourage her to stay in such an abusive relationship because of the economic advantage it provides to the family if she remains in her husband's house. Violence against persons who assist a woman to leave her husband is also supported by

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<sup>39</sup> Alongside English Common Law, the Nigerian legal system is also based on ethnic customary law. Ethnic customary laws are the indigenous laws that apply to the members of the different ethnic groups. Nigeria is made up of several ethnic groups, each with its own variety of customary law. Customary law is a system of law that reflects the culture, customs, values and habits of the people whose activities it regulates. It has been described as a mirror of accepted usage. Customary law is particularly dominant in the area of personal and family relations like marriage, divorce, guardianship and custody of children and succession. Naturally, differences in the customary laws of different ethnic groups do exist; even within an ethnic group, instances of pockets of differences in aspects of customary law are noticeable. For example, the marriage customs and inheritance rules of the Ibos of south-eastern Nigeria are different from those of the Yorubas of south-western Nigeria. Beyond this the customary values and systems of various Yoruba sub-ethnic groups are bound to be different even if they are in the same state. Unfortunately, ethnic customary law is unwritten, uncertain and difficult to ascertain. It is flexible and has the capacity to adapt to social and economic changes without losing its character. There have been instances of legislative interventions to modify and at times abrogate rules of customary law. Customary law is usually enforced in customary courts, the courts at the lowest rung of the hierarchy of courts, which in most cases are presided over by non-legally trained personnel, though higher courts are permitted to observe and to enforce the observance of rules of customary law by their enabling laws. It is to be noted that the bulk of causes on the Cause List of customary courts, especially in south-western Nigeria, are matters relating to the dissolution of traditional marriages. For further discussion, see Agbede (1991).

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customary law. The 2004 Amnesty International report, entitled *Nigeria: The Death Penalty and Women under the Nigeria Penal Systems*, states that Sharia law has been successfully imposed in twelve African states since 1999 and that this has seen many women becoming victims because they may opt for illegal abortions or have extra-marital sexual relations known as *zina* (defined as those who 'have sexual intercourse through the genital [*sic*] of a person over whom he has no sexual rights and in circumstances in which no doubt exists as to the illegality of the act'), both of which attract a penalty of a potential death sentence (Amnesty International 2004:1).<sup>40</sup>

It is well documented that Nigeria suffers from high levels of corruption (Smith 2007; Transparency International 2007; Diamond 1991; Rose-Ackerman 1997; Brownsberger 1983). The knowledge that illegality is entrenched in the social and political culture makes it especially difficult to prevent vulnerable women from attempting crimes such as drugs trafficking. Alice Ukoko, director of the campaign group Women of Nigeria International, in referring to the rise in the number of Nigerian women in UK prisons, commented to the BBC News on March 10, 2005: 'Nigerians have reached a situation where we don't know what law and order means. You just do things that you think will bring you money, whether it's in the law or not.'<sup>41</sup>

Nigeria's response to the high rate of women drug couriers in the early 1990s was to introduce legislation called Decree 33.<sup>42</sup> Sections 12 (2) and (3) of Decree 33 state that any Nigerian who is arrested and convicted of a drug-related crime overseas and 'brings the name of Nigeria into disrepute' has committed an offence and is liable to five years' imprisonment on their return to Nigeria, even after having already served the full sentence overseas. At the same time, FPWP Hibiscus opened an office in Lagos and undertook an intensive educational media awareness campaign, informing women about the perils of smuggling drugs and the risk of death by attempting to traffic by swallowing. The organisation engaged local stakeholders such as schools,

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<sup>40</sup> Sharia law mandates the death penalty for 'crimes' such as: *zina*, rape, incest, and 'sodomy' as defined in Sharia penal codes (Amnesty International 2004:6).

<sup>41</sup> Christine Jeavans. 'Nigerian Drug Mules on the Rise', *BBC News*, October 3, 2005. <http://news.bbc.co.uk/1/hi/uk/4261934.stm>.

<sup>42</sup> Section 12 (2) of Decree 33 of 1990 states that 'Any Nigerian citizen found guilty in any foreign country of an offence in [*sic*] involving narcotic drugs and psychotropic substances and who thereby brings the name Nigeria into disrepute shall be guilty of an offence under this subsection.' The punishment is laid down in Section 12 (3) of the Decree: 'Any person convicted of an offence under subsection [...] (2) of this section shall be liable to imprisonment for a term of five years without an option of [a] fine and his assets and properties shall be liable forfeiture as provided by this Decree.' See European Country of Origin Information Network website, <http://www.ecoi.net/189854::nigeria/329182.328458.9862...akt/double-jeopardy-decree-33.htm>.

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churches and the media to inform women of the harrowing experiences of prison in the UK and shared experiences of Nigerian women imprisoned in the UK who were separated from their children. They also reminded them of the possibility of dual punishment, via Decree 33, if they were convicted in the UK and returned to Nigeria.

These measures were correlated with a reduction in the rates of trafficking from Nigeria in the 1990s. However, the recent increase in trafficking and the continuing fluctuation of rates suggest that it was the educational campaign, rather than the legislation, that was most significant in producing this reduction. The apparent short-term success of Decree 33 was really due to Hibiscus's public media campaign. Decree 33 appears to have been short-sighted and ineffective, because, in the absence of education, harsh economic realities have once again contributed to the steady increase of Nigerian BFNWOM prisoners in the UK.

Paton (2004) argues that the experience of punishment in colonial domains in the period 1780-1870 was not one that predisposes foreign offenders to views of incarceration similar to those held in First World countries. These cultural identities do not just dissipate, and scholars such as Agozino (2008) and Klein (2009) have shown that BFNWOM offenders do not attach the same meanings to imprisonment as do authorities and individuals in the global North. Klein, addressing the Nigerian drug courier, writes:

She therefore faces the full force of the law, indeed, a scapegoat for a drug policy that has seen a dramatic rise in the punitive measures over recent years with little success in reducing crime in any dramatic fashion. Most of the Nigerian couriers, not surprisingly, see themselves as victims of injustice. Many have a strong sense of right and wrong, and while all agree that what they were doing was not right, few accept the punishment as just. (Klein 2009:391)

Hibiscus's sustained educational campaign in Nigeria proved to be a more effective deterrent than long sentences in the UK because it brought home to the women the realities of such sentencing *before* they smuggled the drugs. It therefore seems that the risk of imprisonment in the UK (or on return to Nigeria), in the absence of sensitisation in the home country, was not an efficient deterrent to potential drug couriers. Knowledge about the experiences of fellow country-women in prisons overseas was more effective. Many women believe that prison in the UK is 'not so bad' as in their own countries. Stories and animations about the experience of prison

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in the UK by BFNWOM in the local language prove very effective in communicating the message of deterrence.

Globalisation has been a gift for criminal elements. The crime of carrying a fraudulent passport, which UK authorities say warrants a heavy custodial sentence, could in fact be what Agozino (2002) calls 'victimisation-in-punishment'. The criminalisation of such a woman would in effect be further punishment for a person fleeing from such situations. The stories of two of my research participants – one a Nigerian woman who was trying to rebuild her life after having to flee an abusive husband, the other a woman from France with parents from Benin who was forced into drug trafficking and prostitution under threats to the life of her family if she refused – demonstrate that globalisation, in commercialising mankind, also provides new impetuses towards criminality. It affords the women, who would not normally offend in this manner, a chance to be free from what they view as economic and physical enslavement in their own poverty-stricken countries. While trying to free themselves, they are caught. However, the rates as presented in the prison statistics should not be used as the basis of an assumption that black foreigners are more likely to be criminal travellers: as Agozino argues (2000), and as my own experiences of racial profiling and being criminalised by immigration show, the figures may well represent racial stereotyping by the immigration and customs agencies.

Bosworth, Bowling and Lee (2008) argue that the high rates of black and ethnic minorities in UK prisons is a direct result of a racist criminal justice system which targets blacks and minorities and displays harsher sentencing tendencies towards them. Such practices have extended to black and ethnic minority travelers. Newburn, Shiner and Hayman (2004) contend that the increasingly multi-ethnic composition of the UK population has also ushered in conflicts regarding how the law is enforced and maintained between varying ethnic groups. They argue that while policing in the UK is viewed as essential, and is generally consented to by the public, the manner in which it has been conducted between the varying 'publics' or ethnic groups is starkly different and is therefore received very differently by minorities. Since crime is often presented as predominantly a black issue (Clancy et al. 2001), it has resulted in black persons being routinely criminalized and targeted.

The first time I started to register the racial profiling I experienced as a black traveller as atypical was in February 2004, at Heathrow airport. I was travelling back to the UK from Jamaica, having attended the 3<sup>rd</sup> International Crime and Criminal

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Justice Conference in the Caribbean hosted by the University of the West Indies, where I had presented a paper entitled 'Theorising Female Drug Mules and their Incarceration'. During the same trip, I went across to Guyana for four days and delivered a presentation to the Diplomatic Corps entitled 'Drug Couriers: Our Caribbean Women'. On coming back to the UK I was stopped and questioned by a custom officer. Our exchange went as follows:

Customs Officer: Where are you coming from?

Tres-Ann: Jamaica.

Customs Officer: What did you go for?

Tres-Ann: I am Jamaican. I went to a conference and I visited family and friends.

Customs Officer: Do you mind me giving your luggage a search?

Tres-Ann: No, I don't mind.

After searching and finding nothing he looks through my passport.

Customs Officer: What do you do here?

Tres-Ann: I am a student at the University of Kent where I am doing a PhD.

Customs Officer: A PhD?

Tres-Ann: Yes.

Customs Officer: What are you studying?

Tres-Ann: Criminology.

Customs Officer: Why did you go to Jamaica and then Guyana?

Tres-Ann: I went to present a paper to the Diplomatic Corps in Guyana.

The officer then left with my passport and returned five minutes later.

Customs Officer: Okay, that's it. Thank you very much.

By itself, the incident seems like a normal random search. However, when I looked around, I observed that there were only black persons standing with immigration officers, and that all white passengers who were on the same flight had passed immigration without being stopped. Moreover, many other white persons passing through customs from other flights were also passing through freely without being stopped.

The second incident of racial profiling and criminalisation of the black body I experienced was after returning from the second Hibiscus conference entitled 'Beyond Bars: Resettlement, Reintegration and Rehabilitation', held in Jamaica on

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February 21 and 22, 2005, where I presented a paper entitled 'Black Foreign National Women in British Prisons', discussing the initial findings from this research.

On exiting customs, I was stopped by a customs officer. Our conversation proceeded as follows:

Customs Officer: Where are you travelling from?

Tres-Ann: Jamaica.

Customs Officer: What do you have in your luggage?

Tres-Ann: My clothing items and personal effects.

Customs Officer: Are you a Rastafarian?

Tres-Ann: Lots of persons think differently about who is a Rasta. I do not know what your perceptions are, so I cannot say. But I do wear the typical Rastafarian hairstyle.

Customs Officer: Did you pack your bag yourself?

Tres-Ann: Yes.

Customs Officer: Can you open your bag?

He diligently looks through and then satisfies himself that I have no contraband in that bag.

Customs Officer: Is that a laptop case?

Tres-Ann: Yes it is.

Customs Officer: Do you mind opening it?

Tres-Ann: No, I don't mind.

I open the bag and take out the laptop.

Customs Officer: What were you doing in Jamaica?

Tres-Ann: I am Jamaican. And I went to present a paper at a conference and to visit family and friends.

Custom Officer: Could you turn on your laptop?

Tres-Ann: Okay.

Customs Officer: Can you show me the paper that you presented?

Tres-Ann: Is that necessary? I do not understand why it is, but here it is.

Feeling humiliated under the scrutiny of every other traveller freely passing by, I stood there searching for the file on my laptop for the customs officer while he read the first page of my conference presentation on the laptop screen. After this, he told me I was free to go.

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The third incident of racial profiling I experienced was when I was travelling back to the UK in the summer of 2005 from Jamaica after visiting my grandmother who had been hospitalised for about two months.

Customs Officer: You are coming from Jamaica?

Tres-Ann: Yes, I am.

Customs Officer: You travel quite frequently home. Where do you study?

Tres-Ann: I study at the University of Kent.

Customs Officer: How do you get so much money and time?

Tres-Ann: I happen to have a supportive family and my PhD is a research project which requires that I travel.

Customs Officer: Are you aware that it is a criminal offence to travel with a classified drug?

Tres-Ann: Yes I am.

Customs Officer: Would you mind opening your bags please?

Tres-Ann: No problem.

He proceeds to open my personal effects and diligently takes out souvenirs and scented candles I bought at the airport in Jamaican duty-free.

Customs Officer: What are these?

Tres-Ann: Candles.

Customs Officer: They don't do candles in the UK?

Tres-Ann: I like scented Jamaican candles.

He beckons to his colleagues who are now very alert to my six candles. His colleague starts digging into my candle with a pen.

Tres-Ann: Do you need to destroy my candle? Can you not put it through an x-ray machine or have your dogs sniff it?

Customs Officer: I am doing my job. What do you say you do in the UK?

Tres-Ann: I am a student.

Customs Officer: Where do you study?

Tres-Ann: At the University of Kent.

Customs Officer: What do you study?

Tres-Ann: Criminology.

Customs Officer: Yes but what?

Tres-Ann: Well, that is what I study. Are you asking me about my area of specialisation?

Customs Officer: Yes, I am.

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Tres-Ann: Well, my research is largely about black foreign national drug couriers and their imprisonment in the UK.

Customs Officer: Do you think this is a joke? Are you being cheeky?

Tres-Ann: Most certainly I do not think it is a joke and I am not being cheeky.

About this time, one senior management member of customs staff who was at the Hibiscus conference in 2004 and who I was in email communication with regarding arrest-at-port data came out and I approached and identified myself to him. He found it interesting that I was stopped. Smiling he said, 'Well at least you can see that we are working on the matter diligently.' I was finally allowed to take my damaged candles and my belongings and leave.

Every time that I travel into England I am searched and extensively questioned, despite the fact that I have a perfectly explainable record for my residence in England. This is only a tiny reflection of what the travelling black foreign national goes through. When the custom officer asked me to power up my laptop and show him the paper I had presented, I wondered how often this occurred in a routine customs check. Many white persons with laptop bags were freely allowed to pass, not being stopped and not harassed the way I was. What was it that made the customs officer dubious of my statement that I had presented a paper at a conference? It is now a ritual which I expect on disembarking from a flight at any UK airport. My last encounter after my marriage saw the immigration officer asking me why my husband wasn't travelling with me.

Especially since my marriage, it has become increasingly clear that my travel experience is largely unique to my race, and I was convinced that I had to bring my own experience as a black foreign national traveller into England into my thesis discussion. The only two times that I have not been stopped and searched while travelling into a London airport were the two times I travelled into London with my husband, who is a white Dutch national. Interestingly, he was very surprised when Jamaican customs authorities stopped him and he was searched alongside black, white and Chinese travellers. He commented that it was a very strange and unique experience because he had never experienced such a search before. While he found it strange, I was able to explain it was a customary thing on either side – both the UK and in Jamaica. Even though he travels very frequently overseas and to and from the UK, he insisted he had never had this experience before. While extensive stop and search of minorities have been extensively explored in the literature (Fitzgerald and

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Hale 1996; Delsol and Shiner 2006; Bowling and Phillips 2007), Bosworth, Bowling and Lee (2008) have also explored the ‘heightened anxieties about the new “globally mobile” dangerous classes (terrorists, traffickers, immigrants, asylum seekers, refugees, “illegal aliens” and so on)’ which ‘has become seen as the “dark side” of globalization linking migration to crime, smuggling, terrorism and the policy issues of “law and order” across the globe’ (Bosworth, Bowling and Lee 2008:263).

This thesis therefore presents a feminist epistemological perspective. The central concept of feminist epistemology is that of a ‘situated knower, and hence of situated knowledge: knowledge that reflects the particular perspectives of the subject.’<sup>43</sup> Collins (2000) sees experience and lived realities as an important source of knowledge and stresses that while each marginalized group has its own perspective, it is important that research which gathers such experience does not see groups as monolithic. Phillips and Earle (2010) suggest that adopting such perspectives can be problematic if one does not also apply intersectional understandings to an issue. This thesis therefore examines variables such as social identity, lack of privilege, race, gender, nationality to articulate the standpoint of how BFNWOM experience prison in England. Starting from women’s lived experience before prison, the thesis locates the dominant social identity of the black foreign national woman prisoner from developing countries and uses this as a cornerstone to amplify their missing voices in the now-topical political, sociological and criminological discourses about them in the UK. This means that the research challenges the dominant paradigm of knowledge in that the engagement with the researched in the research process guides this thesis, in a way that seeks to explain the social reality of the BFNWOM in a more informed manner.

### **Thesis Structure**

In the first chapter, I review the literature about the BFNWOM prisoners. The research specifically looks at the experience of BFNWOM in two settings: (1) in prisons in England, and (2) in resettlement after deportation. Moreover, it zeroes in on a sample of *only* BFNWOM to ensure that an original, accurate account is gleaned from interviews and can be utilised as a significant pedagogical contribution to the debate over policy construction and/or transformation.

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<sup>43</sup> See Stanford Encyclopedia of Philosophy. <http://plato.stanford.edu/entries/feminism-epistemology/>.

## Introduction

Chapter 1 explores some findings from the literature that pick up on other oft-expressed issues which have confronted foreign national prisoners and the UK Prison Service. Some of these issues are: the lack of a proper social support system; mental health and psychological traumas brought on by separation from children; language and cultural needs; immigration needs; and trying to *live out* and overcome the stigma and prejudices that are encountered within the prison estate both from other prisoners and from prison staff (Agozino 1997; Chigwada-Bailey 2003; Devlin 1998). I will also discuss the literature on drug trafficking to relate it to the experience of high imprisonment rates among black foreign national women (Harriott 2003; Platzer et al. 2004; Green 1998). Analysis of the literature concerning issues to do with trafficking drugs by way of a female drug courier (Klein 2009; Sudbury 2005) is extremely important in order to understand the arguments by advanced by Heaven (2008, 2005, 2001) and Klein (2009) that the costs of imprisoning a foreign national in the UK are better spent in educational deterrent initiatives in their country of origin. What this research seeks to do is to examine the existing literature, examine the narratives of BFNWOM in prison, and thus to create an informed understanding of how prison is experienced through the eyes of the women and unearth the factors which need to be taken into account in framing effective preventative policies.

In Chapter 2 I present my methodological approach. In this chapter, I discuss the sampling and the research techniques used. As I used qualitative methods of data collection, I will provide an explanation of their significance and why they were particularly important to this research, which sought to explore grounded data. My research was conducted in five British prisons: HMP/YOI Holloway, HMP Bronzefield, HMP/YOI Bullwood Hall, HMP Morton Hall and HMP Downview.<sup>44</sup> I will explain the process of negotiating access to the various prisons. I will also explain the process of interviewing respondents and conducting focus groups. In this chapter, I show how research into the female prison estate is time-consuming and why it was absolutely essential to start negotiating access to prisons as early as possible.

Chapter 3 looks at social identity and the environments and circumstances which informed the choices for criminality that many foreign national women prisoners

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<sup>44</sup> See Prologue for detailed information from Her Majesty's Chief Inspector of Prisons' (HMCIP) reports and the Independent Monitoring Board (IMB), regarding reviews of these prisons and their operational capacities for working with foreign nationals. The reports reviewed are those which took place closest to when the fieldwork for this research was conducted in said institutions.

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make. Chapter 4 examines the experience of prison and highlights the issues which, according to the BFNWOM, affected their prison experience – issues such as: coping with the sentence, discrimination and racism, resistance, dealing with guilt of missed motherhood, alienation and sexuality. Chapter 5 first explores the rehabilitation and resettlement prison policy of England, and then examines the narratives of twenty BFNWOM who have been deported to Jamaica to see how effective they thought these policies were for them on their return.

Chapter 6 presents the major findings of each theme and outlines any conclusions, recommendations and suggestions for further research.

## CHAPTER ONE: SCOPE OF THE LITERATURE

I approached this research with a few preconceived ideas. One was that BFNWOM prisoners are a neglected group; another was that they are at a direct disadvantage because of their nationality. These perceptions had been cultivated through the impressions given by the media and through the direct experience of my association with the charity Hibiscus, which works with foreign national women in prisons. The fact that, when this research began in 2003, I was able to find only scant literature in the area of ethnic minority and black foreign national women in prison further substantiated my impression that little attention had been given to this group and that this was an area ripe for further exploration.

This chapter has several sections. I first briefly discuss the purpose of prisons in order to contextualise the discussion of the retributivist characteristics which the prison system displays towards BFNWOM. Second, I examine the issues of conflict which arise in a prison system which tries to 'normalise' (Foucault 1977) its subjects within a foreign space. This section also interrogates anomie and how the desire for self-actualisation influences crime in societies where normlessness or material desires are high. The possible influence of labelling on the social identity or the consciousness of the BFNWOM is examined in order to map the theoretical terrain against the acts of crime committed by the BFNWOM. The unstable and exploitative historical socio-economic positions of developing countries such as Jamaica and Nigeria are scrutinized in order to understand the 'prelude' and mitigate any disconnect in comprehending the context of the offence. The rationalisation of such acts will be viewed through the prism of Matza and Sykes's influential framework (1961), in a bid to exhibit how the 'time' is experienced and internalised by the BFNWOM. Finally, the chapter considers recent and contemporary contributions on this issue, demonstrating how quickly things are developing within British criminological discourse.

### **Early Research Initiatives: Women in Prison**

Sykes, in his *Society of Captives*, a study of the New Jersey State Prison (1958), theorises the punitive aspects of imprisonment as modern-day humane alternatives to previous brutal regimes associated with punishment. He characterizes these punitive

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aspects as 'the pains of imprisonment'. These dimensions of duress will be discussed briefly below:

1. *Deprivation of liberty*: Sykes reasoned that the denial of freedom is communicated to and internalized by the prisoner on two levels. The first is that they are confined to small spaces, usually a cell which they sometimes have to share with others, and all movement is restricted. Prison is a military-like structure, where keys, chains, locks and high walls remind the prisoner that they are isolated. This is reinforced by the structured way in which any contact outside the prison is managed, and how contacts with visitors are supervised when allowed. According to Sykes, deprivation is also emotionally crippling, since the prisoner becomes aware that 'confinement [...] represents a deliberate, moral rejection of the criminal by the free community' (Sykes 1958:418). He further outlines symbols and rituals of the prison remind inmates of their confinement, such as assigning inmates a number instead of using names, insisting they wear a uniform, and demanding certain gestures of respect for prison officials.
2. *Deprivation of goods and services*: Noting that individuals attach meanings to certain possessions, Sykes drew attention to the prisoners' deprivation of items such as furniture, clothing and memorabilia. While he acknowledges that basic needs such as food, clothing and shelter are provided for prisoners, and that there are arguments from prison protagonists that prison is sometimes the best place for those who are otherwise poor, Sykes points out that an inmate would always choose freedom over the confinement and restrictions of prison because the deprivation of goods and services is a forced reminder of their own inadequacy.
3. *Deprivation of heterosexual relationships*: The New Jersey State Prison did not allow conjugal visits, and visits by female friends were highly censored, with the visitor sitting on the other side of a glass pane designed to allow no physical contact. The account from the men in his sample indicated that the impossibility of heterosexual contact was immensely frustrating and that some inmates resorted to homosexual acts to vent their energies. While there were men in the prison who, Sykes acknowledged, were homosexuals and that therefore the loss of sexual expression would be considerably less for them, Sykes argued that the male-only prison surroundings could make latent homosexual feelings surface. He further suggested that the all-male environment was very emotionally challenging for the male ego, which has difficulty asserting itself without the

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presence of the opposite sex to give meaning to the male perspective. In absence of such sexual stimulation, Sykes records that the prisoners in his study resorted to accessing to mass media, and circulating pornography and other forms of stimuli which served to keep the prisoner's sexual impulses alive.

4. *Deprivation of autonomy*: In addressing the prisoner's loss of autonomy, Sykes writes: 'The important point is that the frustration of the prisoner's ability to make choices and the frequent refusals to provide an explanation for the regulations and commands descending from the bureaucratic staff involve a profound threat to the prisoner's self image because they reduce the prisoner to the weak, helpless, dependent status of childhood' (1958:73). Sykes stated that prisoners resented the dependence they had on prison authority for even minute details. He spoke about the frustration and injustice prisoners felt when they were denied parole without being given a reason, and how ignorance among the prison population is fostered in order to ensure their dependence and feeling of helplessness.
5. *Deprivation of security*: An inmate in the prison at the time of Sykes's research bemoaned: 'the worst thing about prison is you have to live with other prisoners' (Sykes 1958:77). Sykes describes the prison as an intimidating space where inmates know that one day they will be 'tested' by another prisoner and will have to fight to defend themselves and to avoid being viewed as an 'easy target' in an environment where frustrations are extremely intense. Sykes therefore speaks of the irony of the prison, in that while one of its purpose is supposedly to keep the public safe, behind the prison walls inmates exist in an unsafe and sometimes unpredictable environment of conflict.

Although Sykes's research was conducted in a male institution, Rothman (1995:166) stated that *Society of Captives* will forever be a legend in correctional settings. His theorizations have been consulted by authorities across the prison operational management spectrum, who use it for advice on prison control and the management of riots. There are, however, other classic pieces of research on prisons which have examined the female prison estate. A few of these will be considered below.

In one of the earliest works on women in prison, Ward and Kassebaum (1965) sought to address the question of whether the reactions to the pains of imprisonment are similar for male and female prisoners. They focused on the separation of the female from their 'functional roles of wife and mother.' They thus viewed

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punishment by imprisonment as 'an attack on the prisoner's self image and mode of living' for both male and female prisoners. They also found that women prisoners did not maintain group solidarity as much as their male counterparts and, therefore, were more inclined to reveal transgressions by others to prison authorities.

Rose Giallombardo (1966) sought to comprehend the intricacies of the female prison environment from the prisoner's perspective, and analysed staff and inmate relations. She identified the two goals of the prison as punishment and treatment, and argued that staff do make genuine efforts to provide access to 'treatment' resources such as educational, vocational, medical and counselling services. While she acknowledged that women faced similar pains of imprisonment as men – in terms of losing freedom, identity, autonomy, sexuality and security – she also found that they developed a subculture of their own and became 'femmes' (female role in lesbian relationships), 'stud broads' (male role in lesbian relationships) and 'tricks' (those who allowed themselves to be exploited). She argued that the pressure to establish such relationships in the female prison estate was very intense.

Heffernan (1972) sought to ascertain whether prison had an inmate social system. If it existed, she wanted to determine whether it differed according to the type of the twenty-nine institutions she studied, or with the sex or nature and type of the prisoners. She identified three subsystems within the prison estate: the *square*, the *cool*, and the *life*. She posited that 'squares' are usually non-criminals who believe in maintaining their conventional way of life and follow the values of mainstream society. 'Cools' are professional prisoners who keep themselves out of trouble while in prison, keep busy, play around and bide their time until they get out; whereas 'lives' are intimately familiar with criminality. The status of a 'life' offers an alternative to women who feel rejected by conventional society.

In all three studies, the importance of the family and kinship ties is shown to influence how female inmates act. Women inmates had to adapt to living inside the prison system, whether through lesbian relationships or taking up prison work that mimicked their roles in conventional society. It was for this reason that Heffernan argued that the prison system produces more of a functional interdependence than uniformity, and she emphasised the need to use a functionalist perspective to analyse the prison estate. Nevertheless, all three studies (Heffernan 1972; Giallombardo 1966; Ward and Kassembaum 1965) examined women prisoners through the lens of sexuality, with heterosexuality being viewed as normal behaviour. They therefore

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scrutinised women prisoners using conceptual models established in order to understand male prisoners and their subcultures.

### **The Purpose of Prison and the Punishment of Women**

Within the scope of punishments administered historically, the modern prison, conceived of as delivering carefully deliberated-upon punishment that is properly measured for different offences, appears as the most widely used and also the most problematic method. Given the tangled and knotty nature of the problem of punishment – in which the topic itself is contested, ever-changing, elusive and controversial – it is essential to begin by understanding the various theoretical and traditional considerations that bear on it.

One ongoing debate in the field of criminology is the purpose of punishment, and within the discourse the argument has been grouped into two categories: *utilitarian* and *retributive*. Utilitarian paradigms argue that punishment should seek a net benefit for society overall, particularly by trying to lower possibilities for re-offending. The utilitarian perspective focuses heavily on rehabilitation, incapacitation, specific deterrence, general deterrence and denunciation (Frase 2005). It can be argued that the effectiveness of the utilitarian perspective relies on the criminal's internalized values rather than their fear of punishment. The concept assumes that denunciation of the crime will negatively stigmatize it and therefore enforce law-abiding behaviour. Conversely, the retributive perspective embodies 'principles of justice and fairness which are viewed as ends in themselves, without regard to whether they produce any particular social or individual benefit' (Frase 2005a:70).

According to Frase (2005a), the retributive philosophy advocates that the offender should be punished according to, first, how serious the crime was or the potential it had to cause harm and, second, the offender's culpability in committing the crime. Consequently, it is argued that retributive punishment is justified because it is fair: it acknowledges the complaints of the victims and makes the punishment proportional to the crime. Retributive theory stipulates that you should get back what you put in – in other words, it expounds the 'an eye for an eye' philosophy. An early theoretical defence of the retributive theory was provided by Immanuel Kant (1887), who argued the case for natural justice in cases of wrong-doing. Golash (1994: 72) suggests that the retributive theory acknowledges the 'wrongness of the criminal act that justifies the imposition of punishment on the offender'.

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Retributive theories of punishment reflect a core belief in the fairness of 'just deserts'. They disagree with the utilitarian argument that punishment should ultimately aim for a higher social cause, and they disagree that punishment needs ongoing assessment of its effectiveness to prevent any future acts. Retributivists argue that allowing such assessments and providing caveats on when and why punishment is justified ultimately undermines the moral fabric of society (Golash 1994). Further, they disparage merciful methodologies of punishment which focus on issues of rehabilitation and deterrence. In their opinion, if justice is done and a perpetrator is severely punished for his wrong deed, that will collectively act as a deterrent, and therefore the harshness of the punishment should not be compromised by merciful discourses and attempts at leniency (Bennett 2002).

Women who break the law have always confounded society's view of womanhood, and scholars such as Carlen (1983), Carlen and Worrall (1987) and Devlin (1998) insist that punishment of women within the criminal justice system has always been retributive rather than rehabilitative. As the prison population statistics presented in the Introduction show, the female prison population in England and Wales is growing, and, significantly, women are the fastest-growing prison population worldwide (Sudbury 2005). The rise of the female prison population in recent times has again ignited discussion on the perceptions of women who commit crime, how femininity is manifested within the prison estate, and how best to punish women.

### **Normalisation and the Black Foreign National Woman in Prison**

Any discussion of punishment is incomplete that fails to look at the contribution of Michel Foucault to the topic. Foucault presented a revisionist history of prisons which incorporates the history of the prison and prison reform into a philosophy of authority and the role rather than the exercise of power (Schwan 2002). Foucault's arguments on the normalisation techniques used by prison officials is of particular interest to the analysis of the experiences of BFNWOM. By using the Foucauldian scholarship on normalisation to examine the area of foreign nationals, it may be possible to better understand the difficulties that BFNWOM face in prison and to understand the perceptions of them within the prison system in England. Foucault will, therefore, be discussed with regard to how he explains the nature of prisons, how prisons are

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structured around the concepts of power and discipline, and how he deals with what he refers to as prison's aim to 'normalise' its subjects.

Foucault describes prisons as a carceral society containing a rigid system of surveillance and normalisation. It is this aspect of Foucauldian thought that most lends itself as a tool for the analysis of feminist criminology (Howe 1994). Foucault describes prison as a form of 'human dressage', which attempts to transform aggressive and violent individuals and those who have difficulties abiding by the societal norms into 'normal', law-abiding citizens. This is done through a system whereby discipline is forcibly instilled by rigid sets of rules characterised by surveillance, inspection and power. The individual has to submit, at least to the physical restrictions that come with imprisonment and surveillance, and it is arguable that it is very difficult to emotionally detach oneself from the experience of the rigidity that is prison. Poignantly, Foucault, in his historical description of prisons, demonstrated how incarceration has shifted from the ancient torture of the body to the modern torture of the soul by using detailed and rigid prison surveillance systems.

Consider, for example, Foucault's description of the perfect image of these tactics in motion:

The perfect image of prison labour was the women's workshop at Clairvaux. The silent precision of the human machinery is reminiscent of the regulated rigour of the convent: On a throne, above which is a crucifix, a sister is sitting; before her arranged in two rows, the prisoners are carrying out the task imposed on them [...]. It seems that, in these halls, the very air breathes penitence and expiation. One is carried back, as by a spontaneous movement, to the time of the venerable habits of this ancient place, one remembers those voluntary penitents who shut themselves up here in order to pay penitence to the world. (Foucault 1977: 243-244)

Though it may not have been intentional in the least, it is, as Anne Schwan (2002) notes, quite interesting that Foucault chooses a female prison to depict the perfect image of discipline within the prison system. In fact, he speaks so gently about females that one is forced to recall Devlin's (1998) assertion that women prisoners are viewed as having violated the expectation of them as 'nice little ladies'. It also brings to the foreground the perception held by many regarding the convicted black drug couriers in prison. Devlin uses the term 'poor mules' to refer to the

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contemptuous views she found towards BFNWOM prisoners in the attitude of other female prisoners as well as the prison authorities.

BFNWOM prisoners are usually viewed with disdain by other female inmates, who feel that these women are responsible for contributing to their own drug addictions and are helping to sustain the vicious cycle of drug use in which other prisoners have been caught. Foucault (1977) suggested that such differing views between groups in prisons are sometimes encouraged by prison authorities to maintain the rigidity and surveillance of the system.

The following excerpt from one of Devlin's prison interviews lends support to Foucault's comments that difference between groups in prisons is sometimes, if subtly, encouraged by prison authorities:

I have to count to ten about five to ten times a day to survive. They are really racist in this prison. They won't put four black women together to work in this prison, though four white women can. The gardens officer told us he wasn't allowed to put four black girls together as that was Home Office regulations. I suppose he thinks we'll turn around and attack him or something. (Devlin 1998:220)

The above action ostensibly lends itself to constructing an institutional image of black women as aggressive. Devlin observed that the crimes of black women were usually regarded more judgementally than those of white women, and that 'any attempt at assertiveness was quashed especially by male officers who described them as loud and noisy' (Devlin 1998:220). However, what could be regarded as loud and noisy assertiveness to a prison officer may be culturally quite normal for black inmates.

BFNWOM prisoners comment on the insensitivity exhibited by these views of them, and point to how these views make their prison existence even more unbearable. Devlin (1998) cites an example of a female drug courier who was placed in the hospital wing along with drug addicts who were going through painful withdrawal symptoms. She commented that she was vilified for 'making money out of others' suffering.' Though Devlin maintains that this problem between inmates happens on account of their offence rather than their ethnicity, this is a contentious view.

Genders and Player (1989) similarly found that ethnic minority prisoners were significantly more susceptible to racism in the prison estate than white prisoners. Racial discrimination was usually reported as either passive or active during

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incarceration, and could vary between prisons depending on the ethnic make-up of an establishment or on the number of ethnic minority staff. Much of this discrimination stems from the fact that black persons enter the criminal justice system with an already high proportion of what Wacquant (2000) terms 'negative symbolic capital' from societal prejudices and stereotyping.

Indeed, Wacquant's (2003) assessment that more attention should be paid to the racial injustices outside the prison estate in order to fully understand race and crime within the prison estates seems also to apply on a global level when investigating the high numbers of black foreign national persons in UK prisons and in other First World countries. In describing the prison estate in the United States, Wacquant (2003:479) articulates that it serves to 'warehouse' and further marginalize the black working class, by way of trying to instil into the black body what is considered acceptable and normal behaviour.

This is not to say that every incident that happens within the prison system concerning BFNWOM prisoners could be racialized. However, Sudbury (2005:168) asserts that the fact that 'Britain's African Caribbean community bears the brunt of the incarceration boom' points to the racialization of Her Majesty's Prisons in Britain. Sudbury continues:

One in five women prisoners are 'foreign nationals' – non-United Kingdom passport holders – and nearly half of these women are [...] from Jamaica. [...] Alongside Black British women, migrant women have transformed the face of British prisons. Incarcerated women have to survive a hostile and racist environment. (Sudbury 2005:169)

The prison system itself has not been excluded from criticisms of being institutionally racist in its attempts to 'normalise' foreign national women.

Foreign national women from non-English speaking countries suffer an immense language barrier in English prisons, especially in communicating their needs to the staff and in understanding the English criminal justice system (Bhui 2005; Home Office 2006, 2007b). While the Prison Service has taken steps towards addressing this by printing information leaflets in other languages and contracting a number of interpreters for these prisoners, the system is still far from acceptable (Home Office 2006, 2007b). One reason for this is that it is generally assumed that black prisoners from English-speaking countries do not need interpreters; however, although English

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may be the official language in the country of origin for most BFNWOM, it is quite often not spoken by the majority of that population, who may speak local dialects. Quite often in post-colonial societies, full English is only spoken by the privileged, and these female prisoners rarely come from the privileged layer of their societies (Simpson 2008; Cooper 1996; Pechey 1996). Many of the barriers to the normalisation attempts made by prison authorities towards BFNWOM arise because of miscommunication and misinterpretation of information, rooted in cultural differences.

According to Foucault, the normalisation ethic within prisons is supported by a 'carceral network, with its systems of insertion, distribution, surveillance [and] observation' (Foucault 1977:304). Prison authorities use 'surveillance and inspection' methodologies in pursuit of a normalisation process that reflects what their society considers to be normal. Normalisation, according to Foucault, is a strategy geared at producing a disciplined individual who conforms to established rules, through systematically subjecting them to rigidity. He maintains that such carceral actions as surveillance and inspection transform punishment into 'a correction, a therapy, a normalisation' of individuals. He sees prison as overbearing and as involving 'unceasing discipline'.

Herein lie the difficulties faced by BFNWOM in a prison system that is attempting to normalise them without a deep understanding of their socio-historical background or what is 'normal' to them. Trying to 'break' prisoners and make them conform to prison discipline was already a difficult task for prison authorities, needing much surveillance. Therefore, the high rates of BFNWOM in prison in England not only increase the level of difficulty facing prison authorities, but it also increases the punishment factor for BFNWOM who are not familiar with the culture and standards to which they are being forced to conform. One of the aims of this research is to comprehensively assess the system of incarceration for foreign national women, through the women's narratives of their prison experience. Any such discussion must take into detailed account the conflicts highlighted in Foucault's account of how prisons function, and how foreign nationals battle with being normalised into this foreign system.

Black women prisoners find it difficult to adjust to the food prepared in prisons because of different tastes and eating habits (Klein 2009; Bhui 2005). At the most basic level, they have different skin care needs, since black skin requires different

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products from those provided by the prisons for white women; and, similarly, they have different hair care needs. Most BFNWOM in prisons are single mothers who often confess to having been lured into drug smuggling to provide for their children, taking a risk for a quick way out of the financial squeeze they were experiencing. They usually have no one at home to care for their children, and most often they have no relatives or friends in the UK to assist them. Thus, simple matters such as phone calls to children are extremely important to such prisoners who do not have the possibility of visits (Klein 2009; Heaven 2000).

Foucault's view on normalisation implores reformers and policy makers to at least think of how rehabilitation works within the prison. Any reform to the prison system in the way it treats and deals with black foreign nationals has to recognise that foreign national prisoners have different experiences from those considered normal by the society of the prison. Since most foreign national prisoners will be deported, normalisation without an intrinsic understanding of their circumstances can do more harm than good for the foreign national prisoner. Moreover, since the normalisation methodology as described by Foucault can be utilised as part of the prison culture to 'control', prison staff need considerable training and increased sensitivity to these issues, particularly since 'female prisoners have a higher rate of offending against prison discipline than men' (Home Office 2002:37, based on reported rates of punishment for indiscipline from women prisons across England and Wales in 2001).

### **Anomie and the BFNWOM Prisoner**

Émile Durkheim's theory of social anomie in his work *Suicide* (1897) is appropriate, to a certain extent, for describing the rise of transnational crime. Durkheim's concept of anomie sets the foundation for an interrogation of the perspectives by which attempts are made to explain criminality from poor communities and impoverished citizens. Anomie, as developed by Durkheim, is a concept of relative normlessness in a society or group. The Chambers 21<sup>st</sup> Century Dictionary defines anomie as 'a lack of regard for the generally accepted social or moral standards either in an individual or in a social group or the state or condition of having no regard for the generally accepted social or moral standards'. Anomie therefore is usually referred to within criminology as a state of normlessness or lawlessness. Durkheim himself used it to refer to 'the lack of societal norms or regulations over people's desires and aspirations' (Williams 2008). Durkheim maintained that each society needed a certain

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level of crime in order to clarify and modify social rules and maintain the social mechanisms which serve to bind together a populace according to a consensus or collective conscience regarding morally acceptable behaviour, and in so doing would eventually reject the lawless behaviour.

Merton (1938) drew on Durkheim to develop a more in-depth account of crime. He explains anomie as a state where the desires and needs of individuals, even when satisfied, are insufficient to provide gratification, thus leading individuals to seek out socially unacceptable ways to satisfy these desires. It is this explanation which led other scholars (Messner and Rosenfeld 2001) to develop a link between anomie and *strain*. They argued that when individuals cannot satisfy their desires using socially legitimate means, they experience significant pressure – strain – to achieve these goals or satisfy their desires by any means necessary. Williams (2008) points out, however, that Merton himself rejects any links between his perspective on anomie and strain using emotional and psychological frameworks, since he sees anomie as primarily a social structural theory.

Scholars such as Messner and Rosenfeld (2001) argue that there is a distinct link between anomie and crime. Their research identifies a significant economic benefit to criminals who carry out violent drug-related crime because of their desire to achieve great wealth. In their book *Crime and the American Dream*, they focused on the United States and identified high levels of pressure on citizens to achieve and display visible signs of wealth. They argued that these social structures are inherently anomic and account for the high levels of crimes associated with individuals' desires to achieve wealth at any cost. In the words of Chamlin and Cochran (2007:40),

When the social structure fails to provide sufficient means to achieve success goals in the prescribed fashion, an increase in the rate of crime is the anticipated result. In the context of blocked opportunities, the contradictions between the values concerning the means and ends produce a state of anomie, which, in turn, motivates some segments of society to engage in criminal activities to procure monetary goals.

Chamlin and Cochran (1995) argue that institutionalised anomie is observed in instances where the 'effect of economic conditions on profit motivated crime depends on the strength of noneconomic institutions'. Furthermore, Heineman and Verner (2006) examined instances of violent drug-related crime rate in Latin America and the

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Caribbean and concluded that most of this is fuelled by the desire to acquire wealth through illegitimate means such as drug and human trafficking.

The *social identity* theory, first advanced by Tajfel and Turner, provides a lens through which anomie can be analysed. In social identity theory, a person has not one 'personal self', but rather several selves that correspond to widening circles of group membership (Tajfel and Turner 1986). It was thought that the various social contexts in which a person finds him or herself may influence his or her behaviour, and in the process an individual develops a social identity which is influenced by a variety of socialization factors. The various factors which influence one's identity also operate within particular societal groups. The theory stipulates that individuals will feel comfortable where there is a sense of belonging and a sense of consensus on certain value systems. Definition of the self is therefore not only limited to one's own unique qualities but also linked to the particular group in which an individual feels the greatest sense of belonging.

Harriott (2003) claims that within impoverished Jamaican ghetto communities, a significant number of individuals saw their economic struggles as part of their social identity, and their subsequent crimes and imprisonment as a corollary to their impoverished social existence. Similarly, Klein (2009) writes that his study of Nigerian women in Morton Hall prison revealed that they knew they were committing an illegal act. He states:

At the root of these, as in all evil, lies money and the lack of financial security and power. As mentioned above, the majority of women are the sole breadwinners and carers for their families. They may be uneducated, but are rarely naïve. They may indeed underestimate the draconian penalties in store for the unfortunate few who are arrested, but they realise they are taking a gamble. (Klein 2009:392)

These women were convinced at the time they committed the crime that it was the only opportunity they had to get much-needed cash or achieve short-term economic stability. Anomie, therefore, has become institutionalised within these societies, resulting in a drastic increase in the number of persons willing to traffic or courier drugs. In describing the case of Nigeria, Klein (2009:393) states that 'Nigeria is just one country among many where the possibility of death or prison no longer deters potential traffickers effectively from taking their chances'.

### Social Reaction Perspectives

Owing to the considerable increase in the number of black foreign nationals in British prisons, there is now much greater awareness of this issue among the general public. This awareness has been raised mostly through sensationalist journalism,<sup>45</sup> and while it may be true that many persons have become sensitised to the issue, a cultivated labelling of such women has definitely occurred. Sudbury (2005) compares the sensationalised image of the drug courier to the moral panic about mugging in the early 1970s as researched by Stuart et al. (1978). This section will seek to explore labelling theory in relation to the issue of BFNWOM in prisons. A deconstruction of the labelling process of BFNWOM in prisons will be embarked on in order to identify the exact areas in the process that do not work in tandem with reform measures.

The most prominent advocates of labelling theory are Frank Tannenbaum and Edwin Lemert. According to labelling theorists, society labels certain individuals and communities, and how a person sees himself or herself is influenced by how other individuals within that society see, respond to, and communicate with him or her. Thus, this theory implies that BFNWOM who commit the crime of drug smuggling are influenced to do so by the way they are labelled in their own societies.

Tannenbaum (1938) suggests that when an act of crime is committed, it is what happens afterwards that has the most profound effect on the criminal. He believes that it is in the way society responds to a violation of its laws by an individual that we can find the beginnings of the labelling process. So strongly did he feel about the negative effects on the offender and on communities that he referred to this process as the 'dramatisation of evil' (Tannenbaum 1938:19). He suggests that society's fear of accepting a deviation from the normal way of life does more harm than good, and therefore fails to prevent mass deviation.

If the culture of a community is one of pent-up anger and frustration at their hardships (Klein 2009) and anger at who they view as the establishment (Harriott 2003), and if members of this community are of the view that they are already viewed as a problem, Tannenbaum's theory suggests that they will eventually act in a manner which contravenes such laws as society places on them. The music of Jamaica has

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<sup>45</sup> 'Bursting Point: The Drugs Mules Filling up UK Prisons', *Guardian*, September 30, 2003, <http://www.guardian.co.uk/politics/2003/sep/30/prisonsandprobation.drugsandalcohol>; 'Jamaican Drug Mules Flooding UK', *BBC News*, January 3, 2002, [http://news.bbc.co.uk/2/hi/uk\\_news/1739808.stm](http://news.bbc.co.uk/2/hi/uk_news/1739808.stm).

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always been a social commentary for its most vulnerable citizens;<sup>46</sup> take, by way of illustration, the following verses from a popular Jamaican song by dancehall DJ Bounty Killer entitled 'Anytime',<sup>47</sup> which soared to number one position on the local Jamaican charts:

Wi do what we do so we stay alive  
Wi sell what wi sell so we haffi survive  
Suh tell dem seh anytime  
Wi hungry again, dem ago si wi nine  
Police out a road dem a fight crime  
But holiday a come an wi nuh si di first dime  
Tell dem seh anytime  
Di government policies undermine  
Di poor people plight dat a sure sign  
Corruption and war a go reach its prime.<sup>48</sup>

A significant number of convicted women make similar points when they admit to drug smuggling, referring to the conditions of social injustice in which they live. Klein (2009:389) comments from his research that:

More typical are statements like, 'I knew exactly what I was doing, but did not know the gravity of the situation.' One woman said that she realised that drugs were prohibited and that she was looking at some form of punishment, but had no idea that there would be a twelve-year stretch. From the perspective of the courier, working for a typical fee of some \$5,000 plus airfare, there is no relationship between their prospective criminal gains and the punishment.

The theory of labelling is therefore useful to examine in tandem with that of the 'looking glass self' advocated by Mead and Cooley (Giddens 2001) and that of the

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<sup>46</sup> Jamaican and African music is noted for its ability to amplify the plight of the poorest and most vulnerable populations. Music in these domains is often used as a form of protest and as a medium to voice their frustrations with entrenched societal oppression. See Hope (2006), Cooper (1996), and Stanley-Niaah (2010) for further discussion.

<sup>47</sup> See Lyrics to Bounty Killer's 'Anytime' at [http://www.allthelyrics.com/lyrics/bounty\\_killer/anytime-lyrics-428392.html](http://www.allthelyrics.com/lyrics/bounty_killer/anytime-lyrics-428392.html). Listen at: <http://www.youtube.com/watch?v=mryFM-VGdQw>.

<sup>48</sup> Translation from Jamaican patois: 'We do what we do so we stay alive / We sell what we sell so have to survive. / So tell them that anytime we are hungry again, they will see our nines [guns], / Police on the streets fighting crime, yet the festive holiday approaches and we have no money. / Tell them that any time the government policies undermine the poor people's plight. / That is a sure sign corruption and war will reach its prime.'

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self-fulfilling prophecy (Merton 1949). BFNWOM often state that a plethora of factors lured them into crime; by the time they come to committing the act they have usually already thought through their own views of how they are labelled by society and by peers, and they weigh this against what they stand to lose by not committing the act. Sadly, in most cases, they view this as nothing.

Nevertheless, BFNWOM often state that they would have given their actions more thought if they had had knowledge of the various implications of courtering. It is this capacity to come to recognise the self more clearly, through introspection and drawing on factors other than those inherent in their own group, that this research wishes to explore through the narratives in the hope of informing long-term policies that recognize the complexities experienced by the BFNWOM. Cooley's looking-glass self theory suggests that an individual goes through three stages in the development of self-knowledge (Giddens 2001). The first stage is where the individual imagines how he/she appears to others; the second stage is where the individual imagines how he/she is being judged by others after concluding stage one; and the final stage comes when the individual experiences some form of reaction to stage one and two.

Du Bois (1903) provides a more philosophical description of these stages, which he refers to as 'double consciousness'. In characterizing black American culture, Du Bois (2007:9) wrote:

It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity.

Du Bois continues that this dualism is the black person's 'longing to attain self-conscious manhood, to merge the double self into a better and truer self [...]. He simply wishes to make it possible for a man to be both a Negro and an American, without being cursed and spit upon by his fellows, without having the doors of Opportunity closed roughly in his face' (2007:9). While Du Bois's statements were directed at the American black experience, this process of double consciousness is also applicable to BFNWOM who repeatedly indicate that they have the capacity to introspect and alter negative behaviour if they are engaged and educated about how such actions close 'doors of opportunity' for them, instead of providing new paths to self-actualisation. This research asserts that it is not only by the 'looking-glass self'

that individuals judge themselves, and hopes to locate, within the narratives of BFNWOM, points of entry to effect critical interventions before BFNWOM offend.

### **Marxian Perspectives and the BFNWOM**

Marxian perspectives shy away from analysing crime through the individual, through social systems, and through how these two interact. They do, however, posit the view that the institutions which penalise the most marginalised groups in society are riddled with class biases that support the elite majority. The Marxian perspective dismisses prisons as institutions which are economic assets through which the ruling classes enforce their hegemony and reinforce the status of the marginalised. Rusche and Kirchheimer (1939) theorise that imprisonment rates typically rise with unemployment and high levels of poverty because of the threat to social order by the unemployed. Marxism therefore forces criminologists to look not only at offenders but also at all state-sanctioned structures that protect unjust laws. Marxist criminology suggests that the poor are not able to defend themselves under the structures that are put in place to administer and determine justice, and that therefore they become its victims – not because they are necessarily guilty, but because they do not have the means to defend themselves. Thus, the rich are always able to maintain a system of inequality by ‘choosing’ who to punish (Garland 1990). Marxism offers an important perspective, which is wholly relevant to an analysis of development and globalisation and how these two processes have contributed to the rise of transnational crimes and the circumstances under which vulnerable and poor women from developing countries contemplate transborder crimes.

Contemporary scholarship (Bayat 1997, 2000; Portes et al. 1989; Castells 1983; Scott 1985) refers to members of the socially excluded and economically dispossessed sectors variously as informals, urban poor, peasants or marginals. The informal sector anywhere is a complex, dynamic space and encompasses a wide range of inhabitants. Generally, it is a geo-political space of the urban poor – the self-employed, unemployed, partially employed, permanently or chronically unemployed or unemployable (Gray 2004). In the case of Jamaica, one of the two countries focused upon in this thesis, Johnson (2005) categorises the diverse cluster of informals as follows:

- (1) An expanding, self-employed and unregulated group of medium-scale entrepreneurs (‘higglers’, shopkeepers, retailers).

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- (2) Casual labourers and petty traders such as handcart men, taxi-drivers as well as small-scale vendors selling miscellaneous items (cigarettes, pencils, box juice and bottled water, rags, lighters and other miscellaneous items).
- (3) A low wage sector of the mostly unskilled – street subsistence workers, household helpers, street cleaners, garbage collectors, office cleaners and assistants.
- (4) The so-called sufferahs (read as sufferers) – hustlers, panhandlers, squatters, street children, prostitutes, homeless. This subaltern sector also includes members of the criminal underworld – thugs, thieves, gangs and drug lords called ‘dons’.

Gray (2003) definitively labels these informal agents with Karl Marx’s pejorative term ‘lumpenproletariats’. They survive by illegal means, they are extremely impoverished and can be identified as hustlers, squatters, beggars, gangsters, prostitutes, racketeers and petty criminals who are usually uneducated and unskilled. The classifications given here do not stray very far from the lives many BFNWOM attest to having left behind in their country of origin. The BFNWOM status as lumpenproletariat, then, is evident from the fact that they were on the margins, and so far from the existing social structures in their country of origin that they were no longer functionally an integral part of mainstream society; thus, their tendency towards illegality arose from the scarcity of choices available to them (Draper 1972:2309).

Nevertheless, although many among this group of lumpenproletariat live solely by illegal activity, informals are obviously not a homogenous group and, hence, there are indeed a significant number within this rank who seek creative ways to earn a living and uphold traditional values of civility, honesty and tolerance. Subsequent scholarship (Fanon 1965; Scott 1985, 1990; Bayat 1997, 2000) has theorized these marginal groups in less derogatory ways. Fanon (1965:104), for instance, recognises the latent militancy of this group and acknowledges their revolutionary potential, once they are organized by committed leadership:

[They are] like a horde of rats; you may kick them and throw stones at them but despite your efforts, they will go on gnawing at the roots of the tree [...]. The lumpenproletariat, once it is constituted, brings all its forces to endanger the ‘security’ of the town, and is the sign of irrevocable decay, the gangrene ever present at the heart of colonial domination. So the pimps, the hooligans, the unemployed and petty criminals, urged on from behind, throw themselves in the struggle for liberation

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like stout working men. These classless idlers will by militant and decisive action discover the path that leads to nationhood. They won't become reformed characters to please colonial society, fitting in with the morality of its rulers [...] they take for granted the impossibility of their entering the city save by hand grenades and revolvers.

While it may be difficult for some to locate this revolutionary potential in a postcolonial context, it may suffice to say that, as their numbers increase and their socio-economic circumstances remain unchanged, the politics of these individuals on the margins have become consolidated, intense and obvious. Gray (2004) argues that this group sees illegal practices such as trafficking, squatting, etc., as routes from being demeaned to being empowered. This thesis contends that it is this development that is causing a threat to crime control and prison management in the UK, and has thus catapulted BFNWOM into the criminological policy discourse in the UK. It is also the factor that pushes BFNWOM on the margins to take a risk – because for them, in their own social realities, and from their perspectives at the time, there was nothing much to lose anyway (Klein 2009).

### **Under-Development Theory and Crime**

One of the most important and controversial areas of the globalization debate concerns the question of whether globalizing processes have led to new patterns of inequalities. Although it might seem odd to juxtapose dependency theories against globalization theories, since the former should be compared with classical development theory, at the heart of the analysis of underdevelopment is the issue of how globalization is contributing to the economic exposure of poorer countries, with many of these countries remaining economically stagnant, forcing more segments of their populations into criminal activities. Therefore, the 'backwardness' of developing economies is not caused by the absence of integration with capitalism; it is the very international system and its laws of development that obstruct the development of the underdeveloped countries. Andre Gunder Frank, in *Capitalism and Underdevelopment in Latin America* (Frank 1967), argued that development and underdevelopment are two sides of the same coin, and that it is incorporation into the world capitalist system that leads to development in some areas and underdevelopment in others. Hirst and Thompson (1999) see globalisation as a myth that conceals the truth of how the international economy is segmented into regions

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and how national governments remain very powerful, even in the so-called epoch of globalisation. Walter Rodney argued that the lack of resources in poor countries was exacerbated by the oppressive capitalist system which forced them further into debt. He identified development as a multifaceted process which encompassed 'increased skill and capacity, greater freedom, creativity, self-discipline, responsibility and material well-being' (Rodney 1982:3).

Rodney (1982) lamented that even though capitalism had brought essential services to developing countries such as Africa and the Caribbean in the nineteenth and twentieth century, these inputs were amazingly small investments compared to the years of colonial under-development which had transformed the ethical and economic viability of these societies. While the applicability of colonialism and Rodney's theory have been criticised as being irrelevant to explaining the poor economic performance of developing countries in Africa and the Caribbean in its entirety, the analytical chapters of this thesis indicate that many BFNWOM in prisons who were interviewed used this argument as justification for transnational crimes. Additionally, many resent forceful removal from the UK and exhaust all options of appeal and asylum before they accept that they have to go back to their own countries. Herath (2008) articulates the relationship between development and dependency in highlighting how the structure of the international economy, in which agencies such as the International Monetary Fund (IMF) and the World Bank dictate economic and political policies to poorer countries, prevents such countries from furthering the interests of their populations because they are dependent on external aid. Furthermore, good governance is hampered because of corruption and weak institutional capacity in poor countries that have few resources to ensure equitable wealth distribution while also servicing massive external debts. Herath argues that these circumstances entrench poverty and by extension encourage transnational crime, as borders become more fluid and individuals seek personal economic and social mobility for themselves instead of relying on the state.

Indeed, the discourse on dependency, globalization and crime has frequently addressed how processes of globalization have led to global inequalities which in turn fuel crime, in particular transnational crime. Seddon (2008) opines that while it is often stated that globalization is bringing the world together, it has also caused social and economic polarization, particularly in poor countries. Seddon continues:

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It is exactly this socio-economic polarization that is connected with the 'urban clustering' of problems of drugs, crime and poverty in deprived neighbourhoods and which underpins the relationship between drugs and the informal economy. A similar polarization can be seen at the level of nation states, where a new hierarchical world order is establishing itself with the gap between rich and poor countries widening rather than narrowing. It has long been recognised that some of the conditions for drug production are engendered by the poor positions of producer-countries in the world economic order, and this can be observed in the developing new patterns of producer and transit countries in the world drug market. (Seddon 2008:724)

Klein, Day and Harriot, in their edited book *Caribbean Drugs: From Criminalization to Harm Reduction* (2004), sought to trace and examine the use of drugs in the Caribbean and the role of the Caribbean in the global drug trade. Klein (2004) contends that the drug don, with his apparently glamorous lifestyle and economic independence, has become a role model for poor young persons and others who see the way of life as much more promising than depending on the limited opportunities available to them in their countries. Klein (2004) quotes the previous Jamaican Prime Minister, who stated that the drug trafficking had brought to the Caribbean a 'level of international criminal organisation that is probably without precedent', and which has no doubt been given more fuel by an increasingly interconnected global system.

### **Globalisation and the Drug Trafficking Market**

The term 'globalisation' has often been used to refer to the interconnectedness of the global system and the increased interdependence between states and international actors. Held et al. (1999) define globalisation as:

a process (or set of processes) which embodies a transformation in the spatial organisation of social relations and transaction – assessed in terms of their extensity, intensity, velocity and impact – generating transcontinental or interregional networks of activity, interaction, and the exercise of power. (Held et al. 1999:16)

However, beyond this consensus that globalisation represents increased interconnectedness across the world, there is a contentious debate about how globalisation should be conceptualised and how its consequences should be analysed.

The term naturally attracts an interdisciplinary discourse because of how it affects all social, economic and political processes. One very important distinction in how

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globalisation should be analysed in economic terms was made by Hirst and Thompson (1996), who distinguished a globalised world economy from an internationalised world economy. They argue that an internationalised world economy is one in which the main entities of trade and commerce remain mostly national and there is still a predominant separation of domestic and international arenas. On the other hand they see a globalised world economy as one wherein economic actors do not operate within national boundaries and laws, but are autonomous and draw national actors into their own globalised processes, rather than them themselves being drawn into national processes and characteristics. The increased relevance of what Hirst and Thompson (1999) call a globalised economy has ushered new social and economic realities.

This is particularly true with respect to effects on worldwide criminal activity, and as is underlined by this thesis, the transborder trafficking of drugs has significantly increased through this heightened global activity. The increased international criminal activity which has been attributed to globalisation is indicative of one point of contention in the globalisation debate, which argues that globalisation triggers new market forces and has different impacts on different sections of the world (Nützenagel and Trentman 2008), most significantly affecting illegal drug markets.

Storti and Grauwe (2009) proffer a study and associated argument which analyses how globalisation affects the drug markets worldwide and how these dynamics contribute to the involvement of drug couriers from poor developing countries. They argue that globalisation has opened up the drug markets to a more competitive structure. With the opening of markets, they argue that more unscrupulous players are able to enter the drug market, lowering the price of drugs and increasing consumption and demand. More fluid transportation routes and means of travel have ensured more movement of contraband while increasing the concentration of production in low-cost areas. Drug couriers therefore target the more accessible and viable routes to the areas of high demand.

Storti and Grauwe (2009) further argue that the efficiency of managing the movement and production of drugs has been dramatically increased through technological advances. Furthermore, high trade flows create enhanced possibilities to successfully disguise drugs while in transport.

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The third effect which Storti and Grauwe posit directly relates to the high number of BFNWOM being incarcerated in the UK. They argue that globalisation has caused a decrease in the 'risk premium effect' in drug markets, whereby poor and low-skilled individuals are willing to take risks to benefit from the high returns seemingly offered for drug couriership.

Prior to Storti and Grauwe (2009), Laniel (1999) argued that drug traffickers were exploiting the market factors caused by globalisation to expand and solidify their activities. However, he also argued that there is evidence, particularly from poor countries such as some Latin American countries and African countries, that laundered money directly gained from drug profits has been used to help countries find a place in the globalised world economy and to navigate the strangling effects of structural adjustment programs imposed by International Monetary Fund (IMF) restrictions. Laniel (1999:240) concludes that 'while the drug phenomenon is becoming globalized, globalization is in turn becoming increasingly dependent on drugs and the multiple services that they provide.'

The Global Commodity Chain (GCC) framework examines how commodities are produced, distributed and consumed within the global system. A global commodity chain is an integrated network of global labour and production processes resulting in a finished product (Hopkins and Wallerstein 1994). While the GCC framework is usually used to analyse a wide variety of legal commodities, the GCC framework can also be utilized to analyse the nature of the drug trade and how poor developing countries act as production and transportation points.

Market liberalization leads to the reduced involvement of the state in international transactions. Thus, national economies open up to outside investments without engaging in the bureaucratic and technical aspects of the regulation of foreign direct investment. In order to remain competitive in the global economy, developing countries have had to deregulate, privatize and be free trade-friendly. Within this framework, countries which were once characterized by dominant institutional processes have also opened up to smuggling of drugs and weapons, and licit and illicit commodities. Market liberalization allows drug trafficking, money laundering and other transnational crimes to flourish. Weak institutional systems and corrupt policymakers have allowed the proliferation of illegal transnational activities, particularly through the informal economy, by which many developing countries are able to function economically. In many ways, citizens in developing countries such as

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Jamaica and Nigeria equate their state to the proverbial and religious 'Babylon'. The concept of Babylon<sup>49</sup> denotes that which belongs to the state, and being anti-Babylon means ideologically resisting government, the police and its allegiance to the state, and also rejecting the oppressive political economy. Harriott and Jones (2004) argue that what drives the occurrence of crime associated with drugs in Jamaica, for example, is a sharp decline in the legitimacy of the state and a significant increase in the occurrence of transnational crime. The nature of this thesis demands an inquiry into the definition and occurrence of transnational crime and its influence on drug trafficking.

### **Transnational Crime and Drug Trafficking**

A precise description of transnational crime is difficult to formulate, as there are competing theories on the subject. Nevertheless, several characteristics can be attributed to organized crime. When the then-Home Secretary David Blunkett published the White Paper *One Step Ahead – A 21<sup>st</sup> Century Strategy to Defeat Organised Crime* in March 2004, it used the definition of organised criminals adopted by National Criminal Intelligence Service (NCIS):

Those involved, normally working with others, in continuing serious criminal activities for substantial profit, whether based in the UK or elsewhere. (Home Office 2004b:1)

This illustrates that serious organised crime is usually defined by scale – continuing, serious, substantial and extensive. Those most successful in the commission of crimes tend to be the best organised, they garner the most profit and they cause the most harm; they are thus most deserving of dedicated and concerted law enforcement attention. Accordingly, what is considered to be within the realm of organised crime is somewhat fluid but, according to the Home Office (2004b), it includes drug trafficking, immigration crime, particular types of fraud, and other related crimes such as armed robbery, money laundering and certain e-crimes.<sup>50</sup>

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<sup>49</sup> This is a reference to Bob Marley's popular song entitled 'Babylon System' (1978), about the political and social system in Jamaica. Marley not only refers to the whole power and class structure as Babylon, but, using a literary metaphor, likens it to a vampire: 'The Babylon system is the vampire. / Sucking the children day by day. / Babylon system is the vampire. / Sucking the blood of the sufferers [sufferers]. / We've been trodding on the winepress much too long. / Rebel, Rebel.'

<sup>50</sup> Terrorist offences are mentioned only in relation to organised crime's funding of them and remain within the realm of the security and intelligence services. For a discussion on how the UK has tied the

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The term 'transnational' is usually associated with the movement of money, information, physical objects, people, or other commodities across national boundaries where at least one of the actors involved in the transaction is non-governmental (Keohane and Nye 2001). Transnational criminal organisations are usually based in one state, but operate in one or more host states where market conditions are favourable. Additionally, they are based in countries where the risks presented by the criminal justice systems are slight and the ability to engage in the provision of illicit commodities and services to foreign markets with potentially very high profits is high (McSweeney, Turnbull and Hough 2008; Platzer, Mirella and Nestare 2004; Storti and Grauwe 2009). Their profits are usually routed through the global financial system and they may also regularly use tax havens and unregulated banking centres as points of access.

The market for illicit goods in the United Kingdom is one of the largest and most profitable in the world and it attracts ruthless, sophisticated and aggressive criminal organisations from around the globe. Due to the increasing permeability of national boundaries, transnational criminal organisations have been able to move their human resources from country to country with virtual impunity, allowing them to establish permanent cells abroad to handle activities (Ruggiero 2000, 1996). While the United Kingdom is known as a multicultural country with many settled immigrants, it has never before experienced so many people arriving from many points around the globe; these immigrants have connections to transnational social and commercial networks, which in many cases are engaged in smuggling contraband, which makes law enforcement difficult. The two countries of main focus in this thesis which have the highest numbers of black foreign prisoners in the UK are Jamaica and Nigeria. Both countries have thriving transnational criminal networks (Harriott 2003, 2000; Klein 2009, 1999). Jamaican drug trafficking organisations have been a major producer of marijuana for distribution into First World countries and Jamaica is a major transshipment point for cocaine from Colombia. The use of Jamaica as a transshipment point is ideal for transnational drug trafficking gangs because of its extensive coastline, proximity to international shipping routes, and weak and overwhelmed criminal justice system (Harriott 2003).

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so-called war on drugs to terrorism. foreigners and immigrants. see Bosworth, Bowling and Lee (2008).

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Conditions in Jamaica over the last three decades have been ripe for the emergence of the transnational organized groups that tend to flourish in nations in a state of social, political and economic turmoil (Agozino et al. 2009). Jamaica's economy has been in general decline and its economic downturn has several components, such as rising poverty, a fall in per capita GDP, declining output, stifling debt interest rates, and the stagnation of leading exports such as sugar, banana and clothing due to low international prices and high costs. Tourism, which is one of the country's primary revenue sources, has been sluggish because of the high rates of crime and violence. There has also been rising social discontent in Jamaica over the last few years, and frequent demonstrations in response to economic decisions by the government, which is struggling to maintain law and order (Johnson 2005).

Organised crime in Nigeria can be linked to the destabilization of the nation's economy after the slump in oil prices in the early 1980s. In the late 1970s, Nigeria was one of Africa's wealthiest nations, depending on oil for 95 percent of its export earnings. Unfortunately for one of Africa's largest and most populous countries, the collapse in the world oil prices resulted in a drop in income for many well-educated Nigerians, as well as a general decline in government services for all citizens (Mberu 2007). As a result, many Nigerians were effectively deprived of their primary source of income and in some cases turned to criminal activities, such as arms and drug smuggling, to earn a living.

Besides the relative weakness of the Nigerian economy since the collapse of the oil industry, other factors have facilitated the growth of organized crime in Nigeria – such as it being one of Africa's most corrupt nations, the porousness of its borders, governmental instability, debt servicing, constant ethnic and religious strife, and an ill-trained, inefficient and relatively corrupt police force. In a country experiencing economic turmoil, massive governmental corruption, rising poverty, and many other difficulties, it is easy to see why Nigeria emerged as a focal point for illicit commodities and services moving around the globe (Klein 1999). Over the past two decades, some Nigerians have become very successful and sophisticated international criminals, and have moved from being minor players in the world of crime, working as couriers for other international criminal organisations, to being emulated by other criminal organisations.

Seddon suggests that drugs have become similar to currency within the global economic system. He argues that 'the buying, selling, distribution and exchange of

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drugs need to be understood not only as economic transactions but also in a wider social and cultural context' (Seddon 2008:717). He sees the proliferation of drug trafficking in deprived communities, and by extension in poor developing societies, as not simply an economic affair, but also as expressive of the need to achieve a level of status and respect within these communities. He argues that the exposure of individuals to symbols of wealth through various media encourages the underprivileged to engage in illegitimate acts and, by extension, has increased the occurrence of globalised drug trafficking and transnational crimes. He further states that 'In simple terms, the infrastructural developments that have facilitated the trading of licit goods, namely the enormous improvements in transport and communications networks, have at the same time made it considerably easier to trade illicit ones' (Seddon 2008:721).

The literature examined therefore shows that developing countries have struggled to find a balance between the benefits of globalization and its disadvantages. Countries like Jamaica and Nigeria are vital points in the global commodity chain which sustains transnational crimes, particularly because of their location and the availability of vulnerable labour which criminals can exploit.

### **History of Punishment: The Black Female Foreign Prisoner's Perspective**

Paton (2004) makes the following point:

*In Jamaica, the prisons developed as one step in the protracted struggles between slaveholders and enslaved people. This struggle permeated every aspect of slave society's existence. On a day to day level it was most intense around running away, a practice by which enslaved people not only denied slaveholders their labour but also threatened the plantation itself. (Paton 2004:26)*

Paton explains that the slave viewed prison as another institution of oppression, because any illegal act committed was not seen as breaking the law but as a matter of survival. Paton's insight into how the newly freed slaves viewed their experiences of prison is especially important. It was the only coherent source I found of a discourse which examined the evolution of the prison system in Jamaica by incorporating the narrative of the ex-slave-prisoner. She concluded that, for an enslaved population, 'the distinction between inside and outside the prison, did not map onto an equivalent distinction between freedom and unfreedom' (Paton 2004:48). Therefore, the

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supposed penological theory that imprisonment would reform such individuals was hardly relevant, because imprisonment was very much akin to life outside prison.

It is also worth noting the lack of relevance of the penology theory that explains the effectiveness of imprisonment in terms of the individual being free and able to make 'rational choices about whether or not to commit crime' (Paton 2004:46). In the light of the socio-historic situation of the ex-slave, this was simply not true: thus the evolution of the prison estate in former slave colonies had a considerably different outcome from its model in England, the former coloniser. The English prison has been able to evolve because the perceptions that prison is a place of just punishment and rehabilitation has been normalised in European society. The plethora of popular songs in the black diaspora expressing sympathy and solidarity with the 'black brother behind bars' is a testament to the difference in perceptions of the prison estate between Europeans and the black diaspora. It is clear, as Agozino (1997) notes, that 'the priorities and practices of the politics of law and order do not always reflect the interests of the marginalised.' The lack of this understanding of minorities prompted Phillips and Bowling (2003) to call for the advancement of minority perspectives within criminological discourse. They argued that 'a central component of a minority perspective in criminology is to embrace difference by moving beyond crude and essentialist categorizations of racial and ethnic minorities' (Phillips and Bowling 2003:271). The need to reposition the criminal justice system in the UK, so that it begins to 'reflect the interests of the marginalised', was central to Phillips and Bowling's (2003:278) argument for the development of minority perspectives. They further posited that such an approach needed to provide an account of the 'explanatory role of *racisms* in a minority analysis of victimization, offending, and criminal justice'.<sup>51</sup> Minority perspectives would therefore greatly assist mainstream groups and policymakers to understand the role and symbol of the prison for minorities. Such a deconstruction of the role of the prison and the experience of it for different groups is of paramount importance to any discussion of its effectiveness and efficiency.

The above discussion is particularly important when the figures for the foreign national female prison population in England and Wales are considered. Fifty-five percent of the female foreign national prison population are black women. While

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<sup>51</sup> Phillips and Bowling (2003:278) define *racisms* as 'direct, indirect, institutional and contextual racisms which may on their own or together assist in explaining a variety of criminological phenomena involving minorities.'

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research examining the attitudes of present-day black criminals needs to also pave progressive paths for the future,<sup>52</sup> one concern of this research is to understand the contexts in which the BFNWOM offends. The findings of my research narratives indicate that there are prevailing attitudes about economic enslavement, poor governance and a 'hustle mentality' steeped in the history of black foreign national offenders, which affects how they view the crimes they commit. Those who struggle to find sufficient economic independence for self-actualisation may not have the tools to make rational decisions regarding staying on the right side of the law (capitalist or otherwise), and this thesis contends that discussions to stem these attitudes must first be willing to hear, acknowledge and understand these narratives and their histories.

### **Matza and the BFNWOM Prisoner's Rationalisation of Crime**

In 1957, Gresham Sykes and David Matza presented a radically new theory of deviant behaviour in their seminal paper 'Techniques of Neutralisation: A Theory of Delinquency'. They collaborated again in 1961, and the dialogue was significantly extended by Matza in his subsequent works *Delinquency and Drift* (1964) and *Becoming Deviant* (1969). This framework is useful for examining the way in which BFNWOM rationalize their crimes and cope with feelings of guilt they experience while incarcerated. Matza (1964) questions the notion that deviants are inherently opposed to societal norms and codes of conduct, and that their actions signify a rejection of the rule of law. He maintains that delinquent values do not necessarily lie along a consistent continuum, and therefore that to say delinquents and deviants reject the rule of law is erroneous. Matza and Sykes (1961) use the examples of teenage delinquents to demonstrate that while many teenagers commit delinquent acts, many do not offend within a delinquent space or a delinquent subculture. They argue that they often immediately return to actions which demonstrate affinity with 'normalcy'. In these instances, Matza and Sykes argue that instead of being in opposition to the rule of law, some acts of delinquency represent a loosening or distancing from more positively favoured and consensus value systems, in favour of an adoption of what he terms 'subterranean' values.

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<sup>52</sup> In critiquing Kalunta-Crumpton and Agozino's *Pan-African Issues in Crime and Justice* (1994), Bill Dixon suggests that advancing the discourse of black criminology is not best done by only historical accounts of colonialism as criminal, but that it should offer projections on how to move forward if black criminology is to be taken more seriously (Dixon 2006).

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Matza and Sykes (1961) identified five techniques of neutralization employed by deviants to rationalize their non-conformity: (1) *Denial of responsibility*, wherein the offender deflects blame with language such as ‘it was not my fault’ or ‘it wasn’t really me who did it’. In this instance, the deviant attributes their actions to the flaws of the wider substructure or environment. Klein (2009) found that few Nigerian BFNWOM prisoners denied knowledge of the drug trafficking crime for which they were convicted. He commented that ‘classic mule stories of innocence and naiveté are rare at Morton Hall’ (Klein 2009:389). (2) *Denial of injury*, where the delinquent defends their actions on the grounds that it did not cause harm to anyone and substitutes moralistic condemnation on their actions with more favourable terminologies. (3) *Denial of a victim*, where they cast the victim as the offender in language such as ‘they had it coming’ or ‘it didn’t affect them’. (4) *Appeal to higher loyalties*, where the delinquent places himself as torn between two groups with a need to commit the act in the interest of one group. According to Heaven (2000) and Klein (2009), it appears that most BFNWOM prisoners exercise this fourth technique, neutralizing the committed crime by reference to the dire economic need they experienced. Most BFNWOM recount that they did not want to be criminals, but that they were compelled to resort to criminal options because of their impoverished positions and the lack of institutional safety nets and support systems in their country of origin. (5) *Condemnation of the condemners*, where the offender deflects focus from their actions by chastising the motives of those who condemn the offending act.

Indeed, Klein found that some women in his research sample could not accept the harsh sentences slapped upon them. He posits:

Most of the Nigerian couriers, not surprisingly, see themselves as victims of injustice. Many have a strong sense of right and wrong, and while all agree that what they were doing was not right, few accept the punishment as just. [...] Most of the women have to balance a sense of remorse owing to their own culpability with an equally strong sense of injustice. This is compounded by the way in which they feel treated by the UK criminal justice system. (Klein 2009:290)

Whilst BFNWOM prisoners do not engage in all five aspects of Matza and Sykes’s neutralization techniques in rationalizing the shame they felt about their incarceration, the narratives presented in the analytical chapters demonstrate that most BFNWOM are most likely to participate in the last two techniques: Appeal to higher loyalties,

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where they state their vulnerability to crime, and condemnation of the harsh justice system. Particularly when faced with deportation at the end of their sentence, many women point to the colonial history of their countries of origin and the legacy of mass marginalization that lingers in the post-colonial period (Agozino 2003).

Matza's (1964) drift theory attempts to situate the deviant in a less deterministic space than positivist-influenced theories allow. Matza suggests that persistent delinquent behaviour can be explained by a convergence of subterranean values and formal ones, in the absence of stabilizing forces which reinforce the more moralistic formal values. The slow movement from formal and introspective values to more permanent subterranean characteristics is called a 'drift'. In their period of drift, Matza contends that delinquents utilise the neutralizing techniques previously discussed to weaken society's grasp on their value system. He is, however, not without his critics, who point out that Matza underplays offending behaviour and neglects to use his theory as a lens for more violent forms of delinquency (Newburn 2007). While BFNWOM prisoners would seem to fit into Matza's categorization of 'drifters', most BFNWOM from impoverished societies do not initiate their own 'drift': rather, it is their marginalization within their own societies which leads many to establish more concrete affinities with deviant subcultures within the ghettos in which they reside (Wacquant 2003).

### **Literature on BFNWOM Prisoners in England**

As foreign national women are disproportionately represented in the English prison system, it is manifest that they have different needs from those expressed by English or British female prisoners, and that these different needs are even more obvious in the case of BFNWOM prisoners. This issue, concerning the differing needs of foreign national prisoners in England, was first broached by Deborah Cheney in her research entitled *Into the Dark Tunnel: Foreign prisoners in the British Prison System* (1993). It was later addressed by academics such as Carlen (1998) and Devlin (1998). Devlin pointedly asked the question: 'Are black women doubly jeopardised by both gender and race?' Along with Carlen, Devlin found that women prisoners were stereotyped because of their gender and the perception that they deviated from being 'nice little ladies'. If Devlin's argument that black women were jeopardised because of their gender and race holds true, then BFNWOM are 'triply' jeopardised because their nationality is added to their race and gender. Devlin's research identified how the

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term 'poor mules' was used patronisingly but sympathetically to label women, often black, who are convicted of drug smuggling.

The literature (Devlin 1998; Heaven 2000; Bhui 2005, 2009) identifies various issues affecting black foreign nationals in prisons, acknowledging their special needs such as different dietary requirement, need for family contact, special skin care products, etc. Klein (2009) ventures furthest in the scholarship to document and amplify the 'voice' of the BFNWOM. This research seeks to engage the BFNWOM prisoner regarding their detention in foreign prisons. These narratives fill an obvious gap in the literature, and provide a more solid basis from which to construct knowledge, and consequently policy, concerning the prison estate in England.

BFNWOM in English prisons do not usually present a violent profile, and they are usually the breadwinners for their families in their home countries (Heaven 2000, 2001; Klein 2009). These factors lend support to the argument that dedicated prisons be built in countries, like Jamaica and Nigeria, which have a large number of their female nationals incarcerated in English prisons.<sup>53</sup> The only female prison in Jamaica, Fort Augusta, is already overcrowded, the situation having been aggravated by a significant number of British female nationals having been caught trying to smuggle drugs from Jamaican airports.<sup>54</sup>

The issue of black women in prisons cuts across both feminist and mainstream criminological theories. One of the persistent themes in the scholarship concerns challenging the stereotypes surrounding female offenders and, in this case, the black female offender. More recent attempts to include black women's experiences in the mainstream discourse on female offending have come from Carlen and Worrall (1987), Devlin (1998) and Sudbury (2005). Significantly, even though these efforts have acknowledged the prominence of black women in the criminal justice system in England, there are very few who do more than scratch the surface, taking the 'matrix of domination' (Collins: 2000) – race, gender and class – simultaneously (Rice 1990).

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<sup>53</sup> Jamaica is opposed to any such move, citing concerns that they do not have the means to fund it. Such an initiative would have to be funded by the governments who are deporting the women, if they were seriously to consider such proposals. See Epilogue for a discussion of the hesitancy of the Jamaican government to implement core aspects of the Jamaican Reducing Re-Offending Plan.

<sup>54</sup> 'City's Drug Mules in Jamaican Jail Face Twenty-eight to a Cell. Floods and Rats', *Daily Derbyshire*. September 19, 2008. This article reports that, at that time, fourteen British women were incarcerated in Jamaica's lone female prison, Fort Augusta.  
<http://www.thisisderbyshire.co.uk/news/City-s-drug-mules-Jamaican-jail-face-28-cell-floods-rats/article-338282-detail/article.html>.

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This is the difficulty faced by this research, underlining its importance at the same time as it adds the variable of nationality to the trio.

Rice maintains that the absence of the black woman from feminist interrogations within criminology represents the 'failing of black criminology.' Rice's frustrations with these 'failings' are clearly expressed when she states:

Given the history and theoretical objectives of feminist criminology, one might have assumed that the monolithic, uni-dimensional perspectives employed by traditional theorists would have been abandoned for a more dynamic approach. But almost without exception, feminist criminological research – from the late 1960s to date – has focussed on white female offenders. (Rice 1990:59)

In commenting on the work of Worrall and Carlen (1987), Rice (1990:59) suggests that they adopted an 'essentialist position in regards to the construct of women and have paid little attention to the relevance of race.' No doubt contemporary literature has challenged the sexist nature of research on female offenders (Klein 2009, 2007; Agozino 2008, 2005, 2002, 1997) but, generally speaking, histo-racial contextualities have been largely ignored by mainstream criminology. One study which has addressed the issue of race and gender in prisons is Chigwada-Bailey's *Black Women's Experiences of the Criminal Justice System* (2003). In explaining the reasons why women commit crimes, Chigwada-Bailey puts forward two approaches. The first approach is that women usually commit crimes from a place of financial need. Chigwada-Bailey suggests that these are 'indirect pathways to crime'. This view is generally borne out in the literature as one of the main causes of crime (Fowles and Merva 1996). Even though there is an ongoing debate about the correlation between crime and poverty, much of the practical work done with foreign national women prisoners seems to indicate that most of these women commit the crime from a position of economic vulnerability (Heaven 2008; Klein 2009).

Drawing on the work with foreign national women carried out by Hibiscus, Olga Heaven states:

Experience gained from working with large numbers of women prisoners revealed the special needs of particular groups of women. Gender problems were compounded by class, ethnicity, race, and nationality. Women prisoners were disproportionately from the poorest classes in society, and from ethnic minorities, who constituted nearly 25% of the prison population. (Heaven 2001)

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Furthermore, research into drug trafficking has established a definite link between poverty and the women who are imprisoned for the crime. Writing on drug trafficking in 1998, Penny Green stated

by far the most common experience was for couriers to be provided with an air expenses for the days they would be abroad [...]. Acceptance of such meagre terms, despite the risks involved, illustrates the level of desperation experienced by the majority of those carrying drugs across borders. (Green 1998:86)

From the findings of Heaven (2001) and Klein (2009) it is clear that female drug couriers still cite economic constraints as the underlying factor for their offence.

Despite the ongoing debate on whether crime is caused by poverty, it is undeniable that black foreign female offenders are often from a poor economic background. Too often the stories these women tell speak of desperation and their struggle to survive. Take, for example, the account given by a Jamaican drug courier:

I needed the money. My brother was attacked by a girl in the West Indies – she threw acid in his face causing terrible injury. The legal and medical fees ran into thousands and thousands of dollars and he had no way of raising the money. I knew some dealers so I decided to bring drugs over to England. [...] I was aware of what I was doing and why I was doing it, so I don't really regret it, but I probably would have thought twice if I'd realised the implications. (Green 1998)

It is this point regarding economic pressures and strains that Chigwada-Bailey cites as the second reason why women offend (2003). The literature, then, must take a look at the largest group of foreign national women in English prisons: Jamaicans. What is the socio-economic profile of Jamaica? What are the socio-economic profiles of the Jamaican female offenders? What socio-economic factors are germane to foreign national offenders?

It is the above correlations that this research seeks to explore to get a fuller understanding of how prison can tap into the potential of these women, so that they can improve their lives upon release. In conducting this research, I am also acknowledging my beliefs that while prison is an institution to punish, it should also *effectively* strive to rehabilitate *all* prisoners.

Agozino addresses the stereotypes surrounding foreign black women in prison in England as follows:

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The notion of 'black drug couriers' suggests that theories of penology, criminology and victimology should move beyond their preoccupation with the individual offender because some of what is conceptualised as punishment goes beyond individual offenders to affect whole groups [...] who could be victimised through institutional practices that are deliberately designed to exclude, marginalise, control, alienate or even victimise the undesirable other. (Agozino 2000a:359)

Notably, members of the Jamaican community and the African community feel that there is a definite campaign to alienate and vilify their nationality. Agozino (2000a, 2000b) bemoans the fact that the topic of drug couriers in UK policy refers exclusively to black immigrant couriers. It is widely perceived that the change in visa laws for Jamaicans entering the UK was a knee-jerk policy in response to the comparatively large numbers of Jamaican foreign nationals in British prisons. Agozino's research (2000a) concentrates on whether the large numbers of black persons of foreign origin in British prisons implies that they are more prone to committing crime. While he acknowledges the fact that studies have been done to highlight the extent of the problem of black women in prison (Carlen 1988), it is clear that there is a pressing need for a more focussed study on black foreign nationals, as such studies have not yet resulted in any systematic policy by government or the Prison Service to address these issues, despite urgent recommendations and evidence presented in the Corston Report (Home Office 2007a) – quite likely, this is because this need has been subsumed within the general discourse on black crime, the politics of the immigrant and crime (Agozino 2000b) and the related mythologies around the issue (Sudbury 2005).

Agozino's study highlighted the issue of black women in the criminal justice system and also commented on how the issue of BFNWOM in prison has been more generally included within the field of criminology. The impression this has caused, particularly in how research has impacted upon policy, is that the problems facing black women in prison are not very different from problems facing the general female prison population, and that the problems of black foreign nationals are not vastly different from those facing the general foreign prison population.

Chigwada-Bailey (2003) attempts to give a broader view of the issues facing black women prisoners by addressing both the nature and the extent of these issues. She concentrates on issues such as the sentencing and stereotyping of the black woman offender. However, her account only takes a cursory glance at the issue of

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foreign national women, which once again highlights the sparseness of the work done on BFNWOM prisoners. Chigwada-Bailey interviewed twenty women for her study. Of the twenty women interviewed, sixteen were Black British and four were born outside Britain, but had been living in the UK for the past five years. The sample therefore excluded women who were arrested at the port of entry into the UK. She did, however, discuss the possibilities of positive change in the system, particularly in areas such as becoming educationally or vocationally equipped while serving time, or seeking employment and accommodation after release. Chigwada-Bailey offers many suggestions at the close of her book on how to improve the criminal justice system's ability to meet the needs of the black female offender. While I will not go into the details of these recommendations here, they almost all convey a need for a greater understanding of the black woman. This research seeks to fill the gap in the literature regarding specific and detailed examinations of the BFNWOM offender.

Klein (2007) provides another contemporary insight into how the Prison Service has attempted to address race equality, particularly in view of the increase in BFNWOM in UK prisons. Klein (2007, 2009) undertook a study of Nigerian women in HMP Morton Hall, where prison officers stated that a cultural practice of group-think, bullying and fear had surfaced among Nigerian women prisoners. Klein reports that older women were seen to be acting as 'mamas', ordering younger women around and intimidating them based on the age-oriented hierarchy system in Nigeria. Klein (2007) proffered that this assessment was rejected by the women themselves, who argued that prison officers were only troubled 'because the Nigerians were a self-managing group, who had made them [the prison officers] and their authority redundant'. While Nigerians did not seem to see this internal group-think behaviour themselves, prisoners of other nationalities agreed that they clung to each other and sometimes bullied younger inmates and newcomers.

Player (2005) examined the Women's Offending Reduction Programme, which seeks to streamline 'efforts across the criminal justice system to reduce women's offending, as well as efforts in other areas of government to tackle criminogenic factors for women, relating to family ties, health, housing, employment and training', and argued that the programme really needed to examine the approaches to sentencing in order to effect a reduction in the female prison population in the UK. She commented that while fewer cautions are being reported, more custodial sentences are being handed out. Consequently, there is no serious increase in the

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crime rate of women, but there is a significant shift in the punishment and criminalisation of particular acts. Player (2007) introduces a rights-based approach to examining the issue of increased incarceration of women in the UK. She points to the fact that one in five women held in custody are not on custodial sentences but are remanded in custody for reasons of communal interest and not because it is yet proven that they have committed a crime. She also addresses the lack of research into how decisions regarding the granting of bail to arrested persons are affected by negative gender stereotypes plaguing the criminal justice system about women who break the law. In a paper for *Punishment and Society* (Player 2005), she also argues that academics and criminologists must ensure they do not endorse governmental rhetoric about penal reform relating to women, or they could end up legitimising excessive imprisonment of women instead of challenging it and its detrimental effects – a process Carlen (2002:22) calls ‘carceral clawback’.

Cheliotis and Liebling (2006) examined prisoners’ perceptions of race relations in forty-nine establishments across the UK. Along with previous scholars such as Phillips and Bowling (2003:579), they bemoan the fact that the high rates of black persons in prisons has been dominated by an ‘either/or debate’ over whether this is a result of genuinely high rates of offending within this ethnic group, or from institutionalised prejudices throughout the criminal justice system. Cheliotis and Liebling point to the glaring data in official statistics showing that black persons were three times more likely to be arrested than whites and Asians. Though official statistics and the methods used to gather them have been recurrently criticised (Phillips and Bowling 2003) because of the discrepancies in reporting and prejudices affecting data collection and arrests, Cheliotis and Liebling (2006: 291) assert that ‘it is not plausible that they can fully account for the vast overrepresentation of black people in prison statistics’. The large number of black persons in prisons, therefore, allows for robust research on the prevalence of racism within the prison estate. Pointedly, Cheliotis and Liebling (2006) note that despite reports of serious crimes, some resulting in deaths of black inmates, interracial conflict within the prison institution has not been adequately broached. Klein’s (2007) research into conflict between Nigerian female prisoners, and the references to conflict between Nigerian and Jamaican prisoners, suggests that the prison institution can become seriously destabilised if the epistemological nature of race and foreignness is not examined and contextualised to understand its dynamics with the prison estate (Bosworth 2000).

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### **BFNWOM in Prison: Race, Economics or What?**

Davis (2006) launches perhaps the most stinging attack on the prison and its racialisation tendencies in her essay 'Racialised Punishment and Prison Abolition', where she argues that in the United States the prison has assumed some of the political, economic and social objectives of slavery – the 'authorisation of penal servitude' for the free black population in the United States. Agozino (2008) advances a similar argument with respect to the black foreign national prisoners population in the United Kingdom and, increasingly, other First World countries, proposing that the phenomenon represents a re-colonization of such people. It is for this reason that Davis (2006) bemoans Foucault's avoidance of race in his account of the birth and structure of the prison. This omission, Davis argues, intimates that racism is simply a contingent feature of the prison system, whereas Davis asserts that 'the institution of the prison both preserves existing structures of racism as well as creates more complicated modes of racism in US society' (Davis 2006:368). She argues that the prison emerged at a time when it was necessary to place barriers and controls on vulnerable individuals, poor people and, above all, blacks, because former ways of exerting such controls were no longer legal. Her assertion situates the prison therefore, as a largely symbolic ideological construct, which because of its imposed enduring presence, has become a fixture in our social consciousness as a necessity for safety. Wacquant (2002) agrees with Davis's stance, pointing to the vast differences in sentencing rates for black and non-black people in racialised societies. As such, Davis posits that individuals are being sent to prison because of ethnicity, poverty and because they are seen as the 'other'. She therefore argues for a more humane approach to justice which looks at the macroscale disenfranchisement of the poor and ethnic minorities.

Bosworth (2000) addresses the recurrent connection between race and imprisonment and points to the glaring deficiencies in criminology regarding addressing race as a fact, not an idea, and exploring how it originated and how it became entrenched in society. Bosworth argues that until the historical, cultural and macrosocial factors concerning race are explored, attempts to discuss why race has become so entrenched in criminal justice policy will be almost useless. Significantly, Bosworth was scathing of criminology's failure to engage with contemporary scholars who are examining how race intersects with gender to see if it can explain the increase of black women in prisons. While acknowledging that ethnocentrism and

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sexism frames much of the criminological debate on female criminality, Bosworth (2000) laments that much research does 'not operate at an epistemological level, inquiring how socially constructed ideas of racial and gender difference have become imbricated in the administration and legitimation of justice' (Bosworth 2000:117).

The rise in the number of BFNWOM from developing countries who have been imprisoned for drug trafficking has given more prominence to the matter of race in the discourse. Green (1998) has shown clearly that foreign national women who are imprisoned are merely scapegoats, being doubly victimised by both the judicial system and the drug barons. A declining economic situation and high levels of poverty are important factors leading to the decision of significant numbers of women from developing countries to become drug couriers or to get involved in the trafficking of drugs. Imprisoned women are usually from poor and deprived backgrounds and are most often also victims of a male-dominated society with male values (Carlen 2002). Most of these women are from developing countries and are struggling to survive both socially and economically in an era of rapid globalisation and open borders.

The majority of female drug couriers are poor women who have been offered money to bring drugs into the UK. Coming from a background of poverty, many seize this as another opportunity in their 'hustle' to provide for themselves and their families. These women are minor links in what is a global problem and are usually hired by large criminal gangs who most frequently use middle men to do the hiring.

Green (1998) found that, of the 900 persons imprisoned in the early 1990s for illegal importation of drugs, three-quarters were foreign nationals. Africans accounted for 35%, British 28%, Jamaicans 9%, Columbians 5.3%, Pakistanis 5.1% and Dutch 3.3%. The tables in the Introduction show how the statistical profile of foreign national prisoners has changed since. Not only has there been an increase in the number of persons of foreign nationality incarcerated in English prisons, but the countries from which they come have become more diverse, with an alarmingly large number coming from poor developing countries.

In the context of the conviction of an ever-increasing number of women from these countries, it is interesting that these women are usually not drug users: they are merely a means of transport for the contraband. The average age of a female drug courier is thirty-five years (Green 1998). This means that most women who are convicted on drug importation charges most likely have established family lifestyles

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with children, a life partner, or both. These women are mothers, wives, life partners and carers. When coming from matrifocal developing countries such as Jamaica, they are also the sole breadwinners for their household.

This thesis does not seek to enter into an elaborate investigation of racism within the criminal justice system; this has been tackled by many authors. (Agozino 1997, 2000b, 2000a, 2002, 2003, 2005; Chigwada-Bailey 2003; Maden, Swinton and Gunn 1992; Bowling and Phillips 2002, 2007). However, the fact that most foreign national women convicted by English courts are black does bring the issue of race sharply into focus. Agozino (1997:143) argues that many black persons are subject to prison sentences because they do not have the means to secure a good defence for themselves. He puts the blame for the high rates of BFNWOM in prisons squarely on their powerlessness: black foreign national women do not have the means or power to defend themselves. Agozino, therefore, implies that criminals are so labelled not because of the act which they may have committed, but on the basis of how successful they are in using the criminal justice system to free themselves from the label of a convicted criminal. Most of the BFNWOM prisoners who participated in this research admitted to actually knowing that the drug was on their person or in their accompanying luggage. In almost all of these cases, the women stated that they were in a position of desperation to provide for themselves and their family's immediate needs, and so they took the chance to smuggle the drug. It is, therefore, a case of complicity, in which the doers were desperate enough to fall victims.

Nevertheless, a recurrent response from the women was the lack of adequate representation they received as foreign nationals, without any means to retain the services of a solicitor. It is not, however, evident that the presence of adequate judicial representation in the courts would have resulted in women receiving milder sentences. In fact, the English court has taken a rather hard line towards women caught smuggling Class A drugs and admitting carrying the drug. Therefore, this thesis contends that the high rate of BFNWOM in English prisons has more to do with sentencing and imprisonment precedents towards drug trafficking and the lack of information regarding imprisonment in England in the relevant home countries, rather than with legal representation or race.

Since most women who traffic drugs into England come from predominantly black countries, a racial discourse has arisen regarding the foreign women prison population, and this has given rise to the racial profiling of black female travellers

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into England. The Drugs Brief for UK Customs emphasizes that the success of customs work lay in the profiling of travellers and acting on intuition with regards to which passengers to stop at customs. Arguably, this profiling may itself have led to the high rate of black foreign nationals in prison.<sup>55</sup> Such a policy based on the 'choosing of the right passenger to check' leaves the choice squarely up to the prejudices, or lack thereof, of the customs officer. It may well be the case that such profiling has resulted in the disproportionate amount of black women foreign prisoners. It certainly could be the case that their white counterparts were able to completely circumvent English customs interventions, because of prejudicial profiling working in their favour. This argument is not at all contentious.

The whole issue of drug trafficking has now taken on fully racial tones. Agozino states that debates on the issue of drug trafficking and criminality are now imbued with a view that the 'black immigrant equals courier or criminal unless otherwise proven' (1997:142). As I demonstrated in the introductory chapter, as a black Jamaican national living in England, I come across this profiling every time I travel back into England. The fact that an excessive number of black foreign nationals have been caught trying to smuggle drugs into England has brought issues of race into the debate. It plays on latent prejudices that are inherent within the justice system against blacks.

Bosworth, in the Perrie lectures series (2008), discusses the increased incarceration rates of women in the UK and how this has affected foreign national women who enter the system. Bosworth argues that New Labour's approach to immigration, asylum and terrorism has extended the use of detention and significantly increased the powers of immigration officers. She refers to the 2005 White Paper 'Controlling our Borders', which 'presented detention as an aspiration, effectively erasing the distinction between criminal and asylum seeker though a promise to introduce a new asylum process, detaining more people and using other means of contact like tagging to prevent people absconding when they are ready to be removed' (Bosworth 2008:18). The current system of detention centres for immigration purposes wrongly conflates the idea of a prisoner with the wider notion of a person being held in a detention centre, and Bosworth argues that there is a

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<sup>55</sup> See Bowling and Phillips 2007; Delsol and Shiner 2006; Newburn et al. 2004. These scholars have examined the racialised way in which stop and search is carried out in the UK, and argue that the *discriminatory profiling against minorities could be a significant factor in the seemingly high rates of convicted black and minority persons.*

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'carceral continuum' where imprisonment is being used as border control. In highlighting the similarities between the prison services, Bosworth states:

Detention Centre Rules 2001 for example, are modelled on the Prison Rules 1999. Similarly, a number of the institutions are former Young Offender Institutions that have been 'reroled'. The prison service also provides personnel for the immigration estate, both in high-level management positions and in training, investigation and on the ground. Likewise, the three main groups who monitor conditions in immigration detention centres are the same as those who monitor conditions in prisons: the prison inspectorate, the prison ombudsman and the independent monitoring board. (Bosworth 2008:21)

Similar to Player (2008), Bosworth (2008) advances the human rights approach, pointing out the ill-advised way in which Britain continues to detain persons, treating them like prisoners without regard to complex human rights issues. The Joint Committee on Human Rights states that 'the UK's approach to migration, and its treatment of asylum seekers in particular – says something about the society we live in and the kind of country we want to be' (House of Lords Joint Committee on Human Rights 2007).

The issue of glaring human rights abuses and maltreatment of foreign national prisoners, especially women prisoners, was brought to national attention by the Home Office (2006) HM Inspectorate of Prisons report *Foreign National Prisoners: A Thematic Review*. The report identified three issues where foreign national prisoners were being failed by the prison system. These were (1) inadequate or lack of family contact, (2) poor immigration support to address obvious concerns, for example regarding deportations and asylum applications, and (3) lack of adequate language support for women prisoners who did not speak English. The report found that women who were not adequately supported in these areas were more prone to become stressed and suffer from severe mental health issues. The report advanced a number of recommendations, among which were:

1. The allocation of an immigration officer to every prison. This officer should be skilled and experienced in fielding queries from prisoners regarding immigration.
2. Development of a national policy to support foreign national prisoners with clear auditable benchmarks.

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3. Exploration of innovative ways to foster increased family contact for foreign national prisoners with overseas relatives.
4. Development of a central database of clinical records for foreign nationals, recording age, ethnicity and nationality, so that aggregated health data can be scrutinized to inform future health care initiatives for said group.

In 2007, an unannounced follow-up report to *Foreign National Prisoners: A Thematic Review* brought to light the fact that a significant number of foreign national women in prisons were self-harming and were more likely to be disruptive; particularly those with ongoing immigration issues with inadequate support or timely communication about their cases (Home Office 2007b). Furthermore, the Corston Report of 2007 (Home Office 2007a), in reviewing vulnerable women within the UK criminal justice system, found similar weaknesses in the prison system regarding the treatment of foreign national prisoners. In light of the fact that many BFNWOM sentenced were first-time offenders, Corston recommended that strategies being developed for foreign national prisoners 'should include measures designed to prevent prison becoming a serious option' (Home Office 2007a:5).

### **Foreignness, Discrimination and Racism and the Criminal Justice System**

The issue of foreignness and race was perhaps best scrutinized by Fanon (1967a), in his description of the realization of otherness which dawns on the black traveller – that they are different, and will always be an outsider to white persons. Drawing on the scholarship of Freud and phenomenology, Fanon refers to this feeling as the zebra-stripping of the unconscious mind, and demonstrates that racism and discrimination are manifested in both physical and bodily spatiality. His main thesis in his classic *Black Skin White Masks* was, according to Seyki-Otu (1996:17) that the black West Indian was 'imprisoned by the colonization of experience and the racialization of consciousness'. Fanon also argues (1967b) that because of the influence of colonial pasts, black persons from the West Indies pre-1945 cultivated a dual existence where they aspired to be moral and visualized such moral actions as 'white'. Post-1945, Fanon posited that the black West Indian body lost its zebra-stripping tendencies as full realization dawned that their white former masters did not share nor wish to share the same spatialities with them. Consequently, Sullivan (2004) summarises Fanon's argument as being that behind every exchange and action between black and white there are 'histo-racial' connotations, or, in other words, that

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such actions always have subjective meanings. Therefore, in a racist and discriminatory environment, the black body is always expectant of the challenges and barriers to which its existence is perpetually subject, while reaching for approval from whites that always seems unattainable. Within this framework, the presence of black foreign nationals from former colonies in British prisons would always be a contentious issue, and therefore requires informed analysis and socially aware implementers or prison staff, particularly since foreigners are usually viewed as 'others'.

Agozino (2000b) argues that the treatment of foreigners with suspicion and the tendency to blame foreigners for rising crime rates is a documented historical practice. He points to the early criminologist Lombroso, who argued that criminals were an atavistic remnant of evolution. Agozino suggests (2008) that Lombroso's classification of criminals as having certain features<sup>56</sup> which were not representative of the native, was an almost explicit statement that criminals were foreigners. Agozino also points to the Chicago School, which tried to move away from stereotyping foreigners as criminals but still located immigration as a critical issue in the discourse on crime. The research from the Chicago School articulated that while crime was indeed high in areas of high immigration, it was still confined to highly urbanised areas, irrespective of the ethnic composition of immigrants.

Heaven (2001) addresses the unwillingness of the UK courts to acknowledge Home Circumstances reports for foreign national women, because of Lord Aramah's 1982 ruling that character evidence is of little merit in cases concerning drug couriers. Development workers from voluntary organisations frequently utilise professional probation best-practice methods and seek Home Circumstance reports for foreign national women, supported by reputable persons from these countries, and including photographs of their usually impoverished and destitute surroundings. Similarly, Kalunta-Crumpton (1999) points to inherent discriminatory practices towards black foreign national prisoners whose claims of innocence, or claims that they were forced into the crime, are disregarded completely by UK courts. She further points out that character witnesses, such as diplomats or noted officials, who appeared on behalf of

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<sup>56</sup> Cesare Lombroso (1835-1909) laid claim to the establishment of a 'science of criminology' which did not focus on criminal law but on the criminal. Lombroso asserted that the answer to the issue of criminal behaviour could be found in biology, and in a complex set of externally visible psychological characteristics that made certain individuals predestined to commit crimes (Hayward and Morrison 2005).

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black foreign national defendants, were not entertained by the courts who stated that whatever evidence presented may be tainted by corruption or that documents presented on behalf of defendants could be forged.<sup>57</sup> There are, however, international protocols governing how foreign national prisoners should be treated. The *UN Recommendations for the Treatment of Foreign Prisoners*, 1984, are as follows:

1. The allocation of a foreign prisoner to a prison establishment should not be effected on the grounds of his nationality alone.
2. Foreign prisoners should have the same access as national prisoners to education, work and vocational training.
3. Foreign prisoners should in principle be eligible for measures alternative to imprisonment as well as for prison leave and other authorized exits from prison according to the same principles as nationals.
4. Foreign prisoners should be informed promptly after reception into a prison, in a language which they understand, and generally in writing, of the main features of the prison regime, including relevant rules and regulations.
5. The religious precepts and customs of foreign prisoners should be respected.
6. Foreign prisoners should be informed without delay of their right to request contacts with their consular authorities, as well as of any other relevant information regarding their status. If a foreign prisoner wishes to receive assistance from a diplomatic or consular authority, the latter should be contacted.
7. Foreign prisoners should be given proper assistance, in a language they can understand, when dealing with medical or programme staff, and in such matters as complaints, special accommodations, special diets, and religious representation and counselling.
8. Contacts of family prisoners with families and community agencies should be facilitated, by providing all necessary opportunities for visits and correspondence, with the consent of the prisoner. Humanitarian international organisations should be given the opportunity to assist foreign prisoners.

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<sup>57</sup> *R v. Aramah* (1982) 4 Cr. App. R. (S) 407. In the Court of Appeal case of *Aramah* (1982), Lord Lane ruled 'The good character of the courier is of less importance than [...] in other cases. The reason for this is that it is well known that a large scale operator looks for couriers of good character and for people of a sort, which is likely to exercise the sympathy of the court if they are [...] arrested' (See Klein 2009:388).

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9. The conclusion of bilateral and multilateral agreements on supervision of and assistance to offenders given suspended sentences or granted parole could further contribute to the solution of the problems faced by foreign offenders.

An example of how the perception that some races are more prone to crime is perpetuated in the UK is seen in the way in which courts declare certain evidence inadmissible, particularly with respect to minorities. Hodson et al. (2005:438), using the aversive racism framework which 'views prejudice as the result of normal and basic cognitive processes that predispose individuals to be biased against other groups', conclude that

the Black defendant, compared to the White defendant, was considered to be more guilty, given longer sentence recommendations, seen as more likely to re-offend, and rated less likely to be rehabilitated. (2005:444)

They also found that major differences in the types of responses given to white and black defendants who faced inadmissible evidence conditions, namely that jurors and judges did not extend the benefits of inadmissible evidence conditions to black defendants. In fact, they found that 'they tended to judge black defendants more harshly when the incriminating evidence was inadmissible than when it was admissible' (2005:445). The literature pointing to laws which do not take into account the foreign national prisoner's circumstances or take into consideration that they may be innocent of wilfully committing the crime, suggests the existence of institutionalised discriminatory practices against foreigners within the criminal justice system in the UK. Agozino (2008:11) argues that such attitudes

could be interpreted as instances of the attempts by the institutions of penalty to colonize the fields of victimization and represent them as part of the territory of penalty. This interpretation calls for the empire of punishment to be decolonized by recognizing what was being done to innocent black women as instances of victimization and not as cases of punishment.

Scott and Marshall (2009), in *The Dictionary of Sociology*, define racism as 'the deterministic belief-system which sustains racialism, linking these characteristics with negatively valuated social, psychological, or physical traits'. In turn they define 'racialism' as 'the unequal treatment of a population group purely because of its possession of physical or other characteristics socially defined as denoting a

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particular race.’ Similarly, Calhoun (2002), in *The Dictionary of the Social Sciences*, states that racism is ‘a form of prejudice based on the belief that certain racial groups are inherently superior to others. Racist discourse generally attributes such characteristics to biology, although cultural and historical arguments may also come into play.’

The *Oxford Dictionary of Philosophy* (2008) describes racism as:

the inability or refusal to recognize the rights, needs, dignity, or value of people of particular races or geographical origins. More widely, the devaluation of various traits of character or intelligence as ‘typical’ of particular peoples. The category of race may itself be challenged, as implying an inference from trivial superficial differences of appearance to allegedly significant underlying differences of nature.

Central to all these definitions is the concept of *race*, and unpacking the concept of race is foremost to an understanding of how racism is manifested within the criminal justice system in the UK. Race has been historically linked to views and beliefs that whites were superior to other groups and that individuals from other groups were therefore naturally geared towards incivility. Lombroso (1876) was one of the first scholars to associate race with criminality, in his assertions that criminals display traits that are typical of individuals from ‘coloured races’. Many contemporary scholars (Heaven and Hudson 2005; Fitzgerald and Hale 1996; Hale et al. 2005) state that race is essentially a social and political term – not a biological term – because there is no scientific proof to suggest that human beings differ in capabilities in any significant or systematic way that would warrant their assignment to separate categories called ‘races’ – let alone sustain the division of criminal tendencies according to ‘race’. Such scholars posit that the continuance of these dominant and prevalent views on race have contributed to racism in terms of how crime and policing is viewed and executed in the UK.

This was most evident in the 1960s, which saw a public backlash against immigrants from former colonies of the UK, raising racial intolerance and also resistance to intolerance from immigrants. Bowling and Phillips (2002) state that the persistent images of rioting immigrants in the infamous Bristol and Brixton riots solidified harsh public views that blacks were prone to disorderly conduct, and were generally uncivil and lawless. These incidents further laid a foundation for the persistent link between blacks and crime in the UK.

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### **The Media and Black Foreign National Women Prisoners**

More recently, owing to the media's focus on the issue, there has been raised awareness about the problem of the very large number of foreign national women in prison. As is usually the case, though, the media do not normally pick up an issue until it has reached sensational proportions. The high rates of black foreign nationals in English prisons has now indeed reached such sensational proportions. By way of example, it was only when the number of foreign nationals at HMP Morton Hall had significantly exceeded the number of British nationals that the media started expressing interest in this issue, and this was in 2006 when it was revealed that many foreign national prisoners were not being deported after their sentences. Furthermore, the rapid increase in black foreign women in prisons and the media attention it has drawn has forced the prison authorities to work at being better equipped to deal with such increased numbers and to meet the different cultural needs that this heterogeneous group displays.

Stuart Hall et al. (1978) provide a mordant analysis of the manner in which the media can influence how crime is reported and the importance of responsible journalism in reporting crime. Hall et al. state that news 'is shaped by being set in relation to a specific conception of society as a "consensus." Against this background newsworthy events are those which seem to interrupt the unchanging consensual calm.'

A very important point for analysis with regard to this discourse about crimes committed by BFNWOM can be gleaned from the following quote:

Any crime can be lifted into news visibility if violence becomes associated with it, since violence is perhaps the supreme example of the news value 'negative consequences'. Violence represents a basic violation of the person; the greatest personal crime is 'murder' [...]. (Hall et al. 1978:68)

This point becomes important in analysing the portrayal of black foreign nationals in the media. Until a link was made between female drug couriers and gun crime in England, the issue did not have much news value, except for the odd sensational piece when a significant amount of drugs was found inside the bodies of smugglers. The killing of the young Jamaican schoolgirl Toni-Ann Byfield in 2003, and Letisha

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Shakespeare and Charlene Ellis in 2004,<sup>58</sup> who were innocent victims of drug-related violence, showed just how debilitating and destructive the problem of drug trafficking is. Female drug couriers are but one criminal factor we come across in the fight against drug trafficking and, as has been discussed, they are themselves victims of the illegal trade. The fact is that globalisation has not only had positive effects (Seddon 2008; Goldblatt et al. 1999; Hirst and Thompson 1999, 1996; Harriott 2003): crime has also been globalised. A collaborative effort on all fronts is required to address the problem, both from the media and from all affected countries.

Voluntary organisations have long recognised this problem and worked with such vulnerable women and their families in their respective countries. However, they had great difficulty in drawing the public's attention to how dangerous the situation was until recent prison rates forced the issue to the forefront. However, this new recognition and awareness is a double-edged sword. While it brings the issue to the fore, irresponsible journalism also serves to reinforce stereotypes of women convicted of drug smuggling. Previously, stereotypes portrayed female drug smugglers as greedy and evil women drawn to the fast money trafficking provided. The profile of current BFNWOM in prison shows this to be far from true. As mentioned above, many of these women resort to a life of crime (or, in numerous cases, a single act of crime) to provide for themselves and their families. The culture from which they originate is a matriarchal one; one in which they head households. They usually have more than two children, are not gainfully employed, and when they do find work in their own countries the burden of childcare normally falls on the eldest child. While this may attract criticism on the grounds that their profile is similar to that of many poor women who commit crimes in the UK, the difference can be found in the quality of governance which supports institutions that can assist the latter group of women to transform their lives. These routes out of dire poverty are not available to BFNWOM. When poor BFNWOM are incarcerated overseas, although family will usually try to

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<sup>58</sup> Toni-Ann Byfield was a Jamaican seven-year-old who was shot and killed when she visited the man she thought to be her father, who was living in an ex-offender's hostel in London. The father was also killed. Joel Smith, a rival drug dealer to her father, was convicted and sentenced to forty years for her death. See 'Life Sentence for Toni-Ann Killer', *BBC News*, April 2, 2006, <http://news.bbc.co.uk/2/hi/5241180.stm>. Letisha Shakespeare and Charlene Ellis were killed in Birmingham on New Year's Day 2003 in gang-related youth violence. Four men were convicted of the murders and will serve a total of 132 years in prison. See 'Four Jailed for New Year Killings', *BBC News*, March 21, 2005, [http://news.bbc.co.uk/2/hi/uk\\_news/england/west\\_midlands/4366177.stm](http://news.bbc.co.uk/2/hi/uk_news/england/west_midlands/4366177.stm). Jon Silverman reported that the government reacted swiftly against the increased gang-related violence in black communities by making it mandatory for Jamaicans to apply for visas despite being a member of the Commonwealth. See 'Jamaican Link to UK Crime', *BBC News*, January 16, 2003, [http://news.bbc.co.uk/2/hi/uk\\_news/2662257.stm](http://news.bbc.co.uk/2/hi/uk_news/2662257.stm).

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assist, they too are experiencing immense economic pressures and can ill-afford to take on the added responsibility of looking after the children, so their commitment to assisting is not economically sustainable.

Following the shock killing of seven-year-old Toni-Ann Byfield, the *Guardian's* Audrey Gillan wrote an investigative piece in Jamaica. She interviewed a Jamaican inmate in HMP Morton Hall Lincolnshire, Barbara Thompson, who broods over her children left behind in what she describes as 'a shitty cardboard house.'<sup>59</sup> In synergy with the findings of organisations such as Hibiscus, Gillan found that life in the ghetto slums was, in truth, desperate and that some women were indeed even forced to smuggle drugs at 'gunpoint by local gangsters.'

In helping to cover the issue of foreign nationals in English prisons and the plight that surrounds them and their families while they are imprisoned, the media have helped in sensitising the public and in removing misconceptions of the profile of most BFNWOM who are imprisoned, especially for drug trafficking.

### Summary

In this chapter, I examined various theoretical and research arguments which are relevant to the discourse on BFNWOM in English prisons. What became clear is that there is a lack of research which engages with black persons within the criminal justice system, and that a significant portion of criminology research has employed methods of enquiry which excludes the actual voice of the black person (Phillips and Earle 2010; Agozino 2005). Nevertheless, some scholars have continued to question the purpose of the prison system in relation to BFNWOM, not because BFNWOM should not be punished for their crime, but because of the persistently retributivist political position adopted by officials towards the group. The demonization of the BFNWOM prisoner has prevented the prison from entering into a dialogue with the foreign national pursuant to the 1985 recommendations of the United Nations Select Committee, such that the foreign national prisoner should be treated with the same respect and rehabilitative approach as the 'native' prisoner, and should be given opportunities to maintain their family contacts regularly and maintain their dignity.

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<sup>59</sup> Audrey Gillan. 'Struggle for Everyday Survival that Forces Women to Risk the Dangers of the Drug Run.' *Guardian*. October 1, 2003. <http://www.guardian.co.uk/politics/2003/oct/01/drugsandalcohol.prisonsandprobation>.

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The chapter also explored the issues of globalisation and how, alongside any technological advancements it has offered to developing countries, it has also made it easier for transborder crimes to flourish in the context of their weak institutions, poor governance, and widespread cultures of anomie among what Marxian theorists refer to as the 'lumpenproletariats'. Klein (2009), Gray (2003, 2004) and Johnson (2005) argued that these informals now reason and enact their empowerment through opportunities provided by crime and that they find it overwhelmingly unjust that they are so severely punished. The recent scholarship clearly shows that the rising rates of imprisonment of foreign nationals match the movements of criminal elements, who shift to new places of interest as soon as restrictions are enforced in their old haunts – driven, indeed, by market forces.

## CHAPTER TWO: METHODOLOGY

This chapter presents the methods I employed in conducting this research. For purposes of clarity, I divide the chapter into two parts. The first part examines the methods I used, and endeavours both to explain why they are relevant and to provide a theoretical justification for their employment. An explanation of the methods is essential in order that the research findings can be evaluated within a logical and coherent framework. I will also use this part to present the statistical composition of my sample group.

The second part of the chapter gives a step-by-step account of how the methods were actually implemented. It allows the reader to experience the process – from negotiating access to the prisons, to the analysis of the data collected. It describes what I did and how I did it in minute detail. Here, I expose the mechanics of the research process. The purpose is to prepare the reader for what is to come in the chapters to follow, and to provide a general framework by which one can judge the quality of the research itself.

### **Nature of the Study**

This research seeks to explore the narratives of BFNWOM in the English prison estate, investigating their experiences and exploring the various nuances that influence them and compel them to criminal acts. Such narratives may prove very helpful in a field where positivistic research methods into foreign national women's criminality have not been successful in assisting English authorities to devise a workable foreign national prisoner strategy. As discussed and explored previously, the area of BFNWOM in prison has recently become a subject of interest because of increasing awareness of how many there are; but no detailed research has been conducted on the experiences of these women. There is still a need to look at the experiences of the offenders in order to direct policy. It is clear that the present methods of dealing with foreign national prisoners lack knowledge of *who they are actually dealing with* and how best to deal with what is essentially the effect of the globalisation of criminality.

Phillips and Bowling (2003) maintain that a multifaceted approach is essential to understanding minority issues in criminology, stating that 'a starting point is the need

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to reconcile criminological data with the “lived experiences” and subjectivities of minorities’ (2003:270). Phillips and Earle (2010) comment that reports based on situated experience usually attract criticisms that the researcher was too involved in the research. To avoid such criticisms, researchers tend to engage in excessive reflexivity, resulting in ‘privilege[ing] the voice of ethnographer over research subjects’ (Phillips and Earle 2010:362). This is the reason why an ethnographic approach was not chosen for this study, since the aim of this research is to amplify the voices of the BFNWOM prisoners. Moreover, while negotiating prison access it became clear that the time and supervision demands that my presence as an ethnographic researcher within the prison would have demanded of the Prison Service human resources department could not have been accommodated.

It is to this end that I decided to adopt a qualitative approach in the study based on in-depth interviews and focus groups, but also with an ethnographic insight drawing on techniques such as participant observation. Qualitative research methods are usually used when a more comprehensive understanding of the issue being studied is required or desired (Attride-Stirling 2001). Qualitative methods offer one of the best ways to get an in-depth understanding of issues such as those relating to women in prisons and the behaviours of young people. For similar reasons, I chose a qualitative approach because it allowed me to present in-depth narratives of BFNWOM prisoners, grounded in their own experiences. Altheide and Johnson (1994) suggest that one of the foremost reasons for using qualitative methods is to better understand the scope of peoples’ subjective experiences within social institutions. The qualitative research methodology is most often used for generating explanations and descriptions. Qualitative methods do not have to theorize the behaviour of the subjects being studied. In the case of this research – BFNWOM imprisoned in England – the aim is to gain word-of-mouth experience from the subjects themselves: to discern the truth as they see it. The richness of the data is partly due to the vocal expressiveness of the women.

Maxwell (1996) lists five purposes for which qualitative methods are suitable:

1. Understanding meaning based on interpretations of events and actions perceived by the study participants who are involved in them.
2. Comprehending the context in which those studied act, and the degree of influence and effect this has on their behaviour.

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3. Generating the continuing process of grounded theory based on unanticipated new social phenomenon.
4. Understanding the processes that occur and observing the processes that lead to particular outcomes.
5. Developing explanations for these events and processes.

Among Maxwell's five purposes for the use of qualitative methodologies, points 1, 2, 3 and 5 definitely address the main goals of this research, namely, to understand events from the women's point of view and to explore this relatively new phenomenon. All points are useful in collecting data through achieving a better understanding of the subject. Point 4 partially lends itself to the aims of the research, since, translated into the present context, it would address the need to understand the processes that occur among BFNWOM before and after they commit the crime. Probing and exploratory methods, which recognise the BFNWOM prisoners as social beings, were used to engage in this process of qualitative data gathering with the inmates. No doubt these methods found more favour with women who were subjected daily to a life of rigidity, and who were recognised only as numbers.

The research pays attention to the social aspect of the lives of the women being studied, how they view themselves and the various lenses through which they reflect on their crimes. Therefore, while the introductory work with BFNWOM in prison sets out the economic motivations for their crimes (Carlen 2002; Heaven 2000), the research questions explored the meanings the women themselves placed on the crimes they committed and how they were experiencing the consequences of these crimes. The research therefore contrasts the viewpoints of the English criminal justice system and wider society, according to which the women are criminals, with the prisoners' views from within.

Collins (2000) and Harding (1986) maintain that standpoint perspectives provide an 'epistemology of the oppressed', located within a different framework from that of the status quo. They suggest that allowing the marginalized to tell their story from their own multiple standpoints gives depth to any investigation, as it elevates the social reality of the respondents and shows how such dynamics affect their experience of both personal relationships and institutions. Stanley and Wise (1993) argue that the choice of methods of inquiry should be guided by what fits with individuals' experience of living and comprehension. Ultimately, knowledge gained should be

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'situated, specific and local to the conditions of its production and thus to the social location of its producers' (Stanley and Wise 1993:228).

Joan Scott (1988:26, cited in Tanesini 1999:148) argues that experience is 'fallible and contestable' and therefore cannot be used as a valid foundation of knowledge. Harding (1991:123) too rejects the use of experience in forming the basis of a standpoint, arguing that women's experiences are not homogeneous and that 'experience itself is shaped by social relations', and that therefore women's experience cannot provide the foundations of knowledge. She posits that feminist methods of enquiry should focus on 'women's lives', which she believes afford a more objective position, rather than the experiences conveyed by the holders of and actors within such lives. She supports her argument by saying that to start from women's lives recognises that 'experience is not immediately given but presupposes some theory and understanding' and that 'women belonging to different groups lead different lives'. Harding (1991) proposes that research from the perspective of women's lives enables one to recognise the partiality of dominant understandings of the studied group and to understand the mechanism of oppression, and thereby strengthens the objectivity of the research effort.

Collins (2000), on the other hand, argues that lived experiences are one of the most important knowledge sources, writing:

Each group speaks from its own standpoint and shares its own partial, situated knowledge. But because each group perceives its own truth as partial, its knowledge is unfinished. Each group becomes better able to consider other groups' standpoints without relinquishing the uniqueness of its own standpoint or suppressing other groups' partial perspectives. (Collins 2000:270)

Therefore, giving space to each marginal group to amplify its own standpoint is the best strategy to unearth the dynamics of social reality. Collins states that aiming for objectivity by imposing the researchers' own standpoint on the lives of respondents would be an attempt to analyse complex issues in a totalizing way, akin to the methodological steps in positivistic research that seeks to quantify social reality and treats research subjects as objects (Nielson 1990).

Jupp (1989) advises against treating individuals in criminological research as inanimate objects – much like a geologists treats the study and observation of a rock.

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Jupp argues that it is imperative for researchers to acknowledge that research participants are

individuals or collectivities of individuals who have feelings and emotions, personal and group values, private and group interests. What is more, they are capable of endowing their own and others' actions with social meanings and definitions. Even where ostensibly we are concerned with a particular institution – say, the prison system – it is inevitable that we must collect data from and about the individuals who fill roles within it. (Jupp 1989:130)

Jupp opines that research should not seek to attribute meaning to the lived experiences of research participants, but should seek knowledge from the meanings participants themselves give to their actions and thoughts. Jupp stresses that this is the best methodological route to objective inquiry, particularly since attributions to participants can be influenced by any number of other interest groups who may have a stake in the research.

Jupp (1989) also points to the significance of qualitative research where subjects are able to 'talk' and express their own meanings regarding their experiences, in that while such methods may attract criticisms of invalidity from positivists, their ability to raise questions and issues concerning the operations of usually insular institutions makes them invaluable for constructing foundations of knowledge. As an example, Jupp (1989) highlights the research conducted by Baldwin and McConville on plea-bargaining in courts, *Negotiated Justice* (1977), which prominent members of the Law Society tried to prevent from being published, claiming it was not in the public interest to do so. Baldwin and McConville interviewed 121 defendants and examined 150 plea-bargaining cases using informal unstructured interviews. This exemplified the 'methodological commitment on the part of the researchers to capturing experiences, particularly subjective experiences, in the words of the interviewees themselves' (Jupp 1989:160). What emerged was the pressure placed on defendants by their legal representatives to plead guilty even if the defendants maintained that they were innocent, and the various inducements and promises of lighter sentences which were offered to many of them. The report was attacked as unreliable research by the Law Society, and the Chairman of the Bar was caustic in his view that their findings 'cannot possibly be described as research'. An investigation from the university concluded that the research should be published because, even though the

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methods utilized by the researchers might differ from those of other researchers who had reached other conclusions, Baldwin and McConville had shown that there was an issue worthy of further scrutiny. The dominant cause of contention regarding Baldwin and McConville's work was their methods – the detailed informal interviews which sought respondents' subjective experiences. The validity of their findings was bolstered by the extensive interviews they had conducted with multiple defendants who did not know each other and could not have met or contacted each other to coordinate their responses.

The research methodology employed in the present study, in encouraging 'talk', mirrors that of Baldwin and McConville. The research allows the voices of the BFNWOM to articulate their own experiences and does not seek to objectify them and ascribe meaning to their 'lives'. The meanings they attribute to their own lives are the measure for the analysis since those meanings provide their understandings of their experience of prison and of their own social identities. In so doing the research tackles a paradigm that was 'sitting around waiting to be observed' (Jupp 1989:165), but one which demanded the interrogation of subjective experiences, experiences which were not germane to the cultural dynamics of the authorities within foreign penal institutions.

### **Prison Research: Issues of Concern**

Institutional cultures and social conditions vary between prisons, which makes each prison establishment different. The prison is a closed space to the public, as it is an institution under strict government control. As discussed in Chapter 1, prison is an environment that is characterized by surveillance and suspicion (Foucault 1977). In short, I did not expect it would be easy to conduct research in a prison. The nature of the prison system does not allow easy access and, because of its relation to the justice system, there were many extra factors that I had to consider. The English prison system itself is divided into two categories – local and remand prisons, and training prisons (Jupp, Davies and Francis 2000). Local prisons are meant for prisoners on remand – those awaiting trial, those being assessed before being transferred elsewhere and those serving short sentences. Training prisons are usually for prisoners serving long-term sentences. Prisoners are categorized according to their security level assessment. The assessment factors include levels of danger to the public or the state, or the likelihood of escape. On the basis of this assessment they are placed in either

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open or closed prisons after sentencing. An open prison is one in which the prisoner is trusted not to escape and may be allowed out for weekend community work or family visits. These are all considerations I had to undertake in structuring the research and in devising the methodology. A prisoner on remand may be more anxious about their case than one already sentenced. Therefore it was important these distinctions be made when conducting research.

### **Negotiating Access and Starting Fieldwork**

The sample frame was established by approaching a representative sample of women prisons in England. A purposive sampling method was used, targeting BFNWOM prisoners only. A purposive sample can be used as a key informant survey which targets participants because they have particular knowledge about an issue. Rubin and Rubin (1995) articulate three ways in which purposive sampling can be valuable: (1) Informants are extremely knowledgeable about the issue being researched; (2) Participants are willing to actively engage in the research and provide information; (3) Informants represent a wide range of information.

I undertook research in five female prisons. The prisons are listed below:

- HMP Morton Hall
- HMP/YOI Holloway
- HMP Downview
- HMP/YOI Bullwood Hall
- HMP Bronzefield

A letter was sent to the governors of eight female prisons. The letter explained that I was a researcher associated with Hibiscus UK. It also explained that there had been no major research work done on BFNWOM in English prisons despite the gravity of the phenomenon, and it highlighted the need for such a study in view of the very large number of such women now imprisoned. It suggested some benefits that prisons in England could have from the research by hinting that it might contribute to reducing the number of women being arrested, or contribute to a better understanding of the needs of BFNWOM prisoners. It also stated that the draft research findings would be distributed to all prisons where research was undertaken for their comments, and that although there may be findings that were critical they would be fair. After follow-up I received a favourable response from six prisons. However, the follow-up with the gatekeepers responsible in one prison did not get anywhere, so in the end the research

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was conducted in only five. I conducted one-on-one research in the five prisons as listed above, and did an observation for a full day at the Foreign Nationals' Day held in one of the prisons.

I was initially taken to two prisons, HMP Holloway and HMP Morton Hall, by Hibiscus development workers going through their daily work routine and was able to sit in as an observer while they worked with clients. Usually, before the workers proceeded with the work with the prisoner, the prisoner was told that I was a researcher whose interests were (1) to understand the reasons why they had become involved in crime from their own perspectives, and (2) to seek to understand what life for them is like in prison, and that therefore I would like talk to them about this in the future. They were also told that the research would be completely voluntary and that they could freely consider participating until I officially approached them for consent. There were advantages to this in that prisoners got the chance to think about the research and to spread the word that it was related to their experiences. This unofficially started the ball rolling on the 'inside', as they had time to discuss this and to decide whether or not they wanted to participate in the research. The female inmates were then asked if they had objections to me sitting in as an observer during their session with the Hibiscus development worker. None of the women had any objections to me being an observer and most frequently digressed from their session and tried to involve me by offering information on how they got involved in crime and the feelings they were going through while in prison.

I also made an effort to get to know and meet with staff in some prisons who were designated Foreign Nationals Officers at the prisons. I believed that these individuals were key gatekeepers to my continued interaction with the BFNWOM prisoners during the course of the research. Even if permission had been received from the governor, I was aware that I would likely have to manoeuvre around many other gatekeepers in order to maintain a smooth research process. In fact, governors of prisons who had already confirmed my access would pass the request to the Foreign Nationals Officer, if the prison had one, or to staff who dealt with race and diversity issues, with whom I dealt with from there on. Moreover, rapport with prison officers provided me with insight and new directions for the research which I might otherwise have missed, and would be critical to the grounded theory approach that I would use to collect and analyse data. As mentioned earlier, prison is a closed regime and because of this the criminal justice system is littered with gatekeepers both

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formal and informal (Jupp 1989). It is wise to sustain a healthy relationship with prison staff, as uncooperative staff would not provide a positive environment in which to conduct the research. Care was taken to impress upon the staff that the researcher was most interested in finding out the reasons for the high percentage of BFNWOM in prisons. Indeed, all of the Foreign Nationals Officers I encountered saw a great need for the research to be conducted. I also stressed that from time to time I would appreciate their input regarding any observations they may have of the BFNWOM prisoners.

In preparation for the interviews, I prepared my research agenda and the tools for the recruitment of participants, and presented them to the relevant gatekeepers at each prison. I prepared the following information (see Appendices):

- A poster outlining the research aims in bullet form and the recruitment process for participants;
- An information sheet for participants;
- A participation slip for participants to give to the relevant prison officer to indicate their interest as a respondent;
- A consent form, indicating that the participant understood the aims of the research and consented to participating under those terms.

As a part of the process, I was invited by one prison institution to sit with the Head of Psychology and go through the details of the research. I took up this offer and it was during this briefing meeting that she suggested that even though I had received approval from the governors, I had to operate under new rules and apply directly to the Prison Service Research Department for Access, in view of the fact that I was conducting research across regions.

Had I not been made aware of these conditions for gaining access, I could have started the research and damaged the validity of the data as well as violating the ethical codes of the Prison Service. This again made me realize how important it is to meet with gatekeepers and share my enthusiasm for my research, so as to keep abreast of developments such as those described above.

I then contacted the Prison Service Research Department and was advised to formally apply to them for permission to conduct prison research in different regions. This renewed process of obtaining access took a few months and delayed my interview plans. It did teach me that not everything would always go smoothly. The delay of a few months was not expected because I thought I had cleared all access

barriers. It was very important to maintain a sense of purpose during that time, and I utilised the period to reflect on my research aims and interview questions.

### **Ethical Considerations and Positioning the Self**

With the ethical approval of the Prison Service settled, I also had to ensure that my research met with the ethical approval of my university. This application for ethical approval was submitted in good time to the Research Ethics Committee, which gave its timely approval for the research to begin.

As a young Jamaican-born female researching the very high percentage of BFNWOM in English prisons, I was conscious of my own role in the research. A few of my concerns were instinctive: how I would be perceived by the prison staff, how I would be perceived by the prisoners themselves, and whether my own position as an objective researcher would be altered or compromised by my own social and cultural biases. Phillips and Earle (2010:364) maintain that from their research in two prisons, they are convinced that 'emotional experiences, memory and subjectivity are inextricably entwined with the field, the prisoners' social world'. They further state that the thought processes of the researcher should not be rigidly suppressed during the research because it was through these lenses that the data would be interpreted. I address these issues in the following paragraphs.

I was concerned about how I would be viewed by the prison staff. I therefore ensured that I communicated to prison staff that I was working in a professional capacity as a PhD student at the University of Kent and that the research also had the support of FPWP Hibiscus. It was further stressed that my aim was not to judge but to explore the experiences of the imprisoned BFNWOM. I made a special mental note that I always had to remain aware of my own social and cultural background so as not to appear to be taking sides during the research process, and to eliminate personal values and assumptions from the research (Martin 2000).

Recognizing the potential for bias was very important in order to maintain the integrity of the research and for me to justify its validity. To some extent, I felt I had to ensure this was done because I identified in point of gender, colour, nationality and culture with many of the women offenders who volunteered to participate in the study. I employed a number of methods to balance this. One of the things I did to prevent bias in my research was to create a journal of my thoughts and any noteworthy event that had a bearing on the research and had been a cause for



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reflection. I did this after every day of interviewing. The aim was to reflect on any emotional reactions I had had to what was said during the interview but that were not visible to the interviewee. I always reflected on how I handled all the questions after an emotional reaction of this nature. As a rule, at such times I always made sure to make a mark in the corner of my notepad to remind me that I needed to be especially careful in how I developed the interview with the participant. In so doing I was able to develop a level of professionalism which focused on the strength of my research method, namely, the emphasis on the uninterrupted voice of the BFNWOM. I always ensured that the greater part of the conversation was taken up by the voice of the respondent, and I tried not to get involved in their responses because this might give them an unwanted direction. There were times when I had to ask further questions because I felt that the individual had more to say and that the information withheld was relevant, and to this end I maintained my presence in the direction of the interviews.

When conducting in-depth interviews this maintaining of presence is necessary, because the respondent must feel a level of comfort with the interviewer. Remaining aloof, as is practised in positivistic research methods, would not have benefited this research. In fact it could be seen as the worst kind of bias, and moreover produces flawed research which does not avail itself of the benefits flowing from the informed standpoint position I could adopt because of my shared social identity with many of the Jamaican respondents (Phillips and Earle 2010). Moreover, Cook and Fonow (1990) contend that feminist epistemological research rejects the idea that separating the researcher from the research subject produces more valid and objective data. Ann Oakley's (1981) feminist interview paradigm conceives of the interview as an interactional exchange. In Oakley's view, answering questions posed by subjects humanises the interviewer and dampens the power dynamic, thus making the interviewee more open to sharing their reality with an outsider. She suggests that this humanising interaction, conversely to positivistic methods, serves not only to construct knowledge but also allows the women respondents a space that is usually denied to them, in which they can talk about their lived realities and experiences.

One issue that became clear through this reflective process was that I was drawing on my training as a qualified mediator and conflict resolution specialist. Mediation involves behaving in as neutral a fashion as possible, and I was always aware of the power I would be perceived to hold in the dynamics of the research

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relationship. Conversing with respondents allowed them the space to give their perspectives without requiring approval or confirmation from the researcher. My interviewing technique involved asking open-ended questions that did not direct the participants in a way which might appear to endorse a particular response. The interviews were therefore modelled after conversations between two trusting parties.

In trying to keep bias at bay, I took time off after a set of long and gruelling interviews. What I did during these times was to re-familiarise myself with my mediation training manuals. I re-read all the methods and books on staying unbiased. This was a great resource and as soon as my interviews had begun in earnest, I was very thankful I had training in understanding and practising how to present neutrality during a conversational exchange.

However, Leibling (2001) maintains that it is impossible to be neutral since 'personal and political sympathies contaminate our research' (Leibling 2001:472). She, however, accepts that there are two types of neutrality: *theory neutrality*, which is a vision of what neutrality should be but which is impossible to achieve, and *value neutrality*, which is a vision of what 'ought to be' and which can indeed be suspended by a researcher during fieldwork. Thus, while conducting fieldwork, I made efforts to professionally suspend my value judgements in order to achieve value neutrality and collect the data through the actual original narratives of the subjects. In other words, I aimed for a state of 'conscious partiality', where the researcher is connected to the subject by partial identification (Mies 1983:123).

Whereas ethnographic research methods require much more time for the researcher to participate, observe and generally take part in all forms of interaction with the respondents (Leibling 2001), the semi-structured interviews framed the parameters of my involvement and relied on the narratives of the respondents. Cook and Fonow (1990:76) state:

Feminist consciousness of the link between the knower and subject can not only serve to demystify objectivity and the objectification of women, but also extends our understanding of how the exploitations of women as data mirrors the treatment of women.

Another concern was the way in which I was perceived by the female prisoners themselves. There were two factors I had to consider: (1) Would they perceive me to be part of the Hibiscus assistance team and would this affect the type of data they

imparted to me? (2) Would they think that I was a part of the prison staff – if, say, they saw me interacting pleasantly with staff members – and would that affect how they imparted data?

The tendency for subjects to change their normal behaviour during the course of research or to provide certain responses because they know they are being observed is known as the Hawthorne effect.<sup>60</sup> However, as Jupp, Davies and Francis (2000) observe, the ‘native effect’ (where a researcher loses his/her objectivity to an extreme degree) is rarely experienced in short-term research projects. Furthermore, I was aware that the closed nature of prison presents a greater need for consciousness of the researcher’s associations and relationships, and I was, therefore, cognizant of the need to maintain strict professional conduct at all times with both the BFNWOM prisoners I worked with and the prison personnel with whom I came into contact. However, such value-neutrality did not mean I resisted acknowledging shared understandings when prompted by BFNWOM respondents. For example, respondents frequently expressed their internalisation of my racial identity and nationality in comments such as ‘you know how it goes as a black foreign woman’, ‘you are Jamaican so you know our culture’, ‘I wouldn’t even bother going into these details with them [prison staff] because they would not get it, but you know what I am talking about’.

This brings the discussion to my third personal concern: that my position of objectivity may be altered. Leibling (2001) broaches the topic of how perceptions of sympathy or warmth can affect the data collected. Leibling comments:

In my experience, (both my direct experience and the experience of watching research assistants and colleagues), there is a link between openness, warmth, ‘devotion’ to the task, the capacity to be sympathetic, and the depth at which the research process operates. The more affective the research in terms of shared feelings and experiences, the better the fieldwork gets done on the whole. (Leibling 2001:475)

My confidence that I would be able to work in a professional manner and adequately discharge the requirements of the discipline of social sciences was significantly higher than my insecurity that my social similarities to the subjects would generate unreliable and invalid research. Agozino (1999) adds another dimension to the criticism of potential for bias, stating:

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<sup>60</sup> This was after an experiment carried out in the 1930s. A full description of the experiment can be found in Roethlisberger and Dickson (1939).

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Objectivity is not positionlessness but is defined [...] as the procedure of taking a position without concealing or distorting oppositions to the position taken. (Agozino 1999:400)

Professionalism was therefore imparted to all parties involved from the initial stages of the research, as the following paragraphs will underscore. Moreover, my perceptions of what I may 'seem to be' to prison staff and to prisoners may be far from correct. They may well have judged me according to far less – or far more – complex criteria. I therefore concluded that the best measure to adopt in terms of my behaviour was to conform to the bastion of professional research that I was taught and represent the data collected in its most valid form – the women's voices.

### **Recruiting Participants**

I have already mentioned that letters were sent to governors, and I have explained the structure of these letters. These initial letters marked the beginning of the recruitment process. After access had been formally received from the prisons, posters were sent to the Foreign Nationals Officer so that they could place these at various points around the prison. The posters explained what the research was about and asked that any one who was interested in taking part should submit their names to the Foreign Nationals officer, who would then call me when a few names had been received. A date was arranged for me to come in and speak to the women and conduct the interviews, provided that the women were comfortable with the aims of the research and had signed the consent forms confirming this.

Obviously, it was essential to recruit a significant number of BFNWOM to participate in the research. To accomplish this, great care had to be taken that detailed information about the research was provided to the participants. It was anticipated that while some women would be able to read and understand fairly well, some would not. Therefore, information about the research would be given both in written form and orally. Crow (2000) agrees with this method, since it ensures shared understanding between the researcher and prospective subjects. I adopted the question-and-answer format proposed by Crow (2000), since individuals are more likely to take in information if they read or listen to an answer to a question, rather than just being given the information (see Figure 4, below).

FIGURE 4. Format for information sheet.

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<b>Format for Information Sheet</b>
• What is the purpose of this study?
• Who is conducting this study?
• What will be involved if you take part in this study?
• Where and when will the study take place?
• What information will be collected?
• Do I have to take part?
• Can I withdraw at any time?
• Will all information be kept confidential?

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Therefore, the recruiting of participants for the research followed the following pattern:

Letters to Governors → Posters in prisons → Information Sheet → Oral communication with inmates about research, with time for questions → Signing of consent forms → Interviews and focus groups.

### **Recruitment and its Influence on the Writing Style of the Research**

As explained previously, gaining access to a prison institution is not easy, as it involves negotiating access with many gatekeepers before one can begin negotiating participation with the intended research subjects. Going into the prison for observational visits and to attend some of the foreign nationals meetings held by the prisons gave me a chance to voice the aims of the research with the women, sometimes to go through the information sheet with them, and to try to solicit the participation of BFNWOM in the research.

Apart from getting an opportunity to build trust with the women because I was a familiar face, I had an unexpected result which had a definite effect on the style in which this thesis is written. Having acknowledged the women's concerns about the research findings not being made available in a language they could understand, I assured them that while the research was an academic study necessitating the maintenance of a certain level of academic rigour, I would take on the challenge of ensuring that they could relate to any of its findings.

Furthermore, since the research sought to provide a space for the voices of BFNWOM within the discourse on foreign national prisoners, I decided that the responses of women who spoke to me in dialect should not be presented in the body

of the thesis in translated form; instead, I present their verbatim narratives in the analytical discussion, with translations of their responses in the footnotes.

I was able to recruit sixty women from the five prisons in which I was permitted to conduct research.

### **Confidentiality and Informed Consent**

When doing research in a prison setting, issues of confidentiality are particularly pressing ethical concerns for all parties. Researchers have a responsibility for confidentiality with respect to the prison institution. It is imperative not to compromise the security of the prison in any way. Therefore, carelessness with prison property entrusted to one's care is impossible, and it is an ethical obligation that at all times one must ensure one is adhering to security regulations. As Jupp, Davies and Francis (2000) maintain, 'prison security staff must be satisfied that outsiders understand that they may not breach the confidentiality or security of the prison or disclose any information about its staff or inmates to others.'

There is also a duty of confidentiality to prisoners. When they are being invited to participate in research, prisoners must be told that any information collected from them will remain confidential, and that this will be strictly enforced throughout the research period and into the dissemination of the findings.

A researcher must recognise that even though individuals disclose information about themselves in research, this does not mean that they have handed over control of this information to the researcher (Kent 2000). These core principles regarding confidentiality are not, however, absolute. Both Kent (2000) and Jupp, Davies and Francis (2000) acknowledge that there are instances when breaking confidentiality rules can be justified: for example, if the researcher believes that someone else may come to harm if they do not disclose the information, or if not disclosing information would compromise prison security. In instances where prisoners divulge details of undisclosed offences to the researcher, it is a matter of professional judgement for the researcher to decide whether not disclosing the information places anyone at risk: there is actually no statutory obligation on researchers to do so.<sup>61</sup>

The success of the research and the validity of the data collected rests with the voluntary disclosure of information by the research participants. It is vital for the

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<sup>61</sup> The legislation covering this is the Criminal Law Act (1967), sections 4 and 5. The same does not hold true in Northern Ireland, where different statutes cover terrorist offences.

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ethical fulfilment of the research that the researcher ensures that all the necessities of informed consent are adhered to. As explored above, the participant reserves the right not to take part in the research and to withdraw at any time – a basic principle of self-determination. All participants who verbally agree to participate in the research are asked to sign a written consent form which enquires whether they have been fully briefed about the research (Figure 5, below).

Kent (2000) maintains that for research to fulfil its ethical obligations, informed consent has to be assured in the following five ways: information, understanding, voluntariness, competence of potential participants, and the actual consent to participate. This research with BFNWOM prisoners has sought to meet all five of Kent's criteria. As regards the competence of potential participants, the research does not have to contend with this as a major factor. The reason for this is that the research took a grounded theory approach where data was collected from the participant's perspective. The research obtained rich data through semi-structured interviews and focus groups.

FIGURE 5. Research consent form

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**Research Consent Form**  
*(Circle which answer applies)*

**Research Title: Black Foreign National Women in British Prisons**

Have you read the information sheet?      →→→→→→→→ Yes/No

Did you get to ask questions about the research?      →→→→→→→→ Yes/No

Are you satisfied with the answers to all your questions?      →→→→ Yes/No

Have you received enough information about the research?      →→→→→ Yes/No

Who did you speak to? \_\_\_\_\_

Do you understand that you are free to withdraw from the research:  
at any time      →→→→→→→→ Yes/No  
without having to give reason for withdrawing      →→→→→→→→ Yes/No

Do you agree to take part in this study?      →→→→→→→→ Yes/No

Sign \_\_\_\_\_

Date \_\_\_\_\_

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(Name in BLOCK LETTERS)

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### **In-Depth Interviews**

This chapter has thus far tried to provide an insight into the qualitative grounded framework through which BFNWOM in prison throughout England are studied in this research. In order to gain in-depth data from participants, the research needed to employ a 'qualitative methodology that explores the actor's definition and how individuals act to give meanings to their own lives' (Eyles 1989:380). Interviewing allows for such in-depth open-ended revelations. Although I recognise that many proposals have been made as to why these women offend, particularly by practitioners such as development workers who work with black foreign nationals in English prisons, I do not believe that there is a sufficient quantity of rigorously tested research on the issue. Moreover, while the practitioners provide assistance for the women's welfare needs, they do not assess and analyse the issue on a theoretical level. I contend that the method of semi-structured interviews was the best way to keep the data grounded in the experiences of the imprisoned women, because it drew their personal attention to the issues they thought were pertinent (Glaser and Strauss 1967). Furthermore, the consideration that many of the women had little or no formal education ruled out the use of questionnaire surveys.

In-depth interviews should be free-flowing and conversational. The art of good free-flowing conversation is to ask open-ended questions. Simply put, open-ended questions allow the respondents to respond through long answers, usually stating their own personal position on an issue and thus allowing for rich data grounded in their own perceptions. For the purpose of this research, closed questions were not used, except to gain standard information such as sentence type, length of sentence, age, and time served. Yes/No tick-box style questions do not allow for the exploratory nature that grounded theory researchers require and run the risk of the respondents perceiving that their feelings are being 'batched' – and all the more so in this research where the respondents are prisoners. Open-ended questions seek information from the respondent about attitudes and opinions. They engage the respondents' emotions and allow the researcher to hear what might otherwise have remained deep, silent reflections had simple Yes/No closed questions been used. The following words are very pertinent in this context: 'Qualitative interviews should be seen as interviews trying to achieve a dialogue. They do not aim to ask a series of questions of the respondent, but rather to engage them with a purpose' (Burgess 1991).

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While criticisms of bias, subjectivity and power dynamics (Freeman 1983; Boelan 1992) are all raised against the in-depth interview methodology, it is still the most effective method to gain data that both answers projected queries and provides data for attitudinal measurements.

Effective qualitative interviews should be like conversations, and yet the best conversations have a habit of digressing from the core matter at hand. It therefore demands a high level of skill to steer the conversation back to the issues pertinent to the research. Yet, because of the flexibility of the grounded theory philosophy, directing the conversation from what the researcher considers to be a digression may detract from a very important emergent information. In an attempt to acquire rich qualitative data, this research did not intrude into a respondent's narrative unless it was blatantly obvious that the respondent had gone so off-track that I could observe no emerging theme that was congruent to the research aims.

Kvale (1996), in a book on qualitative research interviewing, provides some noteworthy points regarding effective in-depth interviewing. Some of those most relevant for this research, and which were employed in the interview process, have been summarised below:

- Introduce Questions – Allow participants to provide rich spontaneous descriptions.
- Follow-up Questions – Be patient. Allow time to reflect on answers. Ask for elaboration.
- Probing Questions – Ask for more descriptive information, without leading.
- Specify Questions – Operationalise questions. E.g. How did you react when...?
- Direct Questions – After more open-ended questions that allowed you to view the interviewee's attitude.
- Structuring Questions – Identify an exhausted theme and introduce new areas.
- Silence – Allow pauses for respondent's reflection or for inflection.
- Reframing Answers into Questions – In order to encourage more emphasis from the respondent.

### **Focus Groups**

Powell, Single and Lloyd define a focus group as 'a group of individuals selected and assembled by researchers to discuss and comment on, from personal experience, the

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topic that is the subject of the research' (1996:499). Focus groups are a form of group interviewing, but it is important to distinguish between the two methods. Group interviewing involves interviewing a number of people at the same time, with the emphasis being on questions and responses between the researcher and participants. Focus groups, however, rely on interaction within the group based on topics that are supplied by the researcher (Morgan 1997). Hence, the key distinguishing characteristic of focus groups is the insight and data produced by the interaction between participants.

Merton and Kendall's (1946) influential article on the focused interview set the parameters for focus group development in terms of ensuring (i) that participants have a specific experience of or opinion about the topic under investigation, (ii) that an explicit interview guide is used, and (iii) that the subjective experiences of participants are explored in relation to predetermined research questions.

A series of discussions were conducted with BFNWOM in the prisons in which the research took place. The focus group data makes up one-quarter of the data collected. The other three-quarters consist of the work from one-on-one interviews, and the literature research. The focus groups served two purposes within this research. The first was to document the experiences of the BFNWOM prisoners within a group setting to see whether the dynamics of the group affected the responses they gave in the one-to-one interviews. The second purpose was to investigate in a systematic way the women's views on the research findings from the one-on-one interviews.

The focus groups involved seeking the women's views on their own experiences of crime and prison, of their attitude to governance in their own countries, and of motherhood and of education, to name a few. The focus groups also sought to observe to what extent, if at all, on reflection, the women had any altered consciousness of their situations.

The idea of testing out the researcher's analysis is not a one-way process. The purpose of the focus groups was to critique the analysis in an interactive way, rather than simply to respond to it. My hope was for the participants to engage with the ideas presented and contribute to the development of the ideas, with the ideas contributing to their consciousness-raising.

Because this was an exploratory study oriented towards the understanding of the experience of prison from the perspective of BFNWOM prisoner, it was more useful

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to explore in detail the views of the group rather than to construct and try to survey the entire black female foreign national population – especially given the constraints of recruiting participants within the prison environment. Trying to obtain the views of a large sample would require a different methodology, such as a written questionnaire. This would exclude very rich data from women who are not so literate and would also lose the possibility of the interactive development of understandings and ideas which is crucial to this methodology.

The disadvantage of focus groups is the danger of interacting with only a narrow segment of the possible sample population, with the accompanying risk that the views incorporated in the research are too homogeneous, and miss other, possibly widely-held, views. However, it is reasonable to think that this disadvantage was averted by the fact that one-on-one interviews were also conducted in all five prisons, thus providing validity by methodological triangulation.

### **Conducting the Interviews**

The women had autonomy over participating in the research and all women who volunteered to participate in the research were interviewed. Interestingly, my own initial expectations of a smooth recruitment of participants were not met. When I did not receive the initial response I had expected, I realised that I could not simply assume that there would be interest in the research on the part of the prisoners. My expectations were that once the bureaucratic barriers of negotiating access with the prison officials were cleared, there would be a relatively smooth recruiting process thereafter. This was not so, however. Women were quite reluctant to express an interest in participating. I was curious as to the reason for this, and in my general visits to the prisons I had the chance to explore this with some of the women.

Many female prisoners, on seeing a strange face, enquired as to what my role was. On hearing what I was doing, some proceeded to volunteer their thoughts ad hoc, and many of those volunteering to do so were white prisoners. It was very interesting that all the three white female prisoners who enquired about my role at Morton Hall prison gave me the unanimous opinion that prison officers display racist tendencies towards black inmates. Two of the three, however, added that some of the officers were just generally ill-tempered. One white prisoner gave me an unsolicited account of her observations in regard to the issue, as noted below:

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White Female Prisoner: It's a good thing you are doing that work here. It's about time somebody looks into it. They send all of the foreign national women here (Morton Hall) and they don't even have any black prison officers. I see they favour us some times, but because a lot of times it benefits me so I don't say anything. Can't have my rights jeopardised because of sticking my nose into it really . . . can I?

Tres-Ann: So you see this all the time?

White Female Prisoner: Often enough. I think it's because there is so much of them here as well. Especially the Jamaicans, there are a lot of them here. That must drive them up the wall, ain't it? Anyway, good luck with your work, I hope you get a few of them to speak to you – as that may be hard you know. They may be afraid to talk to you lest they start getting slammed.

Though unsolicited and usually brief, these informal conversations, more consistent with participant observation techniques, were very relevant in preparing me for possible difficulties in recruiting participants. It was instructive that the predictions and thoughts of the white prisoner regarding the readiness of black women prisoners to participate in the research were in fact confirmed within minutes of this conversation with her taking place. About five minutes after this conversation, two black inmates, one black British and one black foreign national, on passing, queried my role. On hearing the nature of the research, they commented that they had seen the posters soliciting participants but could not be bothered to sign up. The exchange that ensued between myself and the BFNWOM prisoner is included below:

BFNWOM prisoner: I have a lot of things to say on that subject but mi cyan bother go talk to you and dem live pon mi case inna dis yah place yah.<sup>62</sup>

Tres-Ann: You are assured anonymity when you speak to me. I will not disclose your name to anyone or reveal details of what you said to me with reference to your name.

BFNWOM prisoner: A nuh you mi worried bout, a dem. Not one ting in dis place is confidential. Dem just want know seh mi a one a dem whe talk to you. And mi know seh a pure bad comments you going to hear from the women dem. And if you go write whe wi say, dem going give wi hell when you gone!<sup>63</sup>

The comment concretised the emerging fact that getting black foreign women to participate in the research would be an especially difficult task, and any ideas I had that this would be the easy part soon dissipated.

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<sup>62</sup> I have a lot of things to say on that subject, but I am afraid to speak to you because they pick on us too much in this prison.

<sup>63</sup> I am not worried about you. I am worried about them [prison officials]. Nothing in this prison is confidential. They just want to know that I am one of them who spoke to you. And I know you will mostly hear bad comments from the women. If you write up about what we tell you, they are going to mistreat us when you are gone.

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All interviews were conducted in a designated room with only me and the prisoner present. All interviews were recorded on audio tape with the permission of the interviewee. Confidentiality was assured as well as anonymity. This was also stated in the information sheet provided to the research participants before the interview. I talked to each participant and ascertained whether they understood and were in agreement with the terms of the interview. If they did and agreed, they then signed the consent form before the interview began. For those conversations I had with other inmates which were spontaneous and unplanned like the exchanges described above, I quickly recalled the data and wrote down the conversation as soon as I got the chance. These spontaneous interactive transcripts were more typical of participant observation notes used in ethnographic work where the researcher attempts to give an immaculate description of the social scene. Although these people were not recruited for participation in the interviews, the fact that I interacted with them while in the research field gave significance to these exchanges and I made a point of recording these interactions, which I believe were central to the emergent themes of the research. Confidentiality and anonymity is also assured for these ad hoc unsolicited interactions and, in any case, the participants' personal details are unknown to me.

It is important to note that even though many Jamaican and other Caribbean BFNWOM chose to speak to me in the Jamaican dialect 'Patois' and Caribbean creolese, which they realised I knew and/or would be familiar with because of my nationality, I always responded to them in English. This was because not all of the respondents in the study were Jamaican or from the Caribbean and so I maintained the same language with all respondents. Nevertheless, when Jamaican respondents used local dialect, I proceeded with the interview as normal because I understood what they were saying. I also realised that during the instances when Jamaican respondents spoke to me in English, there were always moments when they wanted to add emphasis to their points and so switched to dialect to convey to me the impact of the experience which they were relaying. In so doing I was able to take part in what Phillips and Earle (2010:375) refer to as breaking down the 'othering functions of prison', and thereby amass data which sometimes ran counter to the 'dehumanizing othering which is prison's principal social accomplishment' (Phillips and Earle 2010:375).

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The first five interviews took about 45-60 minutes each. The aim was to find out what BFNWOM thought of their prison experience, the context in which they entered criminal activities and the mechanisms they had developed to deal with serving their prison time. Interviewees had control in the interviewing process because I asked standard questions such as 'Do you have children', and open-ended questions such as 'What has your experience been of being in prison', and this gave them the chance to talk about what was important to them in relation to the questions asked. I did not ask leading and preconceived questions. Based on the assumption that people only talk at length and in detail about the things they know about and are interested in, allowing open conversation to take place was one means of ensuring that the interviewee's viewpoint came across, rather than that of the researcher.

Getting participants to talk was seldom a problem, however. There were some women who were afraid to participate in the research because of their fears that this would be detrimental to their interests in the treatment they received from prison officials. There were those who did not want to participate because they did not think anything ever came out of the interviews people wanted to do with them, or because they were never able to understand any of the results of the research conducted with them. Therefore, only the keenest and those who had already weighed the possibilities became research participants. They wanted to participate because they had something to say and wanted to be heard. Informants thus selected themselves. Having participants talk easily was a good sign; to me it meant that I had probably hit a chord with them.

To each interview I brought with me a general guide, listing topics I was interested in discussing. I generally allowed the interviewee to flow with their responses. This 'flow' or conversational element in the interviews induced a creative tension between me and the interviewee which led to the discovery of the grounded data. During interviews, connections were formed as the women tried to articulate their reality. While encouraging free-flowing conversation, I generally tried to stick to one-hour time-frames, and so I had to sense when there was a waning of a topic and give it closure and move on to the next on my guide list. Many times the women commented that they had never reflected on their experiences in such a coherent manner. It was evident in some interviews that, by speaking to me, they were for the first time able to draw conclusions about and come to an understanding of their

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reality, and that it had previously been unclear. Here is an example of this discovery process as the informant is asked about her identity:

Am I treated differently as a black woman in prison? I am . . . no . . . not really. Well yes, but it's subtle. Sometimes I wonder to myself if it's because I'm black or because I'm a foreign national or just that I am a prisoner. But I've concluded that it really is a combination. No . . . I've managed to combine the three evils of this country – I'm black, I'm a foreign national and I'm a prisoner. So I think their behaviour to me is based on those three facts really. I'm already being punished that's why I am a prisoner – but it seems they leave it up to the prisons to punish you for the other two . . . so yes . . . definitely I am treated differently as a black woman in prison, especially as I am what they call foreign.

This example demonstrates quite clearly the discovery of the grounded data in action. Initially, the informant is unsure of her position or how to state her position but eventually comes to the realization that she is being treated differently because she is foreign, because she is a criminal and because she is black. What I discovered was that the women preferred talking about themselves when it was on their own terms. In so doing they redefined and redirected my own assumptions of what was important to them and what affects them. So, although the interviews were conversational, it was a conversation dominated by the informant. My role was to encourage the dialogue about issues that were most important to the women.

An overly formalised approach would have stifled this creative energy. If I had adopted a traditional interviewing role, asking questions in a preconceived and non-open-ended manner, it would have suppressed the emergence of the rich introspective data that was gathered. The requirement of openness from interviewees is unlikely to occur if the researcher remains closed and impersonal, and sticks to closed questions. That would have limited the data gathered according to my preconceived interview guidelines. My aim was not so much to remain neutral, as rather to achieve a level of immersion and empathy sufficient to accurately interpret the meanings the respondents imposed on their experience. I responded to informants' questions as they did to mine. A one-way flow of question and answer does not create the trust relationship required to get deeply inside the world of your informant. Their responses then tend to be 'safe', as data is only generated against a range of preconceived variables. The act of sharing information with informants, and having a

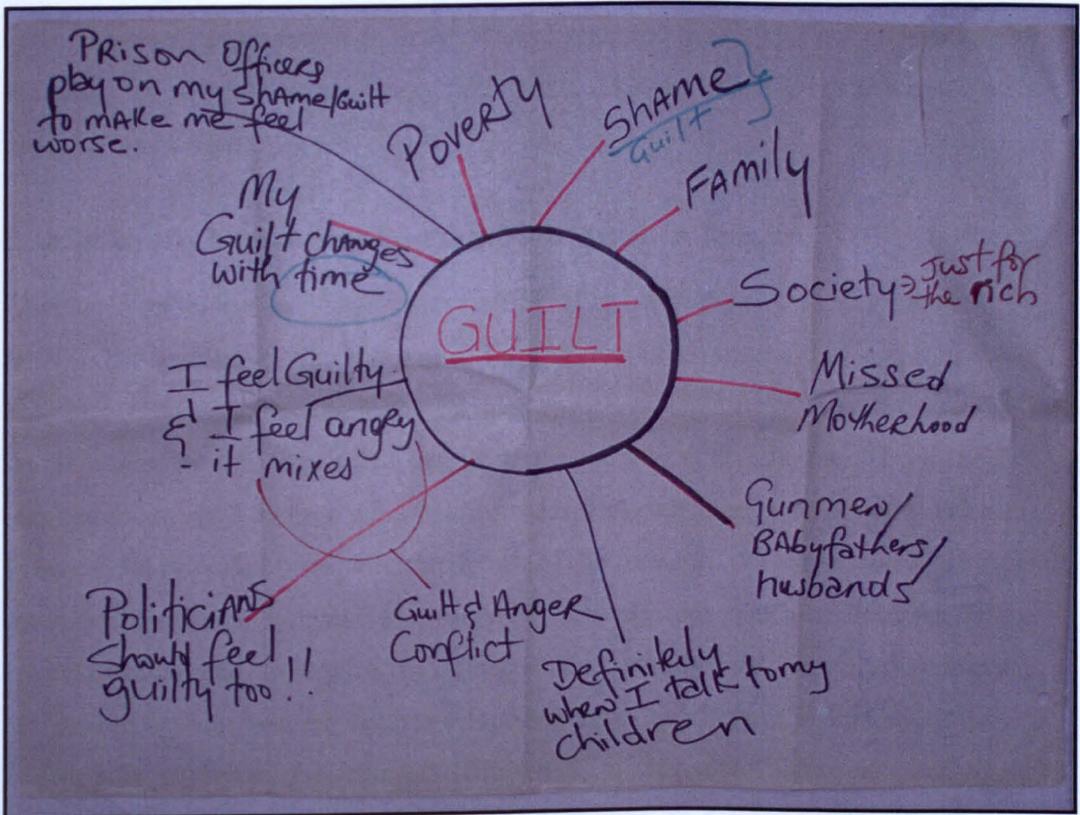
conversation with them, therefore, breaks down the researcher/researched dichotomy (Oakley 1981).

The problems of this approach must be acknowledged, however. Responding to interviewees' questions can have the effect of shifting the interview situation in unpredictable ways, of creating an effect which is the exact opposite to that desired. In an attempt to equalise the relationship, the researcher may inadvertently dominate. The benefits of trust and discovery are thus counterbalanced by the drawbacks of potential 'forcing'. One way I dealt with this concern was by following the cues of the interviewee. It becomes increasingly obvious that when 'forcing' occurs, the conversation 'flow' stops, as the interview shifts away from what the informant sees as relevant. Lack of relevance usually means lack of talk, lack of detail, and lack of interest. Being able to assess these cues was vital to ensuring the faithful emergence of rich data.

### **Conducting the Focus Groups**

The three focus group discussions I conducted lasted for about one hour each and were facilitated by myself. The groups consisted of eight, ten and twelve women respectively. Conducting the focus groups was another instance where my training as a conflict resolution trainer greatly benefited me. I was able to draw on my facilitation skills to generate the discussion among the women. Participants were encouraged to have a discussion among themselves rather than directed at myself as the researcher. We established ground rules that guided mutual respect for opinions in each focus group. This made it possible for me to probe certain issues more, control interruptions and prevent multiple discussions within the group setting. Each focus group was tape-recorded. However, for each focus group one person either volunteered or was selected by the group to 'scribe' on flip-chart paper the points and quotes which the group considered the most important. This was especially important in consolidating the themes emerging from coding the data from the one-to-one interviews. In many ways, the focus group responses reflected the emergent themes from the in-depth one-to-one interviews. Since the focus groups were being conducted to validate the data from the one-to-one interviews, the same interview guideline questionnaire as used in the one-to-one interviews was used for the focus groups. An example of a typical focus group flip-chart, collecting data from one of the groups, is shown in Figure 6.

FIGURE 6. Focus Group Flip Chart Data



### Observation

Although not a major data source in this study, participant observation was used to a certain degree. During interviews, for example, most communication is of a non-verbal kind; gestures, eye contact, facial expressions, and so on. As the interviewer, I was always aware of these cues and to that extent I was thus a participant observer. In one prison, I didn't conduct any formal interviews with women prisoners. I attended the prison's open day and observed their foreign national cohort. The Foreign Nationals Officer showed me around the prison and I was able to speak at length with her on the prison's way of operating and its general facilities. This gave me an opportunity to have a more informal conversation with her on how she thought the BFNWOM prisoners in that prison coped and what challenges they faced. Moreover, I also got the chance to observe many of the women prisoners out and about on a day when they were given much freedom within the confines of the prison. While I did not interview any women on a formal basis in this prison, the visit was useful. It allowed me to observe the women interacting with each other and provided an opportunity to listen to many of their conversations within their peer-groups.

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In ethnographic fashion, after each observation session, I wrote up field notes giving immaculate descriptions of what I had seen and heard, and my impressions of the event or conversations. These field notes, like the interview transcripts, were analyzed and coded.

### **Recruiting and Interviewing Research Participants in Jamaica**

Chapter 5 of this thesis addresses issues of rehabilitation and resettlement for BFNWOM who have returned home. Lack of resources meant that research could only be conducted in one country – Jamaica.

Hibiscus Jamaica has a database of the women who are deported from the UK and has established contact with most of them. I myself made contact with Hibiscus Jamaica and provided them with the details of the research. All interviews were tape-recorded. The same 'request for research' consent form that was used for prison interviews was sent through to the Hibiscus development workers who disseminated the information to women recently deported from the United Kingdom. Before I began each interview, the informed consent form was orally communicated to the potential participant and they were asked if they understood its contents, and reminded that they could terminate the interview at any time if they felt uncomfortable. It is worthy of note that some women were already aware of the research I was conducting from the time they had spent in prison in the UK. Of the twenty women I interviewed, eleven of them had participated in the research as prisoners in the UK. In order to address the difficulties the women would encounter in participating in the interview and focus group, they were compensated with one thousand Jamaican dollars (about ten pounds sterling) each to assist with their travel expenses and meal expenses for the day and similarly all eight women who participated in the focus group were also compensated for travel and lunch costs. This payment for their travel and the minimal provision for food, just for one or two days, was tellingly a very motivating factor for many of them to participate in the research. Even though many women had to travel significant distances for the interview, they did not mind if it meant they could also save a little bit of the one thousand dollars for at least two days' food provisions if they bought it wholesale. One-to-one interviews were conducted with the women and a focus group with eight women was conducted on a subsequent occasion.

### **Making Sense of the Data**

The first step in the analysis began with an examination of the basic composition of my sample group. I made special tables for age range, nationality, marital status, education, crime committed and sentence given or time on remand. From this I was able to document the demographic composition of the research sample.

At the outset of my interviewing process in the prisons, I was able to transcribe some interviews while still in the field, usually by playing back tapes on the trains on my way home from the prisons. The transcription process was initially conducted in full. This was a very lengthy process and took up most of my time. I eventually decided to play back tapes and record quotes as they related to the emergent themes. This process was also lengthy because of the different tonal accents spoken by the interviewees. For example, I had no difficulty in understanding the tonal accents of Jamaican women I interviewed since I am a native Jamaican, but it took longer to understand the various African accents.

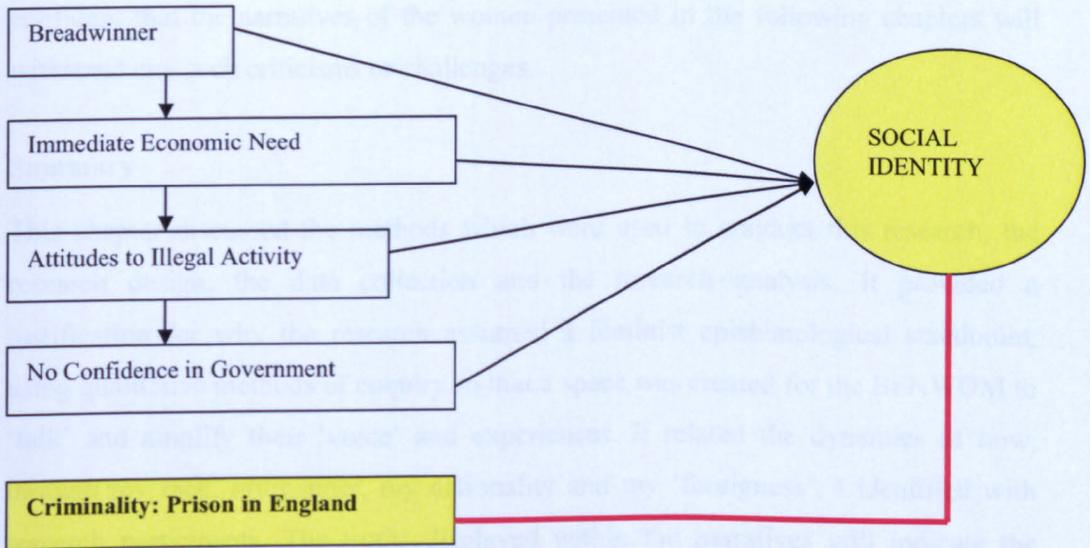
Throughout, I used content analysis to code my interviews, develop themes and to saturate (Glaser and Strauss 1967) the subcategories that emerged underneath each theme. Initially I had many themes which were revised and changed as more data was coded and analysed.

My first task in coding interviews was to identify emergent themes on the margins of my transcripts with a pencil and later by listening to the tapes and identifying responses that fed into the themes. My initial themes were the various sections in my interview questionnaire. After examining the transcripts, there were issues emerging that clearly fitted within certain categories. For example, at the beginning of my interviews, I placed data about women being the head of their household under social issues, but as more data emerged as women explained their circumstances before they committed the crime, it became clear that these were the issues that informed their character and their personal identities; therefore, the theme 'Social Identity' emerged as the major category, with other issues forming sub-categories. This method of coding was adopted from the grounded theory methodology.

The coding process in grounded theory is separated into three parts: open, axial and selective (Strauss and Corbin 1990). It is to this that I will now turn my attention. The basic idea of the grounded theory approach is to continuously examine the corpus of field notes and 'discover' or label variables (called categories, concepts and

properties) and their interrelationships. The ability to perceive variables and relationships is termed ‘theoretical sensitivity’, and is affected by a number of things including one’s reading of the literature and one’s use of techniques designed to enhance sensitivity. In this phase of open coding, the grounded theorist should always be questioning themselves regarding what concept<sup>64</sup> or property of a concept<sup>65</sup> this incident they are recording indicates (Brooks 1998). It is in this phase that the ability to constantly compare in order to develop categories is of paramount importance. This initial phase is called ‘open coding’, and it leads into axial coding. Axial coding recognises similarities between categories and relates them to each other. In this coding phase, causal relationships are emphasized. A typical axial model from my research coding is depicted in Figure 7, below:

FIGURE 7. Example of the Coding Process During Data Collection.



Axial coding automatically leads into selective coding, which is the process of choosing one category to be the core category, and relating all other categories to it. The essential idea is to develop a single storyline around which everything else is draped. The figure above shows a respondent who identifies herself as being the sole breadwinner for the family, who consistently experienced intense and immediate economic need. The attitudes to illegal activity within her own community in the ghetto were tolerant and understanding, particularly because the community had no confidence in the ability of the government to improve their lives or create

<sup>64</sup> ‘Concept’ here means the core umbrella category.

<sup>65</sup> ‘Properties of a concept’ means the subcategories of the core umbrella category.

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employment opportunities. All of these factors intersect to form a social identity that is accepting of participation in crime in order to achieve upward social and economic mobility or to meet basic survival needs. The link between how such social identities can lead vulnerable individuals to criminality is highlighted by the red line in the diagram.

I repeated this process of coding for all the data under the other main categories, such as Experience of Prison, and Rehabilitation and Resettlement. Much of this analysis of data sought to break away from personal sympathies or allegiances (Leibling 1999, 2001) and ensure that the analysis and presentation of the data represents the views garnered from the respondents. If, as Becker puts it, our research is neutral and valid if conducted in a manner in which ‘a belief to which we are especially sympathetic could be proved untrue’ (Becker 1967:246), then I am confident that the narratives of the women presented in the following chapters will withstand any such criticisms or challenges.

### Summary

This chapter discussed the methods which were used to conduct this research, the research design, the data collection and the research analysis. It provided a justification for why the research assumed a feminist epistemological standpoint, using qualitative methods of enquiry so that a space was created for the BFNWOM to ‘talk’ and amplify their ‘voice’ and experiences. It related the dynamics of how, through my race, my gender, my nationality and my ‘foreignness’, I identified with research participants. The truths displayed within the narratives will indicate the rapport and trust that was built with respondents; they also indicate that I was able to navigate the research terrain by acknowledging and embracing my socio-cultural standpoint and recognising the opportunity my location-of-self provided me to construct knowledge by listening to and hearing BFNWOM prisoners. Using semi-structured, in-depth interviews and focus groups, this research sought to discover hidden truths in women’s experiences and unlock their silence in order to allow the data to emerge freely.

The chapter highlighted what I learned about the processes of negotiating entry to the research field, dealing with various gatekeepers, each with their own interests, while protecting the validity of the data. The chapter revealed the research process as dynamic and ever-changing, necessitating that the researcher adapt to and accept the

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various enquiries from others about the process. Informal talks in the qualitative research domain are valuable to the researcher to understand the context of the research setting, and often these conversations highlight areas which the researcher may not have thought about. The capacity for data to emerge in the field while interacting with research subjects and others is one of the greatest values of the qualitative method of inquiry. Patenaude (2004) argues that this demonstrates the testing that qualitative researchers have to undergo from their research subjects, before rapport can be built.

### **CHAPTER THREE: INTRODUCTION TO EMPIRICAL FINDINGS: SOCIAL IDENTITY**

I will present the distribution of responses as they relate to the research aims, which were:

- To identify the countries with the highest percentage of BFNWOM offenders in prisons in England.
- To investigate the reasons BFNWOM offenders provide for committing the offence.
- To explore the grounded narrative experience of the BFNWOM offenders.
- To investigate the resettlement experience for the BFNWOM offenders following deportation.

The introduction to this thesis provided the factual information relevant to the first research aim. It named the main countries with the highest numbers of foreign nationals in English prisons. All those countries happen to be black majority countries. Therefore, the findings will seek to address the various aspects of the last three research issues.

In order to present my data in a structured way, my interviews sought to gain information around various areas. These areas were:

- Attitudes, backgrounds and economics,
- Offence pathway and process,
- Experience of prison,
- Prison activities and programs.

In examining the questions within these parameters, the responses were varied and threw up many themes. The themes that were prominent in the responses from the interviews with the women and under which the findings will be discussed are:

- Social identity,
- Experience of prison,
- Rehabilitation and resettlement.

The general order in which the themes are discussed is consistent with the parameters used in the interviews conducted with the women. As I present the findings and discuss the responses within the themes, I will attempt to engage with the theoretical perspectives and scholarship in order to question, underpin and analyse the meanings

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already conveyed by the women. This research places the BFNWOM at its centre, and their voices will present the starting points from which the knowledge is constructed.

To comply with the terms under which the interviews were agreed, I use fictitious names for the interviewees. The following discussion in this chapter addresses the theme of social identity.

### **Social Identity**

*Social identity theory* was first advanced by Tajfel and Turner in 1979. According to this theory, a person has not one 'personal self', but rather several selves that correspond to widening circles of group membership. It was thought that the various social contexts in which a person finds him or herself may influence his or her behaviour, and in so doing, an individual develops a social identity which is influenced by a variety of socialization factors.

These various factors which influence one's identity also operate within particular societal groups. The theory suggests that individuals will feel comfortable where there is a sense of belonging and a sense of consensus on certain value systems. Definition of the self is therefore not only limited to one's own unique qualities but is also linked to the particular group in which an individual feels the greatest sense of belonging.

The empirical evidence collected from this research suggests that there is a common thread of belonging and identity between BFNWOM. There was a definite sense of consensus on particular value systems and beliefs. It became clear that BFNWOM in prison in England, even if from different nationalities, shared a common social identity that gave them a rationale to seriously contemplate the option of criminality.

Social identity quickly emerged as a concrete theme in this research, with many subcategories, and as such the rest of this chapter will seek to explore those complexities.

### **Social Identity and the BFNWOM Prisoner**

I am just trying to serve my time here. Being in prison, you have a lot of time, so you can think about a lot of things. What I know is that I don't feel bad now. I know who I am. What I am is a poor woman. A poor woman who had hungry children. I had no

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means to support my children then. I took an opportunity when I saw one. So I really don't have time for people who want to think that I am just a drug pusher. I know who I am. I am a poor woman. When you live in my box, wear my shoes, then you can talk to me. I don't say what I did was right. But I know who I was then and I know who I am now. Same person. Nothing change. I am just trying to survive.

This was the utterance of Judith, one of the many Jamaican women imprisoned in England for trafficking drugs. This assessment of herself was pronounced with such resoluteness that it was clear she had given deep thought to the offence and theorised her place in that process. Klein (2009), who recorded similar observations, views this individual agency as a profound entrepreneurial spirit resolved to taking their lives in their own hands and taking a gamble. Judith expressed no doubts about who she thought she was. She was very clear about her role as the breadwinner for her family and what this meant to her. Her sense of womanhood was not belittled because she was in prison. She identified herself as 'a poor woman who had hungry children.' Devlin (1998) and Chesney-Lind (1996) argue that societal views such that it is abnormal for women to commit crimes do not attribute importance to women's resistance to symbols and remnants of male oppressiveness, which are usually the underlying reasons for their offence. So, rather than assume docility or shame, Judith's initial response was to assert her agency in the crime she committed – the trafficking of almost one kilo of cocaine, which was hidden in her luggage with some strapped to her body. There was also a sense in her response – in her body language, which was assertive yet calm, with a light smile – that the conversation had 'disrupted the dehumanizing othering' that prison creates for the human spirit (Phillips and Earle 2010:375). She stood up, bent over to me slowly and said: 'Yes, I was a poor woman who had hungry children to feed', and sat back down to continue her story. Our conversation had allowed Judith to reassert her agency.

The experience of prison was mostly viewed by the women interviewed as an attack on the true women they were trying to be within their given social contexts. The interviews I conducted corroborated previous work done in the field which identified poverty and economic need as the predominant factors which influenced foreign national women who are imprisoned in England to commit crimes (Agozino 1997; Chigwada-Bailey 2003; Devlin 1998; Green 1998; Heaven 2008). They identified their struggles as part of their social identity and their subsequent crimes and imprisonment as a corollary to their impoverished social existence. They knew

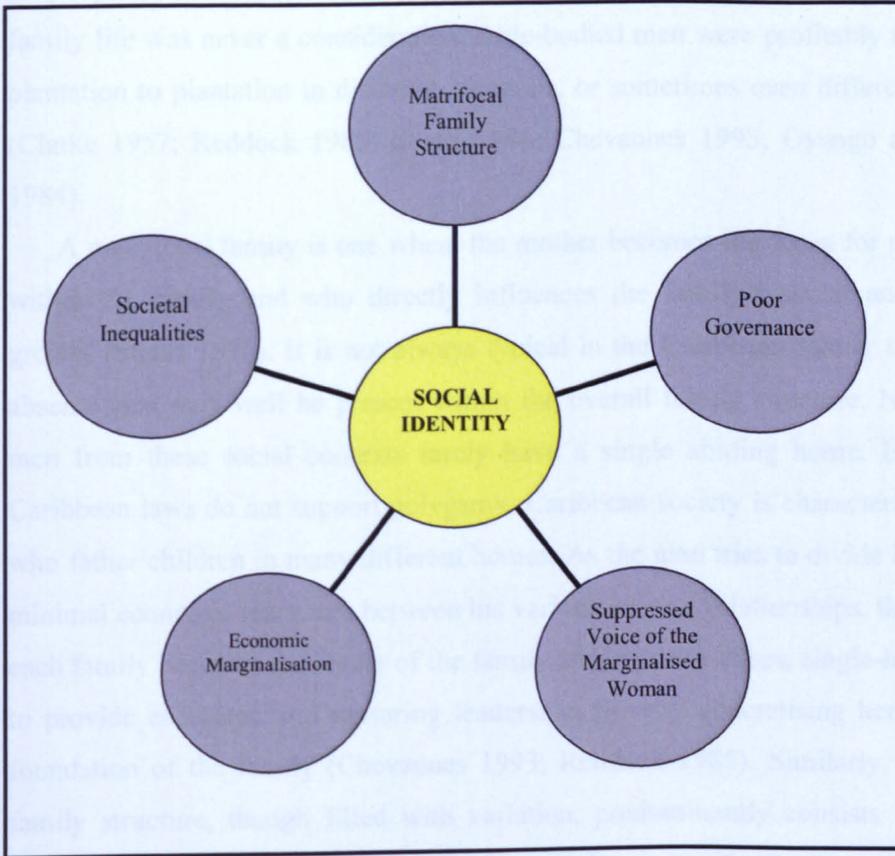
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they were transgressing legal codes, but they remained firmly convinced that their crime was congruent with their need for survival. Many pointed out that they had no idea people would get such long sentences for ‘just drugs’. In many deprived communities, lucrative drug markets operate at the micro level (Klein 1999) and there is trade in guns (Agozino et al. 2009) and other illicit activities which have become vehicles of survival for many (Gray 2004) who, even if they did not participate in the activities, showed by their silence and life around them that they had normalised them to ‘just a simple thing’. These background activities have a very influential role in the development of the self and social identity, and for this reason the focus on social identity – the ‘what makes me who I am’ – emerged as a dominant theme during data collection. There were a few sub-categories that emerged within the social identity theme as it became clear that the women’s social identities were enmeshed in the following issues:

- i. The matrifocal family structure,
- ii. Societal class structures and social inequalities,
- iii. Economic need,
- iv. The suppressed voice of the marginalised woman,
- v. Poor governance.

It is within the above five frameworks, and as depicted below (Figure 8), that I will now discuss the women’s narratives as they relate to their social identity.

FIGURE 8. Factors Influencing the Social Identity of the BFNWOM Prisoner



### The Matrifocal Family

The BFNWOM prisoner in the research sample comes from a sociological and historical background different to that of the British prisoner. Mainstream discourses which attempt to understand and explore the BFNWOM prisoner cannot rely on traditional theoretical perspectives (Rice 1990; Bosworth 2000), but must begin from a point where the lived experiences of those women are explored in order to understand their subjectivities in order ‘raise concern about discipline itself’ and ‘reconcile such narratives of lived experiences with existing criminological discourse’ (Phillips and Bowling 2003). Most of the BFNWOM prisoners I interviewed were from countries that had a historical past of indentured slavery and colonisation. In the Caribbean, where men were taken as stock for labour in plantations, women were the stalwarts of the family. Slavery paid no attention to maintaining the ties between families. Even where male slaves were polygamous, kinship ties were usually still maintained between all wives and children (Clarke 1957; Reddock 1985). These kinship structures and practices were destroyed by slavery. Slaves were chattel

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property, to be distributed for the capital gains of the slave master. Disruption of family life was never a consideration. Able-bodied men were profitably moved from plantation to plantation in differing locations, or sometimes even different countries (Clarke 1957; Reddock 1985; Stuart 1996; Chevannes 1993; Oyango and Oyango 1984).

A *matrifocal family* is one where the mother becomes the focus for relationships within the family and who directly influences the family's social and economic growth (Stuart 1996). It is not always typical in the Caribbean family that men are absent. Men may well be present within the overall family structure. Nevertheless, men from these social contexts rarely have a single abiding home. Even though Caribbean laws do not support polygamy, Caribbean society is characterised by men who father children in many different homes. As the man tries to divide his time and minimal economic resources between his various visiting relationships, the woman in each family becomes the leader of the family and, in many cases, single-handedly has to provide economic and nurturing leadership, thereby concretising her role as the foundation of the family (Chevannes 1993; Reddock 1985). Similarly, the African family structure, though filled with variation, predominantly consists of extended family units where men are likely to have more than one wife (Onyango and Onyango 1984). Onyango and Onyango (1984) record that polygamy is a desired measure of social success or status where males have access to younger women and henceforth direct a system featuring female division of labour. Mberu (2007) laments that while extended family structures were traditional for Nigeria, 'nationwide surveys have identified a substantial level of single parents, widows, the separated, and the divorced, underscoring their role in creating higher proportions of female heads of households in the country' (Mberu 2007:515). She further comments on the fact that female-headed households in Nigeria are connected to 'legal, regulatory, and cultural barriers that keep women disadvantaged relative to men in terms of access to health, education, financial, and agricultural extension services' (Mberu 2007:516).

The family structure of my research sample is depicted in Table 9, below:

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TABLE 9. Marital Status of Research Sample. N = 60

Single	7
Married	11
Divorced	7
Cohabiting	18
Visiting Relationship	13
Lesbians	4
<b>TOTAL</b>	<b>60</b>

Caribbean families are very matrifocal in nature. This is discussed in detail by Edith Clarke (1957) in her book *My Mother Who Fathered Me*, where she examines the historical situation of the Caribbean woman and shows how she frequently became the breadwinner for her family. The following narrative from Marjorie, a twenty-six-year-old Jamaican sentenced for drug trafficking demonstrates this:

Is me and my children dem alone. Dem nuh have any father. Him have whole heap a pickney bout the place a Jamaica. Yet sometime him still come around for sex. But mi need di help if and when him can give it and is just so dem stay. I took him up when I know he was like dat. So is me one the burden deh pon. Is my crosses. So anything fi mi children dem eat and go a school. Yes, I considered the consequences. There was no shame in what I did. None. Do what wi do to stay alive.<sup>66</sup>

This is not a woman who was questioning her identity or her social position. She understood it well. She also knew that her choice of a mate did not bode well for her economically, but she accepted infidelity and its consequences. Her narrative tells us that she understood and accepted her role as the breadwinner of her family. She was, therefore, prepared to defend the survival of her family though any means necessary – whether legal or illegal.

The discussion of this sense of self by the BFNWOM prisoner in the midst of economic marginalisation is of supreme importance for an understanding of the issues of social identity and the BFNWOM (Heaven 2008). The history of the black Caribbean under slavery was characterised by a prolonged period of quiet rebellion

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<sup>66</sup> *My children and I are alone. their father is not present. He has many children all over Jamaica. However. he stills come for sex. I need the help if and when he gives it and anyway, that is just how men are. I knew he was like that when I started a relationship with him. So. the burden is mine. It is my problem. I will do anything so that my children can eat and attend school. Yes. I considered the consequences [of drug trafficking]. There is no shame in what I did. None. I do what I need to do to stay alive.*

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against oppressive authority until outright rebellion took place (Gray 2004). While accepting their fate as house maids and sex servants, black Caribbean women frequently assisted their men to plan attacks and rebellions with information about the master from the 'great house' (Reddock 1985). The Caribbean woman is a historical figure who is always fighting off societal oppression but, ironically, frequently succumbs to gender exploitation. She interprets her position of economic marginalisation not as something of her own making – but as the hand that has kept her down. She recognises and acknowledges the forces of oppression that inhibit her development, but deftly understands that she has to engage those forces in order to sustain herself and her children. Reddock (1985) maintains that the Caribbean woman has evolved from a historical location post-emancipation in which the main economic activities available to her as a source of income were

those that could be centered around the household (often self-employment) and that were compatible to child-rearing: market gardening, petty trading, laundry work, dressmaking and domestic work. This new sexual division of labour though evident before emancipation, became even more so after. [...] Thus by attributing lower status to women as workers, planters were able to gain additional profits by paying lower wages to what was still a large proportion of the workforce. (Reddock 1985:76)

Reddock provides this historical context in order to locate the masses of poor Caribbean women who, because their families have been generationally poor, have not managed to escape that cycle. Such women continue to be low-skilled, rely on self-employment and do jobs that Reddock described above within a modern-day setting, where they trade illegally on the streets, are paid far below minimum wage to do domestic work for the middle class, and are the breadwinners while their male partners father many children in visiting relationships.

This discussion is relevant because it highlights the socio-economic perspective of crime through the eyes of the black foreign national female prisoner. She sees crime as a way of alleviating her economic marginalisation (Frank 1967; Rodney 1973). She has acknowledged her position of need and sees any method used to provide relief to her and her family merely as something she must do to stay true to her sense of self. As Marjorie stated: 'There is no shame. None. I do what I have to do to stay alive.'

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Agozino (1997) advanced the view that black women were not passive 'victims' of slavery but saw themselves as activists against victimisation. In so far as the punishment for such crimes goes, it presents a dilemma for Western policies that use instruments of perceived oppression as punishment, e.g. long jail sentences. The women's understanding of punishment is starkly different. One female prisoner stated:

So what? I am here. What are they achieving? Nothing. They're just spending money for foolishness. You can't teach a hungry man a lesson by starving him. You teach him how to fish! I was always being punished, for being alive and for having children. One day I was crying in here because I miss my children and the officer told me it's my fault, because I should not have done what I did. So I asked her, 'and why do you think I did what I did?' And she said, 'Well you should never have children then if you can't provide for them.' I did not answer her. Because if I don't have children, I am a poor woman, what other happiness is there in my life?

Here the issue of globalisation's effects on poor developing countries comes to fore, while highlighting the disconnect in understanding between First World perspectives and the lived experiences of populations within these poor states. Hirst and Thompson (1999) examine this issue in their pronouncement that globalisation has ushered in new social and economic realities for developing countries. In the case of this prisoner, the level of poverty and inability to care for children may previously have been tolerated, but is now less acceptable to poor individuals who are presented with opportunities through travel to make a quick buck and alleviate their condition (Heaven 2008).

There are many different family structures in African societies – polygamous, matrifocal, ghost marriages, etc. (Oyango and Oyango 1984; Mberu 2007). The position of the woman in the family is somewhat different from that of the Caribbean woman. In contrast to the traditional matrifocal family structures where the mother usually assumes the breadwinner role or the greater portion of it, most African family structures are rooted in kinship values. These societies are no longer sheltered from the influence of Western societies, and the extended family structure, which shared responsibilities among members, is not as dominant as before (Mberu 2007). There has been a reconfiguration of family structure in the forms of urbanisation, Christian values and technological explosion (Storti and Grauwe 2009), which has ensured that

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women know that there are alternatives to living an oppressive way of life and accepting the economic marginalisation that being the 'other woman' often brings in poor societies. Therefore, the African woman is, more than ever, likely to contemplate criminality because she interprets the alternatives to her lifestyle as far more appealing than the lifestyle her culture provides her.

Femi is a twenty-six-year-old Nigerian woman, who has been convicted for trying to traffic cocaine from Nigeria. She has no children. Since many women cite wanting to provide for their children as one reason why they committed the crime, I was curious as to what was her reason for trafficking. She summed up her story like this:

You see my skin colour. I am very light skin. My mother got pregnant for a white man who came to the village once. She never heard from him again. So I suffered racism every day in Nigeria. Even my mother never wanted me go out too much because they trouble me all the time. I have been raped four times by the men in the village. I wanted to leave, but I did not have any money. So one guy who came from another village and I notice he would be watching me all the time. I spoke to him a few times and we became friendly [she smiles]. Soon after he said he knew of a way I could get some money to start the sewing business I told him I wanted to do. When he told me what it was, I was scared, but then he told me because of my colour, they would not stop me. He said they only suspected black girls. I believed him. I told my mother and she said I should do it because maybe this is one way my colour could actually bring me some luck. Moreover, she thought I needed to be helping her as well. She is always telling me what good is my colour to me if I just sit around with nothing to do. I was planning to go somewhere else after I got the money. I wanted to get away from that place and do something with my life. Instead, this is where I am. In here, I can tell you, I am definitely a black woman. So I wonder why my own people thought I was white. I did this because I wanted to be my own woman. I would have gone away and be able to provide more for my mother.

This inmate's account of victimisation at home in her account of experiencing 'racism' in her country of origin (Heaven 2008) and victimisation in prison (Agozino 1997), highlights the fact that most of these women were aware of their oppressed social identities and that the crime they are imprisoned for is their own way of trying to escape that oppression. When poor foreign national women are arrested in England for drug trafficking and given long sentences, it is actually the execution of what

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Agozino (2002) calls a case of 'Victimisation-As-Mere-Punishment'. He describes this as the construction of legal codes around a labelled offender, thus further marginalising and, therefore, victimising that individual. The prisoner quoted above assumed her role as the emerging breadwinner of the family to the extent that being able to provide for her mother was one reason why she contemplated and went through with trafficking cocaine. She makes no mention of the presence of a man in her home. She comes from a matrifocal family, where the woman is the breadwinner, expected to seek out resources for the family. In fact, she was encouraged into this rite of her societal 'womanhood' by her own mother (Clarke 1957; Reddock 1985).

The matrifocal home and the pressures it places on the poor black woman of today are underlined in the story of forty-six-year-old Eboney from Nigeria, who is serving a fourteen year sentence for trafficking cocaine. Eboney divorced her husband because of years of abuse. She is exceptionally intelligent, has a degree, and ran her own fashion and clothing business for many years. Despite the fact that spousal abuse was known to the community, upon divorcing her abusive husband, Eboney's family and community shunned her because she had left the marriage. In trying to alleviate the abusive situation she faced ostracism from her peers. She had no claim to any funds her business had generated because all her earnings were in her husband's name. She eventually had to leave the village, taking her children with her, to go and live with her mother. Her attempt to claim back her life saw her dipping into illegal drug trafficking. When I asked her about her children, she spoke of them, and her assumed matrifocal role, as follows:

Well, my mother looks after two of them and my sister takes care of the other two. I worry a lot about them though, and I am so ashamed and frightened that my son will find out. He does not know me to be somebody to do the kind of thing that gets me in here. I know he would never understand it. He thinks I am away. He knows his mother to be hard working, a disciplinarian. He told me when he was younger that he was so proud when I ran away from the beatings I used to get from his father, because I took them with me. He never wanted to be away from me. I let the side down, in trying to help my boys be better men, not like their father. I let the side down.

There is a definite sense of oppression in these narratives. What is also evident is that the women in this research embraced the matrifocality of their family lives. They accepted it as a part of their womanhood. Being able to provide for your household

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without the presence of a man was what established you as a good woman (Clarke 1957). Also important is the image of the older African mother as a disciplinarian commanding respect from younger ones, and that positions where such respect is not accorded causes an African woman much shame and guilt. Klein (2007) found evidence of this in his research with Nigerian women at Morton Hall, where older Nigerian women demanded respect from younger Nigerian inmates and frequently referred to the respect they were accorded by others 'back home' in an effort to retain their 'identities' while imprisoned.

I also distinctly felt that the matrifocal nature of these societies was intrinsically oppressive, because it absolves the father of responsibility for his absence from the family structure. The following comment from Tina, a twenty-four-year-old Trinidadian, shows how the acceptance and acknowledgement of matrifocality provides an escape for the absent black male and how it often leads women into criminality:

I have three kids for my partner. Yes, he have other chil'ren in Trinidad yuh know. He had left me to be with anotha girl. She ha chil'ren for him too. She have two now. I not sitting down and make my chil'ren look any less than her chil'ren you know. He gone to she, I not begging him for anything. If he gives, he gives, but they mine. So I take care of them. I was only looking a 'food'<sup>67</sup> for my chil'ren. To tell di truth, I had another bandoolo<sup>68</sup> ting going on, but that got mashed up. So that's how I come to consider this as an option.<sup>69</sup>

It is clear from these accounts that many of the women felt that they were obliged to take on the role of provider for their families. Their narratives indicated that their societies morally indicted the woman who cannot send her children to school and provide for them adequately without the support of the father. She is seen as less of a woman and her children will also be ostracised. In many respects, therefore, such societies still ascribe a level of respect and hegemony to the man: something that does not necessarily have to be earned (Stuart 1996). The Caribbean woman and the

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<sup>67</sup> To make some money.

<sup>68</sup> Illegal activity.

<sup>69</sup> I have three kids for my partner. Yes, he has other children in Trinidad too. He left me to be with another girl. She has two children for him now. I am not sitting down and allow my children to look any less than her children, you know. He has gone to her, and I won't beg him for anything. If he contributes, great, but they are my children, so I take care of them. I was looking to make some money for my children. In truth, I was involved in another illegal activity, but it failed. That is how I came to consider this [drug trafficking] option.

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African women have to earn that respect from their peers, either by being able to cope with the consequences of absent fathers or having to cope with abuse from men. In some Caribbean and African cultures, a woman who stays with an abusive husband is respected for keeping her dignity and not seeking separation. Accepting her role in a matrifocal context is a critical part of the BFNWOM prisoner's social identity (Clarke 1957; Reddock 1985). It is of utmost importance that this is understood in order to fully grasp the context in which she offends.

Very prominent in the narratives is the individualistic nature of the 21<sup>st</sup> century black family. Black families were traditionally held together by community values. The spirit of kinship was what held families together in a communal setting. In an interview about his childhood and humble upbringing, noted Caribbean scholar Rex Nettleford stated:

I was a child of the village but that is a fact for many people of my generation. The notion of 'my mother who fathered me' wasn't a sociological problem. In fact it was my grandmother who fathered me. But the truth of the matter is that there were men around, and I was the surrogate child, surrogate son, surrogate nephew, of all of the older men in the village. (Scott 2006:103)

The Western nuclear family, of mother, father and children, is not the model of the traditional black family. Black families have always been reliant on the model of the extended family to sustain themselves. The role of grandmothers, aunts, uncles and neighbours is historically central to the healthy existence of the black family where the adage 'it takes a village to raise a child' is put into practice (Clarke 1957). What became clear through my interviews was that globalisation and new economic realities have continuously eroded the historical kinship structures germane to the black family (Scott 2006). There has not been a replacement for that loss of kinship values, and so black families struggle to cope without the collective community or extended family. The black family has shifted from being communal to being more introspective (Mberu 2007). While other cultures have also experienced this change, in societies where there are no infrastructural social safety nets to replace the loss of kinship ties, the negative consequences are exacerbated. Considering the matrifocal base of the black family, it is clear that the future of the black family, especially in poor countries, will be fraught with challenges as it tries to sustain itself. One such

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challenge will be for breadwinners to withstand the temptation to commit economically motivated crimes.

Thirty-one-year-old Marie, a Jamaican who was living in England when she was arrested and sentenced to two and a half years for possession of cocaine, complained:

I used to depend on my mother and my aunt to help with the children, and go to work. But everybody have it hard, they can't help me. My mother have to be paying her bills. She have to work too. My aunt as well, everybody have to look out for themselves now. So what was I to do? I have to leave my kids by themselves and go out to work, I have no choice.

In describing how to deal with the pressures of parenting in England, she says:

They don't understand black families. If I discipline my kids, they say I am abusing them. I don't hit them all the time and I don't hit them to hurt them. But here you can't say nothing to them. And then, they don't know where they belong in the UK either, but yet still they are telling you not to grow your child in the way you know will make them into better persons to deal with the system. I know I cannot grow my child like how a white person grows their child – they have two different realities. So they are bound to fail. It's me alone and the kids and I kept the cocaine and the money at home for the guy because he was paying me to do it and it allowed me to be at home early to at least look on the kids when they come home from school. My kids didn't know I was doing it, but I was doing it because I wanted to see my son in the evenings. I know I had to watch him like a hawk because the gangs on the estate<sup>70</sup> are just too terrible.

In a similar vein, Lola from Ghana said:

My children are my responsibility. I can't ask anyone for food. Everyone has to make their own. I can't burden my family with my own crosses. So I have to find my own way.

The emerging individualistic nature of the black family may well be at the root of many of its 21<sup>st</sup> century problems (Scott 2006; Mberu 2007). The removal of the communal family structure and its strong kinship values is important to any analysis of an increase in black crime within the broader criminological discourse. This thesis

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<sup>70</sup> This was a foreign national prisoner who was renting an apartment on an estate. She had been living in the UK illegally for six years. Her eldest son was born in Jamaica and her two youngest were born in the UK but are not British citizens because of her immigration status and that of the absent father.

contends that such considerations are important because the absence of the communal family spirit has not been followed by any alternative arrangement providing a sense of belonging and purpose within the societies. This raises questions for further research such as: ‘to what extent do integration, multiculturalism and the effects of globalisation protect or further disengage vulnerable groups?’

**Societal Class Structures and Social Inequalities**

Many of the BFNWOM in prisons come from deeply divided societies. My interaction with the women only underlined the fact that many of them were severely marginalised within their own countries. There is a variety or combination of reasons why these BFNWOM prisoners are marginalised in their own countries. Some of these reasons are deep class divisions, economic need and lack of education. What was evident is that most of the BFNWOM in my sample, and also in the wider foreign national women population, were from very poor and lower class backgrounds. Table 10 shows the educational distribution of my research sample.

TABLE 10. Educational Distribution of Research Sample

No Formal Education	14
Primary	#19
Secondary	*21
Undergraduate	3
Postgraduate	1
Trained Vocational Skills	2
<b>TOTAL</b>	<b>60</b>

\*Of this number, 14 had dropped out of school during secondary education.

# Of this number, 7 had dropped out of school during primary education.

In my research interviews, only two women I interviewed thought they were middle class. This was also obvious from the data about the schools they had attended and where they lived in their own countries. To my knowledge, there was only one other prisoner, of Caribbean descent, who was not a part of the research sample but was convicted of drug trafficking, who was from a definite upper class background. She did not want to be interviewed: when she heard about the interviews, she wrote to me asking me not to contact her about being interviewed for the research.

So the crucial question is, why is it that so many women from the poor ghettos resort to illegal crimes? The impression is given that women and men from the

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middle and upper classes do not commit these crimes. BFNWOM imprisoned in England are there predominantly on drug trafficking charges, but some are there for possession with intent to supply drugs, conspiracy or fraudulent documents. As I found out from many of my interviews with the women, it is not that the middle and upper class do not commit crimes, but that women from the working class are used to carry out crimes such as trafficking, and the middle and upper classes profit from the crimes by providing the resources to facilitate them.

When asked if she knew that what she was doing was illegal, Eboney, the forty-six-year-old Nigerian divorcee, said:

Of course I knew. I knew. I knew. I knew. But that is not the issue. Many people know that what they do is illegal and many people, my child, who you think are upstanding citizens, do things that are illegal. I just got caught! You think I knew where to get that amount of cocaine from or how to get that sold in the UK? No, it was the big wigs who set this all up. I just take the fall.

Thus the women who are the focus of this study have to contend with consistent issues of societal inequality and this directly influences their social identity.

In the narratives already cited in the section on matrifocality and how it affects the social identity of the black female prisoner, many women alluded to their 'poor status' and claimed that they were single-handedly raising their families. Most of them had no formal education and had dropped out of school at primary level (Reddock 1985).

Jacqueline is a thirty-one-year-old Jamaican mother of two. She has been sentenced to five years in prison for drug trafficking. She admits that this was not the first time she had trafficked cocaine. She refused to tell me how many times she had done this. However, she did say she was not surprised she got caught, because it was about time she did. Her narrative on her social identity revealed a great deal regarding why she was a consistent offender:

My mother have nine a wi eno. Mi stop go a school from mi a eleven cause mi did have to go town go sell wid my madda. Inna di ghetto, whe yuh a go school fah? School is for rich people who can afford not to have the free hand to help. My madda needed, all hands to help out. My sister did older dan mi and her father use to support her. She had a different father and him use to tek care of her so she went to High School. She all get couple subject. But she caan do nuttin wid it. She nuh have no

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contacts uptown so she caan get any job up there. She have to tek a cashier wuk inna a supermarket wid her subject dem. I was carrying home more from selling a town dan she. Dats why she inna Morton Hall now to – she realise she she caan join dem so come back come join we.<sup>71</sup>

Singh (2008) alludes to this endemic poverty in the English-speaking Caribbean spurring the proliferation of drug trafficking. Singh states:

The English speaking Caribbean is plagued by structural poverty, which affects some 12-40 percent of the population, with the highest percentages in Jamaica, Guyana, St Lucia and St Vincent & the Grenadines. [...] These high rates of poverty and unemployment have led to increased consumption and trafficking of illegal drugs, which provide a source of claimed 'comfort' for users (rich or poor), and seasonal income for many poor and marginalized in both urban and rural communities. (Singh 2008:101)

Jacqueline was very forceful when she spoke of 'us' and 'dem.' She perceived this class barrier that separated her from the middle class, prevented her from having a good education, a good job and a prospect for a future. Furthermore, what becomes clear is that when a woman who is from a certain class offends, it is in stark contrast to the support base she may have and, therefore, her offence is intersected by a variety of social factors; she is a woman who is expected to assume a matrifocal role, she lacks formal education, and she is from an inner-city community. Her social identity is formed through these issues and this reality of rigid class structures.

What was very revealing is the extent to which class and colour featured in many of the predominantly black countries that the women came from. We have already heard from Femi who was ostracised and humiliated by her community because she was light-skinned and had an absent white father. These class and colour structures are not recent factors that influence the social identity of the citizenry. These are remnants of a divide-and-rule structure of slavery (Reddock 1985; Agozino 1997). These class barriers have not been broken down, and so the most vulnerable persons

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<sup>71</sup> My mother has nine children. I stopped going to school when I was eleven because I had to go downtown to sell with my mother. If you live in the ghetto, why go to school? School is for the rich because they do not need the extra help that a child can provide. My mother needed all of us to help. I have an elder sister whose father supported her. She had a different father and he sent her to high school. She passed a few subjects but she could not find any jobs. So she started a job as a cashier at a supermarket. I was getting better money than her and I was just selling downtown. So she is now in Morton Hall prison. She soon realised that she could not join them [the upper class], so she came back home and joined us.

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of those societies are the ones who do not have the means to access the scarce opportunities available in those societies.

In the literature review, I discussed how Carlen (1998) and Devlin (1998) stress the type of women who were being imprisoned. The accounts from these women seem to indicate that the most vulnerable members of global societies were being punished across borders. Most of the women we imprison are victims themselves. Many foreign national women are not individuals with a violent history. For many, it is their first brush with the law. Most are mothers. Of the sixty women I interviewed in prisons, fifty-one had children. It became evident throughout the interviews that many women acknowledged the class barriers within their societies and they felt that such class structures were hindering their upward mobility. The women seem to think that when they took opportunities like drug trafficking, they were trying to *prevent* their children from going through a similar fate of rejection and fighting against the system.

Consider the narrative from Sharon, a Trinidadian serving four years for trafficking cocaine:

In Trinidad, you know, we act like all is well, but we know it ain't. You know we have lots of Indians in Trinidad, well the two hardly mix yuh nuh. They have their own caste systems, but if you black they treat you worse than they treat their low caste. My chil'ren's father – he Indian. My chil'ren mixed-up. I had to do for them. I know they going meet it. They going to meet it. His family don't want to know my chil'ren. They don't help us. So I had a help my kids!<sup>72</sup>

There were many more conversations with BFNWOM prisoners which served as testimony to the fact that women from low income and lower class backgrounds are more likely to have more prolonged encounters with the criminal justice system. These issues push women outside of their conventional roles and very often see them trying to fight against their marginalised status in their own way. In so doing, many get caught in the vicious circle of crime. When they become prisoners in foreign countries, they see themselves not merely as criminals, but as being doubly

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<sup>72</sup> In Trinidad, we pretend all is well. but we know it is not. We have a lot of Indians in Trinidad and the two [blacks and Indians] hardly mix. They [Indians] have their own caste systems, but if you are black they treat you worse than they treat their lowest caste. My children's father is an Indian, so my children are bi-racial. I had to help them because I know they are going to have a lot of difficulties. His [the children's father] family does not want to know my children and they don't help us. So, I have to help my children!

jeopardised by a system that is intent on keeping them from materialistic gains it reserves for itself (Agozino 1997, 2000). The narrative below by Abeni, a twenty-six-year-old Ghanian on remand for false documents gives voice to this point better than I ever could explain:

Here in the UK, the British women come in to prison all the time. They have so much help here in England. Then they look at us like we are the scum of the earth. When they wear our shoes they can talk. If I had a quarter of the help I see Social Services give to some of the women in here, I would not be here. But in my country, where you are born is very likely where and how you will die. I am just trying to help myself.

### **Economic Marginalisation**

Let me now refer to some interesting statistics about my interviewees. Of the sixty BFNWOM I interviewed in English prisons, 35 percent (N = 21) of the women in my sample were living on land which was not theirs. In effect these women were squatting on land on which they had built makeshift homes on a long term basis; 25 percent (N = 41) of the women in this sample said their employment in their own country consisted of selling on the roadside. None of them had permits to do this. 81 percent (N = 48) had no fixed regular income. Of the fifty-one women who had children, 84 percent (N = 42) said they did not receive regular support for their children from the fathers.

Economic marginalisation seems to be the common thread running through the narratives of most of the convicted BFNWOM. It was not the sole reason, however. There were also women who were convicted of drug trafficking, possession with intent to supply, and false documents, who were not in grave economic need. They admitted committing such crimes because it was a short-term way to get money to gratify a specific frivolous need; it was not done out of dire want. Of the sixty women in my sample, seven admitted that they were not in any particularly difficult economic need. Klein (2009) found that there was a belief by some officials in Nigeria that it was just greed and laziness that caused women to become drug couriers. However, as Heaven (2008, 2000, 1996) has consistently emphasised, the overwhelming number of foreign national women prisoners in the UK are from extremely impoverished circumstances. A significant percentage (88 percent, N = 53)

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of this research sample cited economic need as the reason for venturing into illegal activities.

When asked if they knew that what they were doing was illegal and could have led to a prison sentence, all the women who admitted to knowingly committing a crime said that they knew it was illegal but did not understand the extent to which the crime would be punished in the UK, especially since many women admitted to doing illegal things on a structural basis, in order to survive in their daily lives. As I interviewed more women it became clear that their survival routinely required that they employ means that consistently defied the laws of their land. Although they did not perceive most of the things they did as criminal, they were in fact breaking the law. Most of these women viewed offences like squatting, illegal vending and falsifying information for monetary gain as a normal part of life. These were not seen as crimes, but as ways to get around the system.

Thirty-two-year-old Suzie, a Jamaican with three children and serving four years in prison, said:

If mi never know how fi handle miself, mi pickney dem would dead already. Di likkle land whe mi capture<sup>73</sup> dem come in a she dem a mash it dung. So wi had to move and capture another piece of land. Mi wanted to go on a programme abroad but they say I was too old for it, so mi had to do a bit of *roadside thing*<sup>74</sup> to get the money to change mi age and get a new passport. One of my babyfadda heard that I going away and him dash whe the new passport that mi went a street for! So what next? This cocaine ting come up, I do it. I in need, mi children want eat, I need money, so mi swallow.<sup>75</sup>

This response presented an interesting perspective into the attitudes toward criminality that inform the social identity of the BFNWOM prisoner (Gray 2004). Even in this response we identify that while the respondent feels she is struggling to maintain her matrifocal home, her attempts to provide are deliberately thwarted by her male partner, not because he thinks it is illegal but because he thinks she is

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<sup>73</sup> Land that is being squatted on.

<sup>74</sup> Prostitution.

<sup>75</sup> If I did not know how to take care of myself, my children would be dead already. The land that we squat on, the authorities removed us from it. So we had to relocate and squat on another piece of land. I wanted to go on a programme abroad but they said I was too old for it, so I had to do a bit of prostitution to get some money to fraudulently alter my age and obtain a passport. One of my children's father heard that I was going away and he threw away the new passport that I prostituted to pay for. So what is next? This cocaine opportunity came up and I did it. I was in need, my children wanted to eat. I needed money, so I swallowed the cocaine.

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seeking upward social mobility away from him (Stuart 1996). Is it beneficial to imprison such persons, or is it much better to invest in programmes that try to influence their socio-cultural perspectives through other means? It is definitely a losing battle to fight against such deeply embedded cultural attitudes that are not even of the same cultural background as that of the state which is serving out the punishments. One self-proclaimed socially aware Rastafarian inmate from a Caribbean country said the following in a focus group discussion on why women commit crimes such as trafficking drugs:

The fowls have come home to roost. Slavery turned our men from kings who looked after their families to men who leave their families. That is what we dealing with. So us women, we being fathers and we being mothers. So what is happening in the UK now with so much of us foreign women in here, is the fowls coming home. We need to eat, our children need to live, there are lots of ways to travel these days, it is colonisation coming home to roost.

The above commentary seemingly corroborates Gray's (2004) theory that the lumpenproletariat do and will continue to engage in criminal activities as a means of empowerment. Johnson (2005) points out that the cultural attitudes towards incivility encourage deviance, and that therefore when economic hardships are experienced the cultural tendency is to look for ways to circumvent those economic challenges, and these are usually ways that defy the laws, and may even involve protest via uncivil demonstrations when means of survival such as illegal trading are punished and stopped by authorities. Rebellion against official authority is endemic in impoverished communities in the Caribbean and in Africa.

In the Rex Nettleford interview referred to earlier (Scott 2006), Nettleford recalls the first time the census was being conducted when he was a child:

I remember the census-takers coming into the yard in Barnett Street and people hiding. It's only later on I discovered why; because they felt that this was getting details about you which may mean you'd be taxed. (Scott 2006:111)

It is historically rooted in the social identity of the poor black person to avoid the bureaucracy of some legal structures. We have seen it in the life of the thirty-two-year-old Jamaican, Suzie, whose life consisted of going from one illegal hustle to the next. She was illegally squatting and pursued prostitution to secure the funds to

purchase an illegal passport. When that venture failed because of the insecurities of the father of her child, she turned to trafficking by swallowing drugs. Unfortunately, in inner-city communities, crime and illegal acts are often seen as the only ways to survive economic marginalization.

### **The Suppressed Voice of the Marginalised Woman**

With one exception, every woman I interviewed, even the few who admitted that they were not in grave economic need, stated that they had committed the crime to assist them to 'get ahead' or to 'get somewhere in life' or to 'get a start out'. Only one woman I interviewed felt that she did not commit the crime because of her desire to improve her life. She got involved in drug trafficking and money laundering because her partner was involved. This woman is a thirty-two-year-old Jamaican with two children, who had completed a first degree and was about to complete her law degree when she was arrested and subsequently convicted. She had been given opportunities to get a good education, even though she was from an inner-city garrison.<sup>76</sup> When she came to England, it was to get away from the situation of despondency in which she found herself and her two children. Even though she was educated to a certain level, her socialisation in the ghettos of Jamaica constantly saw her battling to stay on the right side of the law. Her place of dwelling in the ghetto meant that intimate relationships would be decided along class lines, as no middle or upper class man would seriously pursue a long-term relationship with her. She was more than once

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<sup>76</sup> After independence in 1962, Kingston became the site of intense rivalry between supporters of the Jamaica Labour Party (JLP) and the People's National Party (PNP). Downtown Kingston was, and still is, divided by party loyalists who lived in and controlled political enclaves or so-called 'garrisons'. A typical garrison has 'turf borders' where a member of a rival garrison (usually with differing political loyalties) cannot venture (see National Committee on Political Tribalism 1997). Entry is controlled by the so-called 'top-ranking don' who maintains close links with the member of parliament, gets access to government contracts and controls the illegal guns and ammunition within the garrison. Jamaica's post-independence history is therefore intertwined with the gangs that the two main parties helped to organise and arm in Kingston's poorest neighbourhoods in the 1970s. Both the JLP and the PNP have enlisted gangs to intimidate voters and have divided Kingston into political turfs. Garrisons were therefore nurtured and nourished by politicians as strategic initiatives to secure or retain power. Johnson and Soeters (2008:172) state that within the garrison 'criminality jelled with politics as thugs became political enforcers and contractors and effectively defined post-independence political organisation of the urban community'. After the bloody 1980s political elections in Jamaica these groups began to focus on building their wealth independent of politicians and saw a more lucrative line of work – cocaine: they used their armed influence to make the drug trade economically profitable for them. This move allowed drug gangs to gain much disposable income and to concretise their positions in the impoverished ghettos. More significantly, they now depend less on political spoils because they now have far more power within the community than the politicians themselves and control the proliferation of drug trafficking and violence – and often now dictate community operational terms to politicians (Holland and Moser 1997). For further discussion on garrisons, see Johnson (2010).

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rejected by the family of a man who she had had a relationship with, because of her social background. So her relationships were formed within the context of the criminal environs in which she lived. Her partner was involved in drug trafficking. She makes no excuses for her actions: she simply acknowledges that bad choices and a criminal partner led to her present position of incarceration. She maintains that even though she was educated, she was from the ghetto and, therefore, could not do what the 'uptowners' did to 'make it in life'. Her comment on the issue was very enlightening:

I realize that my education did not guarantee me a good life. That was a myth. I always believed that myth as I child from the ghetto doing well in school. My teachers always made me know that I was *privileged* to be attending such a school! They treated me very different than how they treated the other children. Many times I never said anything because if I wanted to comment in class, my hands would be up for days and they don't ask me to comment! So eventually I made my own way. I became an educated hustler. And I was doing very well at it too! My children don't know sufferation because I suffer to make sure they don't have to think they are ghetto children. When you don't have a name in Jamaica, you hardly have a voice. When I started using my head and make money, that gave me a voice and I have secrets now for many of them with the so-called big and high society names in Jamaica! When I go home dem haffi sort mi out!<sup>77</sup>

Gilfus (1992) studied the ways in which women's backgrounds defined their adulthood existence. Gilfus collated the life histories of twenty women who were imprisoned in a US jail. She concluded from their life histories that their backgrounds of petty crime, fraud, drugs and prostitution were integral to their adult perceptions of crime and their involvement in it. Gilfus's findings are corroborated by the present study, as are the arguments advanced by Gray (2003, 2004) and Johnson (2005).

What was interesting about the interview with the respondent referred to above was that she made an active decision to participate in criminality, partly to rebel

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<sup>77</sup> The final sentence translates as: 'When I get back home, they [the rich high society persons I have secrets for] will have to ensure that I am okay financially.' In January 2010, I visited Jamaica to consult on a resettlement project in collaboration with the UNDP called 'Supporting Jamaican Deported Migrants and their Families', which is being implemented by Hibiscus Jamaica and the University of the West Indies. I went to a popular beauty centre and saw the same respondent who came and identified herself to me. I asked her how she was doing and she pointed to a 4x4 vehicle outside and said 'I am criss and the children okay! Did I not tell you that they are going to have to help me when I come back?' Unfortunately, most deported women do not have the same story to tell, as will become evident in Chapter 5 of the thesis.

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against a system she thought rejected her because of her lower-class status. She made special note of teachers who always commented that she was 'privileged' to be attending such a school. It became increasingly clear throughout the interviews that some women had resolved to use criminality such as prostitution, drug trafficking and embezzlement of funds specifically as a weapon of protest in their own struggle against societal oppression, male domination and class structures. Gray (2004) discusses such behaviour, in which demeaned individuals from low social classes sometimes use criminality for empowerment and upward social mobility.

Some of the most revealing narratives, which introspected on the suppressed voices of women, came from the African women in my sample. Their social identity was tied to trying to be a good woman in their societies, and this usually meant keeping themselves firmly placed within the home, even in the face of intense abuse. Both Caribbean women and African women spoke of consistent and severe physical abuse from their partners. After conducting my first six interviews and realising that physical abuse from partners was a recurrent theme emanating from the women's stories, I subsequently added this query to my questions, and of the sixty imprisoned women I interviewed, as many as forty-eight said that they experienced frequent physical abuse in their intimate relationships. Considering that thirteen of the women I interviewed were in visiting relationships, the accounts of physical abuse assume even more significance. It therefore demonstrates that even when the male partner is not permanently living in that particular family home, the social identity of these women is influenced profoundly by the effects of emotional and physical abuse from their male partners, who seek to enforce their hegemony through it.

I recall the account of one of my respondents noted earlier, the divorced Nigerian Femi. Femi was an accomplished business woman, married, and well respected by her community. She remarked that it was her ability to generate income for the family and get the respect of the community that was the main cause of her husband's abuse towards her. He resented the fact that she could not simply operate the business, without drawing so much attention to herself. Femi discloses that he was so angry with her progress and development, that every time he hit her he would say

Why do you want to embarrass me? Do you see any other women doing that to their husbands? Have you not learned how to be a wife?

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When she gathered the courage to divorce her husband, she was ostracized by the very community that once praised her good work and her abilities. It was not considered acceptable to leave your husband. It is culturally accepted that a good African woman stays with her husband. She found no support when she decided to leave: all her funds were taken by her husband without leaving any possibility for her to retrieve them: hence, if she wanted to *maintain* any dignity, she would have to leave the community.

I interviewed one black woman from France. She is African-French and lives in a deprived area of France. Her accounts of life in inner-city France, and of the abuse she suffered, did not in any way differ from the accounts of economic hardship and physical abuse suffered by African and Caribbean women. Twenty-six-year-old Akweli was born in France to parents from the Ivory Coast and Benin. She grew up in a depressed, black-populated area in France. When asked if she had experienced physical abuse in her relationship, she went silent. I asked if she wanted to avoid that question and she said yes. We continued the interview and we were discussing how she became involved in crime, when she said: 'My boyfriend is involved in drugs. He owed some money and they wanted it back. He did not have it so they told him to find a way to get the money or they would kill him. He forced me to do it.'

When I asked her how he forced her into it, she gave an astonishing reply:

He basically said that he was going to leave me if I did not do it because I did not love him since I knew he was in trouble and did not want to help. We got into an argument and he really beat me up badly. I have scars on my back from that beating. He said he would make sure that if anything happened to him, I would lose the baby forever, because I was an unfit mother if I did not want to help him. He said everybody would think I was wicked if I could help and did not. I knew that he was not lying. In my community, they would think I let him die and did nothing to help. I would not be a good woman if I was not the ride-or-die girlfriend.

The recurrent theme that the voice, concerns and needs of the black female prisoner are unheard and suppressed in their own communities, speaks volumes about the social environment of their communities. It again illuminates the context in which these women offend. They have to abide by their loyalty to their partners by being the 'ride-or-die chick' – in other words, a woman who is willing to stick by her partner and to take the fall for him when necessary. A discussion of these nuances is

pertinent, as it helps to show that the current policies of harsh sentencing do not by themselves dissuade women from committing these crimes. One thing is certain: women mostly approach criminality while thinking of their present marginalised situations. The context and the consequences of crime in an overseas state such as the UK do not feature in their everyday social reality. The logic propelling them to commit the crime is concerned solely with their domestic socio-economic position.

### **Poor Governance**

The Governance Working Group of the International Institute for Administrative Sciences (IIAS 2006) offered the following definition of governance, which is also adopted by the British Council:

- Governance refers to the process whereby elements in society wield power and authority, and influence and enact policies and decisions concerning public life, and economic and social development.
- Governance is a broader notion than government, whose principal elements include the constitution, legislature, executive and judiciary. Governance involves interaction between these formal institutions and those of civil society.
- Governance has no automatic normative connotation. However, typical criteria for assessing governance in a particular context might include the degree of legitimacy, representativeness, popular accountability and efficiency with which public affairs are conducted.

The above definition was chosen as the working definition of governance for this research as it outlines the areas many of the narratives of the women focused on. Many narratives from the women in this research indicated the failure of their countries to enact policies for the social and economic development of the citizenry. The narratives also pointed to the inability of governments in their home countries to operate with accountability and efficiency. Many women cited a lack of belief that their government had anything to do with them and could be of any value to them. Through these grounded narratives, 'poor governance' emerged as an important theme in the factors that shaped the social identity and perspectives of BFNWOM prisoners who participated in this research.

When asked if she had ever been visited by any of her country's authorities, Aramide, a thirty-nine-year-old Nigerian who is serving six years for possessing cocaine with intent to supply, said:

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Eh? Are you crazy? I don't even want them to know that I am here! Christ. You must be mad! First thing, they say that if you been arrested abroad for drugs when you go back to Nigeria, you will serve mandatory five years when you are deported. If they meant any good by that, you can say they are trying with the law. But nobody in Nigeria tries to uphold the law! When I get deported, if they know it was drugs, if my family don't have the money to pay the immigration officer, that is the only reason I will go to jail for the five years. It's just the money because they are all corrupt. My family don't have any money to give those crooks. So I don't want to see any Nigerian government people when I am in here!

It is usually difficult to quantify poor governance, but the social and economic progress of a country and the confidence of the citizens in the agents of governance are usually a good indicator of the legitimacy of governance in a particular country (Gray 2004). As Aramide's testimony shows, poor governance is usually manifested in corruption, ineffective agents of the state and an absence of the rule of law.

Sheila, a thirty-one-year-old Trinidadian sentenced to four years for drug trafficking, says:

Trinidad is very corrupt. Don't you see even our leaders in and out of court for all kinds of fraud? They are crooked. They won't help me. They know who I bring this for. I got no names for anyone on this side when I brought the drugs, but I certainly know whose business it is. And it's for someone way up there! When I go home now, if I go and ask them for help, they are either going to arrange to kill me and my family or they are going give me some money to keep my mouth shut. But I don't know which route they going take, so when I come out, I don't take no chance with them. I will keep my mouth shut.

None of the women had any hope for better governance in their home countries. It was clear that they felt there were no social systems in place to facilitate their upward mobility, and thus they had to seek out ways that were often illegal. However, many expressed the view that their state and their governments were hypocritical in protecting the rich citizens who were directing the illegal activities. These people were never caught, since they used vulnerable individuals from poor communities to carry out the illegal activities. Many such stories came from Jamaican female prisoners, who gave startling narratives about how persons with good contacts with the political authorities in Jamaica were directly involved in the drug trade and used the women as 'mules'.

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Thirty-one-year-old Jackie from Jamaica is serving a four-year sentence for drug trafficking. Jackie broke down in tears during our interview. She recalled how her boyfriend was killed in front of her and how she had to move away from the community. She could not give the police any information because she knew that two of the persons involved in the drug ring that ordered her boyfriend to be killed were policemen. They killed her boyfriend because of a feud between the two major political parties in two different garrison communities. Jacqueline had this to say about her harrowing experience:

One police boy come find me. Him tell mi that since I saw the killing so I know that if I open my mouth my entire family is dead. He was sent by a big businessman who is also big into politics. Him tell mi seh him cannot guarantee that I won't be killed, and I better go away. That's how they offered me the money to go away to England but dem gi mi the drugs to swallow. All I was swallowing and telling them I can't do no more, the police one have a gun on me. And they warn me off, that if I get ketch and call any name, everybody dead. I don't know what to do. They going to deport me, and where I going to go? Back to Jamaica so they can kill me off? It mek no sense I go there, might as well I poison miself in here. I see and know how politics and gunman work in Jamaica. I am a dead woman walking. Mi apply fi asylum, I hear dem talking bout Jamaicans nuh need asylum, but if mi have fi go back mi not going alive.<sup>78</sup>

While there are other emergent themes in this disturbing narrative, I have used the sub-category of poor governance to illuminate the point of how such corrupt actions by state-sanctioned entities push poor women into criminality and concretise a perspective of distrust, greed and illegality among the poor and dispossessed. Bounty Killer, the self-styled 'poor people governor' of modern-day dancehall music in Jamaica, expressed the poor's frustration with poor governance and how it pushes

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<sup>78</sup> A policeman came to see me. He told me that since I saw the killing, if I opened my mouth, my entire family would be dead. He was sent by a big businessman who is also very prominent in politics. He said he could not guarantee that I would not be killed and that I should go away. That is how they offered me money to go away to England and gave me the drugs to swallow. Even when I told them I could not swallow anymore, the policeman held his gun on me. They warned me that if I was apprehended and called any names, all the family would be dead. I don't know what to do because I will be deported and where am I going to go? Back to Jamaica so that they can kill me? It makes no sense for me to go back there. I may as well poison myself here. I know how politics and gunmen work in Jamaica. I am a dead woman walking. I applied for asylum. I hear they are saying that Jamaicans do not need to get asylum [in the UK], but if they decide to send me back to Jamaica, I will not go alive.

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them to crime in his song 'Fed Up', which hovered at number one on the local music charts for over two months:<sup>79</sup>

Poor people fed up  
To how yuh system sheg up  
You issue guns fi wi pickney buss  
Mi ask the leader  
Him a di arranger  
Fi mek poor people surround by danger  
Fly an the roach an giant mosquita  
Sewage water whey fill wid pure bacteria [...]  
Long time the MP him nuh come near yah  
And di nedda one whe seh him a counsellor.<sup>80</sup>

Jackie had a fourteen-year-old daughter. She has heard that soon after she left, her daughter was sent to the United States on a false passport by one of the politically aligned gunmen in the community. No one has heard anything from the daughter since she left and no one dares ask any questions.

These narratives give a voice to the social pluralism that exists within black societies and reveals that even though such pluralities exist within one sovereign umbrella, the plural units are not compatible and they compete against each other for survival. The pluralism discourse in black societies was first advanced by Caribbean scholar M. G. Smith (1965). By 'pluralism' he meant the division of society into socially and politically meaningful racial, ethnic, linguistic, religious and cultural units. These units are most socially and politically meaningful when they form corporate units with explicitly recognized membership, offices, cultures and internal and external relations. They thus organize and impact upon the behaviour of their members. According to Smith, as society becomes divided into such corporate units and the distribution of power, prestige, and wealth depends on the unit to which one belongs, the likelihood of collective violence increases.

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<sup>79</sup> See lyrics at <http://lyrics.filestube.com/song/b98ea26346032c1c03e9,Fed-Up.html>. Listen at <http://www.youtube.com/watch?v=1v779JbgSPA&feature=related>.

<sup>80</sup> Poor people fed up. / Because the system is messed up. / You issued guns for our children to get killed. / I ask the leader / Because he is the arranger / Why poor people is surrounded by danger, / Flies, roaches and giant mosquitoes. / Sewage water filled with bacteria, / We have not seen the Member of Parliament in a long time, / Neither the Councillor.

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Smith (1965) contended that, in black societies, the two plural cultural forces which were entrenched were the European super-ordinate and the African subordinate. The overriding issue was whether the two were just culturally at odds or whether the conflict between the two was as a result of political and economic consequences. In the case of Africa and the Caribbean, the subordinate class has always been at odds with the governance of the super-ordinate class, before and after emancipation. No subsequent government since emancipation, particularly in the West Indies, has ever been accepted as being of the pro-subordinate class. The 1970s saw the former Prime Minister of Jamaica, Michael Manley, gaining the trust of the populace with a socialist mandate; however, he quickly lost that trust when the working class saw no improvement in their socio-economic status. Politics has never been able to convince the black proletariat to trust the political agenda. And, as Smith points out, the subordinate group sees 'government' not only as the political and legal agencies of the state but also all 'culture-forming, career-determining institutions and authorities'. For instance, the police are seen as 'government' (Harriott 2000) and society is viewed as 'Babylon'. The inability of such agents to engage the plural subordinate has resulted in that group's rejection of the governance that is actually offered, and they have taken to a ruthless method of self-rule, often engaging in criminality for self-actualisation. In the case of the police, in Jamaica at least, there is a definite rejection of this form of state authority and this rejection is very visible in cultural art forms from the working class. Figures 9 and 10, below, show the rejection of the police in two very vociferous graffiti expressions in two different Jamaican inner-city communities. The first illustration denounces the police and asks for the burning of the police station, and the second declares that anyone who is an informer to the police should be killed.

FIGURE 9. 'Police Station Fi Burn'<sup>81</sup> Graffiti in Kingston's Inner City



<sup>81</sup> The police station must burn.

FIGURE 10. 'Informer Fi Dead'<sup>82</sup> Graffiti in Kingston's Inner City

The narratives therefore call into question the Marxist discourse which asserts that the socially disenfranchised will eventually seek out ways to empower themselves and will pose a threat to the established bourgeois. The Marxist ideology proposed by theoreticians such as C. L. R. James suggests that there is an anti-bourgeois sentiment in black culture. In fact, James argues that in US society there is a 'hatred of bourgeois society' and 'the readiness to destroy it when the opportunity presents itself' (James 1992; see also Fanon 1965). The theoretical implications of James's analysis for this research is that black foreign nationals in English prisons are representative of that 'readiness to destroy'. While there was a definite thread in the narratives of the black female foreign prisoners that spoke of being oppressed by governments and the establishment, the resulting data was not steeped in a desire to conquer or destroy the oppressor, but was characterised by the desire to self-actualise or to 'become somebody' (Scott 2006). The possibility of a sub-conscious desire to overthrow cannot be ruled out, but the results of this research cannot support such an argument with any verifiable empirical data. Comments from women such as 'I just want the best for my children', and 'I can't get any jobs and any help so I had to help myself' suggest that the motives for criminality were not a revolutionary movement against a government or agents of governance but rather a revolutionary movement towards self-fulfilment. The women were all still fiercely nationalistic: however, they

<sup>82</sup> Informers [to the police] must die.

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rejected authority which they believe has merely shifted into a model of oppression with roots in the colonial past, rather than fashioning a more humanistic approach towards engaging the black plurality.

As one Jamaican prisoner commented when asked if she had received any support from her government since being in prison:

Mi nuh tell dem nuttin – dem nah do nuttin fi wi out deh – a yah so dem ago come do it? A so much a wi in yah – dem shoulda really have somebody come look pon wi yuh nuh – but everything a Jamaica a politics yuh know – and dem just glad she wi a nuh fi dem problem. And to be honest mi much rather be a problem to dem yah so dan inna prison out deh!<sup>83</sup>

The high number of foreign national women in prisons across the UK bears testament to the arguments that globalisation has presented many opportunities for transborder crime, as criminals use states with weak institutional structures to capitalise on the drug market (Storti and Grauwe 2009). Just as globalisation advocates free trade and the removal of preferential treatments to enhance economic prosperity, individuals will be seeking out that platform for improvement wherever they can find it, if pathways for self-actualisation are not open within their own countries (Seddon 2008; Klein 2004). The focus, therefore, should not be on longer prison sentences and more prisons, but rather on ways to encourage systems that foster a positive and healthier social identity among black foreign nationals. In the same manner, the black British nationals who commit identical crimes are not exempt from these recommendations, because in many ways these nationals are an excluded group within English society. However, the scope of this research does not allow discussion on this.

### Summary

This chapter sought to explore the social and historical context from which the BFNWOM offender approaches criminality. The aim of this thesis is to amplify the voice of the BFNWOM, so the perspective of the woman constitutes the starting point for analysis. It was therefore essential that we should delve into the experiences of BFNWOM in order to learn from them themselves what makes them who they are.

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<sup>83</sup> I am not telling them anything. If they do nothing for us in Jamaica, will they do it here? There are a lot of us in here. they really should support us in some way, but as you know, everything in Jamaica is political. They are just glad that we are not their problem now. And to be honest, I'd much rather be a problem here than in a prison out there.

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The narratives in this chapters addressed the 'who am I?' question, and provided engaging narratives from which to construct knowledge.

The women's stories reflected lives as struggling breadwinners and leaders in their families who accepted this role and wanted to be acknowledged for it. As such, their stories corroborated findings by Stuart (1996) that Caribbean women took pride in their role as matriarchs. Their entry into 'the criminal justice system' was a shock to them, because while the offence for which they were convicted was in most cases their first attempt at trafficking drugs, they were used to transgressing the law in their countries of origin, doing petty crime to survive.

It was established that the BFNWOM prisoners committed their crimes predominantly from a position of economic and social marginalisation in their homelands. Their lives were rooted in the vast informal economy in their countries where they were usually unemployed, underpaid if employed, and kept off the taxation books, and the methods of self-employment were usually illegal activities such as street trading of basic commodities, or in some cases prostitution. These unfavourable conditions give women the perspective that they can take a risk (Klein 2009) at crime in order to alleviate immediate needs. The reasoning of the BFNWOM further indicates that there was no trust and belief in governmental capacity and willingness to alleviate their social and/or economic woes (Johnson 2005; Gray 2004). Stories of poor and corrupt governance articulate the place of perpetual poverty that many of BFNWOM stated they faced in their own countries because of lack of opportunities. There was the prevailing view that governance structures and agents operated in a way that shut them out from upward social and economic mobility: thus they simply took matters into their own hands, and engaged in transborder crime as a means to empowerment (Klein 2009).

## CHAPTER FOUR: EXPERIENCES WITHIN PRISON

My purpose in this chapter is to examine the experience of prison and justice by black foreign national women in English prisons. The daily experience of BFNWOM in prison must be illuminated in order to gain insights into how the variables of race, nationality and gender affect the experience of incarceration and justice. By setting out their real, long and riveting narratives I hope to reveal the wider meanings of those 'moments in prison' and the perceptions of justice shared by BFNWOM.

Most of these women are very poor, working mostly as household labourers and street vendors or eking out a meagre living under very difficult financial and social circumstances. Insights into their experience of prison and justice do not only serve to inform the specific institution in which they are imprisoned, they also provide a background for the development of informed policies. This discussion of the women's experience is the outcome of interactions with the women themselves, with prison staff, and with other inmates. The chapter will attempt to probe how the women internalized and adjusted to the prison environment outside of their regular roles as caregivers and family heads.

In Morton Hall, women are out of their cells at about 6 a.m. There is a roll-check and they have breakfast. They spend most of their day doing work or participating in educational/vocational programmes. Women who work in the kitchen or who are cleaners have to wake up at 5 a.m. to discharge these tasks efficiently. Inmates are free to move around through most parts of the institution with the exception of certain office areas. The prison is modern, with lots of open space, but the presence of keys, chains and locks serves as a reminder of its restrictiveness. Vocational programmes such as hairdressing and sewing are designated as 'workshops' and soon after their roll call and breakfasts the women proceed to their various workshops or jobs for the day. In this prison, as in most, women wake up thinking it is one more day down.

The daily lives of the BFNWOM prisoners revolve around the following issues:

- Coping with the sentence,
- Resistance,
- Resistance and sexuality,
- Discrimination and racism,
- The guilt and shame of missed motherhood,

- Alienation and expectations.

### **Coping with the Sentence: Experiencing Issues of Identity**

The recognition that one will have to do prison time is usually difficult for everyone convicted and sentenced. I found that inmates had varying ways in which they coped with their sentences. Some of the strategies cited were: keeping to themselves, writing to family members frequently, seeking religious counsel and going to church, and turning to other professionals and prison psychologists.

Some women suggested that they would rather keep to themselves and not socialize much, in order to keep out of trouble (Wahidin 2006). Many women initially find the cultural divides in prison overwhelming, so they keep to themselves for fear of breaking rules or offending someone simply through lack of understanding. Twenty-five-year-old Shawna describes her first six months in prison like this:

When I came in first in was in shock and I just could not speak to anyone. It seems the prison officers knew that many women are like this when they first arrived so they kept telling me to come out more and speak to the women. After a while I did this and just the sheer cut-throat of it all how some women would bully you especially if you are new and they sense that you are scared, I just stayed more to myself. One woman asked to pass her something in the kitchen and I did not understand her accent as she had a deep English accent and because I did not understand, she got angry and said I was making fun of her and asked me who do I think I am. If two other black girls were not there at the time to stand up for me, I think she and the other women would have beaten me up that day. So I just stay to myself most of the time and read.

Many women also found that religion offered them the courage and comfort to cope with their sentence (Klein 2008, 2009). The dictates of religion, focusing on redemption of the soul and forgiveness of sins, served to remind them that they are not as doomed as their sentences might suggest. Forty-two-year-old Aramide puts it as follows:

They sentenced me to six years. I was wrong but I was only trying to help myself and my children. Six years is hard. But when I go to church I hear that I am forgiven if my heart has forgiven myself. So in that sense I know that I am not a bad person. I did bad thing [drug couriering cocaine] but that does not make me evil.

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All prisons have places of worship for women of different faiths and will allow time for religious worship. Many women commented that they were grateful to be able to worship and commented that the time enabled them to take their minds off their predicament, if only for a while. It also allowed them time outside of their cell. Klein (2009) found that church was a very important time for women to exercise their agency, stating that

much attention is paid to dress and appearance. Prisoners can discard their uniforms when attending the multi faith centre. The Pentecostal services on weekends therefore turn into tournaments of sartorial competition where women strive to outdo each other. While prison officers look on with wry bewilderment, this seemingly fatuous fashion competition has serious overtones. For in the prison wealth and status back home is determined by appearance. (Klein 2009:392)

There are some BFNWOM who seek psychological help or emotional assistance from prison staff such as psychologists and chaplains to help them to cope with their sentence. However, I found that many women opted to receive such assistance from services such as Women in Prison, FPWP Hibiscus, and Prisoners Abroad, agencies that had been co-opted into the prison, rather than using the established channels within the prison system, since many considered these services to be prison officialdom which should not be trusted. As Doret from Trinidad told me:

I will never tell them anything again. I got a letter from my husband saying that he was moving on with his life and another woman was pregnant for him and I was depressed. I am still depressed. I told no one else but two prison officers who saw me crying. Yet, one week later I got in a little stupid squabble with another women and all my business came right back in my face. My question is – how did these women know and they are prisoners like myself? You have no idea what goes on in here. I just found out one of the officers sleeping with the one who was arguing with me. But I did not tell him, so I guess the whole prison knows my business now. I just want to do my time and go home to my children. I will die if another woman raise my kids.

Many BFNWOM commented that the prison system lacked a cultural understanding of their needs, which dissuaded them from seeking emotional help through the services directly available within the prison. The following comment is very instructive:

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*My experience here is loneliness and fear. There is little understanding about what is needed for us as foreign women who come from poor countries. For example when you have certain classes and if there are other women there like Jamaicans or Africans, we may speak in our own tongue [dialect] in private conversation to each other. It's not something you think about, it is just natural. Some officers will tell you to speak English because they cannot understand what you are saying. Some will even try to book you. So I prefer to go to Hibiscus for help. I don't trust the prison people at all to help with my fear or when the emotional stress becomes too much.*

Most programmes are tailored according to the norms and values of the country where the foreign national prisoners serve their sentence. As such, the emotional support provided for prisoners in English prisons for the most part caters to the needs of the British person, who alone will be able to benefit from state-provided programmes to support their rehabilitation. Most professionals within the English prison system are not sensitized and trained to the particular needs and cultural nuances of the BFNWOM (as outlined in Chapter 3, on social identity). It is for this reason that many BFNWOM stated that they preferred to approach co-opted services such as FPWP Hibiscus or Prisoners Abroad to find emotional support and coping strategies. One particular interview highlighted the prison experience of the loss of identity, and the resettlement problems this can cause for the foreign national:

*After a while, with all these things that are foreign to you, and you have to do things your culture does not usually do, you lose your identity. I understand that I have to integrate into the prison system. But, if I was going to be released in the UK, that may be good for me. Listen, it scares me when I think that this identity that is forced on me in prison, is not me and while this works here for me now, after four years here, what I will face when I go back home? Who will I be? I am losing my identity in here.*

In discussing this potential loss of identity, a focus group of BFNWOM voiced its concerns that many prison programmes and rules focused on 'correcting' culture-specific behaviour instead of focusing on the factors that may have contributed to their offending, or gearing them towards more positive experiences and outlooks when they are re-integrated into their own societies. It is this experience of not having their issues understood which made the women contend that even their body language was misunderstood.

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Of the sixty women interviewed, 85 percent felt that the staff misinterpreted their behaviour quite often. In trying to clarify the issue of cultural misunderstandings, which were leading the BFNWOM towards a feeling of gradual identity loss while trying to cope with the sentence, some BFNWOMs offered the following explanations:

The way we speak, they will think that we are arguing or about to fight. Our tone of voice is loud because of the culture we are from. I come from a family with twenty persons living in one yard with six different houses on the land. You have to be loud where I am from [she laughs]. In here, you have no voice. They misunderstand how you speak so they are always feeling threatened by you. You get hassled because of that fear they have, so you keep to yourself. But eventually you lose that part of your identity, you become unsure of who you are.

Another woman remarked in this context:

When we are in a group talking, they don't like it. They try to break it up. I guess when we get talking we become excitable to them and that is not their way. I actually asked one prison officer who I get along very well with and he was honest with me. He told me that it is different and our large bodies and heavy deep set voices can be intimidating to the officers.

Yet another BFNWOM argued that even though the officers are trained to be sensitive to cultural issues, culturally tailored programmes were another possible solution to assist them in retaining their cultural identity as they carried out their sentence:

We need to get an idea of what is happening in our own countries as well. We could maybe have a programme where trainers from our culture provide specific training on providing us with ways on how to conform to the rules and fit into the prison system while not losing ourselves because we are not British and we will be deported. That is the issue. Therefore you cannot only train us in British way of life. You get into trouble trying to find out what to do and what not to do on your own or trying to explain why you do certain things.

On hearing this, a rather astute BFNWOM said:

Yes, we should have cultural orientated or even a cultural orientation exercise at least two times a year I think. I am not sure what that could include: maybe get person

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from our own communities come in and talk to us and provide training on different topics. It is needed, it is not only to assist us to cope but it is also to prepare for release.

### **Resistance**

Foucault (1977) put forward the argument that prison was a place where the offender was brought to be normalized into correct behaviours. This act of being forced into conformity provokes an inherent reaction or feeling of resistance from the offender (Bosworth and Carrabine 2001). This resistance can be displayed both mentally and physically. One of the main themes that emerged while exploring the BFNWOM's experience of prison concerned resistance and acceptance.

As control emerges as a vital feature in the women's daily life in prison, BFNWOM find ways of resisting the authorities. Many of the women who participated in this research narrated their experience of working in prison and how they perceived some of the work given to them to be a part of that control.

Melossi and Pavarini (1981) considered imprisonment in terms of the relation between modes of production and modes of punishment. They highlighted the ideological function of the prison and identified clear links, symbolic and actual, between the growth of the prison and the factory systems. One respondent, Femi, a twenty-nine-year old Jamaican sentenced to five years for trafficking cocaine stated:

I know I have to work in prison and I fully agree with it. You cannot sit down and do nothing for five years because you will go mad. But I am here as a foreign national now for two years and even though they know that I am a bit qualified to help with some of the office jobs, they keep me from that as a further form of punishment. So far, I have only being assigned manual labour. I have asked too many times now, so I know it is a form of the punishment. I don't think it is because I am black because they allow black British women who can barely read to help them there sometimes. They would never give a foreign national prisoner jobs like that. Experiencing that every day is hard and I have to mentally put up a resistance to it.

When asked how she mentally puts up resistance towards this experience of being denied what she perceived to be better work because she is a foreign national, Femi replied:

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I think about what I know I am capable of. I just do enough, but certainly not my best. That is one way in which I resist through work. I do not give of my best and I do it very slowly.

Prison rules provide the framework of control and security in every prison. While speaking to BFNWOM and analyzing the data, I was not sure how to interpret the overt rules and regulations of the prison. I realized that in the daily interaction with inmates, staff did not always utilize overt rules or restrictions to influence inmate behaviour. Nevertheless, control and order are accomplished using subtle means (Foucault 1977; Bosworth and Carrabine 2001; Sykes 1958). I analyzed the written rules shown to me by one BFNWOM. Some of the rules pertaining to personal possessions were:

- No more than two nail polishers,
- Restricted number of CDs,
- Do not show disrespect to a prison officer,
- No loud singing or loud talking,
- No loitering.

For an inmate, violations of these rules could result in a variety of sanctions or the loss of privileges. Some of the punishments were:

- Forfeiture of visiting rights,
- Lowering of accommodation grades,
- Confinement,
- Forfeiture of letters and outside contact.

While I did not observe any of these in practice, many BFNWOM commented that the rules are applied to them indiscriminately and many could not quite figure out if this was because they were foreign nationals, or because they were black, or both. However, what appeared to be clear to them was that this was a form of constant control over trivial aspects of their prison life. While understanding that prison was a regimented system, many BFNWOM commented that the rules were used to influence them in a way that was not meant to assist in their rehabilitation or to enhance their state of mind, but rather to constantly control. Agozino (2008) argued that this type of punishment was mere victimization of an already vulnerable person and, using a historical framework, suggests that such practices represent the

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colonisation of victims and place such victimhood within the confines of penalty. Many women stated that they found ways to resist this.

As one BFNWOM commented:

Everything is rules and outrageous rules. What you wear, how many music CD you can have that sort of nonsense. For example, I have a six-year sentence. I don't have family here, so whatever little tings I get in here and accumulate, each year, it have to stay with me. I have no where to send it out to because I have no family here. Yet, they have these rules to say you can't have more than five this or two that. So what do I do, throw away what I bought last year next year? And believe it, you have inspection where they spend their time checking and counting how many tapes or nail polish you have. If you have more than the amount you should have you can get punished for it too. Then they say when you are leaving you can only have one suitcase. So what does a woman who is in prison for six years do with her stuff? Some of us have to be asking Hibiscus for help and paying them money to send our stuff back for us when we are suppose to leave using money we don't have. That is a sick sort of rules. Those don't help the prisoner, they only break you down.

There is a definite resistance to this sort of control. Some BFNWOM commented that this experience of control was resisted by deliberately defying the rules that they thought were trivial. One woman said:

I am doing two and half years. It is bad I am in jail already. While I would prefer to be left alone and not have punishments sometimes I just cannot be bothered to think about not having one extra hair product. What is the sense in that? So I take the punishment. They get angry that I don't listen and so I had a single cell but they downgraded me now so I have to share a cell. I just say whatever. I do my work and all so why punish me for something like that? So I just ignore that sometimes.

Prison institutions appear to be so rigid and filled with rules and regulations that it is often unclear whether there is space or opportunity for prisoners to resist or retain much of their pre-prison identity (Sykes 1958; Phillips and Earle 2010). From these accounts it is clear that many BFNWOM created their own means of resistance. Most women exhibited fear nonetheless. The following quote probably summarizes this underlying fear of resisting that many women experience:

No. You don't rebel and create any disturbance at all. You only hurt yourself when you do that. It happens sometimes when someone feel like they are being wronged

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but usually persons just go ahead with most things as they [prison officers] can make your life hell. So you decide what little things or rules you can deal with the punishment for and you may disregard those small rules sometimes. But if they want to, they can make your stay really hell so I am scared to break any rule. I end up throwing away things sometimes. I borrowed a CD from one lady once and they had an inspection when I had it. It was over my quota and even though the officer heard I had borrowed it – they still took away my phone call rights for that month.

Another BFNWOM said: 'It's not easy to resist. You have this fear inside but you have to appear to listen on the outside. That's how you do it.'

Resistance is a contested issue as it can take place at so many levels and in conjunction with so many other factors. There are women inmates who are definitely submissive but there are also a few who resist. Despite the fact that the resistance may be minimal, it is inappropriate to see them as infrequent exceptions and so not to address them. In fact, addressing this agency of resistance makes the data real, pertinent and grounded. Klein (2009) points out that Nigerian BFNWOM are predominantly seen as model prisoners. However, Femi's account of working slowly demonstrates ways in which resistance is shown. Furthermore, Klein's (2008, 2009) research also demonstrates that even though their behaviour was regarded as exemplary by the prison staff, there were still concerns from prison officials that Nigerian women had formed traditional hierarchical grouping systems within the prison and generally had their own effective ways of resolving conflicts among themselves. There was concern by the prison that some women could be feeling 'bullied'. Klein (2008) posited that prison rules prevented inmates from doing things for the elder women such as helping to clean their rooms, even though such offers of assistance were usually voluntary and steeped in a culture of respect for elders. It is my contention that these groupings, the actions that aided elderly BFNWOM prisoners, and the means through which women resolved their conflicts without the assistance of prison staff, are representations of resistance and a bid to hold on to identity within foreign jurisdictions.

As mentioned in Chapter 2, I noted resistance on the very first day of their imprisonment. Some women refused to speak to me, or questioned me, and when asked to do an interview by an officer (even though there was a process for them to participate), refused – but then agreed as soon as the officer left. Women were not afraid to question my legitimacy.

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One BFNWOM, who was initially sceptical of my entry into the prison, spoke to me informally many times, yet refused to participate in the research. In one informal conversation she commented that she finally understood what the research was about and that more was needed from their perspective, yet she still refused to participate because she felt that was one way of standing up against the prison system and the way it operated. While I explained to her that her opinions would assist in giving a voice to women, she expressed her firm conviction that nothing that foreign national women said could ever make a difference. I sought and ultimately got her permission to quote her as follows:

Why I must bother waste my time and do this. They just allow you to speak to us as some sick sort of dress rehearsal because we are tired of telling them the same things we would tell you anyway. I have no more time to waste. I wish you luck with the others, but not me. No way.

Another inmate commented:

I refused to eat and for one week I only drank. They had me under watch. I thought something was not cooked properly and I just made a comment to one officer that the rice was a bit soggy. I really didn't mean anything by it you know because I used to do cooking back home a lot so it just comes naturally for me to notice it and since she was beside me I said it to her. Then she said I have a nerve complaining about rice considering where I am coming from. She was not joking. She was serious as she snapped and walked off. I thought she was rude, because she knows nothing about my circumstances but she judged me because I was a foreigner from a poor country. So I told them to stuff their food for about a week. I can't fight her, but I can refuse to eat. They have to spend more energy watching me to ensure I don't get sick, so I did just that – refuse to eat.

Each of these instances of BFNWOM women taking a stand against participating or engaging in an approved initiative of the prison should be construed as a very potent token of resistance. The narratives also demonstrate the inability of the Prison Service to deal with foreignness, particularly when such difference is intersected by race and gender as is the case with BFNWOM (Agozino 2008).

### **Resistance and Sexuality**

Carlen (1983) suggests that the meanings of the nuances of the prison experience that are usually denied or ignored cannot be found within the official notes of the establishment, but are to be found within the discursive forms and practices which usually are not considered to be even related to the issue of crime and punishment. One example of this which I encountered with BFNWOMs was homosexuality. When I began the interviews, this was not an issue that I anticipated would be related to the experience of BFNWOM prisoners. However, five women in my sample of sixty disclosed that they were lesbians. Issues of lesbianism are not openly spoken about in the countries of origin of most BFNWOM. Lesbianism exists on the periphery of prison discourse (Chin 1999, 1997; Cock 2003; Swarr and Nagar 2004). However, narratives from lesbian BFNWOM prisoners revealed how their sexuality was sometimes an example of resistance not only to the prison institution, but to the norms and values of their own societies, which they perceived to be oppressive.

One day when I reached a particular prison, my first interview was with a Jamaican inmate called Marcia. I had not previously spoken to her. However, she had seen the opportunity to participate in the programme being advertised around the prison, and had read the information sheet, signed the consent form and made arrangements to meet me. When Marcia walked into the room for the interview and I introduced myself, she stared at me and commented that had she known I was a Jamaican she would not have volunteered. When I asked her why, and enquired whether she wanted to go ahead with the interview, she commented: 'Well I am a lesbian. And as you are Jamaican I don't have to tell you what that means down there.'

This BFNWOM was referring to the culture of homophobia that exists in Jamaica, and which would have made her apprehensive to speak to me had she known my nationality. After listening to Marcia, I explained that I held no such prejudices and told her she did not have to do the interview, but she insisted that she wanted to proceed, since she felt comfortable that she was not being judged. The following narrative highlights her position of resistance through sexuality:

I always knew that I liked women. But where I am from you cannot do those things. I lived in the ghetto, that is a no no. They knew I was [a lesbian] and so very often the men would organise a battery [multiple rape] on me. I had no where else to go. One

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day one of the very men who raped me told me he was sorry and said to me that he had a way for me to travel and get away. He gave me cocaine to carry to the UK and I did it. I knew I might have been caught but since I had nothing to lose, I did it anyway. When I was arrested and sentenced, to be truthful to you, it was not a surprise to me. I was just glad I did not have to be raped anymore. I was able to just be me in prison. Can you imagine? In prison – I get to be gay and it was okay – when I was on the streets, I was abused for being gay! The prison officers don't allow it if they know or suspect you are having a relationship with another inmate – but in truth I do it anyway. I get to the stage where – I know they are going to deport me if I don't get refugee status [which she applied for as a gay person] and the hell is going to start again, so I don't let that bother me. I am freely gay inside here and it is like a big burden off me – I would rather not be in prison, but I get the feeling as if I won against those who tried to beat up on me for being gay when I can just [be gay] in prison!

Marcia's narrative highlights a spirit of defiance and resistance through the life of a lesbian (Bosworth and Carrabine 2001). This BFNWOM acknowledged that while prison staff made attempts to separate and control lesbian relationships within the prison institution, she decided to resist this and found ways along with other lesbian inmates to cultivate intimate relationships (Sykes 1958). Cultivating and perpetuating intimate relationships against prison rules was one form of resistance. Bosworth and Carrabine (2001:511) write:

Lesbian and homosexual relationships in prison can be understood as strategies of resistance not only to the pains of imprisonment as traditional sociologists would have us believe, but also to stereotypical constructions of gender put forward by the institutions themselves.

Importantly, Marcia felt that her expression of her sexuality while experiencing prison was also a form of resistance towards the cultural mores of her own society that rejected and abused her because of her sexual preference. Some classic studies of women's prisons assume that heterosexuality is normal and natural, in a manner very similar to early research on men's prisons (Heffernan 1972) which viewed homosexual relationships in prison as merely an adaptation to the pressures of prison and a natural result of the absence of heterosexuality (Sykes 1958). This view does not allow for the expression of homosexuality, and by so doing it creates a space for the lesbian BFNWOM to assume a stance of resistance against the continued

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suppression of their sexuality. It also ensures that the agency of resistance becomes an integral part of how the BFNWOM woman experiences prison.

### **Discrimination and Racism**

The conjunction of not only being foreign nationals but also being members of a visible minority may cause BFNWOM to experience differential treatment, which can present another dimension to the experience of prison in England (Chigwada-Bailey 2003). When asked about discriminatory practices within the prison, 86 percent of the sample said that they experienced discrimination and racism. A BFNWOM serving a five-and-a-half-year sentence commented:

You can't deny it man, it is here. This talk about equality and equal opportunity, it is only a pretty talk thing. Firstly, consider this, when I first went to prison, that was when a lot of women were being convicted. Every day you saw women coming in. Most times you just start asking how much they were caught with because you just assumed it was drugs when a new woman came on. The prison people did not know what to do with us. They had no idea how to deal with so much black women especially foreign black women. That in itself showed them up I think. So they started sending us to far out prisons in the country, especially since we hardly had anyone visiting us. Then they started to send us to prisons that they called 'Foreign National Prisons'. As a prisoner you hear this and think okay, it may be better for you to go to that prison so you try and apply for a transfer. Except that when you get to the prison you realize that the only reason they call it a 'foreign national prison' is not because this prison has been specialised or trained, or made aware to our needs but because they have just pushed all of us, especially black foreign national women to those prisons. Making a decision like that to send me to a prison you call a foreign national prison because you want to take me from the prison with more white women is already discrimination before I even experience what is happening at that prison. Because you are not doing it because that prison is equipped, but you are doing it because you are segregating me out of ignorance.

These narratives not only link the BFNWOM's perception of discrimination in the prison system to the issue of how it was decided where to send them, but, more importantly, suggest that the prison deliberately segregated the black foreign national population, wherever possible, from the mainstream prison population, but not on the basis of informed policy. The criticism from BFNWOM is not against segregation,

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but rather that they should be placed in so-called ‘foreign national’ prisons while there is still a lack of services targeting their needs. In this case, BFNWOM prisoners communicated that it felt discriminatory because the services in these prisons were not tailored to improving their prison experience – for example, by assisting BFNWOM to create good resettlement plans based on the realities in their home countries. Most importantly, prison establishments specifically for foreign nationals are in direct contradiction to the *UN Recommendations for the Treatment of Foreign Prisoners* adopted by the United Nations Committee on Crime prevention and Crime Control (see Chapter 1, p. 85, point 1), and the Recommendation from the Council of Europe on the treatment of foreign prisoners<sup>84</sup> which states:

The allocation of a foreign prisoner to a prison establishment should not be effected on the grounds of his nationality alone. If his allocation to a prison establishment is likely to alleviate his situation of isolation and to facilitate his treatment it may be effected according to his specific needs, particularly with regard to his communications with persons of the same nationality, language, religion or culture. This possibility should be envisaged in particular where the national penitentiary system takes account of the wishes of prisoners when allocating them to prison establishments. (Council of Europe 1984:2)

In speaking to a prison officer at HMP Morton Hall I got this response when I asked why the prison was called a ‘foreign national prison’:

Well it is just a normal prison to be honest. It has taken on that unofficial label as a ‘foreign national prison’ because so many foreign national women have been sent here. So I guess we are maybe further ahead in understanding them than other prisons, but we are not a ‘foreign national prison’ on paper. In reality, it looks like it and to be honest, I think everyone views it as such.

The discovery of this perception of discrimination through segregation of foreign national prisoners was something which I had never envisioned and so had not incorporated into the methods of in-depth unstructured questioning. This feeling of prior discrimination through prison allocation was highlighted by the women who believed it was not based on informed policy. What emerged from the interviews with

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<sup>84</sup> See Council of Europe Recommendation No. R (84) 12 of the Committee of Ministers to Member States Concerning Foreign Prisoners. <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=603781&SecMode=1&DocId=682798&Usage=2>.

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women was a narrative addressing the uninformed isolation of foreign national women, which they believed was done without consultation with prisoners, and some women wondered if it was being done deliberately as a means of control or extra punishment (Sykes 1958).

Scholars such as Agozino (2000b) and Bosworth, Bowling and Lee (2008) have posited that immigrants are frequently viewed with suspicion and are seen as deviants and the source of crime in the UK. Agozino (2000a) argued that an effort to really understand and deal with the needs of BFNWOM prisoners by taking into account their social identities in a fair way has been avoided because they are seen as the 'other' – different and foreign. In speaking with BFNWOM prisoners about this particular aspect, many stated that they did not experience a feeling of discrimination on initially being sent off to mostly 'foreign national prisons'. However, it was their experience *after* arrival at the prison that cemented the feeling of discrimination and this, they felt, occurred because there was not a coordinated effort to make detailed prisoner assessments and cater to their needs. Many commented that because of the way these labelled prisons were presented as foreign national-specific, they applied for transfers and were usually encouraged to do so. One woman commented on her experience of being transferred to a then-labelled 'foreign national prison':

I have an eight year sentence. I have been in three prisons already. I came to this one because they say it is better for foreign nationals and so on and a lot of foreign national women are here so I really pushed for a transfer here. When I got here the only thing different was that there was a lot of black foreign national women. But the services were not better at all. In fact they were worse. You cannot get packages in as in some other prisons, so your family or friends cannot mail you anything like clothing and so on. They are very wary of making you take further education courses, it takes such a long time to get approval to do it, a lot more seems harder, and things are really worse for me here than any of the other three prisons I have been to already. The only thing that makes this a foreign national prison is that they push us all here if they can. It almost feel as if we have been just thrown here because we are black foreign nationals because there is nothing that meets our needs here that is actually different from the other prisons.

One so-called foreign nationals prison, Morton Hall, had greatly improved to meet the needs of foreign nationals. Nevertheless, even though this prison had improved its services for foreign nationals, there were many areas where service delivery was

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poor, such as resettlement plans for the women, handling immigration issues for prisoners, facilitating regular contact between BFNWOM and their families/children, and staff sensitisation. These findings were consistent with the finding of the Inspection Report (HMCIP 2006b). The concern that imprisonment institutions in the UK make little accommodation for foreigners was arbitrarily conveyed to me while visiting Morton Hall. At lunch I was joined by three staff members who enquired about my role at the prison. When I replied that I was interviewing women about their experience, one staff member stated that the women have too many issues and that she wondered what prison would be like in their own countries. Her reply corroborated stories from women who said they would be frequently told they should consider themselves lucky, because they are foreigners who would not get such treatment back home.

This comment also underscores Fanon's argument (1965, 1967a) that the histo-racial meanings behind actions and words are sometimes lost on those who occupy the social spaces to which the black person aspires. In making the comment to me, the officer seemed unaware that it could be construed as offensive or discriminatory, even projecting inferiority onto the women (Sullivan 2004). My own position as a black foreign national woman made me cognizant of the histo-racial baggage of the comment. In post-prison reflection of how my day at the prison had transpired, I recalled feeling like the 'other' when the officer made the comment. This unplanned informal exchange highlighted the necessity for the women's voices and experiences to occupy a formidable place in the discourse, so that their own moral worldview can be considered in any discourse and policy formations on issues surrounding their incarceration.

At one point in 2004, over 70 percent of the prison population at Morton Hall were foreign nationals.<sup>85</sup> A detailed examination of the narratives about the experience of discrimination reveals that the feeling of discrimination was amplified by the near-total absence of any attempt to make these prisons better able to meet the needs of BFNWOM. It was the absence of attention to these needs in the prisons which created the feeling of discrimination in the minds of the women.

Nevertheless, the data from the focus groups was very clear in identifying what the experience of discrimination and racism felt like in prison. One BFNWOM stated:

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<sup>85</sup> Prison population data received from HMP Morton Hall.

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When you are treated a certain way that causes you to not look at yourself but to look at how different you are in terms of your colour or your country of origin, you are able to say that you have experienced discrimination or blatant racism. Many persons are not blatant and won't come out and say you are black and I don't like you. But when an officer consistently treats a black foreign national woman different from how he/she treats a white prisoner, you begin to wonder if this is how racism manifests itself. If you see other black or ethnic women given the same opportunities but you are continuously denied, then you start realizing that being Jamaican, Nigerian, Ghanaian in the prison is not working for you the way prison works for others who do not have your nationality issues, you realise that you are being discriminated against because of your nationality. And then there are times when the two are just mixed.

Later in the interview, the BFNWOM went on to explain what they meant by 'different' treatment.

They tell you that certain things you should not get. Or they make it seem it is a waste of time to give you leeway to do some courses. They don't see that we need some things other than a British prisoner, they will say 'we treat you all the same, we are fair and ray ray ray' – but then when you ask to do a course like for a higher certificate, they say they can't approve that because you are a foreign national. So they pick and choose and usually it rubs you the wrong way all the time.

Most service delivery for British nationals within the prison was at least sometimes done in consideration of the prisoner's perspectives, and this helped to shape the quality of service and support mechanisms in place for them. The narratives gleaned from BFNWOM indicate that a similar or more concerted effort should be made in developing services for foreign national prisoners to achieve equality within the prisons, and to ensure foreign national prisoners are incarcerated according to international standards. For example, the lack of a universal foreign national policy was identified in Baroness Corston's review of vulnerable women in the criminal justice system as a major stumbling block to the delivery of a commendable service for foreign nationals within the prison system (Home Office 2007a). Agozino (2002, 2003, 2008), however, sees this issue differently, and criticises the failure of criminologists to question the mass imprisonment of prisoners, many of whom are poor victims from societies who are still enduring the debilitating social and economic effects of colonisation from Britain.

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The disparity in how discipline is sometimes meted out, and how this is experienced by the BFNWOM as discrimination or racism, is highlighted in the narratives below:

I won't say it happens all the time, but if any of us [BFNWOM] are late in getting down for a duty, we get punished. We lose a privileged or get marked for it. We know by now not to follow the white prisoners and do that sort of thing because they do not get the punishment that we get for things like that. That is discrimination and mixed with racism.

In giving an example of how this discrimination and racism is experienced, another focus group member commented:

Recently I was sent in lock down [isolation] for three days because I spoke back to the officer when I realized that he was being unfair. I have been asking for a change of shift from the kitchen for so long now. I work in the kitchen to get extra money and I have been doing it for a long time. It is getting too much to wake up that early and do it and I wanted a break to do something else. It's not that I would not work in the kitchen again but I needed a break from it. And the officer keeps saying he is looking into it. Then twice I saw two white prisoners in the kitchen and the first one asked to be moved and within two weeks she was doing something else. After four weeks the other one was moving elsewhere, so I got really upset and I started to curse and say what is going on. I told him off and he kept telling me to shut up and not to speak to him like that. I refused to shut up because it was clear discrimination or racism or both. And I would not back down from speaking. So he was shouting and I was shouting and I was told I had to do lock down for three days for disturbance and lost my letter and visiting privilege for that month.

Not only is the above narrative an example of how the BFNWOM experienced discrimination and racism, but it also demonstrates how prison authorities utilise methods such as deprivation of autonomy, goods and services, and of even the limited liberty they have inside prison, to control and punish inmates (Sykes 1958).

The focus group cited many similar incidents where there were differential treatments towards them as black foreign national women. They also commented that this situation of differential treatment created additional stress. One woman even commented: 'When you get that feeling that you are being treated unfairly because

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you are black or because you are foreign, it makes dealing with this sentence worse. You feel like one man against the world.'

This feeling of isolation – or as the focus group called it later, the 'one man against the world' feeling (Sykes 1958) – was further exacerbated when they tried to seek redress through the complaints channels available. The women acknowledged that there existed a system or process for them to make complaints of differential treatment pertaining to racism or discrimination. The overwhelming view among the women interviewed was that the process existed in principle only, as it was not followed with a will to address the seriousness of the complaints. One woman commented about it in this fashion:

I submitted a complaint about two months now about an officer to say she was rude and discriminating against me when she told me to try going back to my own backward country and complain and up to now I have not had a response. Every time I ask about it they tell me that they are looking into it. The officers know that they are likely to get away with that kind of discriminating behaviour as well. When I told the officer I was going to make an official complain, she said, she can tell me where to get to get the form and go ahead – and I should let her know if it gets me back to Jamaica faster because that would be just great.

Indeed, it is legal and correct for offending foreign nationals to be deported and returned to their country of origin at the end of their sentence. It is, however, not acceptable for BFNWOM prisoners to be discriminated against, to be treated in a disrespectful manner or to be humiliated. Such practices, if unchecked, allow the entrenchment of institutionally discriminatory practices and racism, as was found in the UK police force by the MacPherson Report (1999),<sup>86</sup> and gives further support to Agozino's claim (2000, 2003, 2008) that prison is re-colonizing the BFNWOM prisoner.

The juxtaposition of being not only foreign nationals, but members of the black minority group as well, may expose women to differential treatment in prison which can impact on how the BFNWOM experiences prison (Fanon 1967a, 1967b;

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<sup>86</sup> The death of Stephen Lawrence triggered the 1999 Macpherson Inquiry (Macpherson 1999), which found that the Metropolitan Police was institutionally racist. The term *institutional racism* denotes 'the collective failure of an organization to provide an appropriate service to people because of their colour, culture, or ethnic origin' (see Hale et al. 2005:570). Bowling and Phillips (2007) point out that the resistance that the term 'institutionally racist' met from the police force, who stated that it was damaging to their morale, was evidence that the practices of discrimination were entrenched and would take a long time to erase.

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Chigwada-Bailey 2003). When asked if they experienced discrimination or racism in prison, the answers were varied. Table 11, below, for instance, reflects that 76.6 percent of the sample felt they experienced discrimination while 53.3 percent felt they experienced racism.

TABLE 11. Number of BFNWOM Who Felt They Experienced Discrimination and Racism.

	No.	%
BFNWOM who felt they experienced discrimination	46	76.7
BFNWOM who felt they experienced racism	32	53.3
BFNWOM who felt they experienced both racism and discrimination	38	63.3

Sample size = 60

A Nigerian BFNWOM stated:

They treat you different if you are not British. They definitely discriminate against us because of nationality. The officers treat you differently because of your nationality. In fact some of them will tell you that they don't have anything against you but that the prison won't approve what you are asking for anyway because you are a foreign national. For example, to be allowed to do tertiary education because of your nationality.

This example cited by the Nigerian BFNWOM is significant from the perspective of other themes such as rehabilitation, which will be explored in the next chapter. However, this was one way in which the research participants noted discrimination due to nationality (Fanon 1967a; Agozino 2008). There was hesitancy on the part of the prison officials to allow the foreign national female prisoner certain privileges, such as access to higher levels of education, which was not usually the case for the British prisoner.

Another example cited where discrimination and/or racism was experienced by the BFNWOM was in the area of how discipline was meted out. Of the sixty women who were interviewed, 70 percent said they had experienced either discrimination or racism with regards to how they were disciplined in comparison to how they observed British nationals or white prisoners being disciplined for similar offences. There is, however, acknowledgement by some prisoners that this disparity in discipline may be because of a lack of understanding of cultural norms by prison officers. This thought was also echoed in interviews with prison staff. In discussing the issue of foreign national prisoners with some prison staff, I was offered the following comments:

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Well we have mostly foreign national women here so I guess we try to do our best with them . . . .

Over time we became almost exclusively foreign nationals, they send them we take them, I think it's accepted now . . . .

We expect to get foreign national women when they come in, for every two weeks I can almost guarantee that we have more foreign women than British in any one batch of intake period.

The comments of the prison officers confirmed and corroborated previous narratives by BFNWOM that the so-called foreign national prisons were not providing a specialised service for them, but were being used as units of segregation so that, as one BFNWOM stated, the 'other prisons could get on with what they are really interested in, British prisoners'. Moreover, these narratives on the lack of informed and tailored services for BFNWOM mirrored findings in the Corston Report and HM Chief Inspectorate of Prisons reports between 2004 to 2007. All these reports note inadequate support and systems of benefit for the foreign national prisoner (see Prologue for summaries of the findings of recent reports). The assertion that 'we try to do our best with them' emphasised the fact that a co-ordinated and informed policy was not in place, and that the narratives of the women indicate that this led to disparities in the treatment of BFNWOM and other foreign nationals across the female prison estate in England.

### **The Guilt and Shame of Missed Motherhood**

It is well documented (Green 1998; Heaven 2001, 2008, 2005) that most foreign national women in English prisons are mothers. Of the sixty women interviewed in English prisons as part of this research, fifty-one were mothers. The narratives from the women revealed that the guilt that comes from being an absent mother was the single most difficult aspect of guilt that the women in the research sample had to endure. As discussed in Chapter 3, BFNWOM prisoners have been brought up in matrifocal family settings where they had very likely been the only adults within the family home, or in settings where the kinship support they received from extended family to assist financially with their children had broken down or no longer existed.

In single parent families, the parent knows that he or she is the only standard bearer for guidance, love and care of the child. This burden is eased somewhat in

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societies with better systems of governance that offer social aids to parents and families. However, as discussed above, the BFNWOM prisoners do not come from countries where such social safety nets are available, and therefore they single-handedly bear the burden of parenting amidst harsh economic realities (Klein 2009). The vulnerable social context of the BFNWOM prisoner has already been discussed and was found to have been a significant factor in compelling the woman from this group to commit crime.

What became clear in my narratives was that the women acknowledged 'personal guilt' only in terms of how it had affected those close to them; this was also the case with the cohort of Nigerian women interviewed by Klein (2009). Consider this comment by twenty-eight-year-old Maria in my research, who was sentenced for drug trafficking:

I feel terrible. I feel terrible because now I am in prison, my children are suffering worse. I was their mother and father.

When asked if she also feels terrible because of being in prison, she says:

It is being away from my children that is what kills me inside here. That is what tears my heart. I can deal with anything; it's my children that I worry about. I would rather not be in prison yes, and I would prefer not to have a prison record, but in the big picture, I could not get a job before anyway, so a prison record is neither here nor there to me. When I leave it will be back to the usual hustling and maybe even harder, because I now have to start from scratch. My main thing inside here is that I am away from my children.

Maria states categorically that her main concern is for her children and that her personal guilt is that she is missing out on the role of being a mother. While she acknowledges the guilt that derives from imprisonment within the criminal justice system, the guilt that she felt in having failed in her role of motherhood was the most troubling factor for her.<sup>87</sup> Her agency in her criminal activity was not denied, and the

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<sup>87</sup> There is a breadth of scholarship on the acceptance of crime and incivility as forms of protest against the status quo (Gray 2003, 2005; Bayat 2000; Johnson 2005, 2008). Johnson (2005) draws on Bayat (2000) to argue that a new and autonomous way of living is developing among people in the Third World. Johnson laments the frequent indiscipline and violent protests that are endorsed and used by the marginalised to voice their frustration with what they perceive to be an oppressive system with little opportunities. Johnson (2005:580) points to the 'urban disorder' and illegality of regular acts by the marginalised in developing countries who 'capture land, build makeshift shelters, and sometimes permanent homes, steal electricity, putting up stalls and kiosks, driving handcarts and turning sidewalk

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shame she felt was that she had failed in her role as mother and provider. The discussion of the deep-rooted matrifocal realities of the BFNWOM offender shows that women are 'expected' to be the moral cornerstones of their families (Reddock 1985). However, coming from societies containing cultures that do not place much moral value on abiding by the law, the guilt of the BFNWOM offender is less forensic and more personal. It becomes personal when she regards her imprisonment as something that makes her fail in her role as the family matriarch. Maria continues:

Their fathers only give money for them sometimes. I am the one who have to go out there and work to send them to school. I am the one who try to encourage them you know [...]. Nobody not going to say anything about their father you know, they just going to say I am not there for my children and so I am a bad mother. I spoke to my mother and she was angry with me. She was angry because, I used to hustle a little illegal gambling and she said I should have just kept on doing that and not risk going to prison away from the children.

Notably, the pronouncement of guilt on her from her family member had little to do with the fact that she had committed a crime. In fact, there was positive encouragement to continue with a criminal act that was not likely to take her away from the children. With the benefit of hindsight, her mother can reflect and make a judgement on which was the less risky crime to commit, but given that both expect to survive through actions that are perceived as criminal, there is no way to prove that the mother would have given different advice had she known about the crime before it had been committed. This brings to the fore the point that imprisonment is questionable as a deterrent when attitudes to punishment differ according to social, historical and cultural factors (Heaven 2008).

Across cultural spectrums in the research sample, being away from their children and the shame that their children would think less of them because of their imprisonment was the greatest area of guilt for the women I spoke to. The narratives on the emotions experienced from having children grow up without their influence highlighted the sense of shame that many of them expressed about their children knowing that they were in prison. Underlining the BFNWOM prisoner's guilt is the fact that in trying to fulfil and meet that matrifocal role, they have effectively ruined the family they were trying to support and sustain.

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pavements into shopping plazas'. It is against this background that the thesis locates the disaffection of BFNWOM for harbouring guilt towards the crime they have being convicted for.

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The argument that imprisonment is effective if it forces the woman to think about the things she is missing out – especially her children – comes up short when closely examined in the light of the data. The guilt is very much associated with the experience of punishment for that *particular* crime. In fact, anecdotal and empirical data would suggest that the rate of engaging in other forms of crime was high (Gray 2003, 2004; Johnson 2005; Harriott 2000, 2003; Klein 1999). Thirty-six-year-old Afua, serving time for possession of drugs with intent to supply, and expecting to be deported after finishing her sentence, says:

I have to work this out. I have suffered in here and my children have suffered. But that is my life. Sufferation, I can't live a normal life like that. I would starve over there in Nigeria. There is nothing to do. So I can tell you now, when I get to Nigeria, I am going to try to go the United States. My children are already there through the same means. I must see my children and I don't want them to risk coming back to Nigeria.

Punishing individuals who see punishment as part and parcel of their resistance to economic disenfranchisement has little prospect of effecting a real change in crime rates. Even though women cited the trauma, anguish and heartbreak that accompanied missed motherhood, their narratives indicated that they were contemplating further crimes. It became evident that some women were adopting the techniques of neutralisation described by Matza (1969, 1964, 1961) in order to rationalise their crime, citing social exclusion and economic marginalisation within their own societies and viewing their crime as a necessary step towards empowerment.

Many women stated that while they were suffering from the pain of being away from their children, speaking to them on the phone was always the most heartbreaking thing for them in prison. The children's impassioned pleas and indifference to the absence of the imprisoned mother inflicted indescribable guilt and shame on the women I interviewed. Many women cited these moments as the most depressing ones they experienced while in prison.

Natalee, a twenty-seven-year-old serving four-and-a-half years for possession of drugs with intent to supply, said:

I can't call my children. I don't know how to. The last time I called at Christmas and my daughter was crying that she missed me. I felt like killing myself after. I cried for days and ended cutting myself. I did not even know they had a word for it – they call

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it self-harm. So they placed me on a watch. But I can't deal with it, so I don't call. I save the money I work and send it home.

This personal guilt of the imprisoned black foreign national mother also highlights the fact that the Prison Service needs to recognise and support these needs. The prolonged absence, guilt and shame that foreign national prisoners suffer are expressly different from that of the mother who is a British national. While an imprisoned mother who is a British national can have many scheduled visits with her children and also speak to her children on a much more regular basis, the foreign national female prisoner does not have these options (Klein 2009). Heaven and Hudson (2005) and Heaven (2000) speak about the lack of contact that BFNWOM have from their children, with no visits and few phone calls. The BFNWOM prisoner very often internalises this feeling of shame and guilt towards failing her children because she does not get any real help or consolation from the services offered by the Prison Service. Many women confessed that the only outlet for their feelings of guilt and shame, and the place where they felt their position was understood, was Hibiscus. This discussion of the experience of prison for the BFNWOM offender and how she regards the Prison Service and various related agencies will be developed further in the next chapter. However, it is essential to state that the internalised guilt of the BFNWOM prisoner also leads to trauma and mental health issues because of repressed emotions. The following comment by a forty-two-year-old inmate best demonstrates this internalisation of repressed guilt, when she was asked about who looks after her children while she was in prison:

You know – I've done two-and-a-half years of my sentence already. This is the first time I have expressed myself so – to anyone. It's the first I've grieved so for my children. I walked with it on my shoulders. It is the prison in my head. The officers don't scare me, my children do. I'm old enough to understand them and this prison system, but my age does nothing to stop the pain I feel when I lie to my children all the time to say I am away. My son is no fool. I know he knows something else is going on because he knows me. He is just trying to be man with it and not embarrass me. That in itself embarrasses me, because I know he is protecting my feelings. It should be the other way around, shouldn't it?

The imprisonment of mothers from matrifocal societies and the effects of missed motherhood force children into the realities of adulthood quicker than normal. Many

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black foreign national mothers in prisons bemoan their absence exactly because they know the realities of their social identities and want to shelter their children as much as possible from these facts. FPWP Hibiscus's development workers frequently cite stories of imprisoned women whose young daughters get pregnant while they are in prison, or are forced into prostitution to provide for themselves because their mothers are imprisoned abroad and extended family members cannot afford to support them financially. The knowledge that there are no social safety nets available to her children adds to the anguish of the mother who has contravened laws and is undergoing punishment. The indirect effect of this globalised criminalisation of women for crimes such as small-time drug couriering and fraudulent documents in fact leads to the victimisation of already vulnerable children in other countries (Agozino 1997, 2000; Heaven 2001).

### **Alienation and Expectations**

Separation from family is a difficulty shared by all prisoners – both foreign and British nationals. The difference for BFNWOM is that they are not able to see family members through frequent visits, and the high cost of phone calls to their own countries prohibits frequent calls. Of the sixty BFNWOM prisoners interviewed, only eight had family members living in Great Britain. Of those eight, only three had regular visits from these family members, and only four stated that they received regular assistance in the form of monetary assistance or communication by letter. In addition to the prolonged distance from their families, many BFNWOM feel it is impossible to communicate with their families because of the shame and guilt of their imprisonment and knowing that they have left their children without any support. One Jamaican BFNWOM commented:

There is a longing for home. I am sure all prisoners feel this. For us [foreign national prisoners] though it is even harder – at least to us. Because you are just cut off from them [family]. You can hardly call and have a decent conversation in any way because it is expensive and you can't afford to use the little money you earn to pay for phone calls.

Indeed, when I enquired about the high cost of phone calls, I was told by the prison officers that this is the way the system is structured. One officer told me:

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It is very expensive for them to call. That is the way the system is set up. You know there are cheaper ways to do it, I am sure that would make it possible for them to have longer conversations with their families from time to time, but it seems it is not on the priority list for the prison service – if I am honest. I don't think phone calls for foreign national prisoners is viewed as a problem. Moreover, it is a contract system with a firm that provides the service – prison is a business and phone calls for foreign nationals in my opinion is a big prison business. Prison is essentially a business. I personally don't make overseas calls that expensive. The women complain a lot about the high cost of the calls and they are correct, it does not have to cost that much – but what can we tell them. It is not up to us. It is the way it is.

These high rates for telephone calls aggravate the alienation of the foreign national prisoners from their own family ties and that, in turn, affects rehabilitation and resettlement preparation. The issue of how it affects rehabilitation and resettlement preparation will be addressed in the next chapter. Since most women do not have family living in Great Britain, they find themselves struggling to do work in the prisons, trying to augment their low wages to buy themselves essential personal items and phone cards to facilitate calls back home. With this difficulty in communicating with their families back home, many BFNWOM develop a gradual indifference to the very need to communicate, especially if they have long sentences. As a forty-four-year-old Nigerian BFNWOM said:

If you are serving a short sentence, you want to keep in touch with family back home and talk about what is happening there. However, if your sentence is a long one like mine [seven years], it is too painful to speak to your family all the time over such a long time, especially if you have left your children there. What – when you speak to them every few months, you only get bad news or you may hear that they are doing big things and you realize there is a whole different world going on out there, because you cannot experience this. So in order to keep your sanity in here, it is best not to communicate at all. Well, that is how I see it anyway.

In light of this forced detachment from their families in their home countries, many BFNWOM serving long sentences tend to cling together to form long-term familial relationships within the prison. Likewise, BFNWOM serving short sentences fraternize with each other strongly. The interviews reflected that women with long sentences shared similar experiences to those brought by long-term imprisonment. They are able to go through these changes together and sometimes offer support to

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each other as they form familial relationships. In one prison where I conducted a focus group, there was a group of older women who were serving sentences of between five and fourteen years. The following comments from the women show how they dealt with separation from their families and how they experienced the alienation of prison in a foreign country:

We stick to each other as older women in here. We have long sentences too so we kind of understand what the other person is going through because we all go through it at different times. It's like we are family, I see all these women as my sisters now. Some of them know things about me my own blood sisters back home do not know. They are my family now. I don't speak to my family back home often because it is depressing and I cannot afford it.

There is also an acceptance by BFNWOM serving long sentences that life on the outside, particularly back in their own countries, will have moved on, and so will their family members. They therefore try not to expect too much loyalty from family back home. One BFNWOM commented:

My husband does not write to me. I wrote to him a few times when I just got into prison, he never wrote back but I used to call him. I don't call anymore and he does not write. I know he has moved on with his life. I heard that he has two other children now. I just have to accept that everything has changed and prepare myself for that when I leave here. When I keep friendly with the women in here, I don't have to think too much about that situation, the women help me to understand that it is just life. Otherwise it would be too much to think about. I am glad I have them here and we are this close.

As reflected in the above narrative, BFNWOM serving long sentences viewed prison as a process which demanded that they alienate themselves from family back home in order to cope with their prison experience and for mental stability. This alienation from family on the outside is shown to protect them sometimes from shaky or uncertain futures and relationships on the outside.

BFNWOM serving sentences of two to three years tended to stick together more. Women from my research sample who fell into this category commented that they shared similar anxieties and concerns and, as a result, found it easier to relate to women serving short sentences. One woman from this cohort remarked:

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I think that because we know we will be out in shortly, we get more anxious sometimes. I use up more of my money to call my children and sometimes I don't have anything other money after I do it. It is like I am working in the kitchen to buy phonecards. But I feel I have to do it. I don't want to make them think that I have forgotten them or that I don't care. I try to tell them that the time will soon past and every day I mark off another on the calendar in my room. If I had a long sentence, it would be harder to speak to them because what would I tell them?

The two narratives above from BFNWOM prisoners serving both long and short sentences show how they have different experiences of prison in England because of their differing expectations. The experience and expectation theme emerged decisively during focus group discussions on this topic. The evidence from this research suggested that women who enter prison and maintained high expectations of a life after prison tended to deal with the sentence and the time with much less mental anguish than those who had long sentences. In like manner, women with long sentences were able to use the collective group of BFNWOM with long sentences to cope with understanding and accepting their long sentences. One woman raised a very important point about how prison may influence how women experience it by addressing women's expectations when they enter. Abena from Nigeria, who is serving a six-year sentence for trafficking cocaine, stated:

When I got into prison I did not know what to expect. It was hell because you don't know anyone, it is a different country, they do things different from what you are used to, and everything is different but you still have to find your feet. It can really break you and make you go crazy. Well I know now that prison is suppose to break you but is it suppose to make you go crazy? And it would be good you know, if when you come in at least once a month they have a session or a workshop or two with women about what to expect. It would do wonders especially for those coming in knowing that for six years this is where you will be and you have no idea what to expect. I would suggest that they use some of the more experienced women here who would volunteer to talk to new women coming in. They could even do it as a little job and they get a little pay for doing those sessions. Because I am glad that I eventually found this group of women who looked after me and comforted me and in the end we comforted each other. We support each other. It should be something they look into doing for more women because when you come in here you do not know what to expect and it can make you go crazy straight off the bat.

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This narrative by Abena illuminates the ‘unknowing’ and uncertainty which is experienced by all persons when they first enter prison. An interesting perspective is manifest in how she valued the experience and support of inmates who were in prison for a longer time. These support systems were very evident among the Nigerian women researched in Morton Hall (Klein 2009) – although their systems of support and methods of resolving disputes were viewed with suspicion by a prison system whose remit and purpose is based on surveillance and inspection.<sup>88</sup>

### Summary

This chapter presented the complex, riveting and painful thoughts and experiences that emerged from the narratives of BFNWOM prisoners. The measures BFNWOM use to help them cope with their time are even more nuanced than those found in the existing scholarship. The literature on prisons usually focuses on how prisoners generally deconstruct their time, centring on getting through the day by employing strategies that psychologically block out the reality of imprisonment. BFNWOM prisoners conveyed that their entry into prison was usually a shock to them, an event they did not fully process and comprehend until sometimes two or three months later. For many what began as a nine-hour journey with promises of a chance of a better life suddenly became a nightmare, and the quick pace in which it happened leaves them frozen. The strangeness of their experience usually strikes home when they realise that they have to make their first phone call home since leaving and inform relatives or their children that the support they were expecting will not materialise. The realisation that their experience will involve no visitors, since most of them have little or no family in the UK, places women in mentally unstable positions. This time is usually the hardest, but most BFNWOM relate that there is little support from prison staff during this time, since, in their opinions, staff do not view them as worth investing time in once they are identified as foreign national prisoners.

Religion provided a source of escape for many BFNWOM and many conveyed that the church provided them the opportunity to retain some identity as they made an effort to perform the familiar rituals pertaining to worship, such as getting dressed up, singing songs and hymns from church back home, and socialising with other inmates. The strangeness of the BFNWOM prisoners’ dressing rituals to prison staff (Klein 2009) gives an insight into the ‘foreignness’ which the BFNWOM introduces to the

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<sup>88</sup> See the discussion of Foucault’s theory of discipline, punishment and normalisation in Chapter 1.

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prison in England, and also provides an insight into how little is understood about the BFNWOM prisoner. The lack of understanding about the BFNWOM also highlights the reason many of them rely on services independent of the prison, such as Hibiscus.

The involvement in church activities, and the introduction of their own cultural rituals which seemingly bemuse prison officials, is but one form of resistance that BFNWOM employ. Resistance in prison is also displayed in their attitudes to work, where women report doing things very slowly as a rebellion against the prevailing attitudes by prison staff to allowing them to do 'office'-type work or take certain courses. The irony that prison provided the opportunity for sexual expression was not lost on lesbian BFNWOM prisoners. While these accounts were never corroborated in focus groups, there were enough accounts in the sample of seven lesbian women, in different prisons, who did not know each other, to give validity to the data that BFNWOM lesbian prisoners found coping strategies in the possibility to defy prison rules on intimacy and also claim their sexual identities, which were often repressed in their countries of origin.

The data on racism and discrimination raised one contentious issue – the decision to begin segregating foreign nationals. While in theory all foreign nationals would be placed in foreign nationals prisons, women bemoaned the fact that this was not being done with any consultation or in order to improve services and support, but was viewed by BFNWOM as a move to get them out of the way so that the prison could continue its 'normal' modus operandi with British prisoners. Furthermore, attitudes by staff to BFNWOM frequently conveyed that they saw them as the 'other', and insults reminding them of their poor countries of origin and supposedly backward lives were often interpreted by women as racist and discriminatory. Such exchanges and subtle undermining of the BFNWOM's dignity do not help the woman who suffers immense guilt because she cannot care for her children and who cannot see them because of the distance. These issues increase the mental instability many BFNWOM women report in their experiences, and possibly explain the high rates of self-harm and attempted suicides reported in various reports such as the HMCIP and IMB reports as outlined in the Prologue, the Corston Report (Home Office 2007a), and the thematic and follow-up reports on foreign nationals carried out in 2006 and 2007.

## **CHAPTER FIVE: REHABILITATION AND RESETTLEMENT**

I did not even know what to do. It's like when I come off the plane I was in a daze. I don't even know what happened really as I came through Jamaican immigration. It was like a daze. I knew I was going out, but to what, who and where? I told no one I was coming home. They just deal with it so casually at the airport; I felt like just staying in the airport customs, I never wanted to come out the building. All when the man said you are free to go, I still sat down there. I went outside and I just started bawling. Because everybody just seemed to be going about without any care that I was coming from prison with no direction and nowhere to live. And then it hit me; this was why I carried drugs in the first place, because I wanted some direction. And it was the same feeling of desperation like when I decided to carry the drugs, the same feeling. And I just bawled and bawled in the parking lot of the airport. I bawled for about one hour. Then I realized I needed money. So I started to stand at the bathroom door and begged people going in the bathroom. I had some money but I could not turn up at my children's house with that. Not that I got much more, but I just needed to try something.

This was Andrea, describing what she went through at customs in Jamaica, after serving a prison sentence of five-and-a-half years and having been deported. Andrea has three children and had spent the last half of her sentence dreading the return to social and economic conditions worse than those she had been trying to escape when she landed in prison in England.

I thought it would greatly add to the depth and quality of this research if I explored the experiences of resettlement from those women who had served their sentences and who had been deported. Financial constraints meant that I was only able to do interviews in one country – Jamaica. I interviewed twenty women who had served a prison sentence in England and who had subsequently been deported. This extended research into the rehabilitation and deportation of these women in Jamaica provided the opportunity to evaluate the effectiveness of the programmes they had undergone while imprisoned in England, and it also provided a real assessment of how their lives had progressed after deportation.

This chapter is divided into three sections. The first part presents the rehabilitation and resettlement policy of prisons in England. The second part explores the narratives of the women I interviewed in Jamaica after their deportation, as well

as exploring some narratives from women who were still incarcerated in England. Through these narratives I will analyze the methodologies available for rehabilitation in the English prison system and assess the effectiveness of these through the experiences that these women shared with me. The third part of this chapter analyzes the issues of resettlement that emerged from the women's narratives. One of the main issues raised by the foreign national women from developing countries is that their resettlement is not negotiated with an authority in their home country. I believe that the narratives of the deported women are good indicators for what works and what needs significant improvement, both in England and in their countries of origin.

The 1779 Penitentiary Act made the rehabilitation of criminals a function of all English prisons.<sup>89</sup> While the prison is still essentially a place of punishment, rehabilitation has also been a major responsibility of prisons since the passing of this Act.

For the purpose of this research, rehabilitation in the penal realm will be defined as the belief that structured treatment and interventions will effect changes in the characters, attitudes and behaviour of convicted offenders, which will strengthen their social defences against unwanted behaviour, and contribute to the welfare and satisfaction of offenders. In applying this definition to what rehabilitation would mean for black foreign national offenders, it appears that, in principle, these same outcomes could reasonably be sought in the attitudes and behaviour of such offenders.

In 2005, the House of Commons Home Affairs Committee published its report *Rehabilitation of Prisoners*, which stated:

An effective prison rehabilitation strategy must look not only at the offending criminal behaviour but also at the individual prisoner himself or herself. A prison rehabilitation regime must, where appropriate, challenge a prisoner's chaotic and deprived lifestyle by investigating the prisoner's background and needs in order to develop specific measures for his or her reintegration into society addressing offending behaviour and other deficiencies such as drug and alcohol misuse offering alternative life choices to the offender through the provision of education, training and work opportunities. Further, the rehabilitation regime must be designed to deal with the different needs of different types of prisoner and the different factors

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<sup>89</sup> The 1779 Penitentiary Act introduced state prisons in England. See Devreaux (1999) for further discussion.

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affecting the re-offending of certain groups, in particular, women, young adults, black and minority ethnic groups, remand prisoners and short-term prisoners. Wherever possible, offenders should be actively engaged in their own rehabilitation, and encouraged to take responsibility for themselves and their behaviour, from sentence planning through to resettlement. (House of Commons Home Affairs Committee 2005: §§385, 386)

In June 2006, HM Chief Inspector of Prisons published a report entitled *Foreign National Prisoners: A Thematic Review*. This report attempted to identify the current challenges that foreign nationals face within the English prison estate. The report states:

A national strategy for managing foreign prisoners should not begin and end with the question of legal powers and processes of deportation. The first building block must be the identification, and provision of support for, foreign nationals within the prison system. (Home Office 2006:1)

This research contends that without listening to the voices of the imprisoned women speaking in detail about their circumstances and their experiences in prison, there is little chance of making real progress towards achieving the state of affairs that was envisioned in the Home Office (2006, 2007b) reports in relation to the foreign national prisoner.

This chapter describes the issues of support, rehabilitation and resettlement that the women, whose narratives are relayed in this research, experienced both while in prison and upon their return home. Drawing on the findings of the previous chapters, the discussion in this chapter emphasizes how marginalized social identity, processing of guilt and shame, and the experience of prison, dictate that BFNWOM prisoners have to be provided with specific strategies and avenues to assist with their rehabilitation and their subsequent resettlement.

It must be noted that the framework of analysis used in this chapter to describe the women's experience of support, rehabilitation and resettlement is not organized around what is statutorily offered by the English Prison Service. It is, instead, organized around the views of the women as expressed in our interviews so as to explore the intersection of race, gender and nationality and to show how this peculiar juncture demands specific interventions in order to create effective support, rehabilitation and resettlement policies. Therefore, the women's rehabilitation, the

factors they thought affected their support system, and their resettlement, are all presented from the women's point of view.

### **Family Contact: Implications for Rehabilitation**

One of the most prevalent complaints from the imprisoned women was the lack of contact they had with family members. Being imprisoned in another country, far from their children, it was impossible for them to enjoy scheduled visits. The remark of one interviewee was very touching: 'I try to cope with not getting to speak with my children often, and I think I am coping. I have to tell myself I am coping because otherwise I may do unspeakable things.' When she was asked what she meant by 'unspeakable things' she said:

You know like just ending it all. That really takes a toll on you. You get a phone card and you can't really use it to make any good talk. Because since we are foreign nationals the amount of time you get on those cards is only about three minutes. I don't know why they have to use that system for phone cards. It does not work and it is unfair to foreign nationals. They make money off your phone calls because of how they have set the system up, so it's best you save that money and send it for your kids. But you still suffer. Right? Because they [kids] will never understand why you can only spend three minutes on the phone and are always rushing them.

The impact that the lack of communication with family and friends can have on rehabilitation is devastating, as it isolates the prisoner. The disadvantage of not being given the opportunity to hold conversations of reasonable length with their children can have the impact of destabilising other forms of rehabilitation because of depression and the repression of anger and grief. In the above narrative the inmate bemoans the ineffectiveness of the phone card system of the Prison Service in assisting foreign nationals to keep in contact with their families.

Bhui (2005) also comments on this, noting that it seemingly provides more gains to the companies contracted to provide the service than it provides to the prisoners. The telephone system was one where foreign nationals had to pay for a phone card to make a call, and, in addition, they have to buy a pin code that gives them access to use the phone card. Since then a new PIN system has been installed within prisons whereby each prisoner is issued with a PIN number and account to use the phone system. To make a call, the prisoner keys the phone number required followed by the

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PIN number. A computer management system then automatically checks whether the prisoner is allowed to call the number at that particular time and has enough units in the account to pay for it. Prisoners are able to buy units to credit their account.

The rates charged by the Prison Service for the foreign nationals to make calls overseas are extremely high; sometimes more than six times the regular rate to make calls outside the prison. The Prison Service has always maintained that this is to protect the security of the telephone system in prisons. However, it is the prevailing view of many officers I spoke to, as well as the BFNWOM prisoners, that the cost of telephone calls for foreign nationals is more reflective of the financial exploitation of the prisoners' situation and their further victimization (Agozino 1997, 2002). If the Prison Service wants to provide a better image and demonstrate that it is not allowing contracted companies to exploit the telephone privileges of foreign national prisoners, then they need to make it transparent why the process of making foreign telephone calls is so much more expensive for prisoners than regular market rates. Foreign national prisoners who try to make calls home find it exploitative that one week's salary earned in prison can easily be spent in its entirety on a single five-minute phone call.

While this is very much related to how BFNWOM experience prison, I have again mentioned the issue of providing reasonable telephone contact for foreign nationals here to highlight the fact that the absence of contact with family members is not conducive to effective rehabilitation. Chapter 3 highlighted the cultural importance of being a providing matriarch to the BFNWOM's perception of self and womanhood.

Twenty-nine-year-old Andrea says:

It was very difficult to speak to my children. It was so expensive because of how the telephone system is in the prison. I know that I was in prison and I could not talk to them or see them everyday. While the UK woman can call her children because it is not expensive, the foreigners can't do that. You have to accept that because it is part of being in prison outside of your own country. But they make it especially difficult for you, unnecessarily so. They make money off us and it is not right. I had to use all money I worked for on phone calls so I could not save any of it to take home back with me. I could not deal with not speaking to my children, so if anyone sent me money I used it to call them. I worked to make telephone calls. If I want to talk for ten minutes – that is about two weeks' pay.

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Robinson (2008) examines both the utilitarian and retributive paradigm of offending. She avers that utilitarianism has influenced thoughts on modern rehabilitation arguments within penology such that 'the offender should be rehabilitated not just in the interests of his own welfare but also, more broadly, in the collective interests of society as a whole' (Robinson 2008:430). She says, however, that late-modern 90s attitudes within penology have seen increasing attitudes towards a more managerial rehabilitative approach, where managing the risk of re-offending has become the focus instead of focusing on the individual offender. Garland agrees with this assessment, and notes the way in which the rehabilitation of offenders is being articulated through policy as the management of risk of future crime, writing: 'rehabilitation is thus represented as a targeted intervention inculcating self-controls, reducing danger, [and] enhancing the security of the public' (Garland 2001:176). In this regard, there was a significant movement in the late 90s in the UK for rehabilitation to be seen through the social welfare paradigm, in terms of work or alternatives to custody being used as punishment and, as such, Robinson (2008) argues that rehabilitation for offenders is now meted out from a 'punitive envelope'.

The plight of BFNWOM prisoners is emphasised by Robinson (2008) and Garland (2001). Essentially, their point is that the conception of the BFNWOM as an 'outsider' who does not present a risk that will need to be managed post-prison, may be the reason for hesitancy on the part of the Prison Service to enable the few BFNWOM prisoners who are qualified for tertiary level education to avail themselves of this option. All of the BFNWOM who were qualified to undertake further studies at tertiary level reported to me that they were repeatedly put off or denied this opportunity. All women, however, stated that they were offered the Drug Traffickers' Course, wherein they learn about the effect of drugs on persons who become addicts, the effects on wider society, and are reminded about the effect of the crime on their own lives – imprisonment, their prolonged separation from their children and related consequences. The narratives of the BFNWOM reveal that the Prison Service was feeling burdened by their presence, and that the focus had shifted onto how to move them out of prison quickly by deportation, rather than on the rehabilitative aspects of imprisonment.

### **Rehabilitation in Education and Work Programmes**

Rehabilitation in prison is centred on a variety of educational or work programmes. They purport to serve the purpose of improving the vocational skills of the prisoner, providing educational opportunities and making it possible for prisoners to earn money while relieving boredom. There are both educational and employment opportunities for rehabilitating a prisoner. Usually the prisoner makes a choice as to which they want to choose. The financial situation for many of these women prisoners makes it difficult for them to choose educational programmes, as they are not rewarded financially when they enrol in education. When they choose the work stream they are able to get much-needed cash to assist them while in prison and to send back home to their children. As discussed previously, many black foreign national women in English prisons are the sole breadwinners for their households and so one of their main concerns while in prison is the welfare of their children; thus they are deterred from undertaking educational programmes since these do not improve their immediate ability to provide for their children. BFNWOM prisoners from developing countries usually do not have family support in England, and they also do not have the institutional framework of social safety nets when they leave prison. Prisoners who are British nationals know that on their release there are numerous programmes available to them to assist with their resettlement and they know that they will benefit from the British unemployment benefit scheme if they cannot find work (Klein 2009). This helps to encourage those women to participate in the educational programmes, since they feel that it will be of benefit to them when they are released.

Since BFNWOM prisoners rarely have family or financial support in England, nor do they have high prospects for post-incarceration assistance, the ability to generate income in prison highly influences the choice of rehabilitation method that the BFNWOM opts for. Consider the following statements from the BFNWOM prisoners I interviewed on this matter:

I have to take a job in the kitchen because it pays more. It is the best paying job in here. It is also the hardest job in prison but it pays me fourteen pounds per week and I need the money. I left my children with my sister in Jamaica when I came to the UK and I intend to go back after one month. She has no money and she has her own children, from what I hear my children are suffering and I have to work the best pay how hard the job so that I can send back the money to them.

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When asked if this helps her to be a better person or has assisted to rehabilitate her, she commented:

I would not say so at all. I am no stranger to hard work. As a single mother with three children I have always worked hard so it's just that I am doing in prison and I am away from my children. I would not say it is rehabilitating me at all. I know what I did was wrong and I knew that when I decided to courier anyway. So, it is just thinking about it on my own if anything that has helped me. And I already know it is wrong so I don't think about it too much, because that will depress me more since I am away from my children. What's done is done. The different programmes that they sometimes have are not really for us because we are foreign nationals. The British ladies can get those things because when they come out they can have access to some help. We don't really have that, so there is no need to plan those things with us. For me it is as it is when I was outside – a struggle and dealing with the now. My now is that I am inside here and my children are outside in Jamaica and need food. I help with that by working in the kitchen and sending money back home when I can. That's my reality.

The obvious inference from this narrative is that work tied to vocational skills, which provides a post-prison income-generating possibility for BFNWOM prisoners, may be a better alternative to routine jobs and or courses which do not equip them for resettlement. While British women prisoners will have many agencies to offer support post-prison, BFNWOM very often do not have these resources. It would be highly effective if informed modes of work and courses are developed which are suited to small-scale business opportunities in the BFNWOM prisoners' countries of origin. As it stands, the employment process presents little opportunity for rehabilitation when there are no skills to be gained from the activity – in particular, there are no skills that will be of benefit to the BFNWOM when they leave prison.

The reality is that most BFNWOM prisoners do not have qualifications which equip them for the job markets in their own countries (see Table 10, Chapter 3, p. 138). In the light of these statistics showing such low educational achievements, it is to be inferred that the likelihood of them entering the job market, even with skills acquired in prison, is very remote indeed. The following narrative from twenty-six-year-old Tamara discusses this issue:

I did one of the courses in hairdressing. That I know will help me when I go back home. I have one bit left to do to get the certification. It took me longer than I wanted

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though and I really had to suffer in here while I was doing it because when I do it I don't get any pay since I don't work. So sometimes after I finish one part I have to try and work to get some money so that I can at least have something. The good thing is that I don't have any children like some of the other women so I don't have to worry about sending back money to them. I don't have any family sending money to me in here but at least I can tough it out and sign up for the hairdressing class because is just me alone toughing it out. A lot of women have to call their kids and so on so they need to work for the money. The hairdressing will allow me to maybe get a hairdressing job and start my own hairdressing shop when I get some start-up money.

What is important to note is that, according to this prisoner, it was only possible for her to benefit from enrolling in the rehabilitation hairdressing programme because she had no dependents outside prison. As discussed before, this is not typical for BFNWOM prisoners: most have dependents. Of my sample of sixty, fifty-one were mothers. The reality for most black foreign national women prisoners is that they bear the guilt of having their children in another country with no other provider than themselves. They feel obligated to provide in some way, and even though their salaries are meagre they feel they must work and provide a means of income for their children. This obviously limits the possibilities for becoming certified in a vocation while in prison, something that may be beneficial to them when they are released. Thirty-one-year-old Buki shed some light on this when she spoke about it at length:

I cannot pretend that I don't have a responsibility. My children now have dropped out of school because I am not there. No one sees them as important. Money is scarce so I cannot blame them either. They have their own children. I want to do the hairdressing course but I must choose. I made an agreement with my uncle that every other month I will send whatever money I worked to him and he would do the other months. It is not much but it will at least keep one of my children, my daughter in school. I work in the kitchen when I can because it pays the most so I try to keep that job. I would like to learn computers but really – I have to be realistic – I will not have any computers or any such thing when I go back to Nigeria, my life there is simple. That would be of no use to me there.

When asked if being actively engaged in the work programme had helped in rehabilitation, she commented thus:

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It keeps my mind occupied I would say. At least I am not sitting in the cell all day doing nothing. It is very hard work the kitchen work, you have to get up very early in the mornings and you finish very late in the evenings but it is the best-paying job for prisoners. I need the money so it helps me to at least meet the agreement I made with my uncle to send money for my daughter to go to school. In that way it eases my mind. I cannot help all the children but I don't want my daughter to stop going to school like the boys. I don't really see how else I can benefit from any thing else in this prison but to work, the computer courses and the other subjects will be of no use to me really [...] so I guess the work is my rehabilitation. But I did not work to get better or find myself, don't get me wrong, I know what I did, I work to get money to send home for my daughter. I am not really sure about rehabilitation as such, rehabilitate me from what? I don't want to ever go to prison again. Will I ever do anything to take me from my children again – I don't think so. But when you are desperate you know you do things like that, so for the future, I can say I 'hope' I don't do anything like that again.

*Of note in this narrative is the repetition that this prisoner did not think educational programmes such as computer training and gaining academic qualifications would be of use to her resettlement when she returned to life as she knew it in her own country. However, she agrees that it helps to pass the time and to earn minimal cash while in prison, and in this respect she sees it as rehabilitative. Her commitment to send money back home every other month to keep her daughter in school prevented her from enrolling in any other rehabilitative work programme. Consequently, she was always trying to retain her job in the kitchen since it was the job that paid the most and she needed the money to send back home.*

Some Foreign Nationals Officers recognize that many women need to send a little money home for their children, and where they can they do try and help the women find the jobs that give them the best payment. Buki, in particular, had outlined her plight to the officers and her commitment to send whatever she earned home to keep her daughter in school, and the officers therefore tried as much as possible to keep her working in the kitchen.

Buki's acknowledgement that some of the work programmes offered at the prison – such as information technology – are not of any benefit to her sheds light on the prevailing inferior social and economic possibilities in the countries of most BFNWOM prisoners. Many of them come from countries where there is little hope of them gaining access to employment in the corporate arena. The drawback to

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arrangements such as frequently working in the kitchen is that the activity itself does not provide the BFNWOM with any opportunity to gain any skills that could better her life once she leaves prison: she is simply a mode of production inside the prison (Melossi and Pavarini 1981). The economic position of BFNWOM therefore ensures that the marginalisation and lack of opportunities they faced outside continues even behind prison walls, furthering their victimisation (Agozino 1997, 2000, 2003, 2008).

The following narrative from twenty-six-year-old Sandra examines this issue:

It does not really make any sense I take those courses. On the real, I would like to do it just to know that I can use a computer and so on [...] but really now – I won't get a job to use any computer or do any kind of office job like that in Jamaica. Never. You have qualified young people leaving school with subjects even university degrees and at home sitting down – so me don't stand a chance so why I going waste my time on that? What I do here is to work on the chicken farm that they start up at this prison. That seem more better for me as I may can start a little chicken business and sell some chicken, I can learn from that and maybe get some money from doing that when I go home. I use to be at another prison but they never had any of these things so that's one reason I wanted to transfer to this prison, because I hear that they have things like this that I can do. They have to remember that things are different for us when we leave prison, the British women can do these programmes and they help them – is just a waste of time for most of us in reality who have to go back home.

It costs the UK over £38,000 per year to keep each foreign national prisoner in the newly designated foreign national prisons; if this money is to be spent effectively, it is advisable that the projects that BFNWOM prisoners engage in are actually beneficial to their resettlement. In recognition of the fact that many of the projects available to British nationals were not applicable to the BFNWOM prisoners, and acting upon recommendations from inspection reports that it improve its service to the many foreign national prisoners in its confines, Morton Hall prison appeared committed to improving their service to BFNWOM prisoners by finding out what kinds of rehabilitative work programmes would be useful to the women when they left prison.

Morton Hall prison sent its Foreign Nationals Officer to attend a conference in Jamaica entitled 'Resettlement and Rehabilitation', hosted by Hibiscus in 2005. The officer conducted a workshop with about nineteen women who had been deported from England to Jamaica. In the course of that workshop he was able to collect first-

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hand information about whether the various courses they had undertaken had benefited them. He was also able to visit some of the depressed communities and the homes where some of the women lived to fully understand the conditions of their existence and, further, to understand the type of assistance the prison could consider providing for them, thereby making the best possible use of the funds allocated for their prison term. Many of the women spoke of how they went back to Jamaica full of hopes for the IT skills and office certifications they had acquired while in prison in the UK, but stated how difficult it was for them to find any such jobs back home.<sup>90</sup> The only women who were able to find jobs using the certification they gained in office skills while in prison were those who had completed secondary and tertiary education and had been employed before they went to prison in England. The following comment is very pertinent in this context:

Since I have been back here I have had no jobs. I am back to doing the selling on the street and just trying to get a helper job here and there. I did all the subjects and IT and got all my certificates when I was in prison but I can't get any jobs out here with it. There are people much more qualified than me and they do not have any jobs or have to settle for jobs that is below their qualification, so there is just no chance for me.

Another commented:

I learn machinery when I was in prison. So I know how to operate the machine and sew. But all of the freezone factories where you can get jobs doing that are closed. What I would love to do is to get one of those machines and sew some clothes then I would take it to the market and sell. But I have to live and I don't have no spare cash to buy that machine. I tried getting jobs but nobody who is into the sewing thing big can employ us because most of them do it themselves.

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<sup>90</sup> The unemployment rate in Jamaica was 14.5 percent in 2009, and 11 percent in 2008 (CIA World Factbook at [http://www.theodora.com/wfbcurent/jamaica/jamaica\\_economy.html](http://www.theodora.com/wfbcurent/jamaica/jamaica_economy.html)). Many of the countries' skilled personnel cannot find suitable jobs, and most university and college graduates in Jamaica are in jobs they are overqualified for, at low salary scales. BFNWOM who learn basic IT skills in prison in the UK are relatively uncompetitive compared to this large pool of skilled workers. Gaining IT skills would be beneficial if the women were guided in how to use such skills for small income-generating businesses. The point here is that training for IT skills in the hope of finding work in the job markets of developing countries with similar and higher unemployment rates than Jamaica is not an effective use of resources, and does not constitute sensible resettlement planning for the BFNWOM.

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The Morton Hall Foreign Nationals Officer, on listening to the deported women and seeing the reality of their unenviable lives, was better able to transform the policies regarding work rehabilitation at Morton Hall prison. The prison was able to concretize its plans to offer vocational rehabilitation projects that gave the women skills that they could utilise when they returned home. One very successful project implemented by Morton Hall is the chicken farm. The prisoners are taught how to develop and care for a chicken farm and they tend to it daily. This is a venture that Hibiscus Jamaica has supported by raising funds locally in Jamaica to provide women with start-up capital to begin their own small chicken farms and market their eggs and chickens. These projects designed for the foreign national prisoners at Morton Hall are beneficial to the BFNWOM because they are entrepreneurial, and they can implement them easily and achieve a means of income even in the face of their own difficult realities.

In a telephone exchange, the Foreign Nationals Officer from Morton Hall who attended the conference commented:

It is clear that we need to offer programmes that meet the needs of these women. From what I have seen on my visit to Jamaica, we definitely need to fine-tune our work programmes to their needs. It makes no sense spending money on things that they can't use when they get home because the system in their country is just different to the support system in the UK. At the end of the day, it is about better use of limited funds.

The Home Office identified this problem in its 2006 report *Foreign National Prisoners: A Thematic Review*:

Within the foreign national group, black foreign nationals were particularly likely to say that they did not know where to obtain help with resettlement difficulties. For example, they were the least likely of all foreign national groups to know whom to contact in the prison with regards to future employment, or help with finances and education on release. Although more sentenced foreign nationals said they had a sentence plan than their British counterparts, only a third of black foreign national respondents reported having a sentence plan. (Home Office 2006:41)

From the narratives collected from the returned women, and from the observations of the Foreign Nationals Officer who visited Jamaica to note resettlement conditions, it is easy to comprehend why the Home Office report found this problem. It is evident

that the rehabilitation programmes being given to black foreign nationals do not suit the economic and social realities of the women's home countries.

### **Sentence Planning and Preparation for Release**

A significant part of the rehabilitation programme in English prisons concerns organizing 'sentence plans' for prisoners. These plans are aimed at maximizing the benefit of rehabilitation programmes for the prisoner. In the case of BFNWOM prisoners, sentence planning cannot be effective unless there is sufficient knowledge about the social and economic realities of the women's home situation.

However, the Prison Service would be stretching its resources to step into doing country updates on job prospects and stability. The visit from the Morton Hall Foreign Nationals Officer to Jamaica was a commendable move in view of the very large number of black women prisoners from Jamaica in that prison at the time, who were serving long sentences. The interviews conducted with the women, as well as with the Foreign Nationals Officer, indicate that a more practical and collaborative approach, in co-operation with NGOs, would go a long way in assisting the Prison Service in providing more effective sentence planning for black foreign national prisoners.

Consider the narrative of Belinda below:

When I was in prison I tried to go to school because really I never got that chance here. So I thought if I did a few courses and get some certificates, it would help me. In truth, I felt good when I did it because at least I know that I can do it. And that felt good when I got the certificates, but when I come home I can't do anything with them because here, it is same old – same old. Lots of people have degrees so this don't affect anything other than to let me know that I have it! I am glad I did it but if I did more of a trade thing as well, you now, like learn to do a skill that I can sell when I get back then that would have been better. But even if you tell them that some things they want you to do is not really relevant to you they don't know, they should really speak to people like Hibiscus more because they know what the home situation is.

From the interviews conducted with the BFNWOM it became clear that the Prison Service had little idea about the needs of the women because it was far removed from the realities of the women's home environment. Most of the women in need of assistance would seek out the help of organisations such as Hibiscus, who they know

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have a better understanding of their home circumstances. Hibiscus has an office in Jamaica, and they operate a vibrant network with organisations and governments from other developing countries such as Nigeria, Ghana, Trinidad, South Africa and St. Lucia.

Women frequently commented that most of their support came from these NGOs and not from the prison staff. Most prison staff I spoke to commented that they frequently referred BFNWOM prisoners who were in need of assistance to Hibiscus, because the organisation is more equipped to deal with the women's concerns.

The knowledge and credibility of the NGOs in this area have already been tested by the Prison Service. For a number of years the courts relied on Home Circumstance Reports from Hibiscus to assist in the sentencing of black foreign national women. While British women had Home Circumstance Reports to inform their sentence terms prepared as a matter of course, BFNWOM prisoners did not have this because of the geographical barriers, and Hibiscus was entrusted with providing this information, wherever possible, from their development workers who were stationed in the relevant countries.

Similarly, the narratives of the women indicate that closer collaboration is needed between the Prison Service and the NGOs that operate in their home countries, which have solid and credible advice on how to facilitate rehabilitation projects that will benefit the women.

A detailed evaluation of how Hibiscus supported the women who had participated in the chicken farm training project at Morton Hall was provided by many of the deported women whom I interviewed in Jamaica. They also made a point of praising Hibiscus's contribution. This was what Claudette said:

Hibiscus helped me when I came back. I am glad I did the chicken farm training at Morton Hall because it helped to me get back on my feet when I got back to Jamaica. They got a 10,000 Jamaican dollar [about £100] government fund to help me to start up the business. Since I had done the training it was good that I could show that I could keep up the business. I used it to buy some small chickens and set up a little chicken coup to the back of the house. It helps because I get eggs for breakfast for the children and I get to sell some chicken and eggs. I just need to keep going and save some more so that I can make it a little bigger. But right now although things are not the greatest it could be a lot worse if I did not get this help and maybe if I did not learn how to do the chicken farm when I was in prison.

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Andrea, another deportee who learnt machinery while in prison, plans to work with Hibiscus Jamaica using her machinery skills. In an interview with the Hibiscus development worker, Andrea learned that there was an old industrial clothing machine that had been donated to the charity and was lying idle. Andrea plans to visit the Hibiscus compound, make clothing items and take them to the market for sale:

I cannot afford to buy a machine like that. But I can make brassieres and underwear and nightwear on the machine. So what I have planned to do along with the Hibiscus is to get access to the machine that was donated to them and make a few things. I can make some things for Hibiscus as well that they could use to sell and fundraise too as well as I can make things for myself and I can take them to the market. Right now I am not working but I have the machinery skill and they have a machine so that is what I am thinking of doing right now. At least I will be able to use the machine skill I learned while I was in prison in that way. I don't know when I will afford to get a machine like that for myself or to get a second hand one, but this is a start, it is better than nothing.

The above narrative again highlights the value of solid, co-operative relationships between the Prison Service and voluntary organisations in developing effective and useful rehabilitation work and education schemes for women in prison.

However, not all BFNWOM in prison are low-skilled and uneducated. There is a small group of women who were educated up to the tertiary level, who frequently commented that they could not benefit from the programmes that were on offer for education and work, because they were not challenging and were designed for women with little formal education. This small minority of women also found the work and educational rehabilitation programmes inadequate to their needs, and so they too believed that they were not benefiting from the sentence plan given to them. The following narratives shed some light on this issue:

My brain is dead in here. There is just nothing to do. I get involved in activities sometimes trying to help other inmates who can't read and that helps but that is something I do on my own. It is not a prison activity as such so we have to do that in our own free time. I have to sit in classes that are of no value to me. I can read, I have a degree and I was finishing up a second degree in law when I came in here. That has been scuppered but there are so many other things I can do even if I can no longer practice law. I know I can make a difference to other women's lives. I want to enrol in a postgraduate course that gives me a grounding in how to do outreach work with

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the many women who were in similar situations to mine, but I have asked the prison authorities for the course so many times I am tired now. They don't want me to do it. In fact one prison officer asked me if my degree is not enough, why do I want to do a postgraduate course. She actually said, 'Your degree didn't stop you from being in here did it, so what's the point of doing more'. I keep getting promises that they are working on it, but I am not holding my breath any longer. It seems I will just have to sit here for the long sentence with nothing to do.

Fashion designer Mary from Nigeria said:

*I have a degree and I was running my own business successfully. My problems came when I decided to divorce my husband after all the beatings. I had to leave everything to him. I am no fool really. I made a mistake and I am paying a price for it. The officers know that I am not like some of the other women in that I am educated. I also help some of the women to read over their cases and explain things from their documents to them that they do not understand but are afraid to speak to the officers about. I moved to this prison because I wanted to be able to do further studies and it was not being granted to me where I was. They told me I stood a better chance to get it here. But it is almost two years and I am still waiting. It is boring in the days and sometimes I feel like I am going to just explode because there is nothing to do that is challenging to me, I can't possibly sit in on the classes that are geared to those without formal education. So I take pottery classes and such things sometimes – but truthfully, it is just a waste of time that I could spend doing other things that would be better for my rehabilitation. When you say this to the prison officers, some of them get offended and wonder why it is that you want to do more top level education. Maybe because they do not have it – I don't know. But I have been pulling teeth here trying to further myself. If you advise them on this, they tell you that they are the officers and they decide in the end what are the best programmes for you.*

These two narratives clearly show that a small minority of BFNWOM prisoners, who have tertiary level education, find it very difficult to fit into the programmes that are currently offered by the Prison Service. They also highlight how rehabilitation in the form of education can be used as leverage by prison officers and echoes Bosworth and Carrabine's (2001) assertion that this power to punish is extended into what 'privileges' inmates are allowed. It also reflects the power dynamics in penal institutions addressed by Sykes (1958), regarding how punishment is reinforced by the deprivation of certain goods and opportunities. The failure of rehabilitation

programmes to accommodate educated BFNWOM prisoners can lead to increased mental health problems in these individuals which can easily go unnoticed because these women are thought by officers to need lesser attention. The comment by the BFNWOM above, that she sometimes felt she was going to explode because there was nothing to do that was really challenging to her, underscores the potential mental health problems such callous rejection of the needs of BFNWOM prisoners could cause, especially if those individuals are serving long sentences.

The first two narratives also indicate a very important service that these educated BFNWOM prisoners provide voluntarily and on an ad hoc basis to other women prisoners who are less educated than themselves – they are able to read and explain the contents of their letters and legal documents to them. I quickly realized that this practice was very common, especially when educated BFNWOM prisoners had long sentences and had won the trust and respect of the other inmates. These women are also usually chosen by the other inmates to represent them in prison–prisoner forums and meetings. This may suggest an area where rehabilitative work/voluntary programmes can be developed, perhaps by formalizing this practice through supervision within the Prison Service, so that educated BFNWOM prisoners can be credited for the work they are doing, and also assisted to do it as effectively as possible.

This service of explaining documents to uneducated BFNWOM prisoners is also carried out by a number of charities working in prisons, but comments from women often suggest that the need is far greater than the help available. I spoke to many women who confessed having sought assistance from the more educated prisoners on a regular basis. Twenty-three-year-old Geraldine said:

I can't really read. I can help myself but I don't understand when I get letters sometimes. It is almost impossible to get through to solicitors, they hardly come in to explain anything to you – well solicitor has never come in to explain anything. I have to ask Hibiscus to do it for me. They are also booked up a lot of time because a lot of women want to see them so when I cannot wait and I am getting depressed I ask Miss Banks [an educated BFNWOM] to do it for me. I trust her and she usually write my letters for me too. I tell her what I want to write to the solicitor or to my kids and she writes it for me.

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Sentence planning and the development of work and educational rehabilitation programmes, therefore, need to be more informed about the circumstances of the home environment of the BFNWOM prisoners. Furthermore, there is clearly a need to improve the provision of services for the educated BFNWOM who at present face the risk of being marginalized because of unsuitable rehabilitation strategies.

### **Parenting and Resettlement**

A significant proportion of BFNWOM in English prisons are mothers, as is evidenced by the sample of respondents in this research – 85 percent (N = 51) of the sixty women in my sample were mothers. Of the twenty deported women I interviewed in Jamaica, sixteen were mothers. Most women interviewed who were mothers indicated that the most traumatic and difficult thing about being in prison was being away from their children. This section discusses rehabilitation in terms of how the BFNWOM deals with this distance from her children, and how she is prepared for taking up the parenting role after prison.

I have already discussed in detail how most of the BFNWOM prisoners, being the heads of their households, find it difficult and painful to be away from their children. In the interviews with the deported women in Jamaica I asked them what the hardest thing had been for them on their return home. Responding to this question was an emotional experience for the women. While many cited the lack of employment and instability in their home situations, the most emotive and recurring answer from the women with children was that they found it very difficult to relate to their children. In Jamaica, where most of these women were the sole breadwinners and disciplinarians for their families, their absence severely damaged their ability to command respect from their children in the manner in which they were accustomed to do prior to their foreign imprisonment.

Carolyn, a twenty-eight-year-old mother of two had this to say:

I am a shadow of myself because I don't know my children anymore. When I came home I asked for my son and they said he was on the road. So I thought they meant he was playing or something. So I waited a bit and then I asked my brother to go and look for him because I just wanted to hug him, to see him. My neighbour heard me and then shouted back over the fence that he is by the corner with the some guys begging. It was like I was in shock. When I ran to the fence and shouted to her what she meant she said quite normally that he was on the corner begging. I ran up to the

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corner and I saw him begging a car that was at the stoplight and I started crying and shouting. When he saw it was me he just turned away and ran the other way. It is a different child. I don't know how to deal with this. I was not prepared for this. It is another prison sentence all over again.

It was hearing repeated narratives like this which made me aware that an all-important process for BFNWOM is certainly an emphasis on preparation for the role of parenting after prison. The fact that most of the women are mothers, whose identity is defined through a culture of patriarchy, makes their resettlement extremely difficult. The difficulty has much to do with their self-esteem and their diminished belief in their ability to be 'good women' and 'good mothers'. Listening to Carolyn speak about this was very painful:

I battle each day to try and let my son know that I am here again for him. He is coming around again and I try to be strong around him. But when I am alone, I cry and cry. It is just too much, I think I am bad mother and I have no confidence anymore in the mother I am. It's like I am a shadow of myself. I came out of prison thinking I was ready to start again, but the hardest job is how to cope with my son after coming out of prison. I did the drug courier course<sup>91</sup> at the prison and looking back that was really not helpful, it would have been better if they did things with us about how to deal with these things like dealing with the children.

As Carolyn's narrative illustrates, it is imperative that the rehabilitation and resettlement plans of BFNWOM prisoners include training and workshops related to parenting, particularly since the majority of them are single parents. The women I interviewed in Jamaica definitely felt that they would have benefited from parenting training geared towards preparing them for the role post-prison. Discussions on post-prison parenting were, however, not a part of any programmes they received. Thirty-five-year-old Sylvia commented:

I did the drug courier course and it was okay but really it was highly irrelevant. It was too depressing going over the way we did the crime and they truly did not have a clue about any of us or what we went through. The course was to tell us what we had done

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<sup>91</sup> The Drug Courier course is implemented in a few prisons who buy in to the service. It seeks to engage with women who have been convicted of drug couriership using role plays and discussions about the effects of drugs on individuals, on society, on the children they have left back home. It role-plays the act of couriership which many women avoided talking directly about in the interviews, and many stated that they did not enjoy this part of the course because it made them depressed when they remembered.

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wrong and why we should not do it again. It showed us all the things the crime caused like drug addicts. But listen we all knew that already! So I just sat in the course to get off other things like work or so. Every mother in prison would sign up and be interested in the parenting course because that is our biggest fear – facing our children when we get out. And in reality that is where life picks up [...] so it is worth them looking into it.

Barbara is a thirty-nine-year-old mother who was convicted for passport fraud. She lived in England for three years illegally and regularly supported her children back home in Jamaica. When she tried passport fraud to attain indefinite leave to remain in the UK she was arrested, charged and spent seven months in prison before being deported. All contact with her children stopped. Her aunt who took care of the children had no money and the children had to grow up very fast. When I spoke to Barbara in Jamaica she said:

When I was arrested, I knew they were going to deport me so I just prepared for it. But my concern was that my children would be desperate and it was true. When I came back home my daughter who is fourteen was pregnant and my sixteen-year-old son was on the road hustling and sometimes stealing. I could not talk to them, my daughter just don't listen to me. I was in jail for seven months and so much happened in that time. I have no impact on them at all, they have no respect for me and I cannot get anywhere near the place I was with them before. Everything changed, in seven months my children became vulgar slack adults. So whatever I planned to do for them, that all changed. It is depressing and I just don't know what to do. I just have to watch them waste and know that I caused it. I am constantly depressed, I just never expected this.

This shock of returning to changed, indifferent and traumatised children causes many women upon return to become psychologically unstable. As early as 1997, Home Office research findings entitled *Mothers in Prison* (Home Office 1997) reiterated that programmes in place for foreign national mothers to facilitate contact with their children were almost non-existent. This sudden isolation and disattachment, with very little contact by voice or sight of the one parent they know as the financial and emotional provider, has devastating effects on children, as is evident from some of narratives gleaned from BFNWOM. Writing about children's trauma when mothers are imprisoned, Kampfner (1995:89) posits:

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During this process, children's emotional needs are essentially ignored. These children witness their mothers' powerlessness and violation. Such experiences often leave children feeling extremely vulnerable; this is especially true for young children who have trusted in the omnipotence of their mother and her capacity to provide emotional sustenance even under duress.

Here, Kampfner captures the exact situation conveyed to me by mothers who were deported, when they finally met up with their children. In societies where the mother was the central figure and held the family together even through stringent economic realities, things simply fall apart when the mother is incarcerated overseas. There is no leadership and the absence of the mother's voice to offer encouragement throughout the difficulty leaves many children with severe attachment disorders. According to Howe et al. (1999:13):

attachment behaviour is activated whenever young children feel distressed and insecure, and need to get into close proximity with their main caregiver. Thus, situations that lead to separation from or loss of the attachment figure not only cause anxiety, but also entail the absence of the very person who is able to help soothe the child and return them to a less distressed condition.

They argue, therefore, that attachment is not only constituted by physical presence, but by a strong emotional and psychological bond. Parents or caregivers who are unemotional and unresponsive to children – as is forcibly the case with BFNWOM prisoners who are unable to speak to their children regularly, and have access to no programmes that foster distant bonding – risk fostering poor attachment with the child and deepening the sense of loss and trauma for children left behind.

These insightful narratives reveal that England's prison rehabilitation programmes meant for BFNWOM prisoners need policy revision. Prison rehabilitation must ensure that the basic emotional support for BFNWOM prisoners is addressed. A very good starting point would be delivering programmes geared towards dealing with interrupted motherhood. Motherhood interrupted by prison is especially hard on children whose parents are overseas and who totally depended on their mothers as breadwinners and for emotional support: these children do not have the support of agencies to intervene and most often are left to fend for themselves. In order to re-establish the mother-child relationship after inflicting such strains on a

child, a mother requires some special training on the issues she may face with her child and the strategies to deal with them.

### **Programme Implementation and Prison Culture**

Such programmes, if and when implemented, must be handled by individuals who understand and see the true value of the concept of rehabilitation, and not by those who view it as a part of running a prison.

The principle of operating a prison smoothly can sometimes be very problematic precisely because of the programmes formulated and implemented. One is naturally tempted to ask whether the programmes are being implemented merely to keep idle hands busy and to fit into the institutional framework of the prison (Wahidin 2006). The answer to this question is important because if stakeholders such as prison officers do not believe in the value of the rehabilitation programmes – because they do not understand the needs and circumstances of the prisoners – then the implementation of programmes may just become a routine operation and not inspire behavioural change among prisoners.

Interviews with BFNWOM prisoners indicated that some felt the programmes were not formulated on the basis of significant knowledge about their social realities. Some women saw much value in the programmes and many commended certain officers who assisted them in making the right choices. They also recognized the sad fact that not every officer felt they should be gaining any benefits from educational programmes. There were also comments from prisoners which revealed that the value of educational programmes for foreign national women prisoners is not supported by all prison officers. A conversation I had with a prisoner, which is quoted in full below, sheds light on this:

**Tres-Ann:** What rehabilitation programmes are you involved in?

**Prisoner:** I do the pottery course now. I just do it though but I don't like it and I can't see how it will help me at all. I wanted to do the hairdressing course but I had an argument with the officer who assigns you to courses and I think that's why I did not get to do it.

**Tres-Ann:** Do you really think that the argument would stop you from getting that course?

**Prisoner:** Oh yes [long hearty laugh], you have no idea do you! I am positive that is why. He made to tell me that he is going to sort me out. And I see people who want to do the course after me get to do it – but not me. In any case, it is bad if you are a foreign national because some of the officers just do

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not think you should get anything other than being locked up. They complain all the time that we would not get this in our countries so we should stop moaning and take what we get and consider ourselves lucky.

Tres-Ann: But how often do you get these comments? Not all prison officers are like this though.

Prisoner: No no. Most are really nice. But the problem is that when one officer denies you something like getting into a course. Another officer even if they want to get you on to the course won't go against that. So you are stuck. Some will even tell you that they can't change what that person said and that they wished they could. Some officers just think prison should be straight hell for us and they think these courses are too good for us. I sometimes think they have the programmes just because it would look bad if they did not. Some officers clearly ask you what's the point in doing them if we are so poor.

The issue, then, is ensuring that the institutional culture of the prison is rooted in the value of rehabilitation and its importance to BFNWOM prisoners despite their social vulnerability. Many officers may actually see or believe that the social situations of some women are not applicable to the programmes on offer for them and so the rehabilitation programmes become a routine of 'prison operation' rather than a means to effect change. Some prison officers may see these programmes as beneficial while others may see it as something to keep the prisoners busy. This lack of consensus about the effectiveness and benefits of rehabilitation programmes does not go unnoticed by the prisoners themselves. They are able to detect any disconnectedness in the values of the prison and the programmes it offers, and there can be little doubt that this can also affect how seriously the prisoners themselves take the programmes. Consider the following comments from one prison interviewee, called Faith:

Some of the officers here really want to help us – they sometimes don't know how since they don't really understand exactly our situation so they usually refer us to like Hibiscus when they cannot help. However, I notice some of the officers have absolutely no idea what being prison officers mean. They think they are here just to punish us. The time is the punishment. We are doing the time but they go out of their way to make it more difficult and to make us do other courses or courses that don't really benefit us. When they do this, it is hard to get it to change especially when they go and complain about you to the ones who decide which course or work you get. I notice that the ones they get from off the street, like they are not long time officers, they just take people even from the supermarket, because one of them told me that she saw the ad in the supermarket she was working and she applied, they just take people like that who have no understanding how to deal with prisoners, moreso foreign prisoners. Up in the country here, a lot of these officers who are untrained are

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very underexposed so they do not think no money should be spent to give us any courses or benefits so they give us a hard time. They [the prison] pretend they don't know these things happen. but I think they do. They just refuse to admit it. There is also no black staff here. None.

This issue became clear to me while I was having lunch in one prison during a break and was joined by prison officers. They asked who I was and what I was doing. I explained to them that I was conducting interviews with foreign national prisoners and speaking to the staff. During our conversation, one officer mentioned some programmes that the women were offered like the 'Drug Trafficking Course' and asked what I thought about those. I commented that I had seen the course content and it seemed interesting but that I had not actually sat in on any of the sessions. The other prison officer then said:

Well, it is all a part of just running the prison, isn't it? As to whether they work, I don't know but I'd love to find that out. Is this stopping women from committing crimes and coming here? Sometimes I just think, 'Let's get on with running the prison.' They surely would not have these things in their own country; it is prison after all, you know.

The first prison officer then said: 'Some of the programmes do work and make sense though. If anything, it keeps them busy and that has got to be a good thing.'

### **Deportation and Resettlement**

When I decided to extend the research to include interviews with women who had returned to Jamaica, my intention was to demystify the entire deportation process of foreign national prisoners, since many of them were speaking about their immigration anxieties and the uncertainties which faced them, particularly since they had received no resettlement guidance.

Barnes (2009) argues that as deportation and immigration is increasingly tied to the crime nexus of First World countries in subtly racialised and discriminatory modes, the rhetoric and actions of First World governments indicate that deportation is being used as crime control. Amazingly, the public is being fed the rhetoric that the more deportations and refugees First World states are able to return, the safer they will be. Wacquant (2001) maintains that such attitudes have been increasingly influencing attitudes to rehabilitation in prisons, particularly with respect to persons

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viewed as 'different', whose culture or way of life is not understood, and so are viewed with suspicion and considered too much as the 'other' for rehabilitation to even be attempted. Garland (2001) shares these views, pointing to the increasing prison rates as evidence of a move from rehabilitation to repression.

After the 'deportation crisis' of 2006, where there was intense public outcry and media-fuelled moral panic that over 1,000 foreign national prisoners had been released in the UK,<sup>92</sup> there has been a relentless shift towards more draconian attitudes to foreign national prisoners; concerns for their removal have seemingly superseded the need to adhere to international standards on the treatment of foreign national prisoners and respect for their dignity. Consequently, Bhui (2007) poses the question: 'Did the threat posed by released foreign nationals justify the response?' Bhui provides the best reply to his own query:

The IND was responding to an extreme public, media and political reaction to the revelations of April 2006. While there are many possible reasons for the intensity of the outcry, the obvious one [...] was that it combined concerns about two areas that elicit heightened public angst and therefore political sensitivity: crime and immigration. Opinion polls demonstrate the strength of feeling in this regard; the most recent research [...] shows that 'race relations, immigration and immigrants' are the top public concern, while crime, law and order, violence and vandalism are close behind. (Bhui 2007:369-70)

Driven by politically charged rhetoric, foreign national prisoners are being treated like hordes of diseased cattle. The deportations are fast-tracked and the usual rehabilitative social welfare concerns are of little concern. Illegal immigrants are now also lumped under the same operational management as foreign national prisoners. In November 2009 the *Times*, reported:

The deportations are coming thick and fast, sometimes on chartered flights, and new immigration removal centres are being built to the standards of Category B jails – a

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<sup>92</sup> James Slack. 'Freed. 21 Foreign Prisoners in Jail to Await Deportation'. *Daily Mail*, October 27, 2007. <http://www.dailymail.co.uk/news/article-489359/Freed-21-foreign-prisoners-jail-await-deportation.html>; Richard Ford. 'Prisoners Facing Deportation Leave Open Jail and Disappear'. *Times*, May 27, 2006. <https://www.timesonline.co.uk/article/0,,29389-2199181,00.html>.

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level of security more commonly associated with hardened criminals rather than illegal immigrants.<sup>93</sup>

The article continues by quoting a former Deputy Assistant Commissioner in the Metropolitan Police, who describes the new efficiency with dealing with foreign national prisoners:

Mr. Wood said: 'We have our staff in those hub prisons [...]. We are interviewing [foreign nationals] within five working days of the start of their sentence' [...]. Staff hold surgeries in the jails, telling prisoners given more than a 12-month sentence, or a shorter term for drug or gun crime, that they will be automatically deported at the end of their sentence. [...] 'There are some individuals determined that they will not be removed. They play up, scream, shout, spit and fight on the plane. In these cases, the captain throws us off scheduled flights, so we get around that problem by chartering planes. That kind of behaviour cuts no ice on a charter. There are no feeping passengers.' Mr. Wood added. 'They can scream and they can shout. We can put velcro straps around their legs and they can be handcuffed and physically held until the plane is airborne.'

The interviews in the present chapter were conducted in Jamaica in 2006, during the time of the deportation crisis, with women who had recently been deported after serving long sentences for drug importation. As BFNWOM prisoners neared their release date from prison, they were faced with a number of issues such as whether they would be deported, exact deportation dates, and whether their High Commissions or embassies had approved travel documents for those who did not have passports. The following discussion highlights the deportation and resettlement process.

Judith is a thirty-four-year-old mother of three who had lived in England for six years. She married the father of her last child who had British nationality through naturalization. Her husband was involved in drug distribution in Great Britain, and she was convicted of conspiracy to supply cocaine when a raid was made on their home. She was given a four-year sentence and at the end of her time was deported to Jamaica. Judith set out her experience of deportation in the following words:

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<sup>93</sup> Richard Ford. 'Out of Jail and Straight on a Flight Home', *Times*, November 13, 2009, [http://business.timesonline.co.uk/tol/business/industry\\_sectors/public\\_sector/article6914747.ece](http://business.timesonline.co.uk/tol/business/industry_sectors/public_sector/article6914747.ece).

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I thought that since I had indefinite leave to remain and since my daughter was born here and was a British that I would not have been deported. I got a four month early release and I got my release date. I was glad because at least I thought I would have been reunited with my daughter. I always wanted out of the marriage and I could not get out of it. He always threatened me that if I left he would kill me. And I know he would arrange it. Trust me – I *know* he would arrange it. When he was sentenced we agreed to get a divorce. I think he did it because he thought if he did not do it that I would be deported, my family tried to convince him as well. About two and half weeks before I was released, I got a deportation order. That was a shock to me. I was not prepared for that at all. Before my family could even try to do anything with any lawyer and get anywhere, I was on a plane to Jamaica. I had no close family here so I did not even have anywhere to go to. I called a friend who I sent money to sometimes and told her, and she said she did not have any space since she lived in a two bedroom with her and her two children and one of her baby fathers, but she said I could stay for a little while. I came off the plane without any idea of what to do where to go and who to turn to. I had no money in Jamaica, no family and no friends. I know because of who my husband was that that is the real reason why I was caught up in crime. I just wish they had dealt with the deportation side of things better so I knew this was going to happen and not at the last minute so I could have had some time to set up some sort of support system for me when I come home. What happened was that my visa was revoked and I was put on a plane sent to Jamaica with little notice and emotional preparation for it. That was my sentence all over again.

Black foreign national women, especially those who are mothers, need timely information about their immigration status. This research found that this was a very troubling and distressing issue for most women. The prospect of returning home from prison to find indifferent and changed children is too frightening a dilemma for BFNWOM prisoners. It is documented in the HM Inspectorate Report of 2006, *Foreign National Prisoners: A Thematic Review*, that foreign national prisoners receive inadequate immigration assistance: thus it seems that Judith's experience is just one example of information not being transmitted to the prisoner in a timely manner to allow them to prepare for their deportation.

Then there are the cases in which BFNWOM prisoners have completed their sentence, but because they do not have passports, or had been caught with fraudulent documents, their High Commissions or embassies have not yet verified their

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identities. If the country for which the prisoner is to be deported does not approve of receiving their national, then the prisoner cannot be deported until approval has been obtained. This has led to many persons still being imprisoned after their sentence had been completed.

This was the case of twenty-seven-year-old Mary, who was sentenced to four years for possession of cocaine. Mary said:

I served my sentence and spent three extra months in prison because they could not sort out my travel documents in time. The immigration did not send the deportation order until when my sentence was almost finished and the embassy said it too short a time to sort out a travel document for me and do all they had to do so that I could leave before my sentence was finished. So I had to sit in prison for three months after my sentence.

The issue of untimely issuance of deportation orders was also lamented by Foreign Nationals Officers. The Morton Hall Foreign Nationals Officer also spoke of the difficulties with the embassies and the immigration department, and of trying to ensure that foreign prisoners are released for deportation at the end of their sentence. He said:

We have had so much difficulty trying to get travel documents for women who are nearing the end of their sentence and I have one prisoner whose sentence has ended but we cannot release her because there has been no headway on her travel documents by her embassy. The issue became such a problem that we had to approach some High Commissions and embassies directly, e.g. the Jamaican High Commission, and engage a relationship in order to try and facilitate speedier travel documents. But it is at present very difficult between the times deportation orders are issued and obtaining clearance from the High Commissions where there are passport issues involved.

These illustrations highlight how frustrated the Prison Service can get with trying to run efficient prisons and also trying to sort out immigration issues for BFNWOM prisoners who are to be deported. There clearly needs to be a more effective system in place which tracks a prisoner's sentence progression and which identifies from very early in the sentence whether that prisoner will face deportation. This would ensure that the process of securing the relevant documentation for the release of a prisoner at the end of his or her sentence gets underway in adequate time to prevent the delays

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that sometimes result in prisoners being kept in detention centres after their sentence is completed. It would also give the prisoner time to adjust emotionally to the coming reality of deportation, and give him or her more time to make arrangements or seek adequate assistance upon release.

The need to improve the deportation process, however, is not restricted to the departing country. The receiving country has its own obligations, and from the interviews conducted with deported women in Jamaica and from interviews conducted with women who were expecting deportation to countries such as Nigeria and Ghana, I find that there is a lot of room for improvement.

Regrettably, the most prevalent complaint from deported individuals was that there was a lack of co-ordination and assistance for resettlement once they were released. This was especially grave for those women who did not have a family willing or able to provide them with shelter. Since most women lived in rental accommodation, these arrangements ceased or were reoccupied by other individuals when they were imprisoned. No information is provided to deportees at the airports in Jamaica that provides any resettlement advice or sources of assistance if resettlement difficulties are experienced. The variations in the accounts of the procedures at the airports showed there was no established system for processing deportee arrivals.

Some comments about deportee arrival experiences went as follows:

They made me sit for an hour and then one lady called me to take my fingerprints. And then she said, you can go now and that was it. I just walked out.

I was fingerprinted, my picture taken, and I was kept for almost a day. They said they were making checks. Then at the end of it a man came in and told me that us deportees giving too much trouble and I better behave myself because they are on to me now. Then he said I could go.

I came out and my brother had spoken to the police officers at the airport so they knew I was coming. I never got any hassle, they never even took my fingerprints, I just literally walked through and went out where my brother was waiting.

I told the officer I only had ninety-five pounds and nowhere to go and he started cursing saying what was the point of going to prison in a foreign country if I come out without any money. And that they can't help me I should go out and beg a phone call to somebody to help me. That is what I did. I went out and bought a phone call to my mother's friend. But I had to find my way on a bus from the airport to Portland in

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the country where I am from. When I reached home there was no house because my teenage daughter had a child and was pregnant a second time for another man who she moved in with and my son had gone to Canada and got involved in drugs and was in prison there. I placed some blue tarpaulin around the veranda section at the house where my daughter was staying and that's where I slept for a month.

This lack of support even in terms of information provision upon arrival is not limited to Jamaica. Focus groups and interviews with black foreign national women from other countries such as Nigeria and Trinidad have provided several valuable suggestions.

The most prevalent problem facing deportees in developing countries such as Jamaica, Trinidad or Nigeria is the lack of employment. Suitable jobs are rare even for those who do have secondary and tertiary education, and the likelihood of a deported person finding a job is significantly decreased. This was the experience of most of the deported women who participated in the focus group conducted at the Rehabilitation and Resettlement conference held in Jamaica in 2004. Furthermore, there is stigma from hiring organisations, who are reluctant to hire individuals who are deportees. Most women, therefore, lie about their history in order to get jobs: many women without formal education work as helpers or maids and having a criminal record prevents them from getting these jobs: so they lie.

One significant finding of this research was that many women, because of their bad experience of prison and the disruption it caused to the lives of their children and family, expressed the desire to speak about their ordeal so that others could hear from their experience that the choice of crime is not a wise one. Many women expressed thoughts such as these:

I want to be able to educate especially young persons about prison, whether here at home or abroad. I have been through it – we are the best persons to talk about this.

[...] being in prison made me realize that I can make a difference. Every day I watch now as young people take up the gun or rob and think to myself they just don't realize that one day it will stop and when it does – it won't be nice. They need someone to talk to them on the real about this. Like the young girls I see in my community going out with the drug dons, I could not talk to them in my community because it may cause the men to harm me but I could go to another community

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somewhere else and tell the other young girl there. I see how they help girls in the UK when I was there – we need that kind of help in our country.

Recognizing the need to educate young persons and children about the effects of prison and a criminal record, Hibiscus embarked on an education campaign across Jamaican secondary schools, using deported women who felt comfortable speaking about their ordeal as an effective human resource. The programme was successful because children would relay information to their parents regarding the perils of drug trafficking or committing crimes that may lead to foreign imprisonment. Although the programme was piloted in only a few secondary schools, it became so successful that guidance counsellors across Jamaica continued to request the sessions for their personal development classes.

The responses of the women indicated that they received immense satisfaction and a sense of worth from being able to interact with young people in high schools about criminality and the horrors of prison. Many women commented that they received a boost when they realized that they could actually make a difference in the lives of young people and that these young people were so receptive to them. One woman commented:

I was never ever involved in anything like that. I was always just a hustler on the streets. I never even dreamed of entering some of the schools I went into to speak. But when you go to speak to the kids you realize that they don't see you as a criminal and even though you are helping them, it is also helping you too. You realize that you are not a loser and that you actually have the confidence to speak and to act and that you can make a difference if only you get opportunities. I now want to do short courses in child care because I realize that I have the ability to reach out to children who are in need of guidance.

Another said:

This has been so fulfilling. Moreover, Hibiscus pays me a bit to do the sessions in the schools. But it is such a great feeling knowing you may be changing someone else's life that honestly, I would still volunteer to do it if I was not being paid.

The countries of origin of BFNWOM prisoners need to explore the human resource possibilities provided by these deported former prisoners who volunteer to assist in awareness programmes. Criminal awareness programmes assume much more value

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and resonance when persons who have experienced the harsh effects of prison are employed as resource persons. One prisoner related how she was moved to tears when a young girl who was a part of a group she had spoken to about her prison experience, approached her in the supermarket to say that she knew from a conversation she had overheard that her mother was thinking about carrying drugs overseas. The girl said she had gone home with the posters and flyers, and she believed that her mother had changed her mind after she narrated the experiences that the volunteer had imparted. However, though civil organisations such as Hibiscus try to assist deported women in Jamaica in this manner, the need is far greater than the resources available.

### **Summary**

A careful analysis of available data and the narratives obtained from the interviewees and some deported women reveal the sad fact that present procedures for rehabilitation and deportation are not wholly in line with the directives of the 1984 UN Recommendations for the Treatment of Foreign Prisoners. The Select Committee on Home Affairs maintains that prison rehabilitation ought to challenge an individual's tendency to re-offend, because they may be exposed to the same triggers for criminality. Although there have been occasional attempts to streamline the procedures and to embed specific work programmes for foreign national prisoners in some prisons, most English prisons with foreign nationals do not have a coherent policy on how to engage BFNWOM in rehabilitation and resettlement programmes.

Such measures ought to take into consideration the issues of preparing BFNWOM for reuniting with their children after long absences, educational opportunities for those that are able, and the need for greater advocacy to engage their home governments.

It is tragic that BFNWOM prisoners in England are not given any significant assistance for deportation from their own governments, and in many cases are not provided with timely information about when they are to be deported by the Prison Service.

Some of the imaginative development work done by FPWP Hibiscus and others could inspire the prison establishment and the Border and Immigration Agency to introduce procedural changes so that foreign national prisoners receive better

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sentence planning, work programme implementation and better administrative processing.

## **CHAPTER SIX: CONCLUSION**

This chapter concludes the thesis by arguing that BFNWOM prisoners have so affected the make-up of prisons in the United Kingdom, and specifically in England, that their issues can no longer be discussed as footnotes to or sub-sections within mainstream criminological studies on female prisoners in England. In this chapter, I endeavour to provide a context for the narratives that have been presented in the previous chapters, and so enable the formation of an informed understanding of BFNWOM prisoners' criminality and their experience of prison. The arguments presented here are by no means 'the end' of the analysis of the situation of BFNWOM in prison in England, but they provide a foundation for analysing future developments within policy and academia on how BFNWOM are managed during their time in prison in England.

### **The Arguments Revisited**

The thesis examined the issues that concern BFNWOM prisoners in England, and did so by amplifying the voices of the women to see the issues from their perspectives. By paying special attention to the experiences as related by the women, the thesis was able to delve into the underlying economic and social factors which pushed most of them towards committing crime. It explored the concepts of social identity, guilt, and rehabilitation and resettlement, to disclose how the experiences of BFNWOM prisoners form a highly neglected area of prison policy in England, despite their considerable numbers. The thesis also argued that traditional theoretical paradigms were inadequate to analyze the phenomenon of the high percentage of BFNWOM prisoners in England, and implored that an intersectional perspective be used as an analytical lens.

The thesis endeavoured to accomplish the following:

- To identify the countries with the highest number of BFNWOM in prisons in England,
- To investigate the reasons BFNWOM prisoners provide for committing the offence,
- To explore the experience of imprisonment for the BFNWOM,
- To examine the resettlement experience for the BFNWOM following deportation.

### Findings

This thesis provides strong evidence for the proposition that by concentrating on the actual experiences of BFNWOM prisoners in English prisons, one becomes capable of understanding the phenomenon in a different but much more informed light. By themselves, the long sentences given to BFNWOM, who are often caught drug trafficking, have been found to be a poor deterrent to transborder crime by foreign nationals (Heaven 2008; Klein 2009). Heaven (2008) argues that long sentences have no bearing on individuals who have no knowledge about such sentences and their consequences before they commit the crime. The findings of this thesis support the argument that long sentences without educational sensitization and awareness in the country of origin for most BFNWOM will only serve to maintain the UK prison system's status as a profitable business (Sudbury 2005), rather than deter vulnerable persons who have little knowledge of the incarceration experience which awaits them if caught. Harsh sentencing has caused an overload of a prison system already ill-equipped and ill-informed to deal with the large number of BFNWOM prisoners and the accompanying cultural complexities it brings to the prison estate.

In light of the dire socio-economic circumstances from which poor vulnerable women in the prison system originate, the findings of the thesis support arguments that the increased imprisonment of women is steeped in a patriarchal and institutionalised culture that seeks to further oppress women and force them to conform to the male-dominated status quo. Long before the explosion of numbers of BFNWOM in English prisons, Sir John Wheeler was quoted in the *Guardian* (November 10, 1996) warning that the policy of deterrence was not working and he suggested that 'seizure of assets, deportation and exclusion for life' would be more suitable. An advantage of this policy would be that the money saved could be diverted to customs, police intelligence, funding to voluntary organisations to provide educational programmes in the home countries of the BFNWOM, and the rehabilitation of offenders. This approach would seem to support views and experience from practitioners such as Hibiscus UK, which has carried out successful educational campaigns in Ghana, Trinidad, Jamaica and Nigeria. Agozino (2008, 2002, 2000a, 2000b, 1997) argues that the large-scale imprisonment of black foreign national women represents an extension of oppressive colonial attitudes which fail to recognise the impact of slavery on present day economic, political and social conditions in developing countries.

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Using Foucault's (1977) perspective as a tool for analysis, it becomes clear how prison attempts to 'normalise' the BFNWOM into what Devlin (1998) calls 'nice little ladies'. This normalisation exercise lacks an informed evidence-based implementation strategy whereby prison staff are adequately sensitised to the social, political and economic factors underpinning criminality. Paton (2004) provides a historical perspective on the way the BFNWOM experiences punishment. Her research found that BFNWOM are more likely to view prison as part of a socio-economic system designed to oppress them, and will inherently distrust any claims the prison system makes to 'assist' them. A solid understanding of the historical context of BFNWOM is indeed needed and essential to improving the rehabilitative aspect of prison. The histo-racial dynamics which affect daily communication between prison staff and BFNWOM has not been explored in any academic or policy contexts (Agozino 2008), and therefore a truly informed perspective on how BFNWOM interpret and experience prison in the UK is lacking. The writings of Fanon (1965, 1967a, 1967b) provide a further perspective on the unspoken historically based emotional issues which affect the dynamics between black persons who migrate to countries who formerly ruled their countries of origin. The significance and effect of these unspoken but present issues are magnified within a prison environment which is operated through constant surveillance and inspection (Foucault 1977) and by deprivation of liberty, goods and services, autonomy, sexual expression and security (Sykes 1958).

The thesis argued that BFNWOM are severely disadvantaged by the English criminal justice system, which does not understand, nor seek sufficiently to understand, these histo-racial complexities, despite the proliferation within them of black foreign national men and women, predominantly from poor developing countries. Klein (2009) highlights how the 1982 ruling by Lord Lane in the appeal court case of *Aramah* rejected circumstance reports for drug couriers, stating that it is their good character which made them targets for drug barons to recruit. Green (1998) maintained that the long-term imprisonment of couriers – who accounted for most of the women in the research sample – is senseless, especially when Western demand for illegal drugs, prohibition, and the undeveloped state of Third World countries will ensure the continuation of the trade.

Academic commentators (Platzer, Mirella and Nestare 2004; Seddon 2008; Storti and Grauwe 2009) point out that Europe remains the main market for cocaine which

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is transhipped through the Caribbean and Africa. Platzer, Mirella and Nestare (2004) point out that the Caribbean accounts for two-thirds of European cocaine imports and that the sustainability of the drug network in Anglo-Caribbean countries and some African countries such as Nigeria is maintained by the weak institutional capacities of law enforcement agencies in these regions (Klein 1997). These facts intimate that drug market forces will encourage a continued effort by drug barons to manipulate the most vulnerable persons in society to meet the demand for drugs in First World countries such as the UK. The evidence regarding the mid-2000s shifts in the BFNWOM prisoner rate in the UK (Figure 3, p. 23) shows that when educational awareness was coupled with the use of technological aids for drug detection by airport authorities in Jamaica, the number of Jamaican women arrested in the UK declined, while the rates remained level for Trinidad. Drug barons continued to target poor Trinidadian women where the institutional capacity to combat drug trafficking was still weak, and where there was little educational awareness about imprisonment in the UK and its effects. It was also established that co-operation between countries to promote technological aids without investing in raising awareness of drug trafficking effects and consequences is not sustainable if there is no political will to sustain these measures (such as always ensuring that ION scan and emit machines are in working order and are operational). Moreover, as various scholars have pointed out (Rose-Ackerman 1997; Brownsberger 1983; Harriott 2003), the high levels of corruption in developing countries makes it unwise to rely on these schemes alone without engaging the citizenry through educational awareness.

The high levels of underdevelopment and unequal distribution of resources among citizens from developing countries in Africa and the Caribbean makes these regions prominent targets for traffickers. Rodney's (1973) argument that years of colonial under-development had undermined the ethical and economic viability of societies in black developing countries, has been seen in these narratives to be a strategy used by the BFNWOM to neutralize their guilt in committing their crimes (Sykes 1968). Women were largely critical of the long sentences they received, and such feelings of injustice are reflected in the comments of one woman who said 'the fowls have come home to roost'. These thoughts by the BFNWOM in this research corroborate the findings of Klein (2009) who found that many women thought their long sentences were grave injustices. These feelings of injustice no doubt emphasise

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the histo-racial undertones of the experiences of BFNWOM from developing countries in prisons in England.

One basic postulate presented in the study has been that traditional criminological theories are inadequate to understand the issue of BFNWOM prisoners in England (Rice 1990). However, no theory is exhaustive and no theory can explain all aspects of any social phenomenon. In the light of this, the thesis took an intersectional approach (Phillips and Bowling 2003; Phillips and Earle 2010) to examining the experiences of BFNWOM prisoners and their views on their crimes. Josephs (2006) provides a justification for the use of an intersectional approach in studying vulnerable and marginalised groups in her paper explaining the interactions and interrelationships between drug offenses, gender, ethnicity and nationality in prison in England and Wales:

most studies of marginal groups have used a unidimensional approach by analyzing marginalization along one dimension. However, it is important to apply an intersectional analysis when studying disempowered groups to understand the full diversity of their experiences. (Josephs 2006:142)

The necessity of not relying on unidimensional categories for analysis was shown through the examination of how social identity, race, gender, class, nationality and culture all meshed to influence criminality and prisoner experience for the BFNWOM. In order to make sense of the narratives, it was concluded that an intersectional approach with a specific minority perspective (Phillips and Bowling 2003) was needed to examine the historical and socio-economic nuances of BFNWOM prisoners as a group.

A significant finding from this study was that the increase of BFNWOM in prisons in England has led to the systemic racialization of the immigration system and the criminalization of the black female traveller based on assumptions or racial stereotypes. Bosworth, Bowling and Lee (2008), by highlighting how immigration is now racialised and is experienced as intimidating by the ethnic minority traveller, provide insight into my own frequent experiences as a black traveller to the UK. I was able to draw on my own frequent experiences as a black woman travelling to and from England to demonstrate how the black female traveller is sometimes humiliated and is often harassed in words or actions because of the systematic construction by immigration officials of a specific criminalized image, similar to the racialised

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profiling of black men on UK streets for stop and search (Bowling and Phillips 2007; Newburn, Shiner and Hayman 2004). Moreover, the recent increase in sentencing of BFNWOM for fraud, usually relating to immigration issues, supports the argument of this thesis that BFNWOM from developing countries are 'willing to take a chance' to seek out a better life. Klein (2009) found that women were not shying away from asserting their agency in their crime; in fact, in a world where globalisation has opened up opportunities for travel and technological advancement, women were increasingly choosing crime as a means of empowerment.

Chapter 3 explored the historical context of female criminality in Jamaica and Nigeria, the two countries with the highest rate of BFNWOM prisoners in England. It provided a historical insight into the factors driving criminality and attitudes to criminality in these countries, and into societal perceptions of what was considered criminal in the communities from which most BFNWOM came. Most of the literature on foreign national prisoners avoids the histo-racial context of the BFNWOM offender (Chigwada-Bailey 2003; Devlin 1998; Bhui 2006) and how this affects their worldview and attitudes to punishment. However, the initial chapters of this thesis demonstrated that history matters. If research fails to acknowledge this it can only be a partial exercise. The thesis therefore described the matrifocal nature of these countries and identified how women were frequently the sole breadwinners for their families. Reddock (1985) provides a riveting insight into the systemic social and economic marginalisation of the poor West Indian woman, showing how their position has become entrenched through low wages and systematic gender oppression. Similarly, the traditional kinship family structure within African culture is increasingly being eroded as the family becomes more insular and the number of single-parent families rises. These societies have experienced an erosion of the support that extended families traditionally offered for childrearing, and in so doing have forced females who are the sole breadwinners for their families into committing criminal acts. Many of the interviews conducted with BFNWOM prisoners found that the women were tempted into crime to provide basic necessities for their children. They provided a narrative of women who accepted their roles as breadwinners and who viewed their ability to provide for their children, at any cost, as the indication of their success at motherhood and at being a strong woman (Stuart 1996).

Gray (2003, 2004) has outlined the way in which the economically marginalised, or so-called lumpenproletariat, are now seeking to empower themselves by any means

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necessary, even if this means illegality. Indeed, the arguments put forward by development theorists (Rodney 1973; Hirst and Thompson 1996, 1999) charge that the international capitalist system has been fashioned to consistently oppress the most vulnerable people, exploit their wealth in favour of rich industrialised nations, and dilute their customs. For example, the Structural Adjustment Programmes imposed by the World Bank and the IMF on poor countries such as Jamaica, Nigeria and most other developing countries, were economic reform initiatives aimed at concretising market economies and speeding-up growth in developing countries, most of which were already riddled with debt (Hirst and Thompson 1996:66).

Structural Adjustment Programmes demanded reduced government spending in critical areas such as health and education, removal of import restrictions on foreign goods, and currency devaluation, in order to generate income to service debts via competitive exports. They also advanced the privatization of state entities and the removal of most trade union protections for employees. Most of these programmes were introduced by the World Bank, IMF, WTO and other agencies such as the UN and OECD, which provide funding tied to the principles of free trade, and promote corporate activity and the expansion of private-sector transnational trade. These characteristics mirrored the objectives of globalisation, which espouse that open markets are recipes for economic growth for poor countries that align themselves with borderless world markets. These policies have indeed increased the level of exchange of information, trade and culture across nations, particularly through the technological explosions which have characterized the last twenty years. However, while these poor countries have experienced extensive technological advancements and exposure, such policies have not assisted them to become prosperous, and economic growth remains elusive for many trying to keep up with harsh debt payment realities.

Instead, Structural Adjustment Programmes have led to severe economic squeezes accompanied by high unemployment rates, loss of income for small producers, significant environmental degradation, and left these countries more economically vulnerable. These countries are now more vulnerable to external economic and financial turbulence which render them dependent on export markets over which they have little or no control, and these realities have widened the gap between the rich and the poor in these societies.

Even those countries that are deemed relatively stable fall short of the comprehensive measures used to calibrate the health, strength and stability of

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democratic governments. In fact, persistent economic stagnation has created conditions of social decay and instability which lead to a display of symptoms that democratic theorists consider disquieting. These symptoms manifest themselves in widespread acts of indiscipline, escalating levels of crime and violence and frequent civil disorder. Female-headed households therefore come under immense pressure to withstand financial demands in harsh economic times (Stuart 1996).

Shaped by the historical forces of decolonization and 'postcoloniality' (Agozino 1997, 2008; Fanon 1967a, 1967b), and later moulded by the technological, sociocultural, political and economic forces of liberalization and globalization, the modern citizen of such states decides that they must be self-sufficient and make it to places where governance and social structures will allow them the opportunity of actualization. The central argument here is that citizens of developing countries are demanding more from their governments and social spaces, but are finding the existing structures of (representative) governance unresponsive and in most instances irrelevant.

In examining the lack of good governance and the inefficiency of the state apparatus in the countries of BFNWOM prisoners, it became clear why many women would risk imprisonment in a foreign country when given an opportunity to get out of a social existence which is so far removed from economic prosperity. It was argued that the BFNWOM prisoners' familiarity with poor governance and the consequent tolerance for illegal acts in their own countries made it difficult for them to comprehend the legal system in England and its intolerance for crime when caught and imprisoned. Chapter 3 laid the foundation for a balanced and informed understanding of the issues which together contributed to the social identity of the BFNWOM prisoners and their attitudes to crime and punishment. After a detailed examination of the empirical findings, it became clear that BFNWOM in English prisons, even if of differing nationalities, shared a common social identity and perspective that gave them a rationale to seriously contemplate the option of criminality.

Chapter 4 presented the narratives of how BFNWOM prisoners experienced prison and how they perceived and internalized the methods of control used by prison authorities. It showed that women's lives in prison were not experienced as uniform. There were moments of coping with their sentence, moments of resistance and acceptance within the prison culture, and moments of experiencing discrimination

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and racism. There were instances of how they dealt with familial relationships from a distance and behind bars. The thesis found that BFNWOM who entered prison had identity conflicts as they tried to fit into a culture with different norms and values from their own. The examples explored showed that some women experienced immense anxiety about losing their cultural identity while in prison and that it would be extremely difficult for them to assimilate into their own culture when deported.

The perception of what is discrimination and racism by BFNWOM was very blurred. Identifying the experience of discrimination separately from the issue of racism was not always possible. Many women commented that they were never sure if their negative experience of prejudice was because they were black or because they were foreign nationals. Being a minority in prison, by virtue of being black and foreign simultaneously, it was extremely difficult for them to decide whether their experience was discrimination or racism. However, it became clear from the narratives and from my informal interaction with prison staff that the histo-racial complexities regarding BFNWOM in prisons was not considered or taken on board when communicating, disciplining and depriving them of autonomy. The tones and underlying meanings behind comments such as 'you would not have it so good back home in prison' stirs feelings of racism for BFNWOM, who conveyed that these experiences made coping with their sentences even more difficult.

Many women stated a distrust of approaching the Prison Service for assistance on these matters or felt that the prison authorities did not understand the nuances of their specific needs while in prison. Many women felt that support mechanisms and organisations such as FPWP Hibiscus and Women in Prison were more approachable and were more familiar with their concerns. This finding raised questions about how the Prison Service engaged such support organisations. They are clearly invaluable to BFNWOM prisoners and often offer simple practical assistance, such as communicating with the children that BFNWOM prisoners have left behind in their home countries. The Prison Service, therefore, needs to examine the way in which it utilizes the support services that NGOs can provide to foreign national prisoners. Furthermore, since many women expressed a fear of losing their cultural identity, especially the BFNWOM serving long sentences, the thesis contends that it is important for BFNWOM to maintain their cultural identities while imprisoned. A very important question arising for rehabilitation, therefore, is how to assist BFNWOM prisoners to maintain their cultural identity while providing a context for

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them to appreciate why that identity needs to have an appreciation of the law, despite their economically oppressed positions.

Another emergent theme was how women experienced the various methods of control in prison. Control in prison was exerted through work, denial of certain privileges such as family contact, educational or vocational options, and restrictions on possessions. The prison rules were mostly adhered to by BFNWOM prisoners, who expressed a desire to just get on with their sentence. However, the women identified certain spaces for resistance and rationalized ways of accepting some methods of control while resisting others. The rigidity of rules is an entrenched characteristic of the prison system and it depends on this for order. What the narratives proved was that such rules can maintain a superficial order, one that is very rigid and therefore requires a certain amount of ruthlessness towards inmates for its enforcement. Moreover, it was established that these rules can discriminate against the BFNWOM prisoners because of their circumstances. For example, when BFNWOM prisoners have to discard possessions while in prison in order to stick to the rules, it is counterproductive, and means that they waste valuable money earned. It is discriminatory that a BFNWOM prisoner has to throw away items she may have accumulated while in prison because she is allowed only one piece of luggage when being deported and she has no way of sending those items out of the prison, since usually they do not have familial connections within England who could receive them.

Sexuality was found to have a dual role in this thesis. The thesis addresses the issue of sexuality as another context to explain crimes committed by BFNWOM prisoners, such as using their gender as an aid to trafficking drugs. The study also highlights the need for resistance against patriarchal practices such as the exploitation of women for drug trafficking. Another pertinent factor in this context is that it is the attempt to escape domestic abuse that frequently leads them to criminality.

Moreover, it was revealed that lesbian BFNWOM prisoners, who previously suffered discrimination and were hated in their home countries, found the female prison to be a place where they could finally accept their sexuality. This is important on two levels. First, it situates lesbian BFNWOM prisoners as victims of a vicious patriarchal cycle which belittles them for rejecting a sexuality predicated on male involvement. However, while these patriarchal systems see them as outcasts in their societies, they further victimize them by presenting criminality as an opportunity to

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escape (Chin 1999, 1997; Silvera 1992; Swarr and Nagar 2004). That lesbian BFNWOM prisoners actualize an acceptance of their sexuality in a male-designed and patriarchal prison is extremely ironic. Nevertheless, it highlights the underlying theme of resistance which informs much female criminality and which accounts for much of the high BFNWOM imprisonment rate in prison in England.

The thesis also examined how BFNWOM were even more alienated from family because of the very high telephone call charges and showed that some women coped with prison by building a familial relationship with other prisoners (Klein 2009), while purposefully distancing themselves from all contact with their family members back home. This was especially true for BFNWOM prisoners serving long sentences, because they felt it was psychologically better for them not to associate too much with what was happening on the outside. This proved that BFNWOM in prison can develop coping mechanisms for imprisonment based on their expectations. One BFNWOM even suggested that the often-used mechanism by prisoners of grouping together for support and advice should be formalized into the prison culture as a way of helping new inmates to develop realistic expectations about prison based on their particular circumstances. She suggested that having BFNWOM who have been imprisoned for some time engage with new BFNWOM prisoners would go a long way in reducing the anxiety levels of newcomers who may otherwise take a very long time to adjust to prison life and to accept the consequences of their imprisonment. In this respect, the research has identified potential areas for future work by prison authorities. Klein's (2009) research, however, subtly demonstrated that prison officials were suspicious of close contact and support between Nigerian women, especially because they did not understand or trust the culture of respect shown to older Nigerian women by the younger inmates, and thought it could be a cloak for bullying.

The final empirical chapter examined the issue of rehabilitation and resettlement for BFNWOM prisoners. My interview with a sample of former BFNWOM prisoners deported to Jamaica revealed that the marginalized socio-economic position of many BFNWOM ensures that most of them actually return to a situation even graver than the one they had tried to escape. While BFNWOM prisoners were appreciative and grateful for the skills they had learnt while in prison, most BFNWOM returned home to find that their family structures had disappeared, their children grown to adults or teenagers, and that they have become grandparents, unemployed, unemployable, and

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sometimes homeless. The realities of the lack of opportunities in the developing countries, as outlined in Chapter 3, meant that most women were not able to utilise the skills learnt because they could not compete with more qualified persons in their home countries who were also unemployed. There were a few women who had prepared themselves to run small businesses, such as backyard chicken farms, and were able to use these skills to their advantage. The number of such women was small, because only one prison – Morton Hall – had developed a best practice model such as this, suited for the women's socio-economic realities when they returned home.

The realities of the resettlement process for deported Jamaican prisoners indicate that there is a need to re-examine how the Prison Service utilizes resources for the BFNWOM prisoner. The interviews with deported Jamaican prisoners demonstrated that the use of resources for them in the UK was not adequately informed by the realities of their lives. A prison rehabilitation regime must challenge a prisoner's chaotic and deprived lifestyle by investigating the prisoner's background and needs and developing specific measures for his or her reintegration into society in ways which address offending behaviour. It was evident that meaningful engagement and consultations with stakeholders starting with the women, and meaningful data collection which resonated with the women (Phillips and Earle 2010), were not being employed to determine best practice for this group. The training and educational opportunities for BFNWOM prisoners as a whole did not actively help them by providing effective rehabilitation and resettlement programmes while they were in prison. This lack of engagement, perhaps, led to the poor assessment of the Prison Service's interaction with foreign national prisoners that was detailed in the Corston Report (Home Office 2007a). Comments such as 'they give us classes beneficial for themselves, not for us' and frequent lamentations from women who were educated to tertiary level, indicate that no efforts were made to accommodate their needs in prison since they were not British. BFNWOM reported frequent racial put-downs from officers when they enquired about tertiary level education, such as 'why should we pay for you to do another degree when you are not from here; just do what the other women are doing: you would not have it so good where you come from'. These indicate a latent xenophobic undercurrent in the service afforded to BFNWOM prisoners. It also became apparent how the educational and work programmes of the Prison Service are skewed against a progressive agenda for BFNWOM prisoners.

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Most BFNWOM prisoners need to earn to be able to buy personal provisions that black women need for skin care, which are not catered to by the Prison Service. Some women opt to go without these personal needs so they can send some money to their children. However, when certain rehabilitation programmes prevent them from learning transferable skills which are relevant and useful in their country of origins, they opt for the hardest jobs such as working in the kitchen. In effect, most BFNWOM prisoners will end up doing extra strenuous jobs and forfeit opportunities available for rehabilitation and resettlement.

Moreover, it was clear that the home countries of BFNWOM prisoners need to increase their collaboration with the Prison Service and streamline better information programmes on how deported BFNWOM prisoners can be resettled. However, the political and social culture in these countries may not be congenial to appreciating the need for such programmes and, therefore, international NGO groups such as FPWP Hibiscus should lobby these governments on the benefits of creating awareness of imprisonment abroad, and to provide clear information to deported BFNWOM about places where they could find possible assistance for resettlement. As a consequence of being outsiders in the prison system in England, BFNWOM did not get the refined sentence planning that is offered to *British nationals*. Following the Corston Report, Prison Service Order 4800 stipulated that foreign national prisoners should receive detailed resettlement planning assistance from prison officers (see Epilogue, p. 240). Significantly, however, prison officers do not know exactly what objectives such a sentence plan is trying to achieve with a foreign national, since the data available about a British national – such as home circumstance reports and social work briefings – is not available in these cases. Therefore, because of their epistemic distance from the social, historical and economic positions of BFNWOM and the increasing government policy objective of using prison and detention as immigration control (Barnes 2009; Bosworth, Bowling and Lee 2008), they just try to move them through the system. This was most evident in the narratives of BFNWOM prisoners who were educated to tertiary level and stated how difficult it was to get prison officials to authorize any kind of educational programme at their level. There was significant discrimination because they were foreign nationals and prison officials were not interested in looking outside the usual provisions for foreign nationals to help such women.

### **Recommendations and Further Research Suggestions**

The Introduction pointed out a number of gaps in the literature, which the present research hopes to have begun to fill. It is also hoped that it will serve as a stepping stone for subsequent analyses to continue to fill those gaps. First and foremost, it brought to light the need for further research and informed policy protocols on how to work with foreign national prisoners on the whole. It specifically calls for a structured approach which recognises and incorporates the cultural nuances of BFNWOM prisoners. To date, studies of this nature have focused only on the broader issue of foreign nationals, without minutely interrogating the large number of BFNWOM in the English prison system and the introduction of cultural issues and possible divisions that have occurred because of this. The thesis highlights the need for a more specific approach which takes into account these nuances of life in prison for BFNWOM. This would allow analysts and policy-makers to compare and contrast the policies and practices of various prisons in First World countries, and determine which, if any, of these should be implemented across the board for BFNWOM prisoners.

Traditional theories which address female criminality were shown to be inadequate to use as a lens for BFNWOM prisoners, as most tend to focus on an analysis of crime from a patriarchal perspective, and more contemporary inclusive perspectives shy away from looking at the issue of race among foreign national female prisoners. The selection of a more grounded intersectional approach, providing a minority perspective for the thesis, supports the need for the prisoner's voice to be amplified when evaluations of prison experience and the impact of rehabilitation within prison are being undertaken.

The thesis also brings to light the fact that the sphere of human rights and foreign national prisoners is significantly under-researched across cultures. As the thesis pointed out in Chapter 4, there are clear guidelines from the United Nations on the treatment of foreign prisoners; however, these guidelines are often flouted or overlooked by prison systems desperately trying to keep their own domestic prison policies and guidelines in order. The thesis highlighted the need to approach the issue of foreign nationals as a whole, not only as an issue of diminished contact with their families, but as a violation of their person, their culture and their rights. In this regard, more detailed research on BFNWOM prisoners, with a human rights and international guidelines slant, needs to be initiated.

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The impact of the implementation of Section 32 of the new 2007 UK Borders Act,<sup>94</sup> which came into force on August 1, 2008, to deport prisoners who receive sentences of over twelve months, will need to be researched. It stipulates deportation for non-British and non-EEA citizens sentenced to a prison term of twelve months or more, no matter how long settled in the UK and no matter how valuable their work is to their local community, unless they can show that deportation breaches their human rights. There is no right of appeal against deportation, only against the decision that human rights are not breached by deportation.

Interestingly, the recurring pitch that BFNWOM prisoners said was made to them by drug barons in order to carry drugs was a number of variations on the theme ‘you won’t go to prison if you are caught, they will send you back home.’ It will be interesting to see how this new policy will be interpreted and manipulated by criminals who prey on the vulnerable for cross-border crime.

Furthermore, the designation of two prisons in England as male foreign national prisons demands further qualitative research to probe the experiences of the prisoners and the services in these pilot prisons. The UN 1984 recommendations on the treatment of foreign national prisoners state that foreign nationals should not be segregated unless such a move is led by informed consultations that make those prisons better able to address the needs of foreign national prisoners. To date, a national foreign national policy has not been developed, and interviews with development workers from Hibiscus, as well as with the charity’s director, Olga Heaven, indicate that the various stipulations are not being followed uniformly across the Prison Service. As a result, the BFNWOM remain isolated, uninformed, with little rehabilitative work being offered that is suited to their resettlement needs.<sup>95</sup> Considering the points made by some BFNWOM in Chapter 4, which indicated that no histo-racial matters were taken into account in training of staff regarding communication with and respect for BFNWOM, further research in HMP Bullwood Hall and HMP Canterbury, even though they are male prisons, is extremely important. Significantly, there are as yet no officially designated female foreign national prisons, and in the absence of a coherent and standardised foreign national prisoner policy, BFNWOM will continue to be dispersed across prisons in England.

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<sup>94</sup> UK Borders Act 2007, c. 30, s. 32. [http://www.opsi.gov.uk/acts/acts2007/ukpga\\_20070030\\_en\\_1](http://www.opsi.gov.uk/acts/acts2007/ukpga_20070030_en_1).

<sup>95</sup> See Epilogue, p. 241, for further discussion.

## Chapter Six

The thesis also brought to light the inadequate attention paid by the governments of the BFNWOM prisoners' countries of origin to their nationals in foreign prisons. Most BFNWOM stated that they had never been contacted by their embassies in England, nor felt that their governments wanted to provide any assistance, even moral or emotional support, to them. This is an area for further research and advocacy, especially in the light of the narratives identifying poor governance as one very important factor pushing BFNWOM into criminality.

An occasional theme in the narratives is that prison officers do not understand the circumstances and problems of the BFNWOM prisoners. The research did not have the resources to delve into this area; however, further grounded research is necessary to examine the perceptions, attitudes and the behaviour of prison officers towards BFNWOM prisoners. This would certainly provide more data which might and should help in the formulation of a more informed policy towards BFNWOM prisoners.

## EPILOGUE

When the work for my thesis drew to an end, and family and friends knew I was in the dreaded writing-up phase, they often posed the question: ‘What problem did you solve?’ A question they, upon seeing my hesitancy and uncomfortable expression, would quickly rephrase as: ‘What problem did you clarify’ or ‘What did your thesis do to help this terrible situation of foreign national prisoners?’ One family member actually said: ‘You chose this topic that we all thought was weird – who finds prisons interesting? – but then it suddenly blew up with all the big-wigs losing their jobs, so how can your thesis help?’ My answer to that question is always that I hope to emphasize the importance of listening and then acting upon the experiences of these BFNWOM prisoners within academia and policy. The nature of the subject matter, though, is that it is heavily influenced by political agendas, and so is always changing.

While conducting this research, a number of new pieces of legislation and policies were introduced to address the issue, particularly after the publication of *Foreign National Prisoners: A Thematic Review* by the Home Office in 2006 and the subsequent follow-up report in 2007 (Home Office 2006, 2007). These reports acknowledged the problems facing the Prison Service regarding the inability to understand foreign nationals and to cope with the high numbers of foreign national prisoners in the system. The report and political fallout surrounding the release of foreign national prisoners without deportation spurred a few schemes and changes within the Prison Service aimed at removing foreign nationals from the prison system quickly, and also improving the experience of foreign national overall.

Some of these changes concern the resettlement of foreign nationals in their countries of origin, such as the Early Removal Scheme and the various Facilitated Return Schemes which are managed by the International Organization for Migration (IOM), including the Voluntary Assisted Return and Reintegration Programme (VARRP) scheme.<sup>96</sup> These initiatives are meant to reverse the negative aspects of BFNWOM prisoners’ experiences which are the subject of much of the data gathered

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<sup>96</sup> Through the VARRP programme funded by the UKBA, the IOM offers assistance for asylum seekers who want to return permanently to their country of origin. The VARRP is open to asylum seekers of any nationality whose asylum claim is under one of the following criteria: (1) Waiting for a decision from the Border and Immigration Agency, (2) Refused by the Border and Immigration Agency, (3) Appealing against the asylum decision, (4) Given ELR (Exceptional Leave to Remain).

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during this research. The remainder of this Epilogue will give a brief account of what exactly these changes are that have been initiated during this research and, finally, will provide a brief discussion of the effectiveness of these measures and assess whether they have improved the state of affairs for BFNWOM prisoners in England.

### **Prison Conditions for BFNWOM**

PSO 4400 states that all foreign national prisoners or those with close family abroad must be permitted a free five-minute call once a month if they have had no domestic visits in the preceding month.<sup>97</sup>

PSO 4800 sought to address the concerns in the Corston Report that women were being poorly treated in prisons and that they were held in conditions which took away their dignity.<sup>98</sup> This PSO advises that there should be:

- Individual assessment for foreign national women,
- Use of independent translation services to reduce the reliance on other prisoners who speak the same language,
- Buy-in of experienced NGO services such as Hibiscus,
- Allocation of women where possible to foreign national centres,
- Peer support encouraged between foreign national women,
- Support to access legal advice and holding of frequent immigration surgeries explaining the ERS and VARRP/VRR-DM,
- Development of initiatives that foster communication between mother and child such as taped messages,
- Training for staff on cultural issues and sensitisation to cultural structures of prisoners' countries of origins.

### **Effectiveness of Changes in Prison Conditions**

Interviews with Development workers for Hibiscus UK who works in prisons to support foreign national women revealed that most of these changes have not been actioned within the prisons.

Development workers, as well as Hibiscus director Olga Heaven, have informed me that prisons have indeed begun assessing BFNWOM prisoners. However, such

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<sup>97</sup> PSO 4400. [http://pso.hmprisonservice.gov.uk/PSO\\_4400\\_prisoner\\_communications\\_the\\_protection\\_of\\_harassment\\_act\\_1997.doc](http://pso.hmprisonservice.gov.uk/PSO_4400_prisoner_communications_the_protection_of_harassment_act_1997.doc).

<sup>98</sup> PSO 4800. [http://pso.hmprisonservice.gov.uk/PSO\\_4800\\_women\\_prisoners.doc#M](http://pso.hmprisonservice.gov.uk/PSO_4800_women_prisoners.doc#M).

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assessments are more focused on immigration control issues than on developing plans for targeted and suitable rehabilitation. The women have communicated to the charity that instead of support to establish resettlement plans and develop methods to increase contact with their children, they instead feel as if they are being hounded to accept voluntary return without any focused attention on their mental health and the emotional isolation they face because of lack of contact with their children.

One development worker communicated that because there is as yet still no overarching foreign national policy, various prisons have not fully taken on board the recommendations of PSO 4400 and 4800.

I questioned Olga Heaven on the state of affairs regarding women receiving a mandatory free five-minute telephone call once per month. Heaven stated that the constant movement of women from remand to sentencing and between prisons meant that women frequently lost their call allocation because phone rights records were not transferred with the prisoner. Many women who are transferring between prisons have to start their call allocation rota again on entry to a new prison.

She further stated that while a few prisons had bought in the services of Hibiscus to assist foreign national women, the demand was much greater than their ability to supply. In highlighting the dire circumstances of foreign national prisoners, she noted that one prison, which holds a significant number of foreign national women, had recently cancelled the contract with Hibiscus, stating that they could not afford it. Other than immigration assessment officers, there is no other support to foreign nationals in that prison.

Heaven stated that most prisons had tried to provide language support to foreign national women who needed it, but that this support had to be arranged in advance and sometimes took weeks to come to fruition. Women therefore still relied heavily on the multi-lingual capabilities of the various Hibiscus volunteers.

To date, Hibiscus is not aware of any initiatives within women's prisons that foster innovative ways for foreign national women to communicate with their children such as taped messages. While the charity has proposed to begin such programmes in a few prisons, none of their suggestions have yet been approved by any prison.

The charity knows that all staff are usually provided with diversity training but are not aware whether such training includes specific histo-racial sensitization about BFNWOM and their countries of origin. This is an area therefore in need of further

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research to identify the type of training provided to prison staff and how such training is tailored to the needs and circumstances of BFNWOM prisoners.

### **Early Removal Scheme (ERS)<sup>99</sup>**

Under Section 260 of the Criminal Justice Act 2003, the Secretary of State is empowered to remove foreign national prisoners from prison early, for the purpose of removing them from the United Kingdom. This is known as the Early Removal Scheme (ERS).<sup>100</sup>

Prison Service Order (PSO) 6000 states that:

*all deportees serving a sentence of 3 months and over are automatically considered for removal under ERS, other than those who are statutorily exempt. Parole Clerks must identify all such prisoners 10 weeks before they are eligible to be removed and notify IND. It states that all deportees will be presumed suitable for ERS, unless there are exceptional and compelling circumstances. The decision to approve early removal must be taken by a Governor and the Parole Clerk must notify the deportee and the IND. Furthermore, deportees serving a sentence of less than 4 years and who are not removed under the ERS will be released at the halfway point of their sentence. Deportees serving a sentence of 4 years and over and who are not removed under the ERS are eligible to have their cases considered for early release on parole at the halfway point of their sentence. Once release on parole is agreed or once the deportee has reached their automatic release date, further detention can only be authorised under immigration powers. If IND do not plan to detain the deportee, he/she must be released.<sup>101</sup>*

Prisoners who are removed under the ERS and who return to the UK during the period of their sentence are unlawfully at large and liable to be arrested and returned to custody to serve a period of imprisonment equivalent to the period spent on the ERS or until their sentence expiry date, whichever is sooner.

Prison Service Order 45/2008 amended the directive which stated that those serving a sentence for a violent or sexual offence and serving a sentence of four years

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<sup>99</sup> PSI 27/2004. [http://psi.hmprisonservice.gov.uk/PSI\\_2004\\_027\\_early\\_removal\\_scheme\\_for\\_foreign\\_nationals.doc](http://psi.hmprisonservice.gov.uk/PSI_2004_027_early_removal_scheme_for_foreign_nationals.doc).

<sup>100</sup> PSI 17/2008. Explanatory Memorandum to the Early Removal of Fixed Term Prisoners. Order 2008 No.978 [http://195.99.1.70/si/si2008/em/uksiem\\_20080978\\_en.pdf](http://195.99.1.70/si/si2008/em/uksiem_20080978_en.pdf).

<sup>101</sup> PSO 6000. [http://pso.hmprisonservice.gov.uk/PSO\\_6000\\_parole\\_manual\\_ch\\_09\\_those\\_liable\\_to\\_deportation.doc](http://pso.hmprisonservice.gov.uk/PSO_6000_parole_manual_ch_09_those_liable_to_deportation.doc).

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and over will be subject to a risk assessment and would not be eligible for ERS.<sup>102</sup> PSO 45/2008 effectively ensured the swift removal of foreign national prisoners.

Amendments to the Criminal Justice Act 2008 have reduced the possibility of foreign prisoners being released back into the UK, regardless of their personal circumstances and immigration status at the time scheduled for release.<sup>103</sup> Under these amendments to the Act, even a prisoner who is not liable to be deported can apply for ERS if they can demonstrate that they will permanently reside outside the UK. In essence, this Act 'encourages' prisoners who have the right to live in the UK to give it up, in exchange for early release.

PSO 4630 dictates that to prevent instances where immigration issues are not dealt with swiftly, thus leading to uncertainties about deportation dates, prison governors and directors are charged with liaising with the Asylum and Immigration Tribunal (AIT) on behalf of foreign nationals and escorting prisoners to the AIT.<sup>104</sup> These directives are all meant to speed up the process of deporting foreign prisoners and reduce instances where they are held for long periods beyond release dates.

### **Facilitated Returns Scheme**

The UK Border Agency funds three assisted voluntary return initiatives: (1) The Voluntary Assisted Return and Reintegration Programme, (2) the Assisted Voluntary Return of Irregular Migrants (AVRIM), and (3) the Return to Afghanistan Programme (RAP). The main current scheme in the UK for those who wish to return to their country of origin and which is accessible to BFNWOM is the Voluntary Assisted Return and Reintegration Programme (VARRP). The VARRP scheme has been funded by the UK Home Office and the European Refugee Fund since February 1999, and is operated by the International Organisation for Migration (IOM).

The IOM refers to the assisted voluntary return programme it provides to detained persons or prisoners opting for release as the 'Voluntary Return and Reintegration for Detained Migrants' (VRR-DM) initiative. VRR-DM is available to all asylum seekers and failed asylum seekers. In addition to advice, applicants who

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<sup>102</sup> PSO 45/2008. [http://psi.hmprisonservice.gov.uk/psi\\_2008\\_45\\_early\\_removal\\_scheme\\_for\\_foreign\\_national\\_prisoners.doc](http://psi.hmprisonservice.gov.uk/psi_2008_45_early_removal_scheme_for_foreign_national_prisoners.doc).

<sup>103</sup> Criminal Justice and Immigration Act 2008. The amendments have given the Secretary of State more powers to detain foreign national prisoners. <http://www.England-legislation.hmso.gov.uk/acts/acts2008/en/08en04-d.htm>.

<sup>104</sup> PSO 4630. [http://psi.hmprisonservice.gov.uk/psi\\_2009\\_02\\_asylum\\_and\\_immigration\\_hearing\\_escorts.doc](http://psi.hmprisonservice.gov.uk/psi_2009_02_asylum_and_immigration_hearing_escorts.doc).

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choose to return are assisted in obtaining a travel document and booking their return journey home, including flight and internal travel. IOM are also tasked to establish what the situation is like in a voluntary leaver's home country through their network of field missions and NGOs, in order to inform applicants about conditions in their country. An asylum seeker returning through VARRP can also apply for reintegration assistance on return, which is provided through IOM Missions, or through links with other organisations or NGOs in the return country. Reintegration assistance may include access to initial housing, facilitation of access to employment, training opportunities, education and health services, or help in setting up a small business (Home Office 2004a).

The VARRP/VRR-DM programme has had little success with attracting applications from BFNWOM prisoners. Home Office Research Report 29 lists the first motivating factor for prisoners to apply for the AVR as 'improved political, economic and social conditions in the country of origin' (Home Office 2010b:iii). This supports Heaven's (2008) statement, based on service delivery experience, that the political, social and economic conditions in countries of origin will always fuel transborder crimes by vulnerable persons who are targeted because of their impoverished circumstances and the lack of opportunities in their home countries. The Home Office's statement also supports the core argument of this thesis that political (poor governance), social (marginalization of working class and ghettos) and economic (lack of upward mobility routes through legitimate employment) factors are what drive crime by most black foreign national prisoners (as well as in many other poor countries, e.g. Eastern European countries where the poor are increasingly being targeted by drug barons because of their increased access to the UK). These same factors cause many BFNWOM to view the VARRP/VRR-DM with suspicion, particularly since it decrees that once they accept it they can never return to the UK. In fact, the report concludes that rises in the amount given through VARRP (up to £5,000) will not guarantee an increase in its uptake because individuals, despite their harrowing experience of prison, fear going back to worse circumstances.

### **Effectiveness of ERS and FRS**

The 2009 report of the Independent Monitoring Board, *Behind Closed Doors*, states that growing numbers of foreign national prisoners still remain in custody following the end of their sentences. The report bemoaned the fact that this was the case despite

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the frequent liaisons between the UKBA and the National Offender Management Service (NOMS). The report also found that the UKBA was refusing to make extra effort to translate information to foreign national prisoners who had difficulty with English, nor would they arrange for translation services, citing prohibitive costs.

While many persons have been removed under the ERS scheme, policymakers have been baffled by the low take-up on the VARRP/VRR-DM schemes, particularly from black-majority countries.

The Home Office Control of Immigration Quarterly Statistical Summary states that 1,400 foreign national prisoners were removed in the fourth quarter of 2009.<sup>105</sup> The bulletin states the following:

5,535 foreign national prisoners were removed in 2009, 3 percent higher than in 2008 (5,395). The UK Border Agency's target for 2009 was to remove 5,800 foreign national prisoners and the target for 2009/10 is to remove 6,000 foreign national prisoners. (Home Office 2010a:21)

No breakdown was provided in this bulletin on nationality or gender of returned foreign national prisoners.

Two studies have been commissioned into the low number of persons opting for voluntary return. The first, *Home Office Research Report 29* (Home Office 2010b), stated that conditions in the prisoner's home country and their own personal circumstances are significant factors influencing whether they opt for voluntary return. The report noted:

The evidence suggests that reintegration assistance can be more effective if tailored and targeted to overcome returnees' particular barriers to return. Barriers vary widely and can include uncertainty about accommodation or employment on return, general economic uncertainty, lack of opportunity for education and the personal shame of having to return home. These same factors can also be barriers to successful reintegration; hence effective improvements in this area should benefit returnees (by enhancing the sustainability of return) and host countries (by making AVR more appealing). (Home Office 2010b:i)

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<sup>105</sup> Home Office (2010a). <http://www.homeoffice.gov.uk/rds/pdfs10/immiq409.pdf>.

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In addition they found that the effectiveness of AVR could be increased by giving more support to the social and political structures of the home countries of prisoners and detainees.

The second study is a yet-to-be-published report by Liz Hales which was commissioned by the IOM and Hibiscus. Hales interviewed eighty-one foreign national women prisoners and detainees. She found that long-term prisoners were more ready to consider the AVR option because they had the time to process a plan and think about how they could restart their lives. Other prisoners were reluctant to go back to the situation they were running away from and many times opted to exhaust and frustrate the system with all possible measures of appeal. It was also reported that women had little information about how the programme would actually work and many felt like they were being pressured to sign up for it before they could really think about returning.

A researcher is always involved in the dynamics of the research issue and likewise, even after the ending of fieldwork, I have engaged with a number of women who returned to Jamaica since these measures have been in place. My most recent trip to Jamaica, from January 21 to February 1 2010, involved a meeting with the IOM's representative in Jamaica responsible for processing applications for assistance under the VRR-DM scheme and meetings with persons who had recently being deported from UK prisons. They have few requests for AVR assistance from deported prisoners. The IOM project co-ordinator in the Jamaica office stated that deported persons had thirty days after arrival upon which to apply for assistance, and that many persons do not make the approach to them until after they have tried to reconnect with family and establish some form of settlement. Often, by the time they realize they are having enormous difficulties resettling, the thirty days in which they can access the AVR has expired. With this frequently happening, word is getting back to friends in prisons in the UK that the AVR system is not 'really helpful' and a 'con'.

### **Prisoner Transfer Negotiations**

In an effort to relieve pressure on British jails, the United Kingdom and Nigeria are negotiating a prisoner transfer agreement by which Nigerian prisoners held in the UK will be sent back to Nigeria to serve out their sentences. While an agreement for voluntary return has been agreed, discussions are ongoing and an agreement has not yet been concluded, even after months of negotiation. No African or Caribbean

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country is thus far a signatory to a compulsory prisoner transfer agreement with the UK.<sup>106</sup> A prisoner transfer agreement between Jamaica and the UK was agreed and signed in 2007,<sup>107</sup> but the Jamaican government is yet to introduce enabling legislation and ratify this agreement.

### **Jamaica Reducing Re-Offending Action Plan (JRRAP)**

In 2008, the UK committed £2.97 million to the Jamaican government to establish a state-of-the-art rehabilitation facility for deported persons, staffed by well-trained individuals, through the Jamaica Reducing Re-offending Action Plan (JRRAP). The programme was launched in June 2009.

The Jamaica Information Service (JIS) reports that JRRAP has three components to it,<sup>108</sup> and will see deported persons and local ex-offenders being provided with accommodation, employment, education and skills training. Those who need it will also receive treatment for mental health and substance abuse problems.

The component for deported persons is hoped to develop a range of services, so that when they arrive in Jamaica they receive help in things like accommodation, health and employment, which might contribute to them not committing other offences. JRRAP also hopes to strengthen services provided in the communities to both deported and local offenders, which will assist with employment, mental health and accommodation.

The organisation Community Group Homes Limited was contracted to implement a pilot receiving and hostel programme for deported migrants. On my trip to Jamaica in January 2010, I scheduled a visit to the Community Group Home pilot hostel for deported persons. It was a small house and was located on the borders of an inner city community. The house was occupied by about six deported persons, including one woman and her two children. The children, one girl and one boy, were trying to settle into school in Jamaica. The girl was born in the UK and her father is a British-born man who is drug addict. There were also three males in the same abode.

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<sup>106</sup> Hansard, HC col. 117W (Feb. 1, 2010). See website: <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100201/text/100201w0023.htm>.

<sup>107</sup> Hansard, HC col. 937W (Feb. 9, 2010). See website: <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100209/text/100209w0033.htm>.

<sup>108</sup> See Jamaica Information Service Website: [http://www.jis.gov.jm/tools/printable.asp?print=/security/html/200908041170000-0500\\_20672\\_jis\\_british\\_government\\_contribute\\_to\\_jamaica\\_s\\_rehabilitation\\_system.asp](http://www.jis.gov.jm/tools/printable.asp?print=/security/html/200908041170000-0500_20672_jis_british_government_contribute_to_jamaica_s_rehabilitation_system.asp).

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One of the men suffered from mental health problems and had been resident in the UK for over twenty years. All his children are British citizens. He had opted for voluntary return because he was frustrated within the Yarl's Wood Detention centre and felt he could not stay another winter there with his mental health problems, which he thought were exacerbated by the weather. He has no family in Jamaica; he has nowhere to go; and he is not familiar with Jamaica.

Community Group Homes communicated that they will soon have to ask all the occupants to leave because they cannot hold them at the centre indefinitely. Furthermore, when the project ends, Community Group Homes will have to end provision of this service to the few deportees who receive it. The programme was launched in June 2009 and is scheduled to end in March 2010. However, this is the only project under the JRRAP programme currently available to deportees, and this small reception centre is filled with those returnees, mentioned above, who have nowhere to go. Every month new deported persons arrive, ending up on the street as family inform them they have no space or finances to support them. As the BFNWOM prisoners in this research indicated, they did not believe their government was committed to providing opportunities for them to improve their lives. It is not clear why the funds have been allocated to the Jamaican government for this programme while bureaucratic processes seemingly hinder its effective implementation. One deported woman I spoke to commented 'they just waiting it out – they don't want to do anything. I don't know why the UK did not just go straight to the charity organisations to do the work if they really want to get anything done.'

Another woman, 'Latoya', related the situation of another woman who on being deported realized she could not get any job and that her situation was worse than when she left because she had no home. Her children were now out of control and she could no longer discipline them. She again reasoned that she had nothing to lose and tried to smuggle drugs into Panama. Latoya related that the woman is now imprisoned in Panama.

She advised that men were now indeed telling women that if they are caught they will be able to leave prison soon and they can 'just rub di short time and get £5,000 to leave even earlier'.<sup>109</sup> Already-deported women who had just heard about the '£5,000' possibility were now enquiring if there was any way they could apply, even though they were deported 'before' the scheme was in existence.

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<sup>109</sup> Just do a short prison sentence and claim £5,000 through the VRR-DM for early release.

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Significantly, there are currently no programmes similar to JRRAP in Nigeria.

It is therefore evident that the *black foreign national women's voices recorded in this thesis remain highly relevant, useful, and instructive regarding factors that should be taken into account in the formation of a national foreign nationals strategy, as recommended in the Corston Report. While PSO 4400 and 4800 call for various improvements in the treatment of the foreign national prisoner, what is clear is that such changes can only be actioned holistically, through a strategy that is thoroughly informed and structured according to the rehabilitational needs of the BFNWOM and not just as immigration control.*

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\* Cooke. is my maiden name and is the name under which these conference papers were delivered. Papers delivered after marriage in 2006 was delivered under the name 'Kremer'.

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## **APPENDICES**

## **Appendix A: Letter Requesting Research Access to Prisons**

HMP HQ

April 19, 2006

Dear Mr. Kunal Mehta,

My name is Tres-Ann Cooke and I am the researcher for FPWP/Hibiscus UK. Hibiscus is grateful for the prison service's recognition of our services and for your continued support for the work that we provide to foreign national women incarcerated in the UK prison estate. Despite the practical work that Hibiscus is doing with these women, there has been no definitive research to record the women's experiences both of how they got involved in crime and into how they are experiencing prison. Hibiscus believes this is very important and has therefore commissioned this work through the supervision of the University of Kent at Canterbury where I am presently enrolled for a PhD.

Hibiscus is therefore seeking your approval to conduct this work with the women we are already working with at HMP Downview and HMP Holloway and who want to participate in the research. The research will go alongside the work we are already doing and will exhibit our usual professional work ethic.

The work has many potential benefits for women prisons in the UK. It will be used as empirical data to influence policy both in the UK and in the countries from which the women come. It will also provide the first insight into the narrative of these women which can be used to better understand how they are experiencing prison.

Research will take the form of one to one interviews with between 10-15 women and should last between 2-3 days. All data collected will be kept strictly confidential and participants will remain anonymous in all data presentation.

You can respond to me at Flat 38 Eros House, Brownhill Road, Catford, London SE6 2EG or for a more speedy response you can do so electronically at [tresip@yahoo.com](mailto:tresip@yahoo.com) or [tc30@kent.ac.uk](mailto:tc30@kent.ac.uk) and also by telephone on 07947319423.

I look forward to hearing from you soon.

**Yours truly,**

**Tres-Ann Cooke**

**Researcher**

**Appendix B: Poster Advertising The Research In Prisons To  
BFNWOM**

**Are you a black female prisoner from a foreign country?**

**Hibiscus is conducting a research to find out the following:**

- **Your feelings in prison as a black female prisoner who is not from the UK**
- **How you got involved in the crime that you are charged for**
- **What support you get in prison and what further help you think you need**
- **How much contact you have with family members back home**

**Researcher Tres-Ann Cooke will be carrying out this research with 10-15 black foreign national women prisoners in this prison.**

**Please read the information sheet provided for further information.**

**If you are interested in participating in this research please:**

- **Take one of slips provided and complete it with your name**
  - **Hand it to the Diversity Officer/Foreign National Officer whose name(s) is/are:**
-

## Appendix C: Participation Slips

**I would like to participate in the research on black foreign national women in UK prisons.**

**My name is :** \_\_\_\_\_

**My # is :** \_\_\_\_\_

**Wing:** \_\_\_\_\_

**I would like to participate in the research on black foreign national women in UK prisons.**

**My name is :** \_\_\_\_\_

**My # is :** \_\_\_\_\_

**Wing:** \_\_\_\_\_

## **Appendix D: Research Information Sheet**

### **1. What is the purpose of this research?**

The research wants to find out about your experiences in prison as a black woman is from a foreign country. It also wants to find out what made you commit the crime. And finally it wants to find out what support you are getting in prison as a black woman from a foreign country and what other support you think you need.

### **2. Who is conducting this research?**

This research is being administered by a researcher whose name is Tres-Ann Cooke. She is a PhD student at the University of Kent at Canterbury and her research is also endorsed by Hibiscus.

### **3. What will be involved if you take part in this research?**

The researcher Tres-Ann Cooke will be asking you questions aimed at finding out the things mentioned in question 1 above. She will ask questions to find out about the things you are experiencing in prison and your feelings will be documented. Initially, she will hold one to one interviews with you and on 1 or 2 occasions she will have a focus group discussion with about 10-20 of you.

### **4. Where and when will the research take place?**

The research will take place at a chosen room at the prison. It will start as soon as a group of women have submitted their names to participate in the research.

### **5. What information will be collected?**

Information relating to the crime you were charged for committing, how you got in the situation you are in, some personal details e.g. if you have children, how you are coping with being in prison and your feelings in prison as a black woman from a foreign country.

### **6. Do I have to take part?**

Participation in the research is voluntary. You do not have to participate in this research. You decide if you want to take part and you can decide to stop participating at any time you wish. Please note that:

A decision to withdraw from the interview at any time or a decision not to take part, will not affect your parole, the standard of care you receive or your privileges. This research is being conducted by Hibiscus and not the Prison Service.

### **7. Will all information be kept confidential?**

All information you give to the researcher will be kept strictly confidential. Your name will never be disclosed to anyone. The researcher will have to record the

information to keep track of everything you say but all prisoners will remain anonymous (nameless). Should you disclose either the intention to harm yourself, or harm another individual, attempt to escape, or act in a way that may breach security, it would be the duty of the researcher to inform relevant staff of such information. Other than in these areas however, none of the information, resulting from the interview, will be shared with anyone outside of the study.

#### **8. What will happen to the results of the study?**

The interviews we conduct with you are very important. Hibiscus will document your perspectives of what works best and what can be improved. Hibiscus will use your information to influence policy both in the UK and in the countries from which you are from. It will provide the first insight into better understanding how you are experiencing prison. Hibiscus will use this information to issue a publication, shared with the Prison Service, UK Customs and the countries which you are from. This will provide the first real documented guide of the experiences of foreign national women and a full scale look at all the issues involved with foreign national women prisoners.

## Appendix E: Approval from the University of Kent's Ethics Committee

### SCHOOL OF SOCIAL POLICY, SOCIOLOGY AND SOCIAL RESEARCH

#### CHECKLIST RELATING TO ETHICS SUBMISSION

Project title: *Black Foreign National Women In British Prisons*

Researcher: *TRES-Ann Cooke* Status: *PhD Candidate*

Supervisor (for UG/PG students): *DR Azrini Wahidin*

Does the project involve?

- Clinical populations? *NO*
- Children (under 16 years)? *NO*
- Vulnerable adults such as individuals with mental health problems, learning disabilities, prisoners, young offenders)? *Yes*

Does the project involve the collection of material that could be considered of a sensitive personal, biographical, medical or psychological nature? *Yes*

Does the project involve deception, or use materials that may reasonably be expected to upset or offend participants (e.g., presentation of unpleasant stimuli, arousal of emotion)? *NO*

Will the study be conducted on the internet? *NO*

I have answered NO to all the above categories and do not consider that this project needs to be submitted for departmental ethics approval

I have answered YES to at least one of the categories and am submitting an application form for departmental ethics approval.

Signature (Supervisor/Staff)

Date: \_\_\_\_\_

Signature (Student)

Date: *4/11/04*

Member of Ethics group: Chris Rootes  
Signed: [Signature]  
Date: 15.11.04  
Outcome: Approved  
Suggestions if required: The all looks OK to me.

Member of Ethics group: Sarah Vicarstall  
Signed: [Signature]  
Date: 16.11.04  
Outcome: Approved  
Suggestions if required: The researcher has thought through the issues carefully and there is a support system in place should the interview raise difficult issues for the women concerned.

## Appendix F: HMP Prison Service Research Approval

Kunal Mehta  
Efficiency Strategy & Research  
Her Majesty's Prison Service  
First Floor (Room 120), Cleland House  
Page Street  
London, SW1P 4LN

☎: 020 7217 5722 FAX: 020 7217 5533  
EMAIL: kunal.mehta@hmps.gsi.gov.uk



Date: Monday, 7<sup>th</sup> August 2006

CC: Ian Maris, Jo Bailey, Lindy Maslin and Toni Mason

To: Tres-Ann Alicia Cooke  
Flat 38 Eros House  
Brownhill Road  
Catford  
London, SE6 2EG

### Request to undertake research in HM Prison Service

Title: Black Foreign National Women in UK Prisons

Reference: PG/2006/022

We have now had the opportunity to consult on and review your application to conduct National research. In principle, we are pleased to be able to support your application subject to the agreement of the Governors and Research Contacts at establishment level and strictly subject to the following:

- That you keep us informed and updated on what establishments you will be visiting or wish to visit as soon as possible.
- That you keep us informed and updated on any changes made to your methodology.
- That the Prison Service receives a copy of any research dissertation submitted as a result of the research.
- That the Prison Service receives copies of any papers submitted for publication based on this research at least one month in advance of the publication.
- That it is made clear to participants verbally, as well as in writing, that they may withdraw from the research at any point and that this will have no adverse impact on them.

Please do get back to me should you require further details.

Again, we direct you to PSO 7035 that contains essential information regarding your research.

May I take this opportunity to wish you well with your research.

Yours sincerely,

Kunal Mehta (Mr)  
Research Officer  
Efficiency Strategy & Research Section  
Planning Group

## **Appendix G: Interview Schedule for BFNWOM Prisoners**

1. What is your name?
2. What is your age?
3. What country are you from?
4. What offence have you been convicted for?
5. What sentence did you receive?
6. How long have you already served?
7. Is this your first ever conviction?
8. If not, what was it for?

### **Attitudes, Background & Economics**

9. Did you attend school?
10. What age did you leave school?
11. Did you leave school at the primary, secondary or tertiary level?
12. Would you say that you can read and write well?
13. Were you in employment before you were arrested?
14. What was your job?
15. Are you certified for a skill?
16. Did you pay rent for housing in your country?
17. Would you say your housing in your country is poor, average, good or excellent?
18. Describe it?
19. Did you or your family receive any form of government aid?
20. Would you say that you are religious?
21. Did you attend church regularly?
22. Were you involved in local community activities?

23. Are you close to your family members?
24. Are you married?
25. Were/are you in a relationship?
26. How long?
27. Do you have children?
28. How many?
29. Did your children's father provide support?
30. What kind?

### **Offence Process**

31. Did you know that what you were doing was illegal?
32. Were you influenced by peers/family?
33. Were you approached or was it your idea?
34. If approached, was it by a male/female?
35. What were you asked to do?
36. Was it explained what would happen if you got caught?
37. Were you forced?
38. Did you feel threatened if you did not go ahead?
39. Were you offered a reward?
40. If yes, what was it?
41. Did you understand what would happen if you were caught?
42. What made you do it anyway?
43. Have you or your family received any assistance from those you committed the act for after you were caught?

### **In Prison**

44. How are you experiencing prison?
45. Do you have family/friends in the UK who visit and communicate with you often?
46. Does your family in your country know that you are in prison?
47. Does your children know that you are in prison?
48. Who looks after your children in your country?
49. How often do you talk to your children?
50. Do you get along with the prison officers?
51. Are there any positive things about the prison you can think of that has made it easier for you?
52. Do you get access to phonecalls to your family back in your country?
53. How often and for how long?
54. Do you feel you are treated differently because of your colour or your nationality or both?
55. If yes, do you feel more discriminated because of your colour or your nationality?
56. Describe a few instances where you feel you have been discriminated against?
57. Do you feel the prison does a lot to address your needs as a foreign national?

**Final Question**

58. If you are ever in the same situation of difficulty after your release, would you consider committing the act again especially if you are offered a good reward even to travel to another foreign country?

## **Appendix H: Information Sheet for Deported Prisoners**

### **1. What is the purpose of this research?**

The research wants to find out about your experiences in prison as a black woman is from a foreign country. It also wants to find out how you are coping now that you are in your own country and what are your challenges now. It seeks to find out how prison has affected your life and your relationships.

### **2. Who is conducting this research?**

This research is being administered by a researcher whose name is Tres-Ann Cooke. She is a PhD student at the University of Kent at Canterbury and her research is endorsed by Hibiscus.

### **3. What will be involved if you take part in this research?**

The researcher Tres-Ann Cooke will be asking you questions aimed at finding out the things mentioned in question 1 above. She will ask questions to find out about the things you experienced in prison and what your current situation is now. Your feelings will be documented. She will hold one to one interviews with you and whatever you say to her will be kept strictly confidential. At no point whatsoever will your name be disclosed. If you tell her any information that indicates that you are in danger or that you will harm yourself she is obliged by law to disclose this to persons who can better support you.

### **4. Where and when will the research take place?**

The research will take place at the Hibiscus office in Jamaica. It will start as soon as a group of women have submitted their names to participate in the research.

### **5. Do I have to take part?**

Participation in the research is voluntary. You decide if you want to take part and can decide to stop participating at any time you wish.

### **6. Will all information be kept confidential?**

All information you give to the researcher will be kept strictly confidential. Your name will never be disclosed to anyone. The researcher will have to record the information to keep track of everything you say but all prisoners will remain anonymous (nameless) and the tapes will be destroyed upon transcription.

### **7. Will my travel to the interview be compensated?**

Each interview participant will be given \$1000 Jamaican dollars to assist with their travel expenses to the Hibiscus office.

## **Appendix I: Interview Guide for Deported Women in Jamaica**

1. How would you describe what happened when you arrived at the airport in Jamaica?
2. Do you have a job?
3. How did the courses you took in prison help you when you returned to Jamaica?
4. Do you have a place of permanent abode now?
5. Did you receive any resettlement assistance when you arrived in Jamaica? If so from where and or who?
6. Do you have children?
7. How would you describe the relationship with your children now?
8. How would describe your relationships with other family members and your children's father?
9. How would you describe your experience being back in Jamaica thus far?

## APPENDIX J: HMP MORTON HALL

### Monthly Statistics

**Month: September 2005.**

Angola	1	Latvia	
Austria	2	Liberia	
Bahamas	1	Liechtenstein	
Bangladesh	1	Lithuania	
Barbados	1	Luxembourg	
Belgium	2	Malawi	
Bolivia		Mali	
Brazil	6	Malta	
Bulgaria	1	Netherlands	8
Cameroon		Nigeria	38
Canada	1	Norway	
China	1	Pakistan	1
Costa Rica	2	Philippines	1
Cyprus		Poland	1
Czech Republic		Portugal	
Denmark		Romania	
Dom Republic	1	St Kitts & Nevis	
Egypt		St Lucia	2
Equador		Senegal	
Eritrea	1	Sierra Leone	1
Estonia		Slovakia	
Finland		Slovenia	
France	6	Somalia	1
Germany	5	South Africa	6
Ghana	8	Spain	6
Greece	1	Sweden	1
Grenada	1	Switzerland	1
Guinea	1	Thailand	
Guyana	1	Trinidad & Tobago	15
Hungary		UK	49
India	1	USA	8
Ireland	1	Venezuela	8
Italy	2	Zimbabwe	1
Ivory Coast	1		
Jamaica	31		
Korea	2		

**% Figure:**

**UK Nationals = 21%**

**Foreign Nationals = 79%**