

# Women in Prison Forum

## Mothers, Sisters, Daughters



## *Resolutions, Political Parties' Positions and Recommendations*

Wednesday 13 August 2014

Parliament House, Macquarie Room  
Macquarie Street, Sydney

**Community Justice Coalition (CJC), International Commission of Jurists (ICJ), Women in Prison Advocacy Network (WIPAN)**

### Resolutions

This Forum resolves that the NSW government and all political parties should commit to:

1. Diversionary programs, including restorative justice processes and mentoring, to avoid the damage that prison causes women and their families.
2. Women prisoners' specific needs should be managed in accordance with the UN's Bangkok Rules. (Recommendation 15)  
Providing women prisoners with a choice of service providers for health, education and legal support. (Recommendation 17)
3. Improving educational facilities in women prisons, through supporting the unanimous resolution of the CJC/ICJ Education in Prisons Seminar on November 25 2010 to put computers in cells, which has yet to be acted upon; and preserving education as a irremovable right.

### Political Parties' Responses to Women in Prison Paper

#### Liberal Party NSW

- The Attorney General looks forward to the discussion of the issues affecting women in prison at today's Forum.
- The Government is pleased to have been able to support the Women in Prison Advocacy Network (WIPAN) with a \$249,663.16 grant as part of its commitment to addressing the systemic disadvantage faced by women involved with the criminal justice system.
- As you will be aware, Corrective Services NSW has established a number of programs to address special needs of incarcerated women, relating to mental health, alcohol and other drug problems, histories of sexual and/or domestic abuse, financial hardship, economic and social disadvantage, lack of education and employability skills, poor parenting skills, and poor life management skills.
- We wish you well for the Forum and look forward to hearing more about these important matters

#### Christian Democratic Party

- Christian Democratic Party was contacted however no response was received due to an overseas trip.

#### Labor Party NSW

- Labor recognizes that the current conditions in NSW for women prisoners are unsatisfactory.
- Labor supports the retention of judicial discretion in the sentencing process, especially including gender factors when exercising judicial discretion.
- Labor agrees to the use of scanning machines rather than strip-searching for security purposes in prison.
- Barriers to women prisoners in regards to access of education should be minimised, as it is the most effective type of rehabilitation.
- Appropriate diversion programs for women should be expanded. This includes those with cognitive disabilities, mental health impairments and substance abuse problems.

#### The Nationals

- The Nationals said that due to the Coalition agreements, the Liberal Party policy directs the portfolio.

## **The Greens**

- The Greens endorse an overwhelming majority of recommendations in the report.
- The Greens believe in reducing imprisonment rates of women in NSW, especially through the use of diversionary programs. This is especially important for Indigenous women who face incarceration for minor public order offences.
- The Greens oppose mandatory sentencing for criminal offences.
- The Greens recommend a policy shift towards the application of harm minimisation principles.
- The Greens say that imprisonment should be used as a last resort. In saying this, the Greens do recognise that the likelihood of apprehension and punishment can serve an important deterrent function.
- The Greens also support meeting the specific needs of female prisoners in accordance with the Bangkok Rules.
- The Greens support women in prison having access to education programs and the appropriate technology required to pursue these opportunities.

## **Greg Piper (Independent)**

- The goal of the criminal justice system should be to promote rehabilitation over punishment.
- This can be achieved through an increase in resource allocation to support programs aimed at rehabilitating female prisoners.
- Culturally sensitive measures should be more widely implemented and research into the Indigenous Sentencing Court is warranted.
- Education should be promoted as a path out of the cycle of recidivism by increasing access to computers and other study aids.
- Increasing the contact between mothers and their children is important in fostering a meaningful relationship and promoting rehabilitation.
- Post-prison care is important for successful reintegration into the community and decreases recidivism. Accordingly, resources need to be allocated for support programs and safe and affordable housing.
- Suggested reforms to criminal law such as the decriminalisation of minor drug offences, reform of bail and child protection laws, sentencing and early release schemes and sentencing restrictions on public order offences are complex issues. These need to be carefully evaluated.

## **Alex Greenwich (Independent)**

- Alex supports reform through a focus on prevention, early intervention, diversion and rehabilitation programs to reduce reoffending.
- A justice reinvestment approach is supported as a means of reducing the number of people in prison.
- Alex is strongly opposed to mandatory sentencing and will continue to argue against it in Parliament.
- Alex supports the recommendation that policies need to be reformed to meet the specific needs of women in prison.

## **Socialist Alliance**

- Socialist Alliance argues that the most important recommendation for the government is to set targets to reduce the number of women in prison.
- There is overwhelming evidence that imprisonment is not an effective tool in reducing crime rates.
- Prison privatisation has made incarceration increasingly profitable.
- Many recommendations in the paper resonate with Socialist Alliance policies including women's rights, drug law reform and social justice.

## **Kathy (Female Prisoner) – long serving inmate**

- Recognition and a corresponding response for good behaviour are paramount in positive role modeling and behaviour.
- Remission and earned early release are significant incentives for inmates, especially for those serving longer sentences.
- Programs should acknowledge and cater for the differing requirements of long-term inmates in comparison to short-term inmates. A variety of education and training programs should be offered with different time frames.
- Consideration of the inmate's family and community relationships should be given when determining their housing placement.
- Co-ed goals are not conducive to female prisoners' needs. As females constitute less of the prisoner population than males, fewer resources are targeted to women's education services and staff support. Teaching women trade and employable skills is valuable for their post-prison life.
- Management should encourage inmates' desires to learn and support education structures.
- Focus on fitness, nutrition and health classes, as well as education on basic living skills would improve inmates' lifestyle and health.

## **Chris (Emu Plains Prisoner)**

- Disparity between sentencing of indigenous women in rural areas as opposed to urban counterparts.
- Lack of psychiatric evaluation, care and support for inmates at Emu Plains Correctional centre.
- Discrimination against medium and long-term inmates seeking education and employment at Emu Plains.
- Gender specific health care not made readily available to inmates as a priority particularly for injecting drug using inmates.
- More readily available hepatitis C information
- Housing and post release support ie. Accommodation and assistance not being made available

# Recommendations from Women in Prison Forum Paper

## Setting the Scene

1. States and Territories to set targets to reduce the number of women in prison by 5% per annum, using prison only as a last resort.
2. The Australian Bureau of Statistics should maintain and release detailed statistical information that examines women and men in prison separately. This will better facilitate the monitoring of changes to the female prison population.
3. State governments should focus resources and efforts on developing and supporting new and current programs that address the causes of crime with a crime prevention focus. These include mentoring, community development and justice reinvestment programs.
4. Public order offences committed by Indigenous women must only result in a custodial sentence in the most serious matters.
5. Courts should place more focus on community corrections orders for women who offend, using incarceration only as a last resort.
6. Minor drug offences should be decriminalised and resources should be devoted to drug rehabilitation programs.
7. Courts to divert women with drug and alcohol dependence to services that provide the necessary community and health support for addressing their addictions.
8. States and Territories to set targets to reduce the number of women held on remand.
9. Bail laws should be reformed to address the fact that many women on remand tend to be serial recidivists. The criminal histories of women should not reduce their ability to get bail.
10. Prisons should ensure that women held on remand have access to educational and vocational programs to increase their chances of reintegration upon release.
11. Government to legislate for a system whereby women prisoners can earn early release through their personal efforts.
12. Sentencing laws should be reformed to reduce mandatory sentencing and minimum non-parole periods.
13. Further research should be conducted into the effectiveness of Indigenous Sentencing Courts.
14. Sentencing policies to be culturally sensitive and recognise the unique and varied life experiences of Indigenous women offenders and victims.

## The Special Needs of Women

15. Australia must recognise and implement the provisions contained within the Bangkok Rules.
16. States and Territories should raise public awareness regarding the varied and specific needs of women in prison. This includes public and media access to prisoners.
17. Women prisoners have a choice of external service provider for health, education and legal support.
18. States and Territories to de-criminalise personal drug use in the same way that marijuana drug use only warrants a caution.
19. Women to be trained by community organisations to form inmate development committees and act as paid peer mentors to other women in prison.
20. Prison staff should be trained to adequately identify and address mental health and post-traumatic stress disorders experienced by women in prison.
21. Women's facilities should provide more comprehensive mental health services that adopt a through care approach. Women should be provided with referrals to mental health services that they can access after leaving prison.
22. Resources should be diverted away from the criminal justice system to address the trauma that many women have experienced as a result of sexual, physical or psychological abuse.
23. Sexual assault programs should be available at all women's facilities throughout the year in order to deal with the high number of sexual assault victims in women's prisons.
24. Domestic violence programs should be available at all women's facilities throughout the year.
25. Sentencing laws to be reformed to allow for the gender-specific needs of women to be given greater consideration.
26. Discontinue strip-searching of women in prison, and instead install adequate scanning machines.
27. Extend visiting duration and frequency to allow family members greater access to their female relatives while in prison.

## **The Special Needs of Women (cont)**

28. Prisons and transport authorities to provide more regular transport services from local train stations to women's facilities.
29. When making decisions about the long-term placement of children with mothers in prison, special consideration must be used, due to the disruptive effects of the mother's imprisonment on their relationship with their children. Significant risk of harm factors is a separate issue.
30. When imprisonment removes a mother from her child, regular contact must be prioritised, and legal aid should be available to advocate for the right of children to stay in contact with their parents where it is safe to do so.
31. Child protection cases must be decided on an individual and flexible basis without arbitrary time limits and with access to free legal assistance.
32. Clear guidelines should be available to assist the Children's Court in relation to exercising their power under section 83 (5A) of the new legislation.
33. Further research must be undertaken into the impact of the proposed amended legislation and imprisonment on children and families. The NSW and National Children's Commissions, the NSW Ombudsman and other relevant bodies must regularly review the impact of the new laws on these families.

## **Education and Training**

34. Women in prison who choose to participate in education programs should receive the same levels of pay as women who work in a prison industry.
35. Correctional Centres to increase the variety of education courses available to women in prison and the frequency of their delivery.
36. Women who are able to finance their own education programs should be allowed access to external education facilities that give them the opportunity to attain a qualification online or via correspondence.
37. Each prison cell should have a computer with limited Internet access through secure servers, allowing women in prison to access education and information when they are being held in cells.
38. Core programs should be further developed to meet the gender specific needs of women in prison.
39. Core programs should be provided at all women's centres and should be available to all women in prison including women on remand.
40. Correctional Centres to grant access to non-government organisations to provide specialist programs that women would otherwise not have access to.

## **Aftercare**

41. Shift the emphasis of the role of prisons from punishment to rehabilitation.
42. Women in prison should be assisted in making post-release living arrangements prior to their release from prison. This involves giving NGOs greater access to women in prison so as to increase their ability to help and/or support them.
43. Increase funding for the NGO programs that have proven effective at easing the transition from custody to the community.
44. State governments to fund the creation of more safe and affordable housing for women exiting prison.
45. Drug and alcohol programs should be based on a through care approach that ensures continued support of women post-release.
46. Increase the use of diversionary and non-custodial programs.