

Are Indigenous Women in Queensland Prisons Any Better Off?

by Debbie Kilroy and James Finn

It is now ten years since the Final Report of the Royal Commission into Aboriginal Deaths in Custody. Debates have continued, new strategies have been put into practice and lessons have been learned, but are Aboriginal Women in Queensland prisons any better off for the process? To answer this question some exploration of the effectiveness of the implementation of the recommendations from the report is needed. The spirit of the Royal Commission and the changing social context of women in the criminal justice system also warrant some consideration.

The most striking finding of the Royal Commission was that ‘Aboriginal people in custody do not die at a greater rate than non-Aboriginal people in custody. However, what is overwhelmingly different is the rate at which Aboriginal people come into custody, compared with the rate of the general community.’^[1] Therefore, the overall impact of the changes resulting from the report can be measured by the changes in the rates of incarceration. Women are only mentioned three times in the recommendations. There were no specific recommendations with regards to women offenders in the criminal justice system. The changes resulting from the report can be further measured by the impact the recommendations have had on Aboriginal women in prison.

According to the Australian Bureau of Statistics the rate of incarceration per 100 000 Indigenous people has increased by 18.4% over the last ten years.^[2] This is a damning result by any standard. Clearly the 29 recommendations regarding imprisonment as a last resort have either not been adequate or effectively implemented.

The female prison population in general grew 173% between 1994 and 1999 and the projection for growth between 1994 and 2003 is 400%.^[3] For Indigenous women in Queensland prisons the situation is particularly bad. They comprise 22.23% of all women currently under custodial orders. The Women’s Policy Unit has noted that no Indigenous women are in the community custody program and the number of Indigenous women under community orders is ‘substantially lower than those under custodial supervision’.^[4] Current rates and projected trends are completely inconsistent with any serious attempt to address the over-representation of Indigenous women in prisons.

Research shows that before incarceration 89% of Indigenous women in Queensland prisons have been sexually abused, 98% have experienced physical violence and 88% have used alcohol or other drugs.^[5]

Routine strip-searching within the prison system occurs after every personal contact a woman has with her family.^[6] This practice has proved a highly ineffective way of achieving the apparent purpose of preventing contraband entering the prison.^[7] Rather than trying to address the horrific abuse histories of Indigenous women, the

abuse has been continued through these routine strip-searches. Furthermore the State has institutionalised this sexual abuse through recent legislation.[\[8\]](#) This is inconsistent with recommendations about custodial health and safety.

51% of women in Queensland prisons have continued to use drugs in prison and 84% state they have received no help in relation to their drug and alcohol abuse while in prison.[\[9\]](#) Recommendations on the harmful use of alcohol and other drugs have not been effective for this group.

Crisis Support Units have been established for chronically suicidal prisoners in Queensland and almost half the women in these units are Indigenous. Increased intrusive monitoring can help to prevent deaths in custody, but only as a short term 'quick-fix'. Underlying causes are not addressed and Sisters Inside know of at least twenty women who have died within the first 12 weeks of their release from prison in the last two years (including Indigenous and non-indigenous women). All of these Crisis Support Units are in male prisons despite the fact that Queensland Department of Corrective Services recognise that 'women prisoners self-report 'at-risk' indicators in higher proportions'. 28% of women prisoners have a history of self harm, 26% have previously attempted suicide and 6% report current suicide ideation.[\[10\]](#)

Research undertaken in 2000 by Sisters Inside reported that of the women in Southeast Queensland prisons 42% have attempted suicide (with a total of 150 attempts spread through the group), 41% have self-harmed (with a total of 331 self-harm experiences) and 40% received no support in prison.[\[11\]](#) The research showed that 23% believed the self-harm and attempted suicides were due to the abuse they had experienced and 9% state that it was 'to let the pain out and to feel again'. This is known by the women as blood letting.

Indigenous women in Queensland prisons are discouraged from attending funeral services, burials and other occasions of special family significance. This is due to 'inflexible leave of absence policies, escort staff lacking understanding of the cultural significance of such events, and feelings of shame and denigration connected with having to remain handcuffed during these events'.[\[12\]](#)

Sisters Inside, as an organisation that works closely with Indigenous women in Queensland prisons, applauds the spirit and intent of the Final Report of the Royal Commission into Aboriginal Deaths in Custody. However ten years on a lot of things, including the following, need to be in place before we can celebrate any measure of success in implementing the recommendations:

- A target and time-line need to be set and aggressively implemented for lowering the rate of imprisonment of the Indigenous population to at least the equivalent of the general population as quickly as possible
- Meaningful community custody and release options for Indigenous women in Queensland prisons need to be implemented.
- Crisis support units in Queensland's women's prisons need to be established in line with the recommendations of the Royal Commission. It is crucial that Indigenous women be removed from men's prisons in Queensland immediately.

- The sexual assault of women in prison through strip searches needs to stop immediately. This practice does not prevent contraband coming in to prisons as shown by Queensland Corrective Services records.[\[13\]](#)
- The Department of Corrective Services needs to recognise ‘the special kinship and family obligations of Aboriginal prisoners’ according to recommendation 171 of the report.[\[14\]](#)

Until these things are in place, Indigenous women in Queensland prisons will be no better off.

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[\[1\]](#) Royal Commission into Aboriginal Deaths in Custody, *Final Report*, (1991) Vol 1, 1.3.

[\[2\]](#) ABS, *Prisoners in Australia*, 12 June 2001.

[\[3\]](#) Women’s Policy Unit, Department of Corrective Services of Queensland, *Needs Analysis of Women Offender’s in Queensland*, 2000.

[\[4\]](#) Women’s Policy Unit, Department of Corrective Services of Queensland, *Profile of Female Offenders*, 2000.

[\[5\]](#) Debbie Kilroy, ‘When Will You See the Real Us?’ (Paper presented at Women in Prison, Australian Institute of Criminology Conference, 30 Oct – 1 Nov 2000).

[\[6\]](#) Freedom of Information records obtained under *Freedom of Information Act* show that between August 1999 and August 2000, 12136 searches were conducted, 5346 of these were full body strip searches (including a baby).

[\[7\]](#) The only contraband recorded in the information referred to above in note 6 was ‘tobacco, cigarettes, 2 earrings, a pad with no blood and a scratch from the window to the wall’. This is what was recorded in the information obtained with no other explanation.

[\[8\]](#) *Corrective Services Act 2000* (Qld) [s26A](#).

[\[9\]](#) Kilroy, above n 5.

[\[10\]](#) Department of Corrective Services, above n 4.

[\[11\]](#) Kilroy, above n 5.

[\[12\]](#) Cathy Pereira and S (Kendra) Beri, *There’s More to It: A Response to the Women’s Policy Unit ‘Needs Analysis to the Needs of Women Offenders’*, (2000) 33.

[\[13\]](#) Above n 6-7.

[\[14\]](#) Above n 1.