

National Homelessness Conference September 2010

Acknowledge Traditional Owners

Acknowledge Conference Organisers

Acknowledge Women in Prison

Given the urgency we all feel, or should feel, about the increased criminalization of women and girls worldwide, my hope is that we will truly engage and work to correct what is fundamentally flawed and wrong about current attempts to reform and correct or change individual and/or groups of women, when it is increasingly the laws and policies within which we all work that are increasingly coming in to conflict with people, especially poor, racialized, and disabled women.

Women are the fastest growing prison population world wide and this is not accidental. In Australia, we recognize that the globalized destruction of social safety nets – from social and health services to economic and education standards and availability – are resulting in the increased criminalization of the most marginalized and vulnerable members of our communities. The result, as we have recognized very concretely in our organization, by the change of our mission to

recognize the reality that laws and policies are increasingly in conflict with peoples' lives, resulting in the virtual inevitability of criminalization. Increasingly, we are seeing a direct relationship between such policies and the increased criminalization of the most marginalized, especially young, racialized and poor women, and those with mental and cognitive disabilities.

Here in the Queensland, we have seen some of the worst examples of the increasing trends to criminalize women and girls. Aboriginal women continue to suffer the shameful and devastating impact of colonization. From missions, to child welfare seizure, to juvenile and adult detention; Aboriginal women and girls are vastly over-represented in institutions under state control. Over the last 12 months just here in our women's maximum security prison we have seen an increase from 30% to 40% of Aboriginal women incarcerated.

Indeed, even as we work to deinstitutionalize and decarcerate, we are fearful because we know that "treatment" is the now the colonial control of choice.

We are already seeing this, as exemplified by what is happening to imprisoned pregnant Aboriginal women across this country, in Mary's case, a pregnant Aboriginal woman who was institutionalized for forced treatment and then endured the

inducement of her baby which was removed and placed with a non Indigenous family has not been returned to her Aboriginal community and family in WA. Nearly 2 years has passed and the Department believes that her culture and identity is not important because she is too young. Another stolen generation occurring today.

Some removals are decided by authorities by using the so called label of Foetal alcohol syndrome as an excuse of removal which is a gendered, classed and racist approach and we must venture forth very carefully.

In the North Queensland, Northern Territory and Western Australia most of the women in prison are Aboriginal, contributing to a situation where they represent the majority of the women's prison population.

We know the increasing numbers of women in prison is clearly linked to the evisceration of health, education and social services.

We also know that the cycle intensifies in times of economic downturn. It is very clear where we are sending the women who are experiencing the worst in the downturn in the economy and social trends.

Prisons are our most comprehensive homelessness initiative.

In terms of the rate at which women are charged, however, there has been a decrease overall in the number of women charged with criminal offences. In particular, we are seeing a decrease in the number of violent crimes committed by women.

It must also be borne, on the other hand that despite these decreases at these stages, there are increases in the number of women in prison. These increases have occurred within the context of increased cuts to expenditures for social services, health and education throughout the country, particularly women who are homeless and hence collide with the police and therefore criminalised.

We also know that increased numbers of young women with mental and cognitive disabilities, women who used to fill psychiatric and mental health facilities, are now increasingly being criminalized.

Progressive trends of the past to de-institutionalize those with cognitive and mental disabilities have been subverted by resource depletion, attitudes and policies occasioned by the deficit dementia of the last decade. The result is that more and more people are literally being dumped into the streets.

Their attempts to survive, their attempts to self-medicate, their attempts to cope with their situations as well as the behaviour that then evolves from being in a situation where they are increasingly disenfranchised, have led to their increased criminalization and imprisonment.

Once in prison, these women are considered difficult to manage and consequently spend a disproportionate amount of their time classified as maximum-security prisoners. This means that in addition to serving most of their sentence in the segregated maximum-security units, they are also most likely to be placed in segregation. They also tend to attract a number of psychiatric labels, and tend to be characterized by the Corrective Services as among the most difficult prisoners to manage.

The reflex of corrections to develop mental health service in prisons, is only serving to exacerbate the trend to increasingly criminalize women with mental and cognitive disabilities.

Developing such services in prisons at a time when they are increasingly non-existent in the community is resulting in more women receiving prison sentences because there will be a presumption that there is an ability to access services in prison that are not available in community settings.

Prisons are not and cannot be treatment or healing centres.

Despite laudable attempts to inject supports, rehabilitative and even treatment programs in prisons, they remain, what they were originally designed to be, places designed to punish and hide away from the rest of the community those who we decide are the scapegoats for society's ills.

We pretty them up and take away the obvious bars and put in reinforced concrete and inches thick glass and busy ourselves pretending how nice and unprison-like the new prisons are, but we are not fooling those we allow to be locked up there.

So how are prisons being used to “address” poverty and homelessness?

By creating criminally low welfare rates and even bans on receipt of State resources, many poor people are immediately relegated to the criminalized underclass.

Rather than criminalizing and jailing the poor for welfare fraud and for poverty related offences, if we were truly interested in encouraging people to be “pro-social” and “mindful” of others, criminally low welfare rates **should result in the criminalization of those who craft, those who pass, and those who enforce the laws and policies, not those subjected to them.**

We need to query the value of enabling the creation of laws and policies that effectively criminalize poverty, disabilities and the victims of colonization, and then developing classification, assessment and correction tools that pretend that the individual members of those very groups of people who are grabbed, sucked or thrown into the criminal and correctional systems are there because of their planned, voluntary and criminally intended actions.

Just as the people had to examine their own actions and inaction following the genocidal results of German policies and practices in the 1920s and 1930s, those who fail to address these matters will be faced with the reality that they too could be directly impacted implicitly and possibly explicitly, depending upon their personal, economical and professional circumstances.

It is simply not acceptable to merely hide our heads in the sand or busy ourselves in the pretext of having no power to change what is wrong...

In the United Kingdom, noted policy leaders such as Pat Carlen and Kim Pate from the Canadian Association of Elizabeth Fry Societies and Howard League are amongst those calling for decarceration and social (re)investment.

I commend Professor Angela Davis' book entitled, ***Are Prisons Obsolete?***

Indeed, many others besides Angela have also characterized the push to criminalize the most dispossessed as the present manifestation of race, ability, class and gender bias, and argue that this demands we examine our fundamental beliefs and notions of whose interests and biases are privileged.

It seems quite ludicrous that we continue to pretend that telling women and girls not to take drugs to dull the pain of abuse, hunger or other devastation, or tell them that they must stop the behaviour that allowed them to survive the multi-generational impacts of colonization, poverty, abuse, disabilities, physical and sexual abuse, et cetera, in the face of no current or prospect of any income, housing, medical, educational or other supports.

We must absolutely resist and reject the continued trend to imprison women because of what they "need" and then release them to the street with little more than psycho-social, cognitive skills or drug abstinence programming, along with the implicit judgment that they are in control of and therefore responsible for their situations, including their own criminalization.

Furthermore, when we see this is not working, instead of accepting band-aid attempts to patch up our increasingly net-less social safety net with pointless national or State initiatives like 'crime prevention' and 'homelessness', we must demand fundamentally different constructive approaches that do not presume the most dispossessed people are all potential criminals or that homelessness is a "choice" selected from a broad menu of options and opportunities.

So what do I mean by that?

Well, consider for a moment feeding children breakfast or lunch or helping supplement a pregnant woman's diet, or providing shelters for those escaping violence, the street, et cetera ...

Am I suggesting stopping this concrete support? No, I am not suggesting we cease our desire to ensure all people are adequately housed, clothed, fed and provided with opportunities to be part of, by contributing to and benefiting from, communities of support....

But I am saying we need to be clear that by and large, this is not what we are doing currently.

Imagine the results if we instead insisted that every person was entitled to adequate income, shelter and supports to reach their highest human potential for contributing to the community –

impossible, unheard of.

It is not impossible and it has been done, but it does require that we rethink what we are doing.

You cannot be anti-poverty and also pro-capitalist – it's like saying you are anti-death penalty but not against the executioner...

Imagine for a moment how different life would be and what if we chose to focus our energies on sharing resources, authority and power and instead, condemned the abuse of power and force by police and prison personnel, the neglect of institutionalized persons, the allowance of certain people to hoard essential goods, make excess profits, irresponsibly and negligently handle toxic cargo, crimes against social harmony, economic and/or even governmental order.

What would the system look like if we prosecuted and sentenced people for lying while running for office, wrongful use or access to government power and public resources?

You get the picture...it is no accident who is criminalized.

Name a behaviour and I am sure we will be able to identify times when it is considered legal and times when it is not. Law and criminalization are theories and choices made by those who we give as well as those who take power.

We consider it the responsibility of all of us to refuse to collude any longer in the perpetuation of these very dangerous myths and policies. In Australia, as we have seen increasing numbers of professionals and academics developing exposure and awareness, they have been more reticent to be the handmaidens of our criminal injustice systems.

Rather than personalizing the various legal, human rights and social justice struggles and uprisings of prisoners, we are hopeful that increasingly, all will recognize that it is always in our collective interest when the oppressed rise up to challenge their oppressors and oppression.

Increasing prisoner access to the justice and equality occasioned by social inclusion will benefit all of us and all of our communities of interest.

I encourage you to similarly be inspired by the writings of Angela Davis and the now historic actions of Jerry Miller to also act and question how future generations will judge all of us if we fail to challenge the lawlessness of governments kowtowing as the handmaidens of global corporate interests at the expense of the majority of people worldwide – you know yourselves whether you are one or two pay cheques away from losing what you have right now, so invest in yourself and others by refusing to continue to abandon the most dispossessed and vulnerable to the most expensive and least effective social

“program” our criminal justice system and especially our prisons. The human and financial costs are too great. Instead, demand that the monies currently being spent to watch, chase, catch, charge, prosecute and jail people be re-invested in rebuilding our social services, health services, education services ... you get the picture ... and so do they, but they don't think the community will accept the message – call and tell them otherwise, get your friends, families, allies, everyone you can, to tell them otherwise.

Support those who are impacted, hurt and grieving and challenge those who choose the moments of greatest vulnerability to draw them into a viciously ever-sinking vortex of scapegoating and punishment... Stand up now, for if you don't resist, how can you be sure someone else will if they come for you?

As Lilla Watson, an Aboriginal woman in Australia has stressed, we need to work together to correct current injustice. She said,

If you have come here to help me,
you are wasting our time.

If you have come here because your liberation is bound up with
mine,
then let us work together.

Thank you...

Speak about special circumstances court and the successfulness of the program as a front end option.