

Submission to the UN Human Rights Council

PRISONERS RIGHT TO EDUCATION



Sisters Inside Inc.

Sisters Inside is an independent community organisation which exists to advocate for the human rights of women in the criminal justice system in Queensland, Australia.

We work alongside women in prison to determine the best way to achieve this, and to address gaps in the services available to them.

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Education in prison isn't a 'right'. You don't have many choices, and most of the courses are about 'time-filling', not learning. Nothing QCS does helps with education or rehabilitation.

Lizzie - former repeated short term prisoner.
Now a full time mother.

Education isn't a right ... there's no access. Education is not encouraged or promoted. The courses available are patchy and short term ... You have all this spare time - if you can do some education it just might improve your chances of not going back.

Lisa - former short term prisoner.
Now a university student.

Education didn't worry me then ... I thought "What's the point of learning when I've got life?" Now I say to women "Don't give up your dreams, even though you're inside".

Aunty Robbie - former life sentence prisoner.
Until recently, Sexual Assault Counsellor, Sisters Inside.

You can't prove things in prison, 'cos it's a closed society.

Gwen - former long term prisoner.
Worked as an Education Clerk whilst in prison.

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This Submission ... At a Glance

To: Mr Vernor Munoz Villalobos
UN Special Rapporteur on Education
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Dear Mr Villalobos

Sisters Inside Inc. (SIS) is uniquely placed to contribute to your report on Prisoners' Right to Education to the United Nations Human Rights Council. We daily see the realities of prison life for women and girls in all (adult and juvenile) prisons throughout Queensland, Australia. We also work with women and girls following their release from prison, and take a *whole of family* approach to our service provision. We therefore see the longer term consequences of educational policies and practices within the Queensland criminal justice system. In addition, a number of our staff are former prisoners themselves and can contribute unique perspectives due to their experience of the system over many years.

We believe that women are being systematically denied their entitlement, under the *Universal Declaration of Human Rights*, to accessible, acceptable and adaptable education whilst in Queensland prisons. Queensland Corrective Services (QCS) clearly treats education as a privilege, not a right, for women prisoners. The availability of education for women prisoners has progressively deteriorated over the past 15 years, and promises to continue to worsen. This situation is exacerbated by arbitrary changes in policy and practices, inconsistency between prisons, financial penalties for participation in education, reducing opportunities for developmental education and diminishing access to study materials for women prisoners.

Further, we do not believe that this situation is unique to Queensland; it is part of a wider national trend affecting women prisoners throughout Australia. SIS is closely associated with sister organisations in other States/Territories, and has conducted 4 international conferences since 2001. We are actively involved with a variety of collaborative activities to address violations of women prisoners' human rights at a national level, and believe that similar trends are occurring throughout Australia.

We believe it is important that the Human Rights Council addresses the specific needs of women prisoners. Women are the fastest growing prison population - nationally and internationally. Women have different criminogenic patterns to men. They have a different collective personal and social profile to men. They therefore have different needs and are impacted by educational opportunities differently to men. Yet, prison systems are typically designed in response to men's profile and

needs. As a result, female prisoners are *doubly disadvantaged* in their access to appropriate education in prison. Women from minority racial groups, women with disabilities and young women prisoners are *triply disadvantaged*.

We recognise that the situation of women prisoners in Australia is better than women prisoners in the developing world. We believe it is important for the Human Rights Council to pursue violations of women's rights in the developed world. Western governments, including the Australian Government, promote themselves as bastions of human rights practice, despite having a demonstrably poor record in relation to women prisoners (and many other disadvantaged groups). Australia's Aboriginal and Torres Strait Islander women are imprisoned at more than 20 times the rate of non-Indigenous women; to Australia's shame, many were living in Third World conditions in remote communities, prior to imprisonment. Pursuing the rights of women in the first **and fourth** worlds can ultimately benefit women prisoners elsewhere. Challenging First World governments to adhere to human rights standards, to which they were signatories, can set genuine benchmarks for human rights practice internationally.

We trust that you will communicate with the Australian and Queensland Governments, and seek their cooperation in addressing the systemic violation of women's right to education in Queensland prisons.

Debbie Kilroy
Director
Sisters Inside Inc.
30 December 2008

Extra Comment on a Personal Note: I am a *product* of a progressive approach to education of women in prison. I was in Bogga Road (the 'old' women's prison in Brisbane) from 1989 to 1992 - a brief period of enlightened management. Prior to this sentence, I had a long history of institutionalisation commencing in my childhood. Whilst in prison, with the encouragement of management, I commenced a social work degree. Since leaving prison I have qualified as a social worker, Gestalt therapist and trainer, and, in 2007 was admitted as a practicing lawyer in Queensland. I have also completed post graduate studies in Forensic Mental Health and Legal Practice. In 2003, I was awarded an Order of Australia Medal (the first former prisoner ever to receive this) and in 2004, the Australian Human Rights Medal, for my work with women prisoners. None of this would have happened without prison authorities valuing my right to education in its widest sense.

Evidence for This Submission

Sisters Inside (SIS) is a statewide organisation which provides advocacy and support for women *with lived prison experience* (in prison or post release) and their children throughout Queensland, Australia. We also visit young women in Brisbane Youth Detention Centre on a weekly basis to provide services, and support these young women post-release. We therefore are in touch with the real impacts of the education systems in prisons on both women/girls and their children/families.

This submission draws together research data (see *Bibliography*), the experiences of SIS staff and interviews with women with lived prison experience. Five women were interviewed to add their personal experiences to this submission. They represent a mix of *short-termers* and *long-termers*; both Indigenous and non-Indigenous women; women of varying ages; SIS staff and clients; and women who were imprisoned during different periods over the past 15 years. In particular, some served their sentences at the 'old' prison (Bogga Road - which was centrally located in Brisbane) and some at the 'new' prison (Brisbane Women's Correctional Centre - BWCC - which is on the outskirts of Brisbane). This is significant, since the move from Bogga Road in 1999 was widely seen as a benchmark in women prisoners' education. Most also spent time in minimum security prisons - the halfway house (Helana Jones) and/or the Numinbah work camp.

Women explicitly interviewed for this submission were:

- **Gwen - Age 52; Caucasian.** Served 2 sentences totalling 9.5 years mainly in Bogga Road (1991-1993) and BWCC (1998 - 2006). Whilst in prison *Gwen* completed several TAFE certificates and half a university degree, and worked as an Education Clerk within the prison. She is now in full time professional employment.
- **Lizzie - Age 30; Aboriginal and Torres Strait Islander.** Was in prison (mainly on remand) 4 times for periods ranging from 5 weeks to 5 months, between 1997 and 2006. Whilst in prison, Lizzie began Year 11 (the 2nd last year of secondary schooling). She is now a full time mother.
- **Aunty Robbie - Age 49, Aboriginal.** Served 5 years of a life sentence (overturned on appeal) between 1988 and 1993. Upon entering prison, she had limited literacy/numeracy, and her highest educational attainment was Primary Grade 5. Aunty Robbie undertook a range of short programs whilst in prison, and ultimately worked as a Sexual Assault Counsellor with SIS for 7 years.
- **Lisa - Age 37; Caucasian.** Served a 17 month sentence during 2005 - 2006. Her highest educational achievement upon entering prison was Year 10 (middle secondary school). Lisa undertook short courses whilst in prison. She is now a full time university student.
- **Debbie Kilroy (Director, SIS) - Age 47; Caucasian.** Served 4 years in Bogga Road from 1989 to 1992. She commenced a university degree whilst in prison, and has subsequently qualified as a social worker, lawyer and Gestalt therapist/trainer, and has completed post-graduate studies in Forensic Mental Health.

In addition, explicit input was received from women currently serving sentences in different parts of BWCC, including one in *Protection* and another doing a life sentence, through friends/family and SIS staff.

A Snapshot - Women Prisoners in Australia

The fastest growing prison population worldwide is women, and in particular, racialized, young, poor women and women with mental and cognitive disabilities. The increasing numbers of women in prison is clearly linked to the evisceration of health, education, and social services, combined with a simultaneous intrusion of the state in terms of surveillance, monitoring, criminalization, and institutionalization ...

... A high majority of sentenced women are convicted for non-violent property and drug offences. A majority are mothers who are likely to have primary childcare responsibilities. Gaining work skills is considered an important factor in successful community reintegration for women prisoners; however, women have little access to meaningful work opportunities or training programs while they are incarcerated. (Pate & Kilroy 2005:3)

This international picture (presented to the 11th UN Congress on Criminal Justice and Crime Prevention), is firmly reflected in the limited data available on women in prison in Australia, and more specifically, Queensland. As elsewhere in the world, there is a severe lack of comprehensive, gender-specific data¹ about women in Australian prisons. Whilst this has hampered efforts to achieve social justice for these women, the existing data provides a consistent picture of the violation of women prisoners' rights. It is more than adequate to justify urgent intervention.

The rate of imprisonment (rather than alternative sentences) for women is increasing dramatically in Australia. Over the past few years, the overall female incarceration rate has increased by 110% (compared with 45% for men). At the same time, there is no evidence of increased rates of offending by women.²

The criminogenic profile of women prisoners is very different from that of men:

- Women are more likely to be imprisoned for their first offence, than men. An Australian Institute of Criminology study found that 60% of imprisoned women in Australia (compared with 2% of men) are first time offenders³.
- Emerging evidence suggests that women receive heavier sentences for equivalent first offences, than men⁴.
- Women are typically charged with less serious and violent crimes than men⁵.
- Many less women than men are convicted of *violent* offences⁶
- Women rarely commit violent acts toward people they do not know. Commonly, their *victims* are violent partners⁷.
- Emerging studies indicate that women are more likely to be imprisoned on remand than men⁸.
- Most women are serving short sentences. In Queensland, the average period served by women prisoners is about 2 months⁹.
- A significant, and growing, proportion of women in prison are convicted of drug-related offences¹⁰.
- Women are less likely to re-offend after imprisonment, than men¹¹.
- Women convicted of *violent* crimes were less likely to re-offend than other women, and even less likely to commit a second violent crime following release¹²

In short, most women prisoners have no history of security breaches, no evidence of management concerns and are unlikely to re-offend¹³.

Strong patterns emerge in the backgrounds of Australian women prisoners. Those particularly pertinent to education are:

- A massively disproportionately high percentage of women prisoners are Indigenous. In 2004 their rate of imprisonment was 20.8 times higher than non-Indigenous women, and there was a 343% increase in numbers between 1993 and 2003¹⁴.
- Most women prisoners come from economically and socially disadvantaged backgrounds. For example, studies have typically found unemployment rates of between 50% and 75% prior to imprisonment¹⁵ and 70% of all Queensland prisoners have a Year 10 or below education level¹⁶.
- A disproportionately high percentage of women prisoners have *mental health issues*. Various state studies have found rates of between 50% and 84% of women with psychological/psychiatric disability, 12% with intellectual disability (NSW) and 50% with learning disability (Qld)¹⁷.
- The vast majority of women prisoners are mothers of dependent children, and were heads of single parent families (80-85% according to most studies) prior to incarceration and many can be expected to return to primary economic responsibility for their family post-release¹⁸.
- Most women prisoners have a childhood history of trauma - particularly incarceration/institutionalisation¹⁹ and/or family violence²⁰.

In other words, most women prisoners are both *victims* and *perpetrators of crime*. Further, SIS believes that the horrific rate of imprisonment of Indigenous women constitutes racial discrimination. The increasing rates of women prisoners with *mental health issues* suggests that many are in prison in the absence of mental health facilities (which have been progressively decreasing in tandem with increased imprisonment rates, across Australia).

Provision of education to women prisoners plays a key role in improving the post-release prognosis for both women and their children. Recidivism rates amongst participants in prison education, vocation and work programs have been found to be 20% - 60% lower than non-participants²¹. The evidence suggests that outcomes are even more pronounced for women prisoners than men. Vocational training, in particular, can reduce both short and long term recidivism amongst women prisoners.²² Women's common role as *family head* - both carer and breadwinner - means that an investment in their education, and consequent job opportunities, can have a significant impact not only on women themselves, but also on their children.

Despite this, education for women in Australian prisons fails to meet international human rights standards. Limited programs are available. These limited programs are even more inaccessible to the majority of prisoners who are further disadvantaged by their race, disability or age. The quality of programs implemented by corrections authorities has been widely found to be unacceptable. These so-called *adaptations* of programs designed for men, generally fail to meet the needs of women prisoners.

Prisons in Australia are largely unaccountable for their actions. There is a complete lack of routine external scrutiny of Australian prison policies and practices. This means that correctional authorities are rarely called to account for behaviours which violate women prisoners' right to education or other human rights.

The International Human Rights Context

This submission contends that Queensland prisons are in breach of a number of international human rights instruments to which Australia is a signatory. The Anti-Discrimination Commission Queensland (ADCQ), in its review of the treatment of *Women in Prison*, raised serious questions in these areas. Evidence of Queensland (and therefore Australia's) breach of the following provisions is provided in the body of this submission. These are only a few of the many provisions to which Queensland Corrective Services (QCS) is failing to adhere.

Under the ***Convention on the Elimination of All Forms of Discrimination against Women***, Australia's responsibilities include:

To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation. (Article 2 (d)).

Australia has the responsibility to ensure that women have equal educational rights with men. This includes the elimination of any stereotyped concept of the roles of men and women (Article 10 (c)), the same opportunities to participate in continuing education programs (Article 10 (e)), and the right to access specific educational information to help to ensure the health and well-being of families (Article 10 (h)). A comparison of the treatment of male and female prisoners shows that Queensland has failed to comply with Article 10.

Indigenous women, and women from other racial minorities, have even less educational opportunities than other women prisoners. We contend that prison practices in Queensland are in breach of the ***International Convention on the Elimination Of All Forms of Racial Discrimination***. As a signatory to the Convention, Australia has undertaken to:

... take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists (Article 1 (c)).

... engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation (Article 2 (1) (a)).

... guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law (Article 5), including the right to education and training (Article 5 (e) (v)).

With indications that **at least** half the women in Queensland prisons are likely to have a (psychological, intellectual and/or learning) disability, the ***UN Convention on the Rights of Persons with Disabilities*** is also pertinent. This submission provides evidence that women with disabilities have less access than other women prisoners to education in Queensland prisons. This is in contravention of Australia's obligation to:

... take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes (Article 4 - General Obligations (1) (c)).

... enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community (Article 24 (3)).

... ensure that effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion (Article 24 (2) (e)).

Current practices raise questions about Queensland's adherence to the ***UN Standard Minimum Rules for the Treatment of Prisoners***, particularly that:

There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (Rule 6 (1)).

In the context of this basic principle, all sentenced women are entitled to the same educational opportunities as sentenced male prisoners in areas including: vocational training (Rule 71 (5)), further education (Rule 77 (1)) and recognised training (Rule 77 (2)). Further, prison labour should play a key role in vocational education:

So far as possible, the work provided shall be such as will maintain or increase the prisoners ability to earn an honest living after release. (Rule 71 (4)).

The interests of the prisoners and of their vocational training ... must not be subordinated to the purpose of making a financial profit from an industry in the institution (Rule 72 (2)).

Children (including 17 year olds) are protected under the ***UN Convention on the Rights of the Child***:

The child is entitled to receive ... an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgment, and his sense of moral and social responsibility, and to become a useful member of society ... The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right. (Principle 7).

The child shall be protected from practices which may foster racial, religious and any other form of discrimination.... (Principle 10)

The rights of imprisoned children are included in the ***UN Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")***. According to Rule 26:

Juveniles in institutions shall receive care, protection and all necessary assistance - social, educational, vocational, psychological, medical and physical - that they may require because of their age, sex, and personality and in the interest of their wholesome development. (Rule 26.2)

Juveniles in institutions shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults. (Rule 26.3)

Young female offenders placed in an institution deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured. (Rule 26.4)

And, finally, Part 3 of **Resolution 1990/20 of the United Nations Economic and Social Council** recommends that the various countries should seek to meet the following standards in terms of prisoner education:

- a. Education should aim at developing the whole person, bearing in mind the prisoners' social, economic and cultural background;

- b. All prisoners should have access to education, including literacy programmes, basic education, vocational training, creative, religious and cultural activities, physical education and sports, social education and higher education and library facilities;
- c. Every effort should be made to encourage prisoners to participate actively in all aspects of education;
- d. All those involved in prison administration and management should facilitate and support education as much as possible;
- e. Education should be an essential element in the prison regime; disincentives to prisoners who participate in approved formal educational programmes should be avoided;
- f. Vocational training should aim at the greater development of the individual and be sensitive to trends in the labour market;
- g. Creative and cultural activities should be given a significant role since they have a special potential for enabling prisoners to develop and express themselves;
- h. Wherever possible, prisoners should be allowed to participate in education outside the prison;
- i. Where education has to take place within the prison, the outside community should be involved as fully as possible;
- j. The necessary funds, equipment and teaching staff should be made available to enable prisoners to receive appropriate education

The ***National Revised Standard Guidelines for Corrections in Australia*** reflect Australia's undertakings in relation to these international instruments. However, the policies and practices of the Queensland Government (and other Australian State/Territory governments) often fail to meet these agreed National Guidelines.

Violation of Women Prisoners' Right to Education in Queensland, Australia

Being deprived of one's liberty is a severe form of punishment. It has long been recognised that, aside from community safety or punishment, one of the major roles of prisons is to provide prisoners with opportunities for rehabilitation. The concepts of rehabilitation is that the time spent in prison can be used as an opportunity to provide prisoners with programs and activities to develop skills and resources that will assist them to live in society successfully when they return to life outside, without committing further breaches of the criminal law. (Anti-Discrimination Commission Queensland 2006:79)

In its landmark review of discrimination against women in Queensland prisons, the **Anti-Discrimination Commission Queensland (ADCQ)** found that **there are less programs, services and activities available to women in prison in Queensland, than men. Further, the ADCQ found that these options were of lower quality and there was less choice²³.** This indicates a possible breach of a number of international instruments, and, indeed, Australia's own guidelines and Queensland Government policies on the treatment of prisoners.

The treatment of men in Queensland prisons is bad. The treatment of women prisoners is even worse. The treatment of women from racial minorities, women with disabilities and young women is a matter of national and international shame for Australia.

In addition to Article 26, SIS believes this is in violation of:

- ***Convention on the Elimination of All Forms of Discrimination against Women*** Article 2 (d), through which governments are responsible for not engaging in discriminatory practices against women, and ensuring that public authorities behave in a way which is consistent with this obligation.
- ***Convention on the Elimination of All Forms of Discrimination against Women*** Article 10 (e) which commits to ensuring that women have the same opportunities to participate in continuing education programs as men.
- ***International Convention on the Elimination Of All Forms of Racial Discrimination*** Article 5 (e) (v) which guarantees the right of everyone, without distinction as to race, colour, or national or ethnic origin, to education and training.
- ***UN Convention on the Rights of Persons with Disabilities*** Article 24 (3) which states that people with disabilities should be enabled to learn life and social development skills to facilitate their full and equal participation in education.
- ***UN Standard Minimum Rules for the Treatment of Prisoners*** Rule 6 (1) which affirms that governments should not allow discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- ***Resolution 1990/20 of the United Nations Economic and Social Council*** Part 3 (d) which recommends that all those involved in prison administration and management should facilitate and support education as much as possible.

The significant majority of women prisoners are mothers, and most have primary responsibility for the care of children when not in prison. Women are therefore highly motivated to improve their capacity to support their family. Where women prisoners in

Queensland can opt into voluntary education opportunities ... they do! For example, the ADCQ found that women prisoners engaged with secondary and higher education at a greater rate than male prisoners - despite the fact that many had to pay for all tertiary education costs²⁴.

Improved educational opportunities can play a key role in improving women's economic prognosis - particularly if coupled with constructive pre-release preparation such as halfway housing, education release, resettlement leave of absence and weekend leave, especially for longer term prisoners. Ultimately, lack of educational opportunities for women in prison reduces their capacity to protect themselves and their children from poverty and family violence. All too often, lack of education *sentences* women to return to the violent domestic situation which often contributed to their offending in the first place.

Inadequate Education is Available to Women Prisoners

In the *Women in Prison* report, the Anti-Discrimination Commission Queensland (ADCQ) recommended that:

That the Department of Corrective Services recognises and ensure that its responsibility for the rehabilitation of offenders within its care be given a similar effort in policy and resourcing as its responsibility to ensure community safety (Recommendation 23).

This reflects the ADCQ's overall concern that services, including educational programs, seem to be given a lower priority than custodial issues by QCS¹. This is despite the clear evidence that women prisoners rarely breach security or represent a threat to the good order of prisons. The Report supports the concerns of a wide group of people consulted by the ADCQ - women prisoners, advocacy groups and prison officers²⁵.

Limited, Sex-role Stereotyped Educational Options

What the women said:

You don't have many choices, and most of the courses are about 'time-filling', not learning. The prison doesn't give you credit for being able to achieve. Prison does nothing to build your confidence or motivation. Courses are just temporary therapy, with nothing you can use in life to move forward. Nothing QCS does helps with education or rehabilitation. (Lizzie)

There's an illusion of choice. When I entered prison, I had to fill out a tick-box form with about 12 choices, to show what I was interested in. I was never offered any of these courses. (Lisa)

In the new prison, stats are based on offers made to the whole prison, via a notice on a wall. But, when the list came back, there were only 10 places. (Gwen - Education Clerk whilst in prison.)

When I asked, the Education Officer came over with a list of 'courses available'. I

¹ Since 2006, the department which manages prisons has changed its name from the *Department of Corrective Services* (DCS), to *Queensland Corrective Services* (QCS).

was offered the option to choose from a list of topics approved by QCS. But, they wouldn't supply a program with less than 8 people. I wanted to learn webpage design - it was on the list! They said I couldn't because they didn't have the software. I explained that they had it in the office; they said there was a licensing issue, and they had to ask head office. This was rubbish. (Lisa)

Numinbah² is focused on the men - there are maybe 4 (work areas) to choose from. There's nothing for women specifically, except occasional sewing activities. The guys got the first pick of jobs, and women just back-filled positions. They can get things like Autocad³ and bobcat or forklift tickets. The only thing that's available to both is office skills. And this is useless, because you can only do odd units - you can't even do the whole of Cert 1, because you need internet access and that's banned. (Lisa)

An Education Officer interviewed women to assess their competencies. If you had not completed Year 12, you were required to do Numeracy/Literacy first ... regardless of your ability. (Gwen - Education Clerk whilst in prison.)

It would be good if there were more education options. In particular, accredited programs that provide a pathway when they leave prison ... and help stop them wanting to go back in. Women need more freedom to choose the education they want. (Aunty Robbie)

With the exception of a short period in the late 1980's to early 1990's, women in Queensland prisons have consistently reported extremely poor access to education. Most educational programs are short term. They are often sporadic and/or are cancelled mid-way through. With the exception of numeracy and literacy courses, most are sex-role stereotyped - for example, art, sewing and (base level) office work. Similarly, opportunities for on-the-job vocational training are largely limited to areas such as kitchen work, laundry, bakery, assembly/packaging and cleaning. Women are often required to undertake numeracy and literacy programs, regardless of their existing competencies. Many courses are non-accredited, which means they have no currency beyond prison. Where accredited modules are offered, the prison frequently fails to provide all the components required to complete a certified course. Programs often seem to be scheduled without regard for women's availability - for example, during work or visiting hours. Even where women are co-located with men (at Numinbah), they do not generally have access to the same range of programs as the men. Poor library facilities mean that women have little opportunity to pursue their educational interests individually. The limited library and the loss of inter-library borrowing systems, also limits the resources available to women who are undertaking secondary or higher education. Women report being actively discouraged from participating in full time education by prison staff (a claim that was particularly noted by the ADCQ²⁶). Ultimately, very few women have access to their preferred educational choices.

Formal, accredited educational courses should be readily available to all women prisoners. All women should have access to:

- Basic Education (eg. literacy and numeracy);

² Low Security Prison Farm.

³ Computer assisted drawing.

- Developmental Education (eg. secondary education; tertiary education and tertiary preparation);
- Vocational Education/Training (eg. TAFE⁴ - practical education relating to job or profession).

Education should also be available through on-the-job learning for women in industry. Women report that the Trade Instructors function more as work supervisors, than teachers. They rarely do the assessments required for women to have their trade skills formally recognised. The industry areas available to women are largely sex-role stereotyped, and do not reflect labour market trends and jobs available on the outside. Where courses are relevant to labour market demands, they *sentence* women to working in low paid, low skilled, sex-stereotyped jobs.

Education should also be available through part time developmental courses. Women report that opportunities for developmental education are severely limited. There is little opportunity for women to initiate programs relevant to their interests or needs. Part time courses are almost exclusively short term, non-accredited and unreliable. Women consistently claim that the quality of teaching is poor. Facilitators from the community are rarely allowed to program courses within prisons.

Education should include opportunities for self-directed learning. Access to the prison library plays an important role in allowing women to undertake informal learning in areas that interest them. According to women who have been in prison both at Bogga Road (the 'old' prison) and at BWCC, there has been a massive reduction in the quality and quantity of reading material available to women over the past 15 years. The library at Bogga Road was freely accessible to most women prisoners every day, and to women in Protection or Maximum Security, 3 times each week. The purchasing proposals of a prisoner selection committee were generally supported by management. By 1995, the Library had over 4000 books across a wide range of fiction and non-fiction areas. There were ongoing arrangements for borrowing books on request from the Public Libraries Division, and purchasing material via a major book publisher and a local bookshop. Many books were donated by organisations and prison officers. In 1999, the collection was broken up and either sent to other prisons or pulped. The BWCC *library* is now little more than a store room - to which less than 1000 items were moved. The QCS now effectively prohibits donations of books.

Core Programs are the most commonly available form of so-called *education* available to women prisoners. Prison authorities rely heavily on participation in these programs to statistically argue that women prisoners have access to education. These programs do not meet the definition of education in Article 26 - they are neither *directed to the full development of the human personality* nor *to the strengthening of respect for human rights and fundamental freedoms*. They are compulsory programs which sentenced prisoners are required to undertake. Completion of a program requires women to admit the crime of which they were convicted (or they fail the program), and failure to complete a program may preclude a woman from accessing parole. The longest of these programs (*Making Choices*) is not available to women serving short sentences, and women on remand cannot access

⁴ TAFE - Technical and Further Education. This is the main, government, system of colleges throughout Australia that provide vocational training in areas such as trades and some professions. All programs are below degree level and include various levels of Certificates and Diplomas. The length of courses can vary from the full time equivalent of a few weeks (eg. National Forklift License) to 3 years (Advanced Diploma in Children's Services).

programs which may be useful to them, even if they have a relevant prior conviction (eg. *Anger Management, Drug Relapse Prevention*).

Women and children (that is, 17 year olds) in Protection are particularly educationally disadvantaged. These prisoners are effectively in *a prison inside a prison*. There are typically approximately 20 prisoners in Protection in BWCC at any time. Many of these are young women. Queensland is the only State in Australia which imprisons 17 year olds in adult prisons. These children are often placed in protective custody, due to prison authorities' alleged concerns about their duty of care - they argue that these children may not be safe in the wider prison population. **Women and children in Protection cannot generally participate in programs and activities available to the wider prison population.** They report that most courses are limited to 10 places. It is unlikely that all prisoners in protection will want to do any given course - so when a course is too popular, some prisoners invariably miss out. Their access to self-learning facilities is also limited. For example, these women only have access to the library once per week - and this time has commonly been set during visiting hours, thus forcing women to choose between education and family visits.

In addition to Article 26, SIS believes this is in violation of:

- **Convention on the Elimination of All Forms of Discrimination against Women** Article 10 (c) which commits to the elimination of any stereotyped concept of the roles of men and women.
- **Resolution 1990/20 of the United Nations Economic and Social Council** Part 3 (f) which recommends that vocational training should aim at the greater development of the individual and be sensitive to trends in the labour market.
- **UN Standard Minimum Rules for the Treatment of Prisoners** Rule 71 (5) which affirms that sentenced women prisoners are entitled to the same educational opportunities as sentenced male prisoners, including vocational training in useful trades, particularly for young prisoners.
- **The Beijing Rules** which require that child prisoners receive the social, educational and vocational support required for their *wholesome development* (Rule 26.2), and that particular attention be paid to the personal needs and problems of female child prisoners (Rule 26.4). (The *Rules* also require that child prisoners be kept separate from adult prisoners - Rule 26.3.)

Lack of Continuity across Prisons

What the women said:

I was halfway through my university degree at BWCC ... you can access the internet in BWCC if you're 'in the know'. Before I went to Helana Jones, I checked whether I could continue my studies. I was told that I could have an Education Pass, to get access to a library and the internet (either through an officer, or at the library). But, Helana Jones doesn't have an Education Officer, and they simply refused to allow me to continue studying at all - even part time. (Gwen)

Every time you get transferred, you have to go to the bottom of the list. At BWCC, there are too many people - you had to wait too long to get your hands on anything. I was transferred to Numinbah before I'd got into any course I'd registered for. (Lisa)

Women report that there is a complete lack of articulation between different QCS prisons in relation to women's educational opportunities. Each prison does its own assessment of women's educational needs. Each time a woman moves to a different prison, her education needs are reassessed (even if she has previously been in this particular prison). Each time a woman moves, any study she has commenced is in jeopardy. Each time a woman moves, she is placed at the bottom of any waiting list for which she is deemed to qualify. It is almost impossible for a woman to complete a full course of study, particularly higher education, whilst in prison. Women who are moved frequently may never even get the opportunity to participate in short programs.

Women must choose between being in a low security prison and continuing full time education. None of the current low security options for women allow prisoners to be full time students:

- Helana Jones Community Corrections Centre, in Brisbane, is the main low security option for women. Women prisoners, particularly those who have served long sentences, are generally accommodated in Helana Jones in the period leading up to release. This is the **only** QCS prison with no provision for education. It remains very difficult to continue (even part time) study whilst at Helana Jones.
- There is only one other low security prison exclusively for women - Warwick Work Camp. The Numinbah Work Camp is mainly male, but has a few women prisoners. In both cases, it is theoretically possible to continue part time study however women report that it is extremely difficult to access the required educational resources.

Further, for women serving long sentences, having spent some time in a low security prison can be a prerequisite for parole. At the very least, having spent low security time can assist with parole applications. Therefore, women are often forced to choose between continuing their education and the potential for parole.

The QCS has recently released a Green Paper, proposing changes to low security imprisonment. It is proposed that Helana Jones will no longer operate as a low security prison²⁷. **All women in low security prisons will be located in rural areas, at least 100km from Brisbane.** All low security prisons will be reconstituted as *Base Work camps*, which undertake community projects, and *work camps will be the only form of community reintegration available to low risk offenders*²⁸. There is no mention of any opportunity to undertake, or continue, secondary or tertiary studies (on either a full or part time basis) for women in *Base Work camps*. This suggests that women's educational opportunities will be further eroded, or that women may be forced to choose between staying in a higher security prison and continuing their studies, or moving to a low security prison and abandoning their studies altogether.

In the longer term QCS is currently building new prisons for women in Gatton and a new prison in Townsville is about to be opened - both in regional centres²⁹. Again, this is likely to further alienate women from the educational opportunities most readily available in Brisbane.

In addition to Article 26, SIS believes this is in violation of: *UN Standard Minimum Rules for the Treatment of Prisoners* Rule 77 (2) which affirms that sentenced women prisoners are entitled to the same educational opportunities as sentenced male prisoners, including education which is integrated with the Australian education system, to enable women to continue their education post-release without difficulty.

The Available Education is Not Sufficiently Accessible to All Women

Discrimination against Disadvantaged Groups

What the women said:

The art classes are mainly offered to Indigenous women - they aim to have 80% of Indigenous women in these classes. This keeps the education stats looking equitable. (Gwen - Education Clerk whilst in prison.)

The prison has to have a certain percentage of Aboriginal women in education, so they are offered periodic, irregular, numeracy and literacy courses. Sometimes these are only offered during visits time; sometimes they are only offered during industry hours ... in reality, the majority of women missed out. (Gwen - Education Clerk whilst in prison.)

As detailed earlier, **Aboriginal and Torres Strait Islander women (Indigenous women) are massively disproportionately imprisoned.** They, and women from culturally and linguistically diverse backgrounds (CALD women) and women with mental health issues are more likely to:

- Have a higher security rating, and be in secure accommodation.
- Be placed in *prisons within prison* (eg. crisis or detention facilities).
- Have a lower level of education and employment.
- Have limited English language literacy and/or numeracy skills.

Women prisoners report that these groups of women have even less opportunities to participate in the limited educational opportunities than other prisoners. Prisoners in crisis or detention facilities are generally precluded from participating in educational programs or work. Many of these disadvantaged women do not know how to access education. Or, the limited education available is provided in a way that does not meet their learning needs. Reduced access to education puts disadvantaged women at particular risk of re-offending and re-incarceration. The ADCQ report focused heavily on possible discrimination against these groups of women.

The ADCQ was concerned that the QCS may be discriminating against **Indigenous women** in prison on the basis of race. There is clear evidence that Indigenous women, in particular, have a higher rate of recidivism - due, at least in part, to their lack of access to pre-release preparation including educational programs³⁰. Similarly, the Royal Commission into Aboriginal Deaths in Custody⁵ recommended that:

That Corrective Services authorities ensure that all Aboriginal prisoners in all institutions have the opportunity to perform meaningful work and to undertake educational courses in self-development, skills acquisition, vocational education and training including education in Aboriginal history and culture. Where appropriate special consideration should be given to appropriate teaching methods and learning

⁵ A major national investigation into inordinate death rates amongst Indigenous prisoners in Australia.

dispositions of Aboriginal prisoners. (Recommendation 184, cited in NT Ombudsman 2008:70)

Many Indigenous women are effectively precluded from participation because programs are not culturally appropriate to their needs. Many are functionally precluded because programs do not generally include interpreters³¹. (This affects many Indigenous women from remote communities for whom English is a second language, as well as CALD women.) Women in prison report further deterioration in the opportunities available to Indigenous women, since the ADCQ released its report in 2006.

Queensland is the only jurisdiction in Australia that incarcerates 17 year olds in adult prisons. These 17 year olds are disproportionately **Indigenous children**, who generally enter prison at a younger age than non-Indigenous women. Many 17 year old female prisoners in Queensland are put in protective custody, according to prison authorities *for their safety*. Many spend their whole sentence in protection. They, too, experience less access to educational facilities than the general prison population.

The ADCQ Report also raised concerns about possible discrimination against prisoners with intellectual disability (maybe 30% of women prisoners) or other **learning disabilities**. The ADCQ found that there doesn't appear to be a systematic approach to dealing with the learning needs of people with intellectual, cognitive or learning disability in vocational and education programs - and, even within core programs (Recommendation 27). The ADCQ was concerned that these women might suffer lower chances of parole than other prisoners, because the available programs were unsuitable, and recommended that prison authorities develop systems to overcome this problem (Recommendation 30). Women report no improvements in this area since the ADCQ Report was released in 2006.

The ADCQ Report raised concerns about possible discrimination against **CALD women** on the basis of both race and religion. Approximately 10% of women prisoners were not born in Australia, and their ability to speak and understand English is varied. This obviously reduces the ability of those with limited English to participate in educational programs. The ADCQ found that interpreters are rarely used after the first 24 hours of imprisonment. The Report included a number of recommendations to reduce the risk of racial discrimination in these women's access to education (Recommendations 50-52). In particular, the ADCQ argued that formal interpreters should be routinely used for any important communication with prisoners with limited English. The Report noted that women from non-English speaking backgrounds should not be penalised for failing to complete programs, if a main reason was their English language skills. (This is particularly relevant to the parole process, where completion of core programs can have a direct affect on prisoners' access to their release.) Further, the ADCQ argued that CALD women should have access to self-directed learning materials (eg. television, newspapers, and books) in prisoners' own language. According to women prisoners, there have been no improvements in any of these areas over the past 2 years.

The **National Revised Standard Guidelines for Corrections in Australia** (Section 3.13) require that *programmes and services provided to prisoners, especially women, indigenous prisoners and prisoners from non-English speaking backgrounds, should be established following close consultation with the appropriate community groups and experts*. SIS believes that this Guideline is not being met in Queensland.

In addition to Article 26, SIS believes this is in violation of:

- ***International Convention on the Elimination Of All Forms of Racial Discrimination*** Article 1 (c) which requires governments to take effective measures to review governmental, national and local policies, and to change any laws and regulations which have create or perpetuate racial discrimination.
- ***International Convention on the Elimination Of All Forms of Racial Discrimination*** Article 2 (1) (a) which commits governments to not engaging in practices which discriminate against individuals or groups on the basis of their race, and ensuring that public authorities behave in a ways that is consistent with this obligation.
- ***International Convention on the Elimination Of All Forms of Racial Discrimination*** which guarantees the right of everyone, regardless of racial or cultural identity, to equality before the law (Article 5), including the right to education and training (Article 5 (e) (v)).
- ***UN Convention on the Rights of Persons with Disabilities*** Article 4 (1) (c) which requires governments to take into account the protection and promotion of the human rights of persons with disabilities in both policy and practice.
- ***UN Convention on the Rights of Persons with Disabilities*** which requires governments to enable people with disabilities to learn the social development skills required for them to fully and equally participate in education (Article 24 (3)), and to provide the customised support they need to maximise their academic and social development (Article 24 (2) (e)).
- ***UN Convention on the Rights of the Child*** which requires governments to provide developmental education (Principle 7) and be protected from racial, religious and other discrimination (Principle 10).

Ineligibility for Education

What the women said:

The reality is that you need a sentence with 1 year non-parole before you get access to education. (Gwen - Education Clerk whilst in prison.)

Lifers and long termers get a lot more opportunities for education. (Aunty Robbie)

The system makes a big point of the difference between long termers and short termers ... they make it obvious to divide us between each other, and go on about the lack of funding for short termers. But, short termers often come back. Education should help us break the cycle before it starts. It should help keep our time short, and stop us keep going back for longer and longer. (Lizzie)

Access to educational opportunities is generally tied to prisoners' security classifications. Despite the fact that women are demonstrably lower risk prisoners than men, most women in Australian prisons are serving their sentences in maximum security prisons, or under maximum security conditions. Prison authorities attribute this to the smaller number of female prisoners and the consequent difficulties with establishing dedicated prisons for women with different security classifications. Yet, future plans are focused on development of substantial additional high security prison facilities for women. QCS shows no evidence

of having considered developing additional low security prisons in Brisbane (or, in fact, any regional centre). In 2009, QCS is closing all low security prisons for women.

Again, the ADCQ addressed the issue of eligibility for educational participation. The Report particularly raised concerns about prisoners serving long periods on remand, who are ineligible for most forms of education (and for core programs).

As Lizzie said, unless a range of educational options relevant to their interests are available to short term prisoners (sentenced or on remand), these women are likely to remain in the very cycle of poverty, violence, homelessness, mental health issues and/or substance abuse that most commonly led to their imprisonment. In particular, if women on remand or serving short sentences commence an accredited training program, this could be immediately articulated into continuing the same program on the outside upon their release. This would provide women with a starting point to genuinely enable them to reintegrate (or integrate) into the community.

Arbitrary Decision Making Processes

What the women said:

You have to be 'in the know' to get access to education. Women who persist have more chance than the quieter ones. But, it all depends on your personality ... it's up to the Education Officer to decide who to recommend ... then, the prison Manager has the discretion to say 'yes' or 'no'. (Gwen - Education Clerk whilst in prison.)

Whenever they refused someone's request for education, they gave a bureaucratic reason, like 'There's not enough spaces'. But often, it was just a personality thing. (Gwen - Education Clerk whilst in prison.)

You're not allowed to browse alone, so you have to rely on the Education Officer to download your materials for study ... sometimes they'll print them for you. This is really unreliable, because it depends on the Education Officer's workload and personal choice ... it's up to them whether they help you or not. If I needed study material at Numinbah, I had to request the Education Officer to come and visit - he's located at the men's area. You never knew how long it would take - 1 day? 3 days? (Lisa)

The sewing class ended after 6 weeks - we weren't allowed to have sewing needles any more. Knitting needles and crochet hooks used to be on routine 'buy up' ... lots of women used to make things for their kids, and that ... but the prison stopped allowing that, and cancelled the classes, because they said they were 'weapons'. (Gwen - Education Clerk whilst in prison.)

The whole system is so arbitrary. Some women paid to buy a computer so they could study. After 4 months, they were no longer allowed to keep them in their room. (Gwen - Education Clerk whilst in prison.)

You used to be able to buy a computer and have it in your cell. Now you must hire your computer from QCS ... and it's difficult to get one! (Lisa)

One long termer did brilliantly at Uni. She finished a BA⁶ with a Distinction average, was offered Honours in 2 different disciplines! Then ... the reason she was given for not being allowed to hire one of the prison's computers was that she didn't have an academic history that 'proved' her commitment to study. (Debbie)

Women's access to education is a largely arbitrary system, where prison staff can exercise discretion as to individual prisoners' educational opportunities:

- Women on remand **may** be assessed for basic education. This usually only occurs in instances where they are deemed to have special learning needs. There is no guarantee that education will be provided to remandees.
- After the initial education assessment, women serving less than 12 months **may** be further assessed for education activities. However, this will only occur if it is considered to be 'beneficial' by prison authorities and if there are sufficient resources available. There is no guarantee of education for women serving less than 12 months.
- Women sentenced to over 12 months **may** be assessed further, if the initial education assessment indicates that there is a need for education or training. If this is the case then an Education Plan is included in the woman's Sentence Plan.

Women repeatedly report being forced to comply with directions that fly in the face of justice or logic. **The goal posts for accessing education are changing constantly - sometimes daily.** Different officers interpret policies in different ways, or simply make different decisions to other staff. In short, prison staff have a very high level of discretion when addressing women's educational (and other) rights and needs. This can have a major impact on women's current and future life opportunities when, for example, officers' have discretion over work bonuses that can double women's income or officers can decide whether a particular woman is allowed to continue her education.

This reflects wider concerns about the culture in women's prisons. Danby et al (2000) found that the prison environment itself is an obstacle to educational attainment for women prisoners. The authors asserted that *the structural and cultural dimensions of prison life work against effective participation in the types of education that would contribute to rehabilitation*³². Overall, the research found that women's involvement in prison education:

... is framed by a culture of containment and retribution. The prison culture is manifest most poignantly in the invasive body searches, practised rehearsal of prison rules by staff, pervasive surveillance of physical movement and communication and highly scrutinised visits with families including children and infants. Cultural factors combined with structural factors such as movement through the system, sentence length and the mix of work and education converge to impair effective participation in education. (Danby et al 2000:9, cited in NT Ombudsman 2008:73)

⁶ Bachelor of Arts

Penalties for Full Time Study

What the women said:

Often women who wanted to study full time were told there were 'no more spots', even when there were. The brightest women are on the highest pay, so they have the most to lose financially. The Education Officers who helped women access university, and helped them get scholarships, were moved on. (Gwen - Education Clerk whilst in prison.)

Women in prison tell me that wages has a lot to do with women not studying full time. Most full time students get Level 2 - \$13 per week plus \$9 amenities - so they go for the jobs instead of study. The wages in Bogga Road were similar but would increase as you moved through your course, or increased your study workload. The prison paid all your fees - enrolment, books, etc. It doesn't seem we've moved forward at all, in fact, to state the obvious - we have 'regressed' to a pre-1989 educational system. (Debbie)

Full time study may be at a vocational, secondary or tertiary level. QCS has a policy of restricting the number of prisoners allowed to engage in full time study³³. As at 2000, there were only 10 positions available for women prisoners in Brisbane³⁴, and SIS is unaware of any increase in this allocation. As far as SIS is aware, no women have ever studied full time in Townsville prison⁷. Educational facilities are not offered at Helana Jones - currently the main low security prison option for women. Women at other low security prisons (work camps) are not allowed to be full time students. **In other words, as far as SIS is aware, only 10 women prisoners in total are studying full time at any given time in Queensland, and all are, out of policy-driven necessity, living under high security conditions.**

The arbitrary nature of decision making is particularly evident where women want to make a long term commitment to completing a course of study. Women are required to meet all costs associated with their education, unless it is provided free of charge by an educational institution/organisation or government. Costs may include student fees, books and resource materials. If women require computer access, it costs \$4.00 per week to hire an in-cell computer to undertake study. The prison **may** make a loan, which prisoners then repay by installments, at the discretion of the General Manager of the relevant prison. This is in marked contrast with the Bogga Road days, when the prison paid all study-related costs. Most women simply don't have sufficient funds available to pay the costs of their education outright - paying by installment is the only way they can undertake full time study. The risk that they will not receive a loan, or that this will be arbitrarily removed at some point in their study program, is an active disincentive for women to begin a course of study.

The General Manager of each QCS prison continues to have the authority to make education more accessible to more women. The formal policies governing full time education have deteriorated since the 1980's. **Women prisoners report that discretionary powers are now largely exercised to discourage, rather than encourage, women to pursue an education.** Ultimately, the General Manager has the authority to agree to an educational loan, approve computer hire, or waive criteria to qualify as a full time student (eg. for tertiary

⁷ This is particularly pertinent, since a significant proportion of women prisoners in Townsville are Aboriginal and Torres Strait Islander women.

students, CALD women or women with disabilities). They also have the discretion to set the level of pay each full time student receives. Prisons are primarily focused on industry, rather than education. According to Section 3.8 of the National Revised Standard Guidelines for Corrections in Australia, *Prisoners who are approved to be full time students should be remunerated equivalently to prisoners who are employed in full time work*. In practice, most end up receiving far less than they would have had they been working.

In 1999-2000, most women undertaking full time study were paid at a similar base rate to 80% of women working in prison industries (that is, Level 3 - \$3.41 per day)³⁵. However, they were only paid for 5 days per week, whereas over 40% of employed women (45/112) were working for 7 days per week. Remuneration base rates have not changed since 1999. The current policy (dated 8 August 2008³⁶) states that full time students normally *commence* at Level 1 (\$2.11 per day x 5 days). Any progression (up to a maximum of Level 3 base rate) is at the discretion of QCS. As at 1999, all jobs but one at BWCC were Level 3 or above, and none were at Level 1. It is reasonable to expect that those women interested in the higher levels of study would be amongst the highest paid women (ie. at a work camp, this would be Level 4 @ \$7.20 per day plus up to 100% bonus). The only full time students eligible for incentive bonuses are those classed as a *tutor* or *program leader*.

The reality then, is that women may be forced to choose between:

- Earning \$2.11 per day (ie. \$10.55 per week). Paying for computer hire (\$4 per week) and loan repayment out of this, and remaining in high security prison, and,
- Potentially earning \$14.40 per day with bonus (up to a ceiling of \$57.54 per week³⁷) and living in a low security prison.

Many women spend much of their meager income on items for their children. Therefore, a decision to undertake full time study penalises their children - both financially, and because this may extend the length of time mothers spend in prison. (Having spent time in a low security prison can assist with parole applications.)

According to the QCS Procedure - *Education of Prisoners* - all educational involvement is at the discretion of an Education Officer at the current residential prison of the student. Each time a woman moves from one prison to another, their educational involvement is *reviewed in terms of the continued relevance of the recommended programs/courses*, and their education plan can be changed. This functions as an active disincentive for women to plan for the long term, since they can be forced to abandon their studies at the discretion of QCS whenever they move.

Further, the QCS plans to phase out all computers in cells by December 2009³⁸. This will make it very difficult for students to undertake study, particularly part time students who are working in prison industries during the day.

In addition to Article 26, SIS believes this is in violation of:

- **Resolution 1990/20 of the United Nations Economic and Social Council Part 3 (c)** which recommends that every effort should be made to encourage prisoners to participate actively in all aspects of education.
- **Resolution 1990/20 of the United Nations Economic and Social Council Part 3 (e)** which recommends that education should be an essential element in the prison regime and disincentives to prisoners who participate in approved formal educational programmes should be avoided.

- **Resolution 1990/20 of the United Nations Economic and Social Council** Part 3 (h) which recommends that wherever possible, prisoners should be allowed to participate in education outside the prison.
- **Resolution 1990/20 of the United Nations Economic and Social Council** Part 3 (j) which recommends that the necessary funds, equipment and teaching staff should be made available to enable prisoners to receive appropriate education.

The Quality of Education Available to Women Prisoners is Not Acceptable

The QCS has taken an increasingly functional and isolationist approach to (women) prisoners' education, over the past 15 years. This has led to dramatic reductions in both the quality and quantity of education available to women. Recent developments within QCS, particularly those indicated in the Green Paper on Low Security imprisonment, suggest that this trend can only be expected to get worse. For example, it is proposed that work camps be the only low security option for prisoners, and that all other forms of *community reintegration* be removed.

Limited Educational Value of Prison Labour

What the women said:

Women in industry were not allowed to study - but when they refused a place to keep their job, it was statistically recorded as a 'knock back'. (Gwen - Education Clerk whilst in prison.)

If you're doing industries, you can't access education courses ... you lose a day's pay if you go. It's called 'time off work', and everyone's scared of being sacked. If you get the sack, it looks bad at your sentence management ... and it gets reported to the Parole Board. (Gwen)

The so-called 'work skills' simply aren't transferable to the outside world. I knew one young woman who worked for a private contractor whilst in prison. After her release, she approached the company to see if she could get a job. She was told that they had a policy of not employing ex-prisoners. This supports the idea that prison labour is 'slave labour' - not vocational training. (Debbie)

The main industries are sewing, welding, kitchen and assembly. They're run by TAFE certified Trade Instructors. They're supposed to mark off your competencies ... but I never saw them do an assessment or certify anyone. (Gwen)

My only choice was work or unemployment. So I ripped up rags for St Vinnies. (Lizzie)

Prison labour is compulsory in Queensland prisons, except where prisoners are exempted to undertake full time studies or are unable to work (eg. medically unfit, or no work is

available). The official rationale for this is that prison labour assists prisoners in their rehabilitation and post-release employment through enabling them to acquire vocational skills and a work ethic³⁹.

Prison labour in Queensland generates significant income for the QCS. The role of commercial activities in generating external revenue for the QCS has grown dramatically over the past 20 years - in 1989 the income generated from prison industries was \$343,955; by 1999-2000, this had risen to almost \$6.5 million; by 2007-2008 to over \$11.9 million⁴⁰. This is in addition to use of prisoner labour (involving larger numbers of prisoners) to offset internal prison costs (eg. laundry, maintenance, food preparation, administration, cleaning)⁴¹. Separate statistics on women prisoners' work are not available.

The nature of women's prison labour in Queensland contributes little to their ability to learn skills of benefit upon their release and fails to meet Australia's own standards, as detailed in Sections 3 and 4 of the *National Revised Standard Guidelines for Corrections in Australia*. The *Guiding Principle* is that prisoners should be *Supervised and managed with an emphasis on their continuing part in the community, not their exclusions from it ... and programmes should be provided to assist prisoners re-integrate into the community after release*. Specifically, the Guidelines focus on the importance of:

- Enabling prisoners to develop marketable skills, thus increasing their employability upon release (Sections 3.6 and 4.10).
- Enabling prisoners to achieve national competency accreditation through prison employment (Section 4.11).
- Ensuring that work is free of gender stereotyping and is designed to reflect the needs of different minority groups within the prison population (Section 4.12).

Prison labour could be integrated with useful vocational education. The ADCQ was concerned about both the quality and rehabilitation value of the work available to women prisoners. The Report cited feedback from both women and prison officers which raised concerns about the lack of integration between learning and work for women prisoners, and the need for a wider range of trade/apprenticeship opportunities. BWCC only offers work in 3 of the 9 industry areas collectively available to male prisoners⁴². It is difficult to see what vocational skills are developed through much of the work undertaken by women in prison industries - including sewing and packing/assembling⁴³:

For example, it is likely that there are few rehabilitative benefits being achieved through the Numinbah women performing the task of packing plastic forks into plastic bags. (ADCQ 2006:86)

The Report supported an earlier QCS study (the *Business Model Review 2004*) which found that Queensland prisons had the most limited industry range of Australian prisons, and argued for a much wider range of skills development opportunities for women. The Report recommended that QCS move toward ensuring that prison industries provide genuine job skills development opportunities for women (Recommendation 31). Further, the ADCQ found that some of the male prisons offered many more industry employment opportunities than any of the women's prisons.

Women continue to report that there is insufficient work available for women prisoners. Further, women in segregated parts of the prison, particularly Protection where many 17 year old young women (children) are located, are generally not entitled to participate in work. Women also report that the available work does not provide them with skills

development, and that the so-called *Trade Instructors* who supervise their work, rarely focus on teaching or assessing skills. Very few women leave prison with any form of qualifications - particularly trade-based TAFE accreditation - which is recognised by industry.

In addition to Article 26, SIS believes this is in violation of:

- **UN Standard Minimum Rules for the Treatment of Prisoners** Rule 71 (4) which commits governments, as far as possible, to ensure that prison labour services to maintain or increase prisoners' ability to gain post-release employment.
- **UN Standard Minimum Rules for the Treatment of Prisoners** Rule 71 (5) which requires governments to provide vocational training in useful trades, particularly for young prisoners.
- **UN Standard Minimum Rules for the Treatment of Prisoners** Rule 72 (2) which commits governments to ensure that the primary purpose of prison labour is the vocational training of prisoners, and that this is not subordinated to making profit from prison industries.

Reduced Focus on Developing Whole Person

What the women said:

I never did any of the Corrections courses⁸ ... nobody offered them or encouraged me to do one. But I did the computer course and bookbinding, then did bookbinding with a trade instructor in industry, and got certificates for them. Then I went to Boonah⁹ twice, and attended the consultation for the Royal Commission into Black Deaths in Custody. All the courses were good for helping me overcome my shyness. They gave me a chance to meet outside people, and I learned how to speak up. I became a rebel! (Aunty Robbie)

The art and jewellery making courses made a big difference. After I got out, a Murri¹⁰ youth worker gave me a job doing posters and fridge magnets with the kids in John Oxley¹¹. Then I went to an Indigenous conference in Adelaide. Then Deb offered me a job as a Sexual Assault Counsellor in the prison. I stayed at Sisters for 7 years. I want to say to women inside - Don't give up your dreams, even though you're inside. (Aunty Robbie)

The art classes helped me feel more confident. After prison, Sisters Inside encouraged me do a first aid course and a computer course, and they helped with the transport. Then, I did the Indigenous Leadership Training program - and it was great to do the course with a whole group of women. (Lizzie)

I was allowed to do Murri art (painting) and 'normal' art (sculpture and pattern). I never knew I could do art, and I loved it. Everyone really liked the ('normal') art courses, but they were both axed in 2002. They threatened to axe the Murri art in 2006, too, because there was no money for canvases. They always say it's a

⁸ Core Programs.

⁹ A community-based outdoor adventure facility, run by The Outlook, which conducted programs for women prisoners and their children.

¹⁰ Word used to describe local Aboriginal people in Brisbane.

¹¹ A youth prison in Brisbane.

funding issue. I don't know what happened after that. (Lizzie)

We need more choices - especially a chance to express our feelings in different ways and get more self confident. I'm interested in writing poetry, or studying genealogy. It'd be good to be able to take ideas to the Education Officer, and ask them to set up a course. The Education Officers should help you work out what you're good at, and link with ways to follow your interests up on the outside, too. (Lizzie)

The process of developing the Bogga Road library was largely due to the progressive thinking of prison management and a willingness on behalf of the QCS librarian to develop all prison libraries in the SE Queensland region. It took 5½ years to develop the stock and resources. There was a selection committee of inmates who reflected the needs and desires of the population and this was supported by a management whose emphasis was on learning. They saw the value of helping make resources available to inmates that self motivated their learning and self esteem through challenging themselves. (Debbie)

Bogga Road had more books, and accepted donations of books from community organisations and officers. The texts were old, so that was a problem, but at least there were things to read. At BWCC donations of books are banned - even from officers. (Gwen - Education Clerk whilst in prison.)

According to women in prison, library access is now severely limited. PLD¹² and Penguin books are no longer involved. New books are very seldom bought and there is so much drama for people who want to donate books that donations are rare indeed. The main education focus is now on 'structured' learning but little importance is given to supportive resources that are found in a good library. Even my biography is banned from the BWCC library! As one woman said: "There is no use in teaching a person to read then taking away all reading material which, in a sense, is exactly what they have done." (Debbie)

Women who were in prison during the late 1980's to early 1990's talk with some fondness about the relative breadth and quality of education available at that time. The women interviewed for this submission who were in prison at that time, have each progressed significantly in life - all 3 of them have been employed in professional jobs; 2 began university studies whilst in prison. All cite the importance of personal development and *interesting* trade programs in *getting them started* on an educational path. Programs such as art and adventure education gave women confidence in their ability to learn, as well as wider self esteem (including the capacity to address violence in their family relationships). This confidence was reflected in their interest, particularly post-release, in participating in leadership development programs and contributing to trying to make prisons a better place for other prisoners.

Women now widely report that there are very few non-core programs available. The courses which are occasionally offered are generally sporadic, under-funded and are often discontinued by prison authorities despite the fact that many women are interested in participating. There are little or no opportunities for women to propose new programs,

¹² Public Libraries Division

even where there is no question that sufficient numbers of women are interested to justify running a course.

As discussed earlier, the dramatic reduction in library resources, facilities and access has also reduced women's capacity to undertake self-directed learning. At its peak, the Bogga Road library included an extensive law resource library, adult literacy/numeracy material, music tapes and videos (ranging from sport and fitness, to computer training, to Shakespeare). Approximately 1/3 of the stock was non-fiction. The Bogga Road library was linked into a computer program, which was compatible across all prison libraries in Queensland and the Public Libraries Division. This enabled easy bulk loans of materials between prisons, and assisted student prisoners to access study materials. Most of these resources are now unavailable to women, and it is almost impossible for anyone (including prison officers) to make donations to the library - in part, because there is not sufficient space to house any further materials.

In addition to Article 26, SIS believes this is in violation of:

- **Resolution 1990/20 of the *United Nations Economic and Social Council* Part 3 (b)** which recommends that all prisoners should have access to education, including literacy programmes, basic education, vocational training, creative, religious and cultural activities, physical education and sports, social education and higher education and library facilities.
- **Resolution 1990/20 of the *United Nations Economic and Social Council* Part 3 (a)** which recommends that prison education should aim at developing the whole person, bearing in mind the prisoner's social, economic and cultural background.
- **Resolution 1990/20 of the *United Nations Economic and Social Council* Part 3 (g)** which recommends that creative and cultural activities should be given a significant role since they have a special potential for enabling prisoners to develop and express themselves.

Poor Standard of Teaching/Training

What the women said:

The one Education Officer who wanted to help the women joining university, even without Year 12¹³ ... when she found out about the scholarships available to disadvantaged women she told them about it, and helped them apply. A couple of women found out and applied for it ... then the prison found out and she was told to leave. (Gwen - Education Clerk whilst in prison.)

The quality of classes depends on the teacher - the external ones are more likely to be good. But most of them are bad, and talk to you like you're in Grade 3. Teachers should be assessed, and given information about the women. Then, they should be given a 'trial run' with the women giving feedback, before they can be a teacher. (Lizzie)

Numeracy and literacy could be good. They're really important. But the only courses are at one level, so they were no good for different women. The teachers

¹³ The final year of secondary school, Year 12, is usually the prerequisite to enter University. However there is an alternative for adult entry students - the Tertiary Preparation Program" (TPP). Run by universities, TPP assesses potential students' competencies relevant to tertiary education.

often treated us as big dumbos ... talking real slow. We feel like we're back in primary or something. If someone got their work done they'd turn around and help another sister. But she might get shamed out for being slow. (Lizzie)

The Catholic nuns offered to run a self esteem course, and the Education Officers all thought it was a good idea. But Management decided they didn't want private facilitators in the prison - they wanted all trainers to be cleared by QCS. The nuns were refused permission to run a positive thinking class, too. Anything from the outside coming in ... they wouldn't go it! (Gwen - Education Clerk whilst in prison.)

I always thought I couldn't learn anything ... I didn't finish anything at school past Primary Grade 5. When I was dumped into High School for a few months when I was 14, it was terrible. I thought I was really dumb. I couldn't spell properly and had limited literacy. But a friend did a TAFE computer course, and told me about spell check. I did the course and got a certificate and really enjoyed it. There was an external tutor working with the white girls - I approached her and she really helped me. She still sends me a Christmas card. (Aunty Robbie)

Anything from the outside is seen as going against the core programs ... 'Cognitive Thinking Skills', 'Anger Management' and 'Drug Relapse Prevention' are compulsory core modules for lots of women. You automatically fail if you don't admit to a crime - and that can affect your parole. Some women are required to do these courses 3 times, just to make up the success rate stats. (Gwen - Education Clerk whilst in prison.)

Past and present women prisoners are almost universally critical of the quality of prison-employed teachers and trainers. They report extremely low standards of teaching competency, and demeaning attitudes toward women prisoners. Most find the content of both core and other prison-run programs unhelpful in addressing the real issues they face in their lives. In the case of core programs, this can be attributed to the fact that these were generally designed for male prisoners; they fail to address the very different criminogenic pattern of women, and are even more culturally inappropriate for many Indigenous women. In the case of educational programs (eg. numeracy and literacy), this may be attributed to staff attitudes toward women or failure to design programs which are sufficiently flexible to address the very different learning needs of different prisoners, or a failure to adequately brief teaching staff on the background and needs of women prisoners. In the case of vocational on-the-job training, women consistently report that so-called *Trade Instructors* rarely provide education at all.

The effective exclusion of community educators from prisons has had a major impact on women's educational options. Many of the developmental programs offered at Bogga Road (particularly those about which women talk positively) were facilitated by community facilitators, who were encouraged to contribute and had easy access to the prison. Women were sometimes allowed to participate in education and training outside the prison - including undertaking residential family programs at The Outlook (an outdoor education facility at Boonah) during school holidays, and attending TAFE and University classes. Community educators added breadth, richness and quality to the prison-run educational options for women. Some of these community-based options contributed directly to building, or rebuilding, women's relationship with their children in preparation for release.

Over the past 10 years, Sisters Inside (SIS) has run a variety of programs (including educational courses, mother/child programs, release preparation and sexual assault counselling) in BWCC and other QCS prisons for women. Over the past 4½ years, since SIS lodged a human rights complaint against the QCS, SIS's access to women in prison has been severely curtailed by prison management. For periods of several months at a time, SIS staff have been fully excluded from prisons; on many occasions, individual staff have been arbitrarily refused entry to the prison when they attend for agreed appointments. Overall, direct SIS services to women in prison were reduced by 80% - 90% between 2004 and 2008. Whilst most have been reinstated during 2008, there is no guarantee of our ongoing access to women in prison. (As a result, a major focus of SIS services is now post-release support for women and their children.)

In addition to Article 26, SIS believes this is in violation of:

- *Convention on the Elimination of All Forms of Discrimination against Women* Article 10 (h) which affirms women's right to access specific educational information to help to ensure the health and well-being of families.
- *Resolution 1990/20 of the United Nations Economic and Social Council* Part 3(i) which recommends that where education has to take place within the prison, the outside community should be involved as fully as possible.

Much of the Education Available is Not Adapted to Women Prisoners' Needs

All Australian State and Territory Governments have agreed that:

The management and placement of female prisoners should reflect their generally lower security needs but their higher needs for health and welfare services and for contact with their children. (Revised Standard Guidelines for Corrections in Australia 2004:15, Clause 1.41)

Yet, women's prisons are typically the same as those designed for men. Prisons are not designed to address women's educational and other needs or take account of their different criminogenic patterns. *Rehabilitation* programs and services were generally designed for non-Indigenous male prisoners. They are therefore less likely to be helpful to women, particularly Indigenous women.

Distinguishing Core Programs from Education

As mentioned earlier, the *Core Programs* offered in women's prisons do not meet the definition of *education* in Article 26. Nonetheless, the ADCQ paid considerable attention to these programs, and made 5 recommendations for improvement (Recommendations 24-28). The ADCQ repeated concerns expressed by prison officers, advocacy groups and women prisoners about:

- The suitability, timing, quantity and variety of courses available to women in prison.
- The impact of limited opportunities to undertake core courses, on women's chances of parole or reduced security classification.

According to the ADCQ:

Adapting specially developed male courses for female inmates is unlikely to address satisfactorily, the needs of women prisoners, given their differing offending behaviour, their life and significant physical, psychological, social, vocational, health and educational needs. To be effective, programs need to be specifically developed to address women's needs and build their capacity to integrate into the community when they leave prison. (ADCQ 2006:78)

The 5 recommendations focused on the importance of analysing women prisoners needs and developing appropriate courses (rather than adapting courses designed for men), evaluating the impact of core programs on women's reintegration into the community, funding core programs adequately, making provision for women with learning needs and enabling short term and remand prisoners to participate. Again, women in prison report no improvement in the quality or accessibility of these programs since the ADCQ released its report in 2006.

In addition to Article 26, SIS believes this is in violation of: *UN Standard Minimum Rules for the Treatment of Prisoners* Rule 77 (1) which affirms that sentenced women prisoners are entitled to the same educational opportunities as sentenced male prisoners, including further education. Specifically, this Rule requires that prison administration pay special attention to providing further education opportunities and make further education for young prisoners and prisoners who are illiterate, compulsory.

Problems with Transferability to the Outside

What the women said:

I left prison with 10 TAFE modules - with certificates issued by TAFE. But when I went to TAFE to finish the course, TAFE said they wouldn't recognise them, because the assessor did it wrongly. They wouldn't RPL¹⁴ them, and they wouldn't let me re-do them for free ... because I'd already had them for free. I had to pay to do the modules again. (Gwen - Education Clerk whilst in prison.)

Problems with recognition of education and training undertaken inside prison are not restricted to lack of recognition of certification. As outlined earlier, many women report never having received assessment, and therefore certification, for on-the-job training conducted by TAFE certified instructors. Much of the education undertaken by women in prison is not accredited at all, and therefore of little market value as a basis for either continued education or gaining employment.

The ADCQ also raised concerns about the fact that TAFE (and possibly other) certificates awarded to women prisoners have the prison's address recorded on them. This may reduce the market value of the qualification, and could certainly function as a barrier to gaining employment. This situation appears (at least temporarily) to have been addressed by the QCS.

¹⁴ RPL - Recognition of Prior Learning. An assessment system used by TAFE to award modules to students who can demonstrate that they already have the required competencies.

A Deteriorating Situation

Gwen, who was an Education Clerk whilst in prison, summarised the feelings of most women:

There was more chance for education at Bogga Road. People who worked were allowed to leave to attend training without having their pay docked. The attitude was that getting prisoners to do things was a high priority. Work was set up so as many women as possible could participate in education and other activities. Trade Instructors worked alongside women, in areas like the kitchen. Basically, any women not in Max or Protection could call in any day - and there were library times 3 times per week for them. There were lots of art and craft activities, and outsiders were welcomed to come in ... they brought in baskets of gear, and had easy access. Even in maximum security, the guards would say "The ladies are here ... who wants to go?" We used to go for outings to Boonah, too.

I don't know what the stats at Bogga Road looked like ... but often women would just pop in or join courses. You could make arrangements directly with the course facilitator ... the whole place encouraged women to be active.

The change from Bogga Road to BWCC was big. Physically, BWCC was electronically secured, so you needed forms to move around. Maximum security became much more separate - women have cells within the units and are not allowed to cook or work ... they're living on unemployment income. The library is only available for women in Protection once each week - during visiting hours! Trade Instructors became 'supervisors' ... they don't contribute any more ... they just tell you what to do.

After we moved to BWCC, there were two things within a week of entering - 'Sentence Management' (where they told you about compulsory programs that were essential for reclassification or parole) and a talk with an Education Officer to talk about courses available. Art/craft, literacy/numeracy and computing were ongoing courses; natural therapies, writing group, Murri art and other art were only held occasionally. Even then, everybody had a chance to do something, except the very short termers.

The availability, accessibility, quality and suitability of education for women in Queensland prisons have deteriorated massively over the past 15 years. Emerging changes in QCS - particularly closing all low security prisons and building new high security prisons for women - suggest that without external intervention, educational opportunities for women in prison will continue to decline.

The Queensland Government must be held accountable for its poor human rights record, and be required to meet its human rights obligations toward women prisoners, into the future.

The Wider National Trend in Australia

Research, requests for investigations and/or investigations, into the state of women prisoners' human rights, including women's right to education, have occurred in a number of Australian States and Territories over the past 6 years. These suggest that similar patterns are occurring in prisons throughout Australia. The following is a summary of the key, recent studies:

- Earlier this year (2008), the Northern Territory Ombudsman released a substantial report of her investigation of complaints by women prisoners in Darwin prison. She identified many poor educational practices similar to those raised in Queensland, and found the Northern Territory Correctional Service '*improperly discriminatory*' within the meaning of s26(1)(b) of the Ombudsman (Northern Territory) Act.⁴⁴
- The Federation of Community Legal Centres and The Victorian Council of Social Service wrote a detailed submission⁴⁵ requesting a systemic review of discrimination against women in Victorian prisons. In terms of education, the submission focused on discrimination on the basis of race and disability (particularly intellectual disability) in Victorian prisons, and argued a major discrepancy between education and employment programs for men and women. In response, in 2006 the Equal Opportunity Commission Victoria called upon Corrections Victoria to perform an audit of the infrastructure, policies and procedures applying to women in prison to ensure compliance with the *Equal Opportunity Act (Vic)*, and to consult with the Commission in the framing and monitoring of the audit. In requesting the audit, the Commission accepted that *at face value the Submission raises some allegations which may disclose breaches of the laws prohibiting discrimination on the ground of sex, parental status, disability, religious belief or race under the Act. The Commission also accepts that the alleged discrimination is of a systemic and serious nature ...*⁴⁶.
- In 2002, the NSW Select Committee on the Increase in Prisoner Population released its *Interim Report: Issues Relating to Women*⁴⁷. This report similarly expressed concern about the programs available to women prisoners, and recommended that women be provided with no less choice and access to programs and education than male prisoners. Following this in 2005, Beyond Bars Alliance, NSW⁴⁸ asked the Anti-Discrimination Commissioner in NSW to conduct a similar inquiry to that undertaken by the ADCQ. Again, they cited similar data in relation to discrimination against women prisoners in terms of education, expressing particular concern about the low participation rates of Indigenous women in educational programs, and the cultural inappropriateness of many of these programs. To date, the Commissioner has not undertaken an inquiry.

Efforts to have the human rights of women prisoners addressed across Australia are continuing. For as long as Australia fails to adopt a Bill of Rights, or other similar legislative framework, women in prison continue to have no formal legal redress for the failure of prison systems to meet their human rights, including the discrimination they face on a daily basis, especially in Queensland.

The Human Rights Council could play a helpful role in calling the Australian and State/Territory governments to account for their failure to enable women prisoners to access their right to education.

Endnotes

Abbreviations:

ABS	- Australian Bureau of Statistics
ADCQ	- Anti-Discrimination Commission Queensland
BWCC	- Brisbane Women's Correctional Centre
DCS	- Department of Correctional Services (recently renamed <i>Queensland Corrective Services - QCS</i>)
NSW	- New South Wales, Australia
NT	- Northern Territory, Australia
OESR	- (Queensland) Office of Economic and Statistical Research
SIS	- Sisters Inside Inc.
Vic	- Victoria, Australia
WA	- Western Australia.

¹ For example, one study found that research about women prisoners constitutes only 3% of research about prisoners in Australia - McGuire 2000:4, cited in Goulding 2004:14.

² ABS cited in Goulding 2004:14.

³ Cited in Cerveri et al 2005:12.

⁴ Goulding 2004:28.

⁵ Armstrong et al 2005:8.

⁶ For example in Queensland in 1999-2000, only 15 of the 50,761 convictions recorded against women were for "homicide etc" (DCS and OESR statistics, cited in Kilroy 2004:7). Similar statistics are available from NSW.

⁷ For example in Queensland in 2002-3, 57% of men in prison were convicted of violent offences, compared with 38% of women. Almost every woman convicted of a violent offence, knew her victim. Killing often occurred in the context of a long history of abuse by her partner, or self-defense during an argument or fight. It is rare for women to kill strangers. Men, by contrast, are less likely to kill people they know, but twice as likely to kill a stranger (DCS and OESR statistics cited in Kilroy 2004:7). Similar statistics are available from Vic.

⁸ For example, in NSW, women are placed on remand at a rate of 30%, compared with 18% for men. (Armstrong et al 2005:8)

⁹ DCS statistics cited in ADCQ 2006:90 & Kilroy 2004:7. In fact, in Queensland most women serve less than 12 months with 85% of women in Qld prisons sentenced to less than 2 years. In Vic, over 80% of women in prison are serving sentences of less than 12 months (SIS and Aboriginal Family Violence Prevention and Legal Service 2005:4).

¹⁰ In Queensland, drug offences accounted for 17% of women in prison, but only 7% of men (DCS statistics cited in Kilroy 2004:7), and data from NSW demonstrates an increase of 40% in the number of women incarcerated for drug related offences between 1994 and 2003 (Armstrong et al 2005:7).

¹¹ Nationally, the ABS found that in 2003, 58% of total male prisoners and 49% of total female prisoners had been imprisoned previously (cited in Aboriginal and Torres Strait Islander Social Justice Commissioner 2004). Re-offending rates are very different for Indigenous and non-Indigenous women - various studies indicate as low as half the recidivism rate for non-Indigenous women. In Queensland in 2002-3, 61% of male prisoners had a history of prior imprisonment, compared with only 54% of female prisoners (DCS statistics cited in Kilroy 2004:7).

¹² DCS statistics cited in Kilroy 2004:7.

¹³ James cited in Cerveri et al 2005:12.

¹⁴ ABS cited in Aboriginal and Torres Strait Islander Social Justice Commissioner 2004. Individual State figures are similar: (WA) Department of Justice, cited in Goulding 2004:14; ADCQ 2006:107; Kilroy 2004:8; Armstrong et al 2005:6-8.

¹⁵ 2001 NSW Inmate Health Study cited in Armstrong et al et al 2005:10; DCS and ABS statistics, cited in Kilroy 2004:8.

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- ¹⁶ Spence, Judy (Minister for Correctional Services), *Queensland Prisoners Developing Skills in Multi-Million Dollar Prison Industries*, Media Release of 23 August 2007.
- ¹⁷ Butler & Allnutt, cited in Goulding 2004:32; Armstrong et al 2005:17,26; NSW Council on Intellectual Disability study cited in Cerveri et al 2005:39-40; SIS and Aboriginal Family Violence Prevention and Legal Service 2005:5; Tye 2002 cited in Cerveri et al 2005:6; Goulding 2004:32; ADCQ 2006:92; Kilroy 2004:13.
- ¹⁸ ADCQ 2006:119; Cerveri et al 2005:12. The WA government reported a lower rate – 61%, possibly due to a different description ...mothers of *young children* (WA) Attorney General, cited in Goulding 2004:14.
- ¹⁹ Johnson 2004:17; Kilroy 2004:8.
- ²⁰ The vast majority of women prisoners have a history of abuse. State and National studies have consistently found rates of at least 85%, with most women having experienced childhood abuse and multiple abuse. See, for example: Johnson 2004:16; Kilroy 2004:8,24,26; Goulding 2004:35; Victorian Prisoner Health Survey 2003, cited in Cerveri et al 2005:6,7.
- ²¹ Re-Entry Policy Council, *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community* p223, cited in Ombudsman for the NT 2008:82.
- ²² Cameron, M. (2001) *Women Prisoners and Correctional Programs*, Trends and Issues in Crime and Criminal Justice, No. 194, Australian Institute of Criminology p4, cited in Ombudsman for the NT 2008:72,82.
- ²³ ADCQ 2006:77.
- ²⁴ ADCQ 2006:82.
- ²⁵ ADCQ 2006:78.
- ²⁶ ADCQ 2006:82.
- ²⁷ QCS 2008:5
- ²⁸ *ibid*
- ²⁹ QCS 2008:6
- ³⁰ For details see: Social Justice Report 2001; Cerveri et al 2005:24; Kilroy 2004:7,11; ADCQ 2006:107-110.
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- ³⁴ Cited in SIS n/d:2.
- ³⁵ SIS n/d:3
- ³⁶ DCS various: *Education of Offenders*
- ³⁷ DCS various: *Remuneration Rates*
- ³⁸ DCS various: *Computers - Offender Access to In-cell Computers*
- ³⁹ DCS 2008:34.
- ⁴⁰ DCS 2008; DCS cited in SIS nd:2.
- ⁴¹ DCS 2000; DCS 2008:45.
- ⁴² DCS 2000 & 2007-2008:45; *DCS Procedures - Remuneration*.
- ⁴³ A 2001 Job Description (posted on <http://jobs.govnet.qld.gov.au>) for a Manager for prison industries did not mention maximising prisoners' vocational skills or post release employment opportunities - it was totally dedicated to maximising the profitability of prison enterprises (cited in SIS nd:2).
- ⁴⁴ NT Ombudsman 2008:75
- ⁴⁵ See Cerveri et al 2005.
- ⁴⁶ Equal Opportunity Commission Victoria 2006:5
- ⁴⁷ *NSW Select Committee on the Increase in Prisoner Population (2000)* cited in NT Ombudsman 2008:72 & Cerveri et al 2005:13.
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