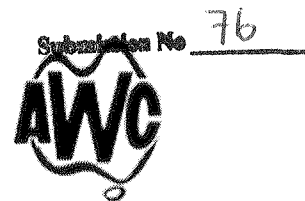


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Australian Women's Coalition

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House of Representatives
Standing Committee on Aboriginal
and Torres Strait Islander Affairs

Re: Inquiry into Indigenous juveniles and young adults in the criminal justice system.

The Australian Women's Coalition

The Australian Women's Coalition (AWC) is one of four national women's Alliances made up of 18 member organisations (see Attachment A). A number of our member organisations are involved in providing services to young women and girls involved in the juvenile justice system, both within correctional facilities and in the community. In 2009, based on members' concerns about an apparent increase in the numbers of young women and girls who are becoming homeless, AWC made young female offenders a focus for investigation through a specific consultation project. The evidence and opinions put forward in this submission are based on some of the observations from that AWC consultation project.

Key issues

The key issue that AWC would like to draw to the Committee's attention is the need for policy makers and administrators to recognise the unique needs of young ATSI women and girls when formulating prevention, early intervention and rehabilitation policies and programs.

Because of their relatively smaller numbers compared to young men and boys, young women and girls are sadly often over-looked as a distinct group with distinct risks and needs, and are further disadvantaged by not having a consistent advocacy 'voice' in this context.

This submission provides evidence of some of the additional risks and needs affecting young ATSI women and girls caught up in the criminal justice system.



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Indigenous girls are particularly at risk

In mid 2008 the Australian Institute of Health and Welfare (AIHW) reported that nationally in the period 2006-07:

- 6.5% of young people under supervision were female
- there was a slightly younger age structure for the young females experiencing juvenile justice supervision over the period, compared to the young males
- when looking at the **age structure among ATSI young people**, their numbers were proportionally higher at younger age groups and this was **particularly the case for young females**
- there were **proportionally more ATSI females** (43%) when compared with ATSI males (35%)¹

Many administrators and policy-makers might simply stop at the 6.5% figure for females in general, and look no further. However, what the above statistics tell us is that there are complex gender-based issues at play that require more attention to be directed at understanding the unique circumstances and needs of young female offenders, and this is particularly the case for ATSI females.

Need for gender responsive health and social analysis under-pinning policy and programs

Compared to the growing body of research on adult female offenders, there is a relative lack of publicly available information relating to the juvenile cohort. Much of what is available points to significant added disadvantage among girls, particularly with regard to histories of abuse and neglect and associated psychological and emotional health outcomes. The depth of the problem was recognised in a 2009 UNODC review of gender-responsiveness in the European prisons context:

*'Little is known about the health needs of imprisoned girls, but concern is emerging regarding substance misuse, mental health problems, poor sexual health and poorer general physical health on a range of indicators (Douglas & Plugge, 2008). For instance, girls are increasingly at risk of HIV infection and may also be mothers'*²

A similar lack of research is evident in Australia for both young females in general and ATSI girls/young women. However, the evidence that is publicly available points to a grim picture for young women/girls who are involved with the criminal justice system. The remainder of this submission summarises some of the key disadvantages and risks facing girls in this context.

¹ AIHW 'Juvenile Justice in Australia 2006-07', Juvenile Justice Series Number 4, August 2008.

² United Nations Office on Drugs and Crime (UNODC), 'Women's health in prison: correcting gender inequity in prison health', World Health Organisation 2009.

Violence against women and girls

It is a widely accepted view that 'criminalised' women and girls have much higher rates of abuse and neglect in their life histories and this assumption is borne out by research. For example, a recent Australian analysis explored gender-based differences in abuse histories. The researchers concluded that:

*"intensive early intervention with families is called for to reduce opportunities for child abuse as family environments appear to be distal predictors of substance abuse, mental illness and crime"*³

A recent ARC Linkage research project looking at the health and welfare needs of young offenders on community-based orders found that:

- 74% of the sample (both males and females) reported some form of abuse or neglect
- Severe abuse was reported by 23% of the males and 38% of the females
- Females were four times more likely to report three or more severe forms of abuse
- Females reported higher rates of suicide attempts and self harm⁴

The research described above highlights the complex inter-play between gender, histories of abuse, drug use and crime. As it is among the few Australian research studies focusing on juveniles in non-custodial settings, it adds even greater depth to existing Australian research, which has tended to focus more on the health and welfare of those offenders who are actually incarcerated.⁵

In 2009 the National Council to Reduce Violence Against Women and their Children released its report titled 'Time For Action', which sets out strategies and actions to ensure communities are safe and free from violence. Action 1.1.1 highlights the need to 'prioritise key settings and population groups in which to coordinate primary prevention initiatives and actions'.⁶ It is AWC's contention that 'criminalised' girls should be a priority for Government action and funding in this area.

³ Lennings, C. J., Kenny, D. A., Mackdacy, E., Arcuri, A., Howard, J. (2007). The Relationship Between Substance Abuse And Delinquency In Female Adolescents In Australia. *Psychiatry, Psychology and the Law*. 14 (1), 100-110.

⁴ see for example the Justice Health, 'NSW Inmate Health Survey' (2001) and the forthcoming 2008 survey due for publication in July 2009

⁵ this artefact is likely due to greater access to juveniles in detention compared to the community

⁶ National Plan to Reduce Violence against Women (April 2009)



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Homelessness post-release

The 2008 National Homelessness White Paper rightly acknowledged the risks associated with people leaving prisons as well as those who are homeless prior to incarceration.⁷ However, there is evidence from both Australia and other countries suggesting that women may be at even greater risk than men when it comes to homelessness following a period of incarceration. Research conducted in both Victoria and New South Wales supports this view. For example, a 2008 University of New South Wales study, which focused on the post-release needs of Aboriginal women in Western Sydney, summarised the evidence as follows:

'Research establishes the importance of stable housing for women post-release, and for recidivism in particular. Women ex-prisoners suffer worse housing problems and higher levels of homelessness, debt, depression, isolation and social exclusion than men. There is a dearth of women specific appropriate post-release support services. They have a significant need for assistance with accommodation, finances, employment, family reunification and are at a high risk of poor mental and physical health outcomes'.⁸

A related issue is the lack of funding for gender-specific transitional support services. It is widely acknowledged that the burden of care and/or rehabilitation falls on already over-stretched community organisations struggling to cope with the demand. The complex nature of needs in this area means that service providers must be 'all things to all people'. Ensuring that women-centred post-release support services are targeted for specific funding is key to improvement in this area. A nationally consistent, gender-responsive, approach under the Homelessness Strategy is crucial.

Homelessness is an area where girls are further disadvantaged by the fact there is no consistent national approach to their accommodation needs. Housing and homelessness issues are central to poorer outcomes for women and girls, many of whom have had disrupted accommodation due to histories of neglect and abuse.

JJ and OHC nexus

The complex relationship between unstable accommodation, out-of-home-care (OHC) histories and juvenile justice (JJ) involvement is beginning to be recognised at the national level. The Australian Institute of Health and Welfare (AIHW) has recently developed a dataset linking three relevant existing datasets,

⁷ 'The Road Home – a National Approach to Reducing Homelessness', Commonwealth of Australia, 2008, p. 9

⁸ 'Aboriginal Women with Dependent Children Leaving Prison Project–Needs Analysis Report', prepared by Associate Professor Eileen Baldry (UNSW), Jackie Ruddock & Jo Taylor, January 2008, Auspiced by Homelessness NSW, Commissioned by WSSPAH



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namely: the SAAP, child protection and juvenile justice data collections.⁹ This approach reflects a recognition of the complex interplay of abuse/neglect and homelessness.

However, future users of the dataset will run the risk of further marginalising girls if they simply report on the lower overall numbers of girls compared to boys and fail to examine the deeper links between recidivism, homelessness and abuse histories among girls, and ATSI girls in particular.

In 2004 the Australian Human Rights Commission conducted consultations and research into the unmet needs of Indigenous women exiting prison. Among the main findings of this research were:

*'...the importance of housing and emergency accommodation options for Indigenous women when released from prison; the importance of being able to access a broad range of programs upon release, including healing; and the lack of coordination of existing government and community services, which has the result of limiting the accessibility of services to Indigenous women. Anecdotal evidence suggests that Indigenous women have difficulty in accessing support programs upon their release and are left to fend for themselves, sometimes leading them to homelessness, returning to abusive relationships or re-offending.'*¹⁰

Similarly, research conducted by the Australian Housing and Urban Research Institute (AHURI) in 2004 highlighted the fact that women are at greater disadvantage than men, with women participants in their study being more likely to return to prison than men during the nine-month period of the research. AHURI concluded that:

*'Women appear to have had greater problems than their male counterparts securing suitable accommodation. Proportionally far fewer were living with parents, partners or close family than men'*¹¹

It can be argued that the access and equity issues identified by HREOC and AHURI in 2004 are magnified in the young offender population, as younger women and girls are not generally in a position to advocate collectively for their rights as regards basic health and welfare needs. As one informant in AWC's 2009 consultations put it:

⁹ The linked set is due for release in early 2010. For more information see for example, AIHW, 'Linking SAAP, child protection and juvenile justice data collections—a feasibility study', June 2008.

¹⁰ Human Rights and Equal Opportunity Commission Social Justice Report 2004, Chapter 2: 'Walking with the Women - Addressing the needs of Indigenous women exiting prison'.

¹¹ Australian Housing and Urban Research Institute, February 2004, 'The role of housing in preventing re-offending', AHURI Research and Policy Bulletin, Issue 36.



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*'the issues for adults and juveniles are the same, really, but it's harder for girls because they don't have the same rights and abilities as women. It's about wisdom, knowledge and experience. When they come out, they're estranged from their families, so getting housing and support is impossible.'*¹²

Stigmatisation of girls

In their 2003 review of the Australian and international literature, Day and colleagues highlighted the fact that young women offenders face greater stigmatisation upon release from incarceration.¹³

In discussions with informants in 2009 AWC found that stigmatisation can form a barrier to community reintegration for girls in particular, as well as leading to insensitive responses towards young women and girls by law enforcement agencies and magistrates. This is especially the case for ATSI girls, and particularly for those who are engaged in prostitution as a gendered response to poverty and/or drug dependence. Police and magistrates who punish girls involved in prostitution while failing to deal with perpetrators is of particular concern.

Concluding comments

The available evidence strongly suggests that gender-specific interventions are necessary for more effective rehabilitation and support for at risk girls and young women, particularly early in life. There is a strong case for targeting early abuse prevention services within this specific population. The AIHW findings further suggest that within the female population, ATSI girls and young women are particularly at risk.

AWC wishes to draw the Committee's attention to the plight of Indigenous girls who come into contact with the juvenile justice system. We are concerned that given the relatively small number of girls compared with boys, policy-makers and administrators are dismissive of this group and ignore their needs in designing and funding appropriate services at all stages – early intervention, institution-based and post-release.

Submission Dated: 16 February 2010

ATTACHMENT FOLLOWS: AWC MEMBERS

¹² From an interview with a women's transitional support worker.

¹³ Andrew Day, Kevin Howells and Debra Rickwood, 'The Victorian Juvenile Justice Review', prepared for the Department of Human Services, Victoria, January 2003.



AWC MEMBER ORGANISATIONS

The Australian Women's Coalition (AWC) is an entity comprising the following national women's non-government organisations:

Aboriginal Legal Rights Movement

Australian Church Women Inc

Australian Bosnian Women's Cultural Association Inc

Australian Federation of Medical Women

Catholic Women's League Australia

Conflict Resolving Women's Network Australia Inc

Council on the Ageing Australia

Girl Guides Australia Inc

Hindu Women's Council of Australia

Mothers Union Australia

Muslim Women's National Network Australia Inc

National Council of Jewish Women of Australia Ltd

National Council of Women of Australia Inc

Pan Pacific and South East Asia Women's Association Australia Inc

Soroptimist International of Australia Inc

The Salvation Army

VIEW Clubs of Australia

Zonta International District 24 and District 23