

# Spotlight

## on Incarceration and women's health

September 2018

The Victorian female prison population has risen by 138% in the ten years to 2018, outpacing growth rates for men.<sup>1</sup> Recent sentencing and bail condition changes (including abolition of suspended sentences and increased sentence lengths) have had a disproportionate effect on women, including a rapid rise in those held on remand in the past 4 years.<sup>1</sup> Growth in the prison population affects the availability of rehabilitation programs and support services, with limited or no access for women on remand.<sup>2</sup>

Aboriginal and Torres Strait Islander women are overrepresented in the prison population, reflecting the compounding effects of racial and cultural discrimination and disadvantage. Compared to non-Aboriginal women, Aboriginal and Torres Strait Islander women are more likely to be on remand, be jailed for minor offences such as unpaid fines, and serve shorter sentences.<sup>3</sup>

Incarcerated women experience high levels of mental ill-health, victimisation, substance abuse and social disadvantage.<sup>4</sup> Compared to male offenders, female offenders are more likely to have been diagnosed with a mental illness,<sup>2</sup> and more likely to have minimal employment histories, unstable housing and be the primary carer for children.<sup>4</sup> Prior to incarceration, these women have more likely to have an acquired brain injury,<sup>5</sup> and have often experienced sexual assault, intimate partner violence,<sup>6</sup> and revictimisation at a considerably higher rate than the general community.<sup>4</sup> In recognition of the high proportion of female offenders with histories of abuse, the Victorian Ombudsman recommended stopping the practice of routine strip searches.<sup>2</sup> However this recommendation has not been accepted by the Victorian Government.

Over 80% of women in prison have dependent children and many are the sole or primary carer.<sup>7</sup> This means that even short sentences can have an acute impact on the mother-child relationship, can lead to loss of custody or children entering state care.<sup>8</sup> A criminal record impacts women's ability to find employment or housing post release, making it very difficult to regain custody of children.

Access to Medicare is revoked while in prison, which deepens health inequities already experienced by the prison population and has ongoing implications post-release.<sup>9</sup> The time between release from custody and access to the National Disability Insurance Scheme is also an emerging area of concern.<sup>10</sup> Hepatitis C prevalence is also high among prison entrants at 28% in women (compared to 24% in men) in 2016.<sup>11</sup>

The majority of incarcerated women experience repeat imprisonment, and each period of imprisonment has a cumulative effect.<sup>12</sup> Financial and housing instability are contributing factors to recidivism that often go unaddressed.

Much can be done to reduce and prevent women's offending, imprisonment and recidivism. Primary prevention measures include adequate access to stable housing, employment, and gender-sensitive mental health and drug and alcohol services for women in all regions of Victoria. Reversing changes to bail and sentencing laws which have led to higher numbers of women in prison, together with an increased focus on justice reinvestment and community-based rehabilitation programs, can reduce the risk of offending and re-offending.

Programs for women in prison should be gender-sensitive and address underlying issues including lack of employment, education and stable housing, trauma, as well as supporting relationships with children and family.<sup>8</sup> Ensuring access to appropriate and culturally safe services both inside and outside prison, including transition and pre and post release support, is also of critical importance. This includes specialist services, case management and supported accommodation post release.

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### WHV thanks the following expert reviewers for their input:

- Dr. Catherine Flynn, Monash University Criminal Justice Research Consortium
- Brin Paulsen, Victorian Council of Social Service

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### Overview

[Women in the Victorian Prison System](#) Corrections Victoria, 2019 - *added 02/19*

[Annual Prisoner Statistical Profile 2006-07 to 2018-19](#) Corrections Victoria, 2019 - *updated 09/20*

[Women's Policy Action Tank: women and prison](#) Power to Persuade, 2016 - *added 09/20*

[Women in prison in Australia: panel presentation](#) *In: Current Issues in Sentencing Conference, 2016*

[Submission to Victorian Ombudsman: Investigation into the Rehabilitation and Reintegration of Prisoners in Victoria](#) Flat Out Inc and Centre for the Human Rights of Imprisoned People, 2014

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### Factors driving the rising female prison population

[Male and female prisoner numbers to soar as tougher bail laws bite \[Vic.\]](#) The Age, 2018

[Chapter 11: Drivers of incarceration for Aboriginal and Torres Strait Islander women](#) *In: Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Australian Law Reform Commission, 2018*

[Unfinished business: Koori women and the justice system](#) Victorian Equal Opportunity and Human Rights Commission, 2013

[Inquiry into the Impact of Drug-related Offending on Female Prisoner Numbers](#) Parliament of Victoria. Drug and Crime Prevention Committee, 2010 and [Government response](#) 2011

[Girls and violence: the case for a feminist theory of female violence](#) *International Journal for Crime, Justice and Social Democracy, 2013*

[Prisons: a cruel and costly response to homelessness](#) *Parity, 2013*

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## Trauma and victimisation background of incarcerated women

[The forgotten victims: prisoner experience of victimisation and engagement with the criminal justice system: key findings and future directions](#) ANROWS, 2018

[Addressing women's victimisation histories in custodial settings](#) Australian Institute of Family Studies, 2012

[Women as offenders, women as victims: the role of corrections in supporting women with histories of sexual abuse](#) NSW Corrective Services and Australian Institute of Family Studies, 2014

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## Health and rights of incarcerated women

[The health of Australia's prisoners 2018](#) Australian Institute of Health and Welfare 2019 - *updated 09/20*

[Incarcerated Aboriginal women's experiences of accessing healthcare and the limitations of the 'equal treatment' principle](#) International Journal for Equity in Health, 2020 - *added 09/20*

[Acquiring hepatitis C in prison: the social organisation of injecting risk](#) *Journal of Harm Reduction* 2015

[Culturally and linguistically diverse women in Victorian prisons](#) Centre for the Human Rights of Imprisoned People, 2010

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## Mental health of incarcerated women

[The family business: improving the understanding and treatment of post-traumatic stress disorder among incarcerated Aboriginal and Torres Strait Islander women](#) Beyondblue, 2015

[Locked up and vulnerable: when prison makes things worse](#) *BBC Future*, 2018 - *added 09/20*

[Challenges and mental health needs of women in prison](#) *British Journal of Psychiatry*, 2018

[The psychological needs of women in the criminal justice system: considerations for management and rehabilitation](#) Mental Health Coordinating Council NSW, 2010

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## Mother-child relationship

[Literature review of prison-based mothers and children programs: final report](#) University of Melbourne, 2016

[Supporting imprisoned mothers and their children: a call for evidence](#) *Probation Journal*, 2013

[Short but not sweet: a study of the impact of short custodial sentences on mothers and their children \[U.K.\]](#) De Montfort University, Leicester, U.K. and related [Summary article](#) *The Conversation*, 2017

[Determinants of infant mortality for children of women prisoners: a longitudinal linked data study](#) *BMC Pregnancy and Childbirth*, 2018

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## Post-release outcomes

[Women released from prison are at much greater risk of violence](#) *The Conversation*, 2020 – *added 09/20*

[Women exiting prison in Victoria](#) Victoria. Department of Justice and Regulation, 2016

[Rethinking women's post-release reintegration and 'success'](#) *Australian and New Zealand Journal of Criminology*, 2016

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## Policy

[Strengthening connections: women's policy for the Victorian corrections system](#) Corrections Victoria 2018

[Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre](#) Victoria. Ombudsman, 2017 [UN Optional Protocol to the Convention Against Torture] and [Protecting human rights: implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre](#) *In: Ombudsman's recommendations: second report.* Victoria. Ombudsman, 2018

[Standards for the management of women prisoners in Victoria](#) Corrections Victoria 2014

[Domain 5: Justice and safety](#) *In: Victorian Aboriginal Affairs Report 2019*, Aboriginal Victoria, 2017 - *updated 09/20*

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## Innovation and new directions

[Female offender strategy](#) United Kingdom. Ministry of Justice, 2018

[Literature review: best practice with women offenders](#) Monash University. Criminal Justice Research Consortium, 2016

[Decentering the prison: abolitionist approaches to working with criminalised women](#) Flat Out Inc, 2014

[Submission to Inquiry into the Value of a Justice Reinvestment Approach to Criminal Justice in Australia](#) Sisters Inside, 2013

[We need evidence-based law reform to reduce rates of Indigenous incarceration](#) *The Conversation*, 2018

[Women offenders: another look at the evidence](#) *Practice: The New Zealand Corrections Journal*, 2018

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## Further resources

[Flat Out, Inc.](#)

[Djirra](#)

[Law & Advocacy Centre for Women](#)

[Australian Human Rights Commission. OPCAT: Optional Protocol to the Convention Against Torture](#)

[Sisters Inside](#)

[Families Outside \[U.K.\]](#)

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2. Victorian Ombudsman (2015) [Investigation into the rehabilitation and reintegration of prisoners in Victoria](#) Office of the Victorian Ombudsman, Melbourne.
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7. Victoria. Parliament. Drug and Crime Prevention Committee (2010) [Inquiry into the Impact of Drug-related Offending on Female Prisoner Numbers](#) Victoria. Parliament, Melbourne.
8. Burgess A, Flynn C (2013) Supporting imprisoned mothers and their children: a call for evidence *Probation Journal* 60(1):73-81.
9. Flat Out Inc., Centre for the Human Rights of Imprisoned People (2014) [Submission to Victorian Ombudsman: Investigation into the rehabilitation and reintegration of prisoners in Victoria](#) Flat Out Inc., Flemington, Vic.
10. Young J, Kinner S (2017) [Prisoners are excluded from the NDIS: here's why it matters](#) University of Melbourne, Parkville, Vic
11. Kirby Institute (2017) [HIV, viral hepatitis and sexually transmissible infections in Australia: annual surveillance report 2017](#). Kirby Institute, University of NSW, Sydney.
12. Carlton B, Segrave M (2016) [Rethinking women's post-release reintegration and 'success'](#) *Australian and New Zealand Journal of Criminology*. 49(2): 281-299.

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