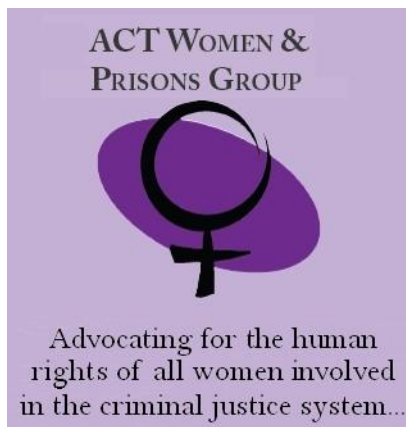


**Submission to:**

The Bimberi Review Team  
ACT Human Rights Commission  
Email: [bimberi.review@act.gov.au](mailto:bimberi.review@act.gov.au)

Joint submission to the Review of Bimberi 2011  
From the Women's Centre for Health Matters Inc. (WCHM)  
and  
ACT Women and Prisons Group (WAP)

April 2011



ACT Women And Prisons Group and the Women's Centre for Health Matters  
acknowledge the traditional owners and continuing custodians of the lands of the ACT  
and we pay our respects to the Elders, families and ancestors.

Women's Centre for Health Matters Inc. and Women and Prisons Group ACT  
April 2011

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## **Background information**

### Women's Centre for Health Matters (WCHM)

The Women's Centre for Health Matters Inc. is a community-based organisation that works in the ACT and surrounding region to improve women's health and wellbeing. WCHM focuses on groups of women who experience disadvantage and uses social research, community development, advocacy and health promotion to empower these women to achieve the highest possible standard of health and wellbeing.

WCHM believes that health is determined not only by biological factors, but by a broad range of social, environmental and economic factors known as the 'social determinants of health'. We acknowledge that the environment and life circumstances that each woman experiences have a direct impact on her health, and in many cases, women's poor health is rooted in social disadvantage. For these reasons, WCHM is committed to taking a 'whole of life' and social approach to women's health, that is also firmly situated within a human rights framework.

### ACT Women and Prisons Group (WAP)

The ACT Women and Prisons group (WAP) is made up of women with lived experience of prison, including ex-prisoners and those currently detained in the criminal justice system, as well as ACT women's services and other interested women. WAP provides emotional and practical support both during and after incarceration and advocates for the human rights of all women involved in the criminal justice system.

WAP's advocacy role is focussed on educating stakeholders about the needs of women with lived experience of the criminal justice system. WAP sees the criminal justice system as not just about Justice or Corrections, but as requiring a whole of Government approach.

WAP uses peer support as a vehicle to build relationships and trust with women and to identify service gaps within the system. WAP is guided by women with lived experience of prison and provides opportunities and support for these women to actively contribute to the Group's work.

## Response to the Review

WCHM and WAP supports the Review of Bimberi Youth Justice Centre being undertaken by the Human Rights Commission and hopes that the process will assist the Centre to become a rehabilitative environment that upholds the dignity and human rights of this vulnerable group of people. We value the opportunity to provide a submission to the Review and have chosen to limit our responses to those areas in which we have the most knowledge and expertise, that is, the experience and needs of women, and in this case young women, who are or have been incarcerated. Our response is informed by the views of WAP women with lived experience of prison and consultations with other community organisations and Bimberi employees.

## Introduction

There are and have always been fewer women in the juvenile justice system than men. As they are a small minority they are often forgotten in discussions about youth justice and are largely absent from theories, research and policy documents, which claim gender neutrality and refer to young people when they are really referring to young men. Their small numbers makes offering a range of suitable services particularly challenging and there are very few examples of evidence-based targeted interventions and programs that have been proven to work for young women.<sup>1</sup> This is regrettable as young women differ from young men biologically and in the way they were raised, their socialization, and the way they live. In relation to young women in the juvenile justice system, they tend to differ in the circumstances and nature of their offending and the care and support that they need in detention:

- Girls are less likely to engage in serious crime.
- Violent crime committed by young women tends to involve disputes with family and friends.
- Young women who are drawn into the juvenile justice system more likely to have encountered the state system or be wards of the state than young men and are more likely to have run away.
- The link between sexual and physical abuse for young women and offending is well-recognized. Childhood sexual abuse is a common theme in WAP's research into ACT women with lived prison experience.<sup>2</sup>
- Research indicates that the families of delinquent girls are more likely to be "severely dysfunctional".<sup>3</sup>

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<sup>1</sup> CfBT Education Trust, 'Review of Provision for girls in custody to reduce offending', 2008, p 6.  
[http://www.cfbt.com/evidenceforeducation/pdf/GirlsinCustody\\_v8\(W\).pdf](http://www.cfbt.com/evidenceforeducation/pdf/GirlsinCustody_v8(W).pdf)

<sup>2</sup> Deb Wybron and Kiri Dicker, *Invisible Bars: The Stories Behind the Stats*, May 2009

<sup>3</sup> Siobhan M. Cooney et al., 'Girls in the juvenile justice system: Towards effective gender-responsive programming, *What Works, Wisconsin – Research to Practice Series*, Issue 7, Jan 2008

- Romantic relationships for girls are thought to increase their likelihood of offending, while the opposite is true of boys.<sup>4</sup>
- Girls differ in their health needs, for example, pregnancy, histories of abuse, STDs and other diseases.
- Research indicates that girls entering the system are more likely to suffer from mental health issues such as post-traumatic stress disorder.
- Girls' offending is less accepted by the community as it challenges dominant understandings of appropriate female behaviour. This enhances feelings of shame, guilt and has implications for identity and self-worth. It can also impact on the way young women are treated within the criminal justice system.<sup>5</sup>

Young women have complex and often unique factors related to their offending, which also have implications for their behaviour in detention and the effectiveness of interventions that aim to rehabilitate them. They need sensitive responses which take into account their gender, and the way this intersects with other factors such as race, sexuality and class. The philosophy around youth justice in the ACT claims that "living environments, services and programs, staffing and operational practices must be sensitive and responsive to gender".<sup>6</sup> Bimberi has taken steps to uphold this philosophy, for example, by building a girls-only recreational facility and attempting to maintain gender parity in staffing. WCHM and WAP consultations, however, suggest that the Centre is lacking in a number of areas including staffing, educational and training opportunities, health and organization culture and has not succeeded in creating an environment where young women feel safe and valued. Female residents at Bimberi continue to be young women in a young men's facility.

While there are no evaluated programs specifically targeting young female offenders, we can draw best practice principles from the literature as a guide for gender sensitive responses to girls in detention. The state of Oregon in the US, for example, has created a set of guidelines for gender sensitive programming which includes the following:

- *Environment – programmes must take place where girls feels safe, the location lends itself to the development of confidence in the staff, and the environment reflects the fact that the programme values females highly.*
- *Holistic programming – interventions should address the complexity of girls' lives and the multiplicity of their needs.*
- *Relationship based – high quality relationships between staff and participating girls are fundamental to effective work.*

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<sup>4</sup> CfBt Education Trust, *Op. cit.*

<sup>5</sup> A/Prof Christine Alder, 'Young women in the criminal justice system', Paper presented at the Juvenile Justice: From lessons of the Past to a Road Map for the Future Conference, Sydney, 1-2 December 2003.

<sup>6</sup> DHCS, Fact sheet: Bimberi, p 1. [www.dhcs.act.gov.au](http://www.dhcs.act.gov.au)

- *Strength based – girls should be given the opportunities to learn new skills that build on existing capabilities to enhance their self confidence, encourage them to look to themselves rather than others for validation, and offer opportunities to take decisions in a safe context.*
- *Health based – health related concerns are considerably more significant for girls' self image than for boys, and should be addressed at the level of health awareness, as well as addressing issues of emotional, mental, and spiritual health, providing access to skilled professionals where necessary.<sup>7</sup>*

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<sup>7</sup> CfBT Education Trust, *Op. cit.* p 11

## 1. Staff and training

Many youth and other support workers who are involved in the juvenile justice system say that girls are more difficult to work with than boys. Alders' research into this area confirms this common feeling: "The perception among workers that young women were more "deviant", "full of bullshit" and "dramatic" contrasted with their understanding of young men as "open" and "honest" and therefore easier to manage."<sup>8</sup> Whether this difference is real or perceived the ability of staff to relate to young women is crucial. This may be particularly difficult when it comes to issues of sexuality, which can be further complicated by histories of abuse and its ramifications such as difficulty in forming trusting relationships, extreme vulnerability or predatory behaviour. As one paper puts it, "Male staff, in particular, may need additional training and assistance in boundary setting with female delinquents who may not have experience a healthy relationship with an adult male".<sup>9</sup>

Diversity of staff is important and while Bimberi has taken steps in recent years to improve the quality of staff recruited and ensure gender parity, WCHM and WAP is concerned that there is a lack of gender sensitivity among workers and our consultations indicate that the quality and attitude of staff varies greatly and night-time security staff receive very limited training. Workers would benefit from training that increases their understanding of the wider social context of young women's offending which in many ways is different to young men's, and may include discrimination related to their gender. Untrained workers place both the workers and the young women at risk.

**Recommendation: That staff receive gender awareness training.**

## 2. Security

For young women to make any progress towards rehabilitation, it is paramount, that their personal safety is upheld. Most young women involved in the criminal justice system have themselves been victims of crime and gendered violence and it is crucial that their trauma does not continue while they are incarcerated, especially considering high rates of mental illness. Research into female offender indicates that "program participants need to feel safe in the program setting, feel open to learning from staff and other participants and feel comfortable taking risk with attempts to change their behaviors".<sup>10</sup>

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<sup>8</sup> Margaret Baines and Christine Alder, Are Girls More Difficult to Work With? Youth Workers' Perspectives in Juvenile Justice and Related Areas, *Crime & Delinquency* July 1996 vol. 42 no. 3. p. 481

<sup>9</sup> Siobhan M. Cooney et al., *Op. cit.* p 5.

<sup>10</sup> Siobhan M. Cooney et al., *Op. cit.* p. 5

Our consultations reveal that the young women in Bimberi do not feel safe and that the Centre does not have the appropriate policies and procedures in place ensure they are not at risk physically, emotionally and psychologically. There have been reports that the ID of new staff is not checked when they enter Bimberi for the first time and they receive minimal induction and security awareness training and are not issued with duress alarms as required. Young women have reported being sexually harassed by young men and are subject to degrading name calling, which goes unpunished. One such incident occurred when the young women were moved into the same residential unit as the young men. Past histories and low-confidence means many of these young women are unable to trust their instincts when it comes to identifying unacceptable treatment and challenging this behaviour.

**Recommendation: Teachers and other staff receive a proper induction and are issued with duress alarms as set out in Bimberi policy.**

**Recommendation: That action be taken to stop the name-calling and sexual harassment of young women.**

### **3. Programs — education and training and health and well-being**

It has become clear that the young women in Bimberi do not have access to the same educational and training opportunities as the young men. One such incidence involved a young woman with high aptitude for art and wood work who was not able to take a vocational education course in basic apprenticeship skills being run at the Centre. She was offered a child minding course instead. When asked why she didn't take the VET course she responded by saying that she was never asked. She eventually disengaged with the child minding course due to literacy issues. Similar incidents have occurred in relation to other programs offered at the Centre.

This practice is disempowering and perpetuates gender roles and stereotypes which prevent these young women from reaching their full potential. It is particularly damaging for young women involved in the criminal justice system who may already have low self-esteem and experience of subordination and objectification. It has the potential to re-affirm their views of themselves and their gender as inferior to young men, especially in the absence of positive female role models who can assist them in negotiating their rights and valuing themselves as young women. It represents a gender blind approach to programming and a lack of communication among staff and between staff and residents about their wants and needs.



Considering the enormous employment opportunities and the shortage of trades people/construction workers in the ACT as well as the growing number of females in these industries, young women (as well as young men) in Bimberi should be provided with and encouraged to take VET courses and assisted with setting up apprenticeships for their release. One step would be the employment of a career advisor with adequate understanding of the current job market and knowledge of the different trades.

Given the link between unemployment and offending, economic independence may assist young women to transition back into the community and prevent recidivism. Learning basic trade and construction skills are also a practical way for young people to improve their literacy, numeracy and communication outside of a classroom environment. Moreover, a 2005 study in Queensland found that participation in education and training prior to initial custodial release, decreased the chance of an offender returning to prison from 32% to 23%<sup>11</sup> and U.S. and Australian research suggests that when asked about their most pressing needs, young women in the criminal justice spoke about finding "economic means of independent survival, including jobs and housing"<sup>12</sup>. If Bimberi does not have the capacity to offer the same educational and training opportunities to both genders the young women should be transferred to a facility that does.

In relation to health and wellbeing it has been reported to WCHM/WAP that the young women are not being given access to the recreational facilities and the opportunity to exercise as much as the young men. This is especially problematic as many of the young women are on anti-psychotic medication which leads to weight gain; to avoid this some choose not to take the medication. They are also not being provided with adequate explanation of the side-effects of the drugs and reasons for their prescription. One young lesbian woman in Bimberi was also not offered counseling or mentoring to assist her in coping with challenges related to her sexuality.

There are also no programs, except for art classes, that work with young women in a therapeutic way to address relationship, self-esteem and other issues. One example of a targeted program for girls is the *Lift Us Up, Don't Lock Us Down*. This program provides young women in detention with a weekly three-month curriculum which aims to empower them through exploring topics such as self-care, advocacy, political and cultural history and is delivered by young women under 25.<sup>13</sup>

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<sup>11</sup> Victor Callan and John Gardner , Vocational education and training provision and recidivism in Queensland correctional institutions research report, National Centre for Vocational Education Research, 2005, p.4.

<sup>12</sup> Chesney-lind and Sheldon 1992 in Christine Alder, 'Young women and juvenile justice: objectives, frameworks and strategies', Paper Presented at Australian Institute of Criminology Conference Juvenile Crime and Juvenile Justice: Towards 2000 and Beyond, Adelaide, 26 &27 June 1997

<sup>13</sup> The Centre for Young Women's Development. Programs. Retrieved April 15, 2011 from <http://www.cywd.org/gdap.html>

**Recommendation: Young women at Bimberi are offered the same educational and training opportunities as the young men and are consulted in this process.**

**Recommendation: Vocational Educational and Training courses be offered to all residents on a regular basis.**

**Recommendation: The side-effects of anti-psychotic and other medication be properly explained to the young women.**

**Recommendation: That appropriate counseling be provided to young women.**

#### **4. Organisational culture**

WCHM and WAP are concerned about the male dominated culture of Bimberi which preferences young men and lends itself to the degradation and sexualisation of women. WCHM/WAP consultations reveal that the way staff relate to each other also reinforces this culture among the residents. This is antithetical to Bimberi's philosophy of providing residents with "positive role models who aid them to recognize negative attitudes and behaviours and replace them with positive behaviours".<sup>14</sup>

#### **Conclusion**

In conclusion, this submission aims to highlight issues facing young women in detention, in particular those residing at Bimberi Youth Justice Centre. WCHM and WAP look forward to the final outcomes of the Review.

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<sup>14</sup> DHCS, *Op cit.*

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