

HEALTHCARE IN CUSTODY

POSITION STATEMENT FROM ELIZABETH MORGAN HOUSE

We all have a right to live our lives with dignity and respect.

When an Aboriginal woman is made a target for violence because of her gender and Indigenous identity, her fundamental rights have been abused. When she is not offered an adequate level of care and protection by state systems because of her gender and Indigenous identity, her fundamental rights have been completely violated.

Since colonisation this disregard for human rights has endlessly impacted the lives of Aboriginal and Torres Strait Islander communities. Many of our current systems hold on to this country's legacy of discrimination and the resulting impacts on Aboriginal women and children is utterly indefensible.

Elizabeth Morgan House demands urgent change.

SNAPSHOT

137.8%

Increase in incarceration rate for Aboriginal women over the past decade

43%

are unsentenced, sitting in remand (2020)

20%

of Aboriginal children likely to experience parental incarceration compared to 5% of the non-Indigenous population

SOURCE: VIC PARLIAMENTARY INQUIRY INTO CHILDREN AFFECTED BY PARENTAL INCARCERATION, 2020

Access to adequate healthcare

Aboriginal women incarcerated in Victoria receive grossly inadequate healthcare.

Those placed into custody on remand within the state's prisons receive an even lesser standard of healthcare than those who have been found guilty and sentenced.



ELIZABETH
MORGAN HOUSE
ABORIGINAL
WOMEN'S
SERVICE INC

IMPACTS ON WOMEN'S WELLBEING WHILE INCARCERATED

SOURCE: THE HEALTH AND WELFARE OF WOMEN IN AUSTRALIA'S PRISONS, SUMMARY - AUSTRALIAN INSTITUTE OF HEALTH AND WELFARE



Upon entering the prison system, people are stripped of their Medicare entitlements and all healthcare needs must be accessed through a correctional staff member and the in-prison systems. For women experiencing incarceration this means access to life-saving medications are heavily restricted, irregular or at times, completely non-existent.

Aboriginal women are further denied their right to social and emotional wellbeing in addition to not receiving adequate healthcare, through deprivation of connection to their Community and Culture.

This failure is causing preventable and treatable illnesses to become chronic and is directly resulting in the deaths of Aboriginal women.

WOMEN'S EXPERIENCES

Women at Elizabeth Morgan House Aboriginal Women's Service (EMH) who have experienced imprisonment have reported countless instances where they were not listened to regarding their own health. We have heard innumerable accounts of women who have asked for help and are told they are over-exaggerating. We too often hear Aboriginal women have been left waiting for essential medications for days or that medication they have received is incorrect. There is a highly disturbing pattern of Aboriginal women receiving poor healthcare or being denied healthcare within the prison system, which only further compounds health disparities.

Imprisoned peoples' right to the same standard of treatment as the non-prison population is protected in the 'Equal Treatment' principle, as part of the United Nations Standard Minimum Rules for the Treatment of Prisoners. Although already ratified by the Australian Commonwealth Government and supported in theory, the reality for many incarcerated people, particularly Aboriginal women, is vastly different.

ACCESS TO CULTURALLY APPROPRIATE HEALTHCARE SERVICES

One of the recommendations from the Royal Commission into Aboriginal Deaths in Custody (1991) stated that incarcerated Aboriginal people should have access to culturally safe health care and Aboriginal-specific health services. 31 years later, this recommendation remains largely ignored.

Aboriginal people have limited (if any) access to Aboriginal Community Controlled Health Organisations and Aboriginal Medical Services, and Aboriginal women are more likely than any other prison population to report not receiving culturally safe healthcare. Inequitable healthcare for Aboriginal women in prisons is worsened by a harmful intersection of institutional, gendered and structural racism.

CULTURALLY APPROPRIATE SERVICES/ CULTURALLY COMPETENT STAFF

For-profit, private companies are contracted by the Victorian government to provide healthcare within the state's prisons. At DPFC there is limited onsite treatment, meaning that women require permission to leave for treatment and custodial staff are left to decide whether they personally consider a woman's requests for healthcare as 'genuine'. A recent report by the Guardian found that less than half of the Aboriginal women who died in police custody since 1991 had received adequate medical care prior to their passing. Incarcerated Aboriginal women are stripped of their right to self-determination, and detrimental health issues and preventable deaths continue due to negligence by custodial staff and the wider system.

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

One of the recommendations from the 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADC) stated that imprisonment should be used as a last resort. Presently, Aboriginal women are jailed at 20-times the rate of non-Indigenous women and our youth are 26 times more likely to be ensnared by the criminal justice system.

In 2021 Australia's human rights performance review by the United Nations stated that 'racism towards indigenous people remained embedded' in the criminal justice system. Failures of governments to address systemic issues and implement the RCIADC recommendations have culminated in the hyper-incarceration of First Nations women and children with fatal consequences. High rates of Aboriginal deaths in custody reflect the disproportionate rate of incarceration with over 500 deaths occurring since the RCIADC.

EMH is asking for:

- Protection of human rights of women in custody, including the same access to health care
- That ESSENTIAL and HUMANE medical care be provided to all Aboriginal women during any periods of incarceration across the state of Victoria.
- Implementation of RCIADIC recommendations to use imprisonment as a last resort
- System accountability, culturally appropriate training and improved governance across all services to end deaths in custody.

Too many Aboriginal women have had their lives taken from them by the custodial system. Too many Aboriginal women are mistreated or ignored by severely lacking 'healthcare' systems within prisons. There must be change. There must be genuine cultural competence within prisons and real accessibility to Aboriginal community-controlled health services for incarcerated Aboriginal women. We must not let the bar be set any lower. These systemic failures can be a springboard for positive reforms and the inclusion of Aboriginal women's voices ensures the opportunity of long lasting, sustainable change. The system must change, the system must protect those incarcerated within its walls.

One death is too many.

Under the Victorian Charter of Human Rights and Responsibilities, anyone in prison or police custody is to be treated with humanity and respect.

We assert that every First Nations death in custody could have been and can in future be prevented upon both the Commonwealth and state governments adhering to the implementation of RCIADIC recommendations that were now made over 30 years ago.

We need to work together to include Aboriginal women in working towards a future that is free from gender-based violence and all forms of discrimination that denies their rights.

W: www.emhaws.org.au

E: info@emhaws.org.au

A: PO Box 167 Fairfield VIC 3078

P: 03 9403 9400

