

## Australia: Fact Sheet on Women and Incarceration

*This factsheet was compiled with grateful thanks to Alice Gardoll*

### The profile of Australian women and girls behind bars

**The number of women behind bars in Australia is growing:** Women make up [7%](#) of Australia's prison population. However, the number of women in prison has soared in recent years: increasing by [64%](#) between 2009 and 2019.

### **Aboriginal and Torres Strait Islander women are grossly over-represented in**

**Australian prisons:** Aboriginal and Torres Strait Islander women comprise [one-third](#) of the female prison population, but 3% of the total population. Put differently, Aboriginal and Torres Strait Islander women are over [20 times](#) more likely than non-Indigenous women to be put behind bars. As the [Uluru Statement from the Heart](#) decries, Australia's Indigenous population is, proportionally, the most incarcerated on the planet.

**Incarceration impacts survivors and marginalised women:** In comparison to the average Australian woman, women incarcerated in Australia have experienced entrenched social and economic disadvantage, chronic health issues and themselves been the victim of violence – usually at the hands of men:

- It is estimated that [85%](#) of women incarcerated in Australia have experienced violence at some point in their lives. Women who experience long-term abuse are often [misidentified](#) by police as the perpetrator (a reality [acknowledged](#) by the Victorian Chief Commissioner of Police);
- At least [one-third](#) of Australia's women prisoners have acquired brain injuries, and this number is likely even [higher](#);
- Nearly [two-thirds](#) reported having received a mental health diagnosis before entering prison, and nearly one in three have a history of self-harm;
- [Most](#) incarcerated women have not completed Year 12;
- [Homelessness and drug use](#) were issues for many women immediately prior to incarceration; and
- [17%](#) had a parent or carer in prison during their childhood.

**Mothers inside:** More than [half](#) of women entering prisons in Australia have at least one dependent child, perpetuating the cycle of trauma and loss within families.

**Girls inside:** Each night, there are over [70](#) girls in detention across Australia. Many are on bail rather than serving prison terms: nearly [three-quarters](#) of young people in detention are unsentenced and strict bail laws have seen staggering increases in these figures. In the Northern Territory, [44 children were arrested in 43 days](#) after new bail laws came into effect in May 2021.

\* Please note that the actions and viewpoints of the organisations featured on this fact sheet do not necessarily represent those of Women Beyond Walls and nor do we bear any responsibility for materials published on their websites.

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Because girls are incarcerated in smaller numbers relative to boys, they often have less access to basic amenities and education. The Royal Commission into abuses in Don Dale Detention Centre [revealed](#) that girls often had to go without showers when no female staff were rostered for a shift and were stripped by male staff members. In [2017](#), a girl detained in Don Dale ate glass and was hospitalised for weeks.

**Trans and gender-diverse people:** there are [up to 400](#) trans and gender-diverse people in cells around Australia, who are often vulnerable to abuse while incarcerated, and placed in solitary confinement ostensibly for their own protection.

### Policies and practices contributing to incarceration of women

**Many women are imprisoned, or placed in police custody, for minor offences, a practice which [disproportionately impacts](#) Indigenous women:** Arresting women for minor offences can have tragic consequences, including the deaths of a number of Aboriginal and Torres Strait Islander women in custody, such as:

- [Ms Dhu](#), a 22-year-old Yamatji woman who died in police custody in 2014 after being told she would have to spend four days in custody to clear her debt of \$3,622 in unpaid fines.
- [Tanya Day](#), a Yorta Yorta woman who died after sustaining a serious head injury in a police cell in 2017, after being arrested for public drunkenness. The Royal Commission into Aboriginal Deaths in Custody recommended this offence be abolished over 30 years ago, after receiving evidence of the death of Mr Harrison Day, Ms Day's uncle, who was arrested for an unpaid \$10 fine for public drunkenness.

### **Tough bail laws making it harder for women to be released on bail:**

- [42%](#) of women in Australian prisons have not been sentenced by a judge, and the majority will leave prison without spending [any time](#) under sentence.
- Stricter bail laws have a disproportionate impact on women and Aboriginal and Torres Strait Islander people, as [intersecting forms of disadvantage](#) make it harder to put forward a case for bail. Women may be [denied bail](#) because they don't have an address or cannot return home due to family violence.
- For example Victoria's 2018 bail reforms, enacted to curb male violence, have seen a rise in women on remand, with there now being more unsentenced than sentenced women imprisoned in [Victoria](#).
- In 2020 alone, two Aboriginal women [died while remanded](#): Veronica Nelson Walker and Aunty Sherry Fisher-Tilberoo.

**Age of criminal responsibility:** Australia has one of the [lowest ages](#) of criminal responsibility in the world: 10 years old. In 2020, [499 children](#) between the ages of 10 and 13 were imprisoned in Australia, 65% of whom were Aboriginal and Torres Strait Islander. This is despite [31 states](#) at the UN Human Rights Council urging law reform.

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### Organisations and links to find out more

[Sisters Inside](#)

[Change the Record](#)

Aboriginal Legal Services across Australia: ([NSW/ACT](#), [WA](#), [ATSILS](#), [ALRM](#), [North Australian Aboriginal Justice Agency](#), [VALS](#), [Tasmania](#))

[Human Rights Law Centre](#)

[National Justice Project](#)

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