

Prisoners and prison conditions

Access to appropriate health services

Suggested Question

What steps is Australia currently undertaking to ensure that people in prison are able to access appropriate health services, including particularly mental health services?

Background

The number of forensic patients and mentally ill inmates housed in Australian prisons has steadily increased, without a proportionate increase in mental health resources available. Around one in every five prisoners in Australia suffer from serious mental illness.¹ There is substantial evidence from across Australia that access to adequate mental health care in prisons is manifestly inadequate, that the mentally ill in prison are often ‘managed’ by segregation, and that such confinement – often for very long periods – can seriously exacerbate mental illness and cause significant psychological harm.²

Following his visit to Australia in 2009, the UN Special Rapporteur on the right to the highest attainable standard of health, Mr Anand Grover, made the following specific recommendations relating to health services in prisons:

- increase engagement with community health providers by prisons, which would improve continuity of care and facilitate reintegration into the community;
- increase resource allocation for diagnosis, treatment and prevention of mental illnesses within prisons;
- assess and invest in the primary health care sector throughout the prison system; and

- undertake research regarding Aboriginal and Torres Strait Islander incarceration issues as a matter of urgency.

Similar recommendations were also made by the Committee on Economic, Social and Cultural Rights in 2009, as well as the Committee against Torture in its 2008 Concluding Observations, regarding the insufficient provision of mental health care in prisons and mentally ill inmates being subjected to extensive use of solitary confinement.

Proposed Recommendation

That Australia (1) take further steps to provide appropriate health care, including particularly mental health care, to people in prison, including by implementing the recommendations of the Special Rapporteur on the right to health, the CESCR and CAT; and (2) provide adequate resources for mental health diagnosis and treatment within prisons, in particular for the provision of services to specific groups of prison populations.

Conditions in prisons

Suggested Question

What steps has Australia been undertaking to implement the Committee against Torture’s 2008 recommendations relating to conditions of prison and concerns about the use of “supermaximum” prisons?

Background

Conditions in prison, including transport between prisons and in “supermaximum” prisons, raises serious human rights concerns in Australia. Australian “supermaximum” prisons are currently used to house a range of inmates, including those on remand, terrorist suspects and convicted prisoners. Some of these inmates suffer from mental illness. In 2008, the Committee against Torture expressed concern about these prisons and asked the Australian Government to review

¹ J P R Ogloff et al, *The Identification of Mental Disorders in the Criminal Justice System* (Australian Institute of Criminology, March 2007).

² See, eg, Forensicare (Victorian Institute of Forensic Mental Health), *Submission to Senate Select Committee on Mental Health* (May 2005) 4, 5, 19 & 20. See also: NSWCCCL Shadow Report, [149]-[150].

conditions in these facilities and report back to the Committee on its progress.³

Overcrowding is also a real problem in many Australian prisons. The Committee against Torture also recommended in 2008 that Australia take urgent action to reduce overcrowding. Additionally, reports have emerged from the Northern Territory about the increase in intellectually disabled and mentally ill people who remain incarcerated due to lack of appropriate care facilities.

Proposed Recommendation

That Australia implement the recommendations made by the Committee against Torture in 2008.

Imprisonment rates of Aboriginal and Torres Strait Islander peoples

Suggested Question

What strategies does Australia have in place to reduce the imprisonment rates of Aboriginal and Torres Strait Islander peoples?

Background

Aboriginal and Torres Strait Islander peoples in Australia are among the most incarcerated people in the world. The national rate of imprisonment of Aboriginal and Torres Strait Islander peoples continues to increase. Incarceration rates of Aboriginal and Torres Strait Islander peoples are at least 11 times higher than the rate for non-Indigenous Australians. Aboriginal and Torres Strait Islander children between 10 and 14 years of age are 30 times more likely to be incarcerated than their non-Indigenous peers. Aboriginal and Torres Strait Islander women are almost 20 times more likely to be incarcerated than non-ATSI women.⁴ In 2006, the UN Human Rights Committee found that the treatment of an Aboriginal juvenile in a NSW prison amounted to

inhumane treatment. The juvenile, Mr Brough, was placed in isolation in an *adult* prison, exposed to artificial light for long periods and had his blanket and some of his clothes removed.⁵

Proposed Recommendation

That Australia (1) place greater emphasis on access to education and rehabilitative services in prison and on post-release programs and support for Aboriginal and Torres Strait Islander peoples, including in the areas of health care, housing and education; and (2) conduct an independent inquiry on the interaction of Aboriginal and Torres Strait Islander peoples with the criminal justice system, with a view to implementing strategies to reduce imprisonment rates.

³ Committee Against Torture, *Concluding Observations: Australia* (15 May 2008) UN Doc. CAT/C/AUS/CO1, [24], [37].

⁴ See generally, Australian Bureau of Statistics, *Prisoners in Australia 2006* (2006) which reveals that prison numbers across Australia increased by 42% between 1996 and 2006 and that Aboriginal people constitute 24% of the prison population compared with approximately 2% of the general population.

⁵ *Brough v Australia*, UN Doc CCPR/C/86/D/1184/2003 (2006).