



National Network of Incarcerated
& Formerly Incarcerated Women & Girls

Wednesday, 27 September 2023

Tara Apps
Director (A/g)
Closing the Gap Reporting and Review Group
By Email

Dear Tara

RE : Closing the Gap

About Us:

The National Network of Incarcerated and Formerly Incarcerated Women and Girls (National Network) represents women, girls, feminine identifying and non-binary people who are currently in prison, who have been to prison, those who are currently living within the confines of the criminal injustice system and those who have exited the system. Our membership is drawn from all over so called Australia.

Our Network in Australia was founded in 2020 by Debbie Kilroy of Sisters Inside and remains an abolitionist organisation committed to ending the incarceration of women and girls. Collectively we argue that prison will never be a safe place for women or girls, and in fact they are spaces and places that deepen poverty, increase trauma and cause further social and economic harm. Prisons, in our opinion, do not result in an increase in public or community safety.

Thank you for providing the opportunity to engage with your working group in relation to the Australian Government's Closing the Gap program. We should state from the outset that The National Network believes that the Closing the Gap program does very little to stop the harm and violence against the Aboriginal and Torres Strait Islander criminalised community. In fact, the rate of criminalisation and recriminalisation¹ has not reduced, nor has the rate of people killed in custody. We are an abolitionist organisation and we argue for the total abolition of prisons, policing, surveillance and all modes of punishment and exile. We do not support programs that extend, validate or promote the colonial carceral

¹ The National Network rejects the term "recidivism" in favor of "recriminalize" because the former places the focus on an individual's so called repeated criminal behavior, whereas the latter underscores the need to address the systemic issues that led to criminalisation..

state. We do not believe that there is value in embedding or developing services within or around the injustice system, nor do we believe that services managed or run by any part of the prison industrial complex will represent the aspirations and needs of the criminalised community sufficiently or divert people from the correctional systems. We do not ascribe to terminology used in the Closing the Gap report that references 'over incarceration' of Aboriginal and Torres Strait Islander people, because the prefix, 'over' is suggestive that there is an ideal level of incarceration that does not exceed what we would consider to be appropriate. The National Network rejects the incarceration of any and all First Nations People on their Country and therefore there is no level of First Nations incarceration that is acceptable.

We are critical of the Closing the Gap Program for several reasons. Aside from the fact that the indicators of success centre whiteness as some mystical goal, some of other concerns include:

1. **Insufficient Progress:** For all of the funding and supposed COAG support, the *Closing the Gap* program has not made sufficient progress in areas such as health, education, employment, and life expectancy. Despite years of government funding and initiatives, disparities persist or have even worsened.
2. **Top-Down Approach:** Much of the program has been designed and implemented in a top-down manner, without sufficient input and control from Aboriginal communities. Aboriginal communities have the answers, and more solutions 'driven' by the colony will not pave an emancipatory pathway to health, prosperity and wellness.
3. **Lack of Cultural Respect:** Much of the program has not adequately addressed the cultural needs and values of all Aboriginal communities. This can manifest in healthcare services that are not culturally appropriate, educational curricula that does not incorporate Indigenous perspectives, and employment programs that do not consider cultural obligations and responsibilities.
4. **Racism and Discrimination:** The *Closing the Gap* program pathologises the Aboriginal body and community, and does not adequately address the problems of colonialism and colonial Australia and its systems of injustice, punishment and discrimination.
The program does not specifically address systemic racism and discrimination faced by Indigenous people. By systemic racism, we mean the ways in which entire systems such as racial capitalism and settler-colonialism produce the conditions that sustain racism and racist health outcomes.
5. **Short-Term Focus:** The program often takes a short-term view, with funding allocated in cycles that do not allow for long-term, sustainable change. A more sustained and holistic approach is needed to address the deeply entrenched disparities.
6. **Inadequate Funding:** The program is underfunded and the resources allocated are insufficient to address the scale of the issues faced by Indigenous communities effectively.
7. **Lack of Accountability:** There is a lack of accountability and transparency in the implementation of programs. There is not enough oversight to ensure that the allocated funds are being used effectively and that outcomes are being measured

accurately, specifically when those funds are going to non-Aboriginal organisations that do not have an abolitionist agenda.

8. **Ignoring colonialism and racism:** The program tends to focus on treating the symptoms of Indigenous disadvantage rather than addressing the actual problem – colonialism and racism.

The Justice Policy Partnership (JPP)

The JPP was established in 2021, and we still have rising rates of Aboriginal people being incarcerated, and worse, Aboriginal people being killed in custody. This matter is most urgent and will require swift, decisive and brave action by the government. The JPP is a huge problem and act as agents of the carceral state. In short, we believe that the JPP could have actually achieved its goals of reducing adult and youth incarceration by immediately committing to a decarceration program, and working towards full abolition of prisons. If it chose to do this now, we would be pleased to provide staffing, funded by closing the gap, to undertake a staged approach.

A staged approach could use the following steps:

1. Immediately release all those held on pretrial/remand.
2. Immediately reinvest the funding saved from suspending pretrial incarceration to Aboriginal and Torres Strait Islander community-controlled housing providers, and other community controlled and peer-controlled government and Non-Government Organisations, preferably those run by formerly incarcerated people within an abolitionist agenda, that address the underlying drivers of violence including housing deprivation, traumatic experiences including intergenerational trauma, gendered violence, poverty, racism, and social isolation.
3. Immediately release those who have served their minimum sentences or are eligible for parole.
4. Immediately release those needing no supervision or support services.
5. Release on a contractual basis to community groups and peer groups, those who do not need supervision but who do need support and services; the nature of these to be determined by the releasee.
6. Reinvest the funding saved from the release of incarcerated people to Transformative Justice and Restorative Justice initiatives as alternatives to prisons and police. This would include funding towards education programs at all levels in schools and universities, as well as funding for research, media, art and film that promotes an understanding and awareness of Transformative and Restorative Justice models.

Strategies requiring structural changes:

7. Abolish the system of bail and pretrial incarceration via constitutional reform on the basis that under our current legal system no persons should endure punishment prior to their trial, and the fundamental principles of law ‘innocent until proven guilty’ should be abided. With this point alone, the prison population could be reduced drastically.
8. Create a sentence review process to implement the release of the majority of incarcerated people back into to the community.

Given, however, that the Closing the Gap program has shown an inability to make bold, decisive and brave steps towards actually closing the gap for Aboriginal people and preventing them from being incarcerated and killed in prisons and watch houses, and is unlikely to embark on a decarceration plan, we offer the following criticisms of the program in relation to justice matters.

In 2015, Kevin Rudd described Aboriginal incarceration as an 'Indigenous incarceration epidemic' and called for justice targets to be included in the Closing the Gap program. Rudd stated that addressing Aboriginal rates of imprisonment would assist in improving other measures of disadvantage. Crucially, it should be noted that at the time Rudd was lamenting the 'emergence' of this 'new' crisis in Aboriginal communities, he was doing so, some 28 years after the commencement of the Royal Commission into Aboriginal Deaths in Custody, whereby findings indicated that Aboriginal people were being incarcerated at inordinately higher rates than their non-Aboriginal counterparts. Our point is, that Aboriginal people have been fighting the enslaving and incarcerating of their people since colonisation began. The fact that the *Closing the Gap* program, while appearing well-intentioned, has not achieved its goal in reducing Aboriginal incarceration is unsurprising. It's simply because you keep locking us up. Seriously, it's plain and simple, this country has a love affair with incarceration and criminalisation. It was built upon a bedrock of incarcerating Black bodies.

We would welcome the opportunity to speak with the group about specific issues relating to Aboriginal and Torres Strait Islander incarceration, and to expand on any aspect of this submission. We accept that you will receive many submissions. Nearly all of them will be from academics and service providers. Very few, if very many at all, will be from criminalised people. We urge you to seek out our voices. We urge you to seek out our expertise. To do otherwise, is to the peril of all services you design and deliver. We are a unique community with specific needs. Proximity to our oppression does not make you an expert. Until you have seen the inside of a cell and had all of your dignity stripped from you, only then can you testify to what a criminalised person will need in this space.

Yours sincerely

SENT BY EMAIL

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