

The Silenced Few

Non-English Speaking Women in Prison

By Debbie Kilroy

Anna was caught carrying drugs through Brisbane Airport and was remanded to the women's maximum security prison. She spoke limited English. A faceless interpreter explained the induction process. Anna was terrified and was refused access to written information in her language to explain the prison processes or to explain her legal rights while in prison.

Anna's children were sent to an orphanage after she was sentenced. A year later, Anna received a fax informing her that her youngest child had been sold. She was hysterical and could not explain to anyone what was happening to her or to her child. No interpreter was contacted so the prison had no idea why she was in deep depression.

Imprisonment is one of the most isolating, horrifying and depriving experience for any woman. For women from non-English speaking backgrounds (NESB), the prison experience is one of "desperate isolation."¹ There are approximately 350 women incarcerated in Queensland prisons at any one time, 9 to 12 percent of them NESB women. NESB women experience fear, racism and persecution due to overwhelming communication barriers and systematic mistreatment from Department of Corrective Services (DCS) processes.

Non-English speaking women are a significant minority within the Queensland prison system. Based on a needs analysis conducted in 2000, 11 percent of the women in prison are from a non-English speaking background.² This figure had risen to 14.2 percent by 2003.

The DCS attempts to provide linguistically and culturally appropriate information only during the process of induction on first arrival at prison. After this, there are no further attempts to ensure that non-English speaking women have information regarding their legal rights, privileges, punishments or regulations. This information is available only in English. The women endure absolute

deprivation and isolation in the prison system. In other words, they are in a "state of de facto solitary confinement."³

Sisters Inside, at West End, provided non-English speaking women in the Southeast Queensland prisons a questionnaire and interviewed them for approximately 90 minutes. It also interviewed recently released non-English speaking women, and there are very few of them. They shared their prison experience with more freedom and less fear of reprisal, but it should be stressed that the confidentiality of their real identities was and remains a paramount consideration.

Most non-English speaking women in prison experienced extensive violence in their lives before imprisonment. The research questionnaire confirmed that 76.8 percent of women in prison have been sexually assaulted, usually more than once, throughout their lives. The abuse is usually by family members and was first perpetrated at a very young age. More than three-fourths of the women in prison have experienced domestic violence and 61.5 percent have used drugs and/or alcohol. Nearly 85 percent said because they lack the resources to ensure theirs and the children's safety, they would return to violent homes. Majority are mothers with an average of 1.6 children each. Language and cultural differences prevent these women from accessing mainstream services. These are the "barriers" that predisposes women to think that there is no alternative but to return to violent environments once released.

The questionnaire asked women of their worst experiences in prison. The women volunteered: language and cultural barriers (84.6 percent), not understanding their sentence or prison processes (61.5 percent), isolation from children (76.9 percent), being scared (23 percent), lack of culturally appropriate food (23 percent), access to religious and cultural activities (30.7 percent), one woman's child being sold (7.6 percent) and one woman's child dying while she was in prison (7.6 percent) as their worst experiences.

The women also face the cruel and unusual day-to-day abuse that exists in prison life. "The terror is not what other women experience in here (prison). I just shake all the time and am so lonely," one respondent said.⁴

The women are sceptical of seeking support from any ethnic organisations even as they admitted that having someone to speak to in their own language would be wonderful. They feel “shame” in front of their communities and believe some of these organisations are “as judgemental as the prison system.”

When Mee arrived at Brisbane, airport customs found two kilos of heroin when her baggage was searched. She was arrested and taken into custody, then confined at the maximum security women’s prison. She spoke little English and couldn’t understand what the prison officers were telling her. They eventually rang the telephone interpreter service to assist with induction process. This phone call was the last time Mee had access to an interpreter. Prison staff believed that because she knew some English words, she could understand everything they were telling her.

Mee grew more fearful. She had no one to speak with and she was pregnant. She would be taken to the medical centre to see a doctor and could not understand what they were saying. She didn’t know if her baby was all right or not. The medical staff would administer drugs to her and she didn’t know why. She was too scared to say no to them.

She would pray at night in her cell. This was the only access she had to her religious practices. At no time was a Monk or Nun from the Buddhist community available for Mee. This terrified her even more. For the first time in her life she had no religious contact.

This reception/induction process is arduous for non-English speaking women because of the minimal contact with interpreters. As the reception/induction process can be lengthy and complicated, prison management never use face-to-face interpreters. Instead, they rely on the telephone interpreting service. It is an alienating means of

communication, particularly in a situation where women feel most vulnerable. The admission process into prison is completed within 24 hours, and since then, all the women interviewed never again had access to an interpreter.

The women frequently rely on information from the other women in prison. They said they preferred to observe the custom of the prison and to watch before they act, as a means of gathering information. If they have to ask someone, they would choose another non-English speaking person. As there are only a small number of non-English speaking women in each prison, care is needed to ensure that they have ready access to one another.

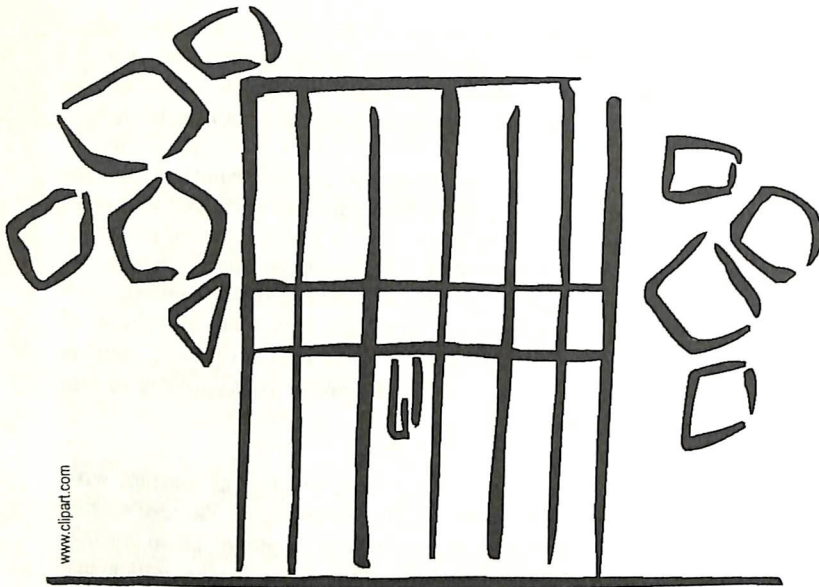
The women found that, in general, contact with prison programme staff was not easy. The difficulties were most apparent in the early stages of prison life. The women, particularly those at the Brisbane Women’s Correctional Centre, were afraid to ask for help. They were unaware of the procedures in seeing a counsellor or accessing educational programmes.

Prison management attempts to overcome language problems through the use of other women prisoners as interpreters, but there are problems to this strategy. When other prisoners are used as interpreters, non-English speaking women may be placed at a disadvantage as the prisoner’s interpretation skills may be insufficient. This contravenes the Queensland Government’s policy that:

As far as practicable, friends and family members should not be used in the same role as professional interpreters. Children and relatives are not appropriate interpreters in any context.⁵

The risk to physical safety is significant. All the warning signs (e.g., indicating an electric fence) are in English only. This omission might actually be a breach of the Queensland Workplace Health and Safety Act (1995). As DCS has determined that certain signs are needed for the health and safety of the prisoners, they are under an obligation to provide them in a form understandable to all.

Mee’s baby was born, a little girl, immediately after Mee was sentenced. The prison system allowed Mee to keep her baby with her in prison. While she welcomed this, the arrangement was difficult for her because she could not communicate well with anyone. Because Mee was not an Australian citizen, she was ineligible for Centrelink payments. In the absence of money to provide for the baby’s basic necessities, the prison manager decided to give Mee A\$40 (US\$30.8) a week to buy the baby’s essentials. This was not nearly enough. Worse, only the prison staff could



decide what Mee could buy for her baby, which was mostly western baby food. She was not allowed to feed her baby "culturally appropriate" food.

For most of their prison life, the women must eat the standard Western menu, and are seldom allowed to prepare their own food. On those occasions the women are allowed to vary the menu, the prison provides the basic ingredients but the women have to "buy in" the special items they wish to use. But the "basic ingredients" are likewise western, so they end up buying almost all the ingredients of any meal they choose to cook. This presents a burden because the women's daily pay amounts to only A\$1.50 to A\$4.00 (US\$1.155 to US\$3.080).

The religious needs of prisoners are met through the Chaplaincy Board, which includes four denominations (Anglican, Catholic, Uniting Church and the Salvation Army). Prisoners whose religions are not among these four must make special arrangements for services or visits by contacting their case workers/welfare workers. About one-fourth (23 percent) have to pray in their cells and are sometimes disturbed by prison officers. Some 15.4% were given a Christian Bible even though they were not Christians.

According to 61.6 percent of the women, no information was provided them on access to religious services. Some did not see any problem in the existing arrangement as religion for them is a "private" matter and they were therefore not concerned. Yet, the present organisation is a potential problem, particularly for the non-Christians excluded from access to religious support. The Vietnamese,

for example, are a significant minority within prison. They have distinct days of special significance, including Tet and the Moon Festival, yet these special days of special religious observance are not celebrated within prison.

The process of arranging for contact, moreover, is itself difficult because of language problems.

Close living with shared accommodation also presents some particular problems. Women routinely spend twelve to thirteen hours per day locked in their cells or units. As there are fewer non-English speaking women, there is a strong possibility they will be placed in a cell with all English speakers. The non-English speaking women report social and emotional isolation due to cultural and language differences. The situation is particularly unfortunate because the non-English speakers often have to rely on a trusted other to help them gather information and fill in forms.

The women stressed the importance of family, but only one has support from her family and friends outside. But many others have decided not to tell their families of their imprisonment, and the majority do not have friends in Queensland or anywhere else in Australia.

All prisoners suffer difficulties in maintaining ties with families and friends. The frequency of visits and the number of visitors are restricted, as is the time allowed for telephone calls. The cost of telephone calls is also prohibitive for those whose families are interstate or overseas. The women have to pay for all telephone calls.

The women are sceptical of seeking support from any ethnic organisations even as they admitted that having someone to speak to in their own language would be wonderful. They feel "shame" in front of their communities and believe some of these organisations are "as judgemental as the prison system." Certainly, ethnic communities could provide valuable support to those in prison and to their families, and many such organisations in the greater Brisbane area have shown interest in supporting non-English speaking women prisoners.

The women also experience difficulty accessing the educational programmes provided by DCS. All the women sentenced to more than a year's confinement are expected to engage in a core educational programme as a means of moving through the system but they are hard strained to

access these programmes because of their lower English proficiency.

Section 9 of the Racial Discrimination Act that declares racial discrimination to be unlawful is relevant to the women in prison. However, this is Commonwealth legislation. All the women interviewed reported have never heard of the Anti-Discrimination Commission or of any kind of an anti-discrimination law. A significant 76.9 percent are uncomfortable with the idea of lodging a complaint because of fear of retribution from the prison system.

Section 11 of the Corrective Services Act 2000 (CSA), on the other hand, provides for prisoners to be informed of entitlements and duties. The law states that if a prisoner does not understand English, the person in charge,⁶ as General Manager of the prison employed by the DCS, must take reasonable steps to ensure the prisoners' understanding of the administrative policies and procedures involved in claiming the prisoners' entitlements and duties. The law states that the General Manager, as the person in charge, must ensure that a copy of relevant legislation is available to all prisoners, including non-English speaking women.

International instruments are not binding in International law and have not been legislated into Australian domestic law. The well-known international instrument concerning treatment of prisoners is the UN Standard Minimum Rules for the Treatment of Prisoners (UNSMR). Rule 6 of the UNSMR prohibits any discriminatory treatment of prisoners because of race, colour, religion, gender, national or social origin, political opinion, property and birth. This is relevant to the non-English speaking women in prison because the Standard Guidelines for Corrections in Australia, although modelled after the UNSMR, do not have the force of the law.

The women are imprisoned under Queensland law. The Queensland Government does have a Language Services Policy that reflects government commitment to the development of communication strategies to inform clients of services and the policy states that the government department will:

"Plan for language services in an agency, incorporating interpreting and multilingual information needs into the budgeting, human resource and client service programme management."⁷

In short, the government's policy is to ensure the availability of language services. We at Sisters Inside appreciate however that stories of Anna's and Mee's are

not exceptional, and their failure to receive justice, or even their basic necessities, should be abhorred by the entire legal community.)

Debbie Kilroy was locked up and abused at 13, a mother at 17, married to a celebrity footballer at 25, jailed for drug trafficking at 29, and witness to a violent murder at 30. After her release in 1992, she established Sisters Inside, which advocates for the rights of women in jail. She was awarded an Order of Australia medal for her fierce defence of the rights of women in prison, and her tireless devotion to their care.

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Footnotes

- ¹ Easteal, P. (1992) *The Forgotten Few: Overseas Born Women in Australian Prisons*, AGPS, Canberra.
- ² Women's Policy Unit, *Profile of Female Offenders*, Department of Corrective Services, 2000.
- ³ Easteal, P. (1992) *The Forgotten Few: Overseas Born Women in Australian Prisons*, AGPS, Canberra.
- ⁴ Statement of Interviewee, October 2002, v. 02 pp1
- ⁵ Queensland Government, *Language Services Policy*, Multicultural Affairs Qld, Department of Premiers and Cabinet 2001, pp. 11.
- ⁶ Section 5, *Corrective Services Act*, Queensland, 2002.
- ⁷ Queensland Government, *Language Services Policy*, 2001, p. 7.