

How overcrowded prisons affect human rights

By Sarah Austin

While the use of imprisonment always poses challenges for the protection of prisoners' human rights in prison, current levels of overcrowding heighten those challenges and introduce new risks to prisoners. In the lead up to the Victorian election, a group of human rights experts gathered to give their thoughts on the dangers that prisoners face as a result of overcrowding.

Victorian Ombudsman Deborah Glass started the evening by reviewing a 1970s ombudsman report which cheerfully stated that strip searches were finally banned and beds were provided to all prisoners. While there have been clear improvements in the judicial system since that time, there were still endemic problems for the prison populations. 55% of prisoners are dependent on drugs and 27% dependant on alcohol. The prison population also generally does not achieve to the same educational levels with only 5 – 7% of prisoners completing year 12 as opposed to 90% of the general population.

The Castan Centre's Deputy Director, Bronwyn Naylor, looked further into the causes for the increase in prison populations and discussed a number of causes including the use of remand instead of bail, more prison sentences being given instead of other punishments, longer sentences and less availability of parole. All these factors have led to a rapidly increasing prison population. Naylor argued that there is no clear link between imprisonment and crime rates and that inappropriate imprisonment lead more to reoffending rather than rehabilitation.

While bring "tough on crime" and the corresponding policy decisions in regards to sentencing and parole may be politically popular, our speakers re-enforced that these pose risks not only to the prisoners themselves but also to the community when those prisoners are released at the conclusion of their sentence with inappropriate support.

Facing down discrimination against trans and intersex people

By Sarah Austin

A recent Castan Centre event considered the vast human rights challenges facing trans and intersex people in Australia and around the world. The evening started with a moment of silence for trans and intersex people lost to violence, just one of the issues still faced by many members of those communities today.

While we began on a sombre note, Kenton Miller of VEOHRC moved quickly to the advances there have been in regards the treatment of trans and intersex people in the workplace. Kenton's message that "It's easy for us to say 'don't discriminate' but it's more valuable to help people navigate their obligations" underpins much of VEOHRC's work in this area and he shared with the audience his experiences of helping business and employees when a fellow staff member is transitioning. He has found that workplaces who supported their employee's transition led to increased pride in the organisation by other employees and that generally the person's co-workers were deeply committed to getting things right and providing a supportive environment. Kenton also briefly touched on VEOHRC's work in preparing upcoming guidelines for sports organisations with trans participants, an area of confusion which often sees individuals being denied access to certain sports or higher levels of competition.

Up next was Tony Biffa who as the world's first openly intersex mayor explained the term intersex was not a gender identity or a sexual orientation - those were separate matters. Rather intersex was a spectrum of people who identify as other than just "male" or "female". They may be neither wholly female nor wholly male, or a combination of the two or neither. Tony focused on the medical intervention that intersex children often experience, usually at a very early age and before they are able to give consent. Often these medical procedures are not done for a medical reason, instead they

are done to "normalise" their bodies. The issue of birth certificates was also raised: people who do not identify as either male or female being currently unable to have that recorded at birth. This also continues with Australian Passports where you can have M, F or X (meaning other). However Tony does not identify with X, feeling that instead M&F would be appropriate.

With sixteen years' experience in the queer community, Sally Goldner brought a great wealth of experience on trans issues with her to the night. The head of Transgender Victoria started by sharing her experience of trying to live as a man for 29 years and her transition to living as a woman. Like Kenton, Sally does have positive experiences and has found that community attitudes to trans individuals has generally been improving. However she argued that while it would be preferable that sex markers should be removed as much as possible, if they have to be used we should allow the gender that people chose for themselves. Sally argued that we need to approach trans people on a case-by-case basis including allowing people to make the own choices as to their gender as well as more awareness that not every trans person wants or needs gender re-assignment. Like Tony before her, Sally also asked for more understanding by the medical community, particularly GPs who were sometimes not equipped to deal with trans issues or who went too far the other way, attempting to discuss Sally's trans status for every medical issue, no matter how unrelated.

Overall the evening was an opportunity to hear from those with lived experience in the trans and intersex communities and served as a reminder as to just how fixated society can be with the male / female divide.