

Educating on the Inside: Inmate Mothers in Australian Corrections

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Abstract

This paper reports on the Australian component of the author's international policy study of the impact of incarceration on inmate women and their young children in Queensland, New South Wales, Victoria and England. The study found that while the human rights of inmates to prison education are mandated within Australian corrections institutions, the implementation of these rights is severely threatened by the practice of *en masse* containment of inmates within a prevailing culture of surveillance and suspicion. The relative docility of female inmates, their constitution of a small percentage of the overall prison population and the fact that the majority serve sentences of less than twelve months, render women inmates almost invisible in Australian corrections institutions. Compounded by the fact that at least eighty-five percent of inmate women are mothers of dependent children and heads of single parent households, the participation of these women in prison education is further stymied by their concern for their children on the outside and/or their care of their children inside a prison which is inhospitable to their needs.

Introduction

Prison education was espoused by the United Nations in 1957 as a human right for inmates undergoing a custodial sentence and is allegedly part of their rehabilitation and reintegration into society. Yet the enforcement of these rights is severely threatened by the cellular containment of inmates within a prevailing culture of surveillance. Inmate women are further hampered as participants in prison education because of their invisibility within the criminal justice system. The construction of women inmates as docile, and the small number of female inmates in relation to their male counterparts, render them imperceptible. This is most poignant in the case of women inmates who are mothers of young children and who have an overriding concern for the children from whom they are separated. Inmate women reportedly experience a sense of invisibility and isolation and sometimes engage in provocative and subversive activities such as self-mutilation in order to regain visibility in a prison culture which makes their lives invisible.

This paper draws on research findings of the author's international policy study (conducted in 1992-5) of the impact of incarceration on inmate mothers and their young children in Queensland, New South Wales, Victoria and England. The study included inmate mothers and their young children, that is, those inmates whose children reside with them in custody and those who are separated from their children. Research methods employed in the study were policy analyses, observations, and over 130 interviews with inmates and staff in nine custodial centres for women and their respective corrections systems. Research sites were Brisbane Women's Correctional Centre (CC), Helena Jones CC (QLD); Mulawa CC, Norma Parker CC (NSW); Her

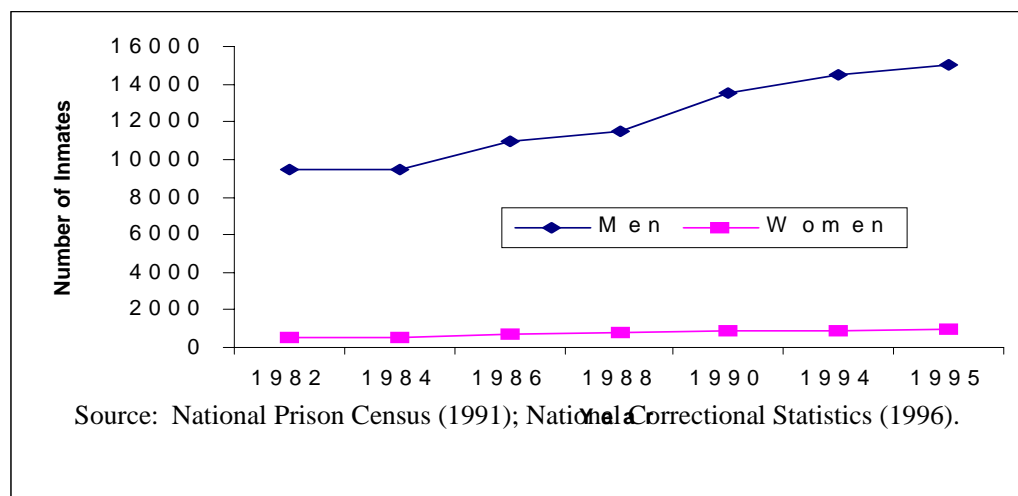
Majesty's Prison (HMP) Fairlea, HMP Tarrengower (VIC); HMP Holloway, HMP Styal, HMP Askham Grange (UK).

Some Australian prisons forming part of the study permit children to reside with their inmate mothers. At the time of the study, Victoria and Queensland (but not New South Wales) allowed inmate mothers and their children to reside together in custody. In contrast to the English Mother and Baby Units, Australian women's prisons did not provide purpose-designed facilities for mothers and children, except in the case of Tarrengower (a minimum security prison in rural Victoria). Brisbane Women's Correctional Centre (a closed multi-security prison) and Helena Jones Correctional Centre (a pre-release centre) (both in Queensland) permitted children to reside with their inmate mothers, but lacked a fixed upper age limit.

The research found that educational opportunities of inmate women were often severely obstructed by the mode of containment, the perpetuation of the stigma 'bad girl' at best and 'bad mother' at worst; and, moreover, the fact that women inmates serve short sentences and, therefore, lack time for effective participation in prison education. While previous studies identified the distinctive education needs of inmate mothers (Byrne, 1990; Report of Combined Community Agencies, 1990; Report of Fitzroy Legal Service, 1988), the research found that little has been achieved in making effective educational opportunities a reality for inmate mothers.

Research into parental inmates raises concerns about the failure of prisons to implement policies appropriate for inmates with children. It is estimated that at least 85 percent of female inmates in Australia are parents of dependent children and heads of single parent families (Easteal, 1992; Farrell, 1998b). Over sixty percent serve sentences of less than twelve months usually for minor crimes against property. The 760 women in Australian prisons (at June 1995) comprise only 4 percent of the overall prison population, a percentage comparable with the UK and other Western countries (See Figure 1 for prison population in Australia).

Figure 1 Number of female and male inmates in Australia. Daily averages July 1982 to June 1995 (760)



Female offenders are constructed as 'bad girls' who abrogate the social ideal of the 'feminine'. Offending mothers, moreover, are seen to negate the maternal role of the nurturant caregiver (Farrell, 1998b). Historically, Australia's criminological past featured female convicts who formed a substantial workforce, who maintained the heterosexuality of the new colony and who bore its progeny (Johnson, 1988). It is somewhat ironic that these offending women were used to recreate a society from which they had been most forcibly extricated.

A prevailing ideology of motherhood and the gendering of family life mean, therefore, that female prisoners are likely to experience severe fragmentation of their immediate families upon imprisonment (Kaplan and Sasser, 1996; McDermott and King, 1991). Dislocation brought on by a prison sentence is further compounded by the fact that the female inmate is likely to be the primary caregiver for her children and not cohabiting with a male prior to her imprisonment; and that given her pivotal role in the family, she is usually the most significant person in the lives of her dependent children (Kinsey, 1993). For children and families of the inmate, a sentence often precipitates relocation of home and school, dislocated relationships, stigma and prejudice as well as a denial of the continuous support of family members. Also, the families of inmates often experience financial strain. The National Prison Census (1991) indicated that almost half of those who had been in prison were unemployed due to their incarceration; and the financial circumstances of their families often worsen during the custodial period, a major concern given that stress and poverty are strongly linked with increased risk of child abuse and neglect (Smokowski and Wodarski, 1996).

A body of criminological literature indicates that women's prisons have been built by men for men, sometimes with concessions made for women (Genders and Player, 1987; Heidensohn, 1985; Tomasevski, 1993). Male prison clothing, daily muster (a militaristic roll call) and the tailor shop as a training site are remnants of traditional male prison culture. I have noted elsewhere (Farrell, 1998b) that senior policy-makers were almost exclusively male and that the male-constructed prison is antithetical in design and function to the needs of inmate women and their children. Overall, there are few allowances for women and even fewer for mothers who either look after their infants inside or are visited by their children who live on the outside.

According to Australian lawyer Jocelyne Scutt (1981), criminal laws perpetuate the dependence of women on more powerful males.

Where women are concerned, the law has been drawn with reference to the way in which men define women, as dependant wives with no ability to make decisions; or as wretched whores responsible for their ability to lead men into committing offences against them.

(Scutt, 1981: 17)

Jeremy Bentham's architectural motif of the panopticon in the ideal English prison undergirded the practice of prison surveillance (Smith and Burston, 1984). Residues of this model are Australia's prison nomenclature, iconography and dress. Here the officer monitors and observes inmate activity without them knowing, sees without being seen. The social geography of the elevated warder's station strategically placed for optimal visibility (though increasingly superseded by electronic surveillance devices) denotes the position of the officer in relation to his charges. The officer is also the repository of the keys to the cell, to the education room, to the children's toy cupboards, to the exercise yards, to the visits room, and moreover, to the outside.

The study found that some prisons where children reside still practise lock-downs where inmates and their children are forced to stay in their cells, for example, all night from 9 pm to 6 am and for other indeterminate periods such as extended staff lunch breaks. The conditions are exacerbated by the fact that some cells lack power points for heating bottles or preparing meals; a potentially volatile situation for inmate mothers, their children and indeed for other inmates.

Inmates are classified and calibrated according to offence, length of sentence and potential risk to others. Physical movements are keenly observed, telephone calls are taped, visitors (who may be young children and infants) undergo rigorous security checks and inmates (who may have recently given birth or who are menstruating) are often subject to a demeaning form of internal examination. Moreover, the prison culture of surveillance dictates that children of inmates are subject to security restrictions enforced by uniformed officers in environments often alien to young children.

The provision of mutual family support is also severely obstructed by the mode of containment of inmates in sites which may be geographically isolated from the inmates' homes and from their families. For both the inmate mothers whose children reside with them in custody (where this is permitted) and for the inmate mothers who are separated from their children, their access to home, family and friends is via what Byrne (1993) labels the 'institutional ecology'. Their physical movement, their telephone access and their correspondence and the nature and frequency of their family visits or home leave are determined by the prison system and implemented within the institutional ecology of the individual prison.

The study identified family support as a key issue for the child who may be in prison with the mother or outside with another carer, but who nevertheless needed to develop a relationship with those significant others on the outside who will be part of the social network when the mother is released. Maternal grandmothers were often the most significant others who cared for the children of their inmate daughters, and who helped the inmate to cope with her role of prisoner-mother. In the majority of cases, children of inmates were cared for by grandmothers on outside (for example, 75 percent in Queensland and 76 percent in New South Wales) (Farrell, 1998b). Family visits were their lifeline to their children and these visits were contingent on factors, such as the practical assistance of a sympathetic adult, the agreement of the child's carer or a family law parenting plan, geographic accessibility to the prison, available transport as well as finances for transport and/or accommodation. The lesser number of female prisons relative to male prisons in Australia also exacerbates the access problem, and raises the issues of gender equity, and a more equitable geographic spread of female prisons for the sake of proximity to prisoners' homes. This evidence on family visits points to the need for a greater understanding of visits and external support as a human right, rather than as a privilege for the inmate mother.

This paper is arguing, therefore, for policies that recognise the distinctive role of the inmate female as mother, a role that she is seen to contravene by virtue of her incarceration; a role that does not necessarily eclipse that of the father nor of other family members, but which is nevertheless distinctive due to the social and emotional value accorded it.

The results of the study corroborate the work of Matthews (1983) which found that the needs of families and of inmates are inadequately addressed both within the prison system and upon release, and that incarceration and the absence of support compound the isolation, stigma and suffering of these families. Prison cultures also fail to recognise the high incidence of previous

abuse amongst inmates making it difficult for them to deal with their past while immersed in the prison culture (Briggs, Hawkins and Williams, 1994; Easteal, 1994).

There is a pressing need, therefore, for policies which actively respond to the familial needs of inmates, particularly inmate mothers, who are condemned not only for their criminal offences, but also for their offences against their female and maternal roles. The cumulative effects of these familial factors and the culture of the prison make it difficult for inmate mothers to participate in meaningful prison education and to contribute to their own rehabilitation.

Prison education: A human right

In 1957 the United Nations published *Standard minimum rules for the treatment of prisoners* to which the Australian correctional authorities subscribed. According to Rule 65, the purpose of imprisonment is

to establish in inmates the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

Rule 57 states that

Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore, the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

Furthermore, Rule 66 (1) states that

All appropriate means shall be used, including religious care, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the needs of each prisoner.

While these rules are acknowledged in Australian corrections, their implementation is severely hampered by prison culture and practice which run counter to the realisation of human rights. Prison education, particularly for inmate women, has been identified as an area of serious neglect (Byrne, 1990). In the face of grossly inadequate educational and work opportunities for female inmates in Queensland, Byrne (1990: 75) argued that

There is a need to ensure that women prisoners are given equal opportunities for vocational training towards their financial and occupational independence on discharge from prison. And this should not be exclusively in traditional female-dominated (and therefore low-paid) unskilled and semi-skilled work.

This principle was inherent in the 1989 Australian Standard Guidelines for Corrections in Australia (1989: 5.57) which stated

All prisoners should have access to productive work, recreation and leisure programs and facilities which provide them with the opportunity to utilise their time in prison in a constructive and beneficial manner.

Prior research has shown that, in many instances, and given opportunity, parents in prison are prepared to use this time to address the factors which led to their incarceration and to improve their capacity to relate to their children (Clement, 1993). Earlier research with inmate women found that lower rates of recidivism were associated with the maintenance of family ties and the provision of emotional and material support for the inmate mother and her children (Dewdney, Swarris, Miner and Crossing, 1978), while other criminological research indicates that inmate women need support for 'significant others' (within and /or outside the prison) to cope with the dual roles of prisoner and mother (Hampton, 1993).

In theorising policy-making in educational contexts, McNay and Ozga (1985) emphasise the need to canvass the federation of political and bureaucratic interests, sometimes competing but sometimes mutually supportive. In the case of women's corrections, these include the needs and interests of inmate women and their families as well as those of the criminal justice system. In examining social justice policy, American feminist theorist Iris Marion Young (1990: 37) argues that the concept of justice must address the structures of domination which wrongfully pervade society. Young's concept of justice is primarily concerned with the degree to which a society supports the institutional conditions which facilitate a good life, that is, to develop and to exercise one's capacities, to express one's experience and to participate in determining one's action and the conditions of one's action. However, the culture of containment in which inmate mothers are embedded, thwart the process of realising such institutional conditions.

In addition, the welfare of the children of inmates along with that of children of non-incarcerated parents, is yet to become the broad focus of the public discourse on human rights and the 'best interests of the child'. The 'best interests of the child', even where a child's interests may come into conflict with the rights of parents, became a pervading theme in the 1990 World Summit for Children and its endorsement of the United Nations Convention on the Rights of the Child (UNCRC) (Castelle, 1989). The UNCRC emphasised that children's rights to provision, protection and participation are usually enacted, but not exclusively, within their families (Farrell, 1998a). According to Gil (1991: 393), the UNCRC

... affirms the rights of parents with respect to children, and of children with respect to parents, in the context of the best interests of the child. The Convention promulgates standards and goals for equal rights for all children to life, liberty, dignity, and personal and cultural identity; to optimum development, health, education, care and protection; to social and economic security; to freedom from exploitation, abuse and neglect; and to civil and political rights.

The study has shown that the rights of the correctional system to dominate and oppress are clearly antithetical to the human rights of incarcerated women and their children. As such, this paper concurs with Scutt's (1995: 231) contention that women's rights have effectively disappeared from the canvas because the 'rights which are elevated are those of the courts that make orders which are required to be obeyed'.

In addition, the study demonstrated that the already challenging task of providing educational and work opportunities for prisoners was compounded in those correctional systems which allowed children to reside with their inmate mothers in custody. The situation was further exacerbated by the balance, or indeed, the imbalance between the containment functions of the prison, on the one hand, and the provision of adequate care for young children, on the other. In the

international aspect of study, it was found that few prisons successfully managed the often competing demands of containment and education and that only one prison (ie HMP Styal, UK) developed strategies for meeting the educational needs of inmates whilst ensuring that their children were adequately cared for by trained nursery nurses. The length of inmates' sentences was also seen to influence their willingness to be involved in education; and their participation in meaningful education was limited by their serving relatively short sentences.

In the Australian component of the study, the rate of participation of inmate women in educational programs varied from prison to prison. However, accurate participation statistics were unavailable in all prisons, except for Brisbane Women's (in Queensland), Tarrengower and Fairlea (both in Victoria) where the participation rates were reportedly 80 per cent, 87 per cent and 100 per cent respectively. Fairlea's reported rate, however, may be explained by the practice of mandatory enrolment of students in some form of education (albeit craft or leisure activity). However, these crude percentages fail to qualify with any accuracy the participation of the inmates in meaningful educational experiences within their establishments. It must be remembered also that two transition/work release centres, namely Helena Jones (in Queensland) and Norma Parker (in New South Wales) were oriented to pre-release employment opportunities and these activities eclipsed the need for educational programs. Overall, there was either a lack of accurate records of inmates' participation in education or poor communication of any records that had been kept.

While definitions of education and work varied from system to system and programs spanned different areas of learning, there were some commonalities that emerged across the three Australia systems in the study. Across the board, education was an umbrella term for four basic categories of program:

1. **Therapeutic intervention programs** (eg parent programs, drug and alcohol counselling, anger and stress management);
2. **Educational programs** (eg literacy programs through to degree studies, administered by the Education Officer or staff);
3. **Vocational programs** (eg apprenticeships, traineeships) leading to employment) and
4. **Recreational programs** (eg life skills, aerobics, craft).

The therapeutic intervention programs were almost uniformly conducted by prison-based staff or visiting health professionals such as medical doctors, psychiatrists, psychologists, counsellors and health workers. The educational and vocational programs were usually convened by a full-time education officer and serviced by sessional tutors or instructors, and the recreational programs usually facilitated by an activities' officer. The definitions did not, however, lead to any overall consistent policy, and were ambiguous because in some prisons vocational programs were regarded as work (and attracted financial payment), while in others they were regarded as purely educational and distinct from paid employment.

Inmate mothers at Tarrengower, for example, were required to participate in employment and education, and where appropriate, they had the option to take their children with them to their place of work within or outside the prison. Tarrengower inmates were expected to work on grounds beautification, the farm, vegetable garden and in general maintenance teams as well as in community work, such as monitoring gates at the Maldon showgrounds.

In contrast, inmates at Brisbane Women's were unable to attend education or work by virtue of having their children with them in custody. Inmate mothers with their children in custody at Brisbane Women's were prevented from regular work (apart from cleaning the block) because of the requirement to care for their children full-time. The fact that an inmate mother had her child in custody precluded her from involvement in either education or work, because the mother was seen as solely responsible for the child. It was possible, however, for inmate mothers to authorise another inmate to mind their children while they went to recreational activities, but this was not allowed for participation in employment. Inmates at Helena Jones could participate in education and work and their children could be cared for outside the prison and a number of inmates in the interviews undertaken for the study indicated that this was a useful pre-release experience for them and for their children. The policy corollary of this situation is for the prison or correctional centre to provide child care with appropriately qualified staff so that inmate mothers can participate in education and/or employment programs. Within Young's (1990) conceptualisation of social justice, such a strategy is facilitative of institutional conditions which encourage participation in skill development.

In each of the Australian systems in the study, pregnant prisoners (unless medically exempted) participated in education programs and employment for up to six weeks prior to the birth. In the case of Victoria, in terms of loss of prisoner earning while in maternity confinement, women would be maintained at the level of pay which they were receiving immediately prior to their confinement. Overall, policy-makers urged that pre-natal and post-natal programs and services be provided to women prisoners to promote their personal health care, to provide advice on their own and their child's nutritional requirements, and to support women prisoners in acquiring parenting skills.

Furthermore, within the institutional ecology of various prison, educational programs often competed and conflicted with the institution's work demands. An inmate mother pursuing a higher degree and serving a long sentence in Victoria commented in a research interview:

The Governor that's here at the moment seems to have the attitude that full-time education isn't warranted. I honestly don't understand his attitude. I have great run-ins with him and he turned around and told the women that every prisoner owed the prison at least two days work per week. I've actually had to add another year on to the time it's going to take me to finish the university course, because I can't risk him saying I can't have the time to do it.

And time constraints were sometimes compounded by structural problems within the prison, as in the case of Mulawa where an officer commented in a interview for the study:

There is a battle going on about the fact that women who do work and take up courses, get their pay, which is minuscule, docked when they attend. So there are these structural problems with the bureaucracy here.

This practice stood in sharp contrast to the practice in the English prisons where inmates were given a financial incentive for attending education classes.

With respect to Victoria, the Report of the Fitzroy Legal Service (1988: 36) noted that

Education tends to be viewed by prison officers, who have an almost supreme reign over the lives of those in prison, as somewhat destructive to the daily

equilibrium of prison bureaucracy and as an unnecessary privilege and not pertinent to the punishment of prisoners.

Yet in theory, prison education in Victoria was espoused by its system policy-makers as central to the rehabilitation and reintegration of inmates into the community. For example, the *Agenda for Change Report* (1991: 35) stated that,

The Office of Correction recognises that in order for women prisoners to gain control over their lives and to successfully reintegrate into the community upon their release they require:

- a prison environment which offers fair and real opportunities for them in the provision of education, work and vocational training;
- access to facilities, programs and services which address their needs;
- an environment which promotes their participation in decisions which effect their lives;
- an environment which ensures that women prisoners are not discriminated against; and
- an environment which ensures that women are supported by correctional and program staff to effect change in their lives.

A policy is unreasonable in expecting a mother to concentrate on the quality of her work and attend to her work schedule, if she is simultaneously required to concentrate on the supervision of her child. Here again, the nature of the prison ecology is clearly antithetic to the needs of children and their inmate mothers.

Further, the challenge of providing appropriate educational support to inmate mothers was aggravated by the prior educational experiences of the inmates, which varied considerably, from completion of primary school to university degrees. The National Prison Census in Australia (1991) indicated a low educational attainment of inmate women prior to their coming to prison. It found that the majority of inmate women in Australian prisons had only partially completed secondary schooling (See Table 2 for educational levels of female prisoners).

Table 2: Educational level of female prisoners by number and percentage, 30 June 1990 (in all states except New South Wales)

Education level	No.	%
Tertiary	16	4
Technical	5	1
Post-Secondary	5	1
Complete secondary	63	17
Partial secondary	210	54
Primary only	19	5
None	71	18
Total	389	10

Source: National Prison Census (1991)

While the 1990 census indicated that almost one-quarter of all women prisoners had completed only primary school or less, there was a very small proportion of women who had completed some or all post-secondary schooling. It also indicated that a high proportion of inmates were either unemployed or on pensions when they were arrested.

While the need for specialised counselling as a prerequisite for participation in education and training programs was a policy recommendation of the Byrne Report (1990), there was little evidence that Queensland or any other system made any serious policy provision for such an initiative.

The Report of Combined Community Agencies on Conditions in Women's Correction Centre Brisbane (1990) found that the lack of work created boredom and disruptions amongst the inmates at Brisbane Women's CC. In terms of opportunities for meaningful work, Hampton (1993: 199) argued that the work/education release environment should be available to the prisoner regardless of her actually being able to get a job. She proposed that

There should be meaningful work for real wages. Work must be paid for in a way that is relevant to outside market forces and which allows a prisoner to accumulate sufficient funds to make post-release non-offending viable. An ex-inmate needs enough money for accommodation, food and clothing, and time to apply for a job, or even to get some counselling if there is nothing subsidised.

Conclusion

It has been argued in this paper that while educational opportunities are mandated in Australian corrections and some prisons allow young children to reside with their inmate mothers, the evidence shows that the prison culture of surveillance mitigates against the implementation of effective education policies which serve the dual functions of rehabilitation and of the appropriate care of children by inmate mothers. The policy implication of this research finding is that where

children are allowed to reside in custody with their mothers, prisons should make adequate child care provisions for inmates engaged in educational and employment programs; and where children are not residing in custody, that family support and communication be promoted in the process of rehabilitation and re-entry into society.

Given that the majority of female inmates are mothers of dependent children and are, in the main, handed down short sentences which limit their effective participation in educational and rehabilitation programs, the logical policy conclusion is that there should be alternatives to custodial settings for at least some female offenders, but which still hold female offenders accountable for their actions, while maintaining the integrity of their role as mother. Thus, the sentencing procedures need to be reviewed so as to reduce the incarceration rate of women with sentences of less than twelve months. It can be argued, therefore, that alternative non-custodial settings be considered in cases where the offence is likely to justify less than a twelve month sentence and where the offender is a mother of young children.

The study found that in the face of containment and surveillance, support through the maintenance of family ties is seen by inmates and their families as important for the rehabilitation of the inmate mother and for the welfare of her children. Furthermore, the study found that the voluntary and autonomous participation of inmates in educational experiences, be they formal or informal, was a positive factor in successful rehabilitation and reintegration into society. While containment and surveillance were pervading characteristics of prison life for women and their children, support and opportunities for meaningful learning should be further investigated as factors in helping inmates and their families to cope with life behind bars and beyond.

Key words

Incarcerated Women/Children; Female Criminality; Prisoner Education.

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