

Total Control: Ending the routine strip searching of women in Victoria's prisons

Summary of key points:

- The HRLC calls on the Victorian Government to immediately end the harmful and out-dated practice of routinely strip searching women in prison. The Victorian Government should enact laws to prohibit strip searches except in circumstances of absolute necessity, based on intelligence of contraband, and as a measure of last resort. Where searches are needed, strip searches should be replaced with modern, effective and non-degrading search practices, like using scanners and metal detectors.

Harm caused by strip searches

- Strip searches are degrading, humiliating and traumatising for women. Routine strip searching is particularly harmful given a majority of women in prison are survivors of family and/or sexual violence. These searches can undermine women's dignity, recovery and rehabilitation efforts.
- In the vast majority of cases, strip searches are conducted on women who are awaiting trial or sentence, or are serving short sentences for non-violent crimes. There are currently just over 500 women in prison in Victoria and more than 40 per cent are on remand, awaiting trial or sentence. Most women prisoners are detained for less than 12 months. The Victorian Government last year described women prisoners as largely 'low risk'.

Flawed rationale for strip searches

- The HRLC examined six months of strip search records from Victorian women's prisons. In over 6,200 strip searches, only seven items of contraband were discovered: four related to tobacco products, one to chewing gum and one unidentified object (one further search was 'inconclusive'). No weapons or illicit drugs were found. This means for every one thousand strip searches conducted, one item of low level contraband was found.
- There is a critical need to stop drugs and weapons entering prisons. However, routine strip do not achieve this objective. On the contrary, because strip searches undermine respectful relationships between prisoners and guards, there is suggestion that strip searches contribute to a tenser, less stable prison environment.

Human rights implications

- Routine strip searches violate rights to privacy, humane treatment in detention and freedom from cruel, inhuman and degrading treatment, all of which are protected by the Victorian *Charter of Human Rights and Responsibilities Act 2006* (**Charter**).
- In a report released last week,¹ the Victorian Ombudsman found that routine strip searching of women is not a reasonable and demonstrably justified limitation of women's rights under the *Charter* and recommended the practice be stopped.

Alternative approaches and best practice

- There are effective, modern and non-invasive alternatives to strip searches – for example by making greater use of safe scanning technologies (such as those used in the ACT, UK and USA).
- Because of the harm that strip searching causes, both the ACT and the UK reformed their laws to ensure strip searching only occurs where there are reasonable grounds to suspect contraband and other search options have been tried. The ACT is considered to be leading Australia in terms of strip search policy and practice.

¹ Victorian Ombudsman, 'Implementing OPCAT in Victoria: Report and inspection of the Dame Phyllis Frost Centre', November 2017