

New Zealand’s Transgender Prisoners Fear Double Bunking Will Lead to More Rape

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New Zealand’s prison population has hit an all time high, reaching 9,279 people this month. To deal with the rise, Minister of Corrections Judith Collins has proposed an increase in double bunking. Cosying prisoners up in the same cells has advocates afraid for prisoners’ safety, particularly transgender inmates, with one prominent campaigner describing our prisons as having a “very sinister and ugly culture.”

Advocacy group **No Pride in Prisons** spokeswoman Emilie Rākete is currently supporting a trans woman who was allegedly raped by security staff at Whanganui Prison. Emilie, who was responsible for making the formal complaint on the trans woman’s behalf says Corrections staff told her they were sceptical as the woman “had a history of making claims.”

Emilie says that those tasked with investigating injustices often don’t care or, in examples such as this one, are actually responsible. “How can a person make a complaint to prison guards if they’re the ones who are doing the abuse? It makes no sense.”

In response to these concerns, No Pride in Prisons have started regular events at Whammy Bar on Karangahape Road, Auckland’s red light district. Every week a group of queer and trans activists, made up of union organisers, high school students, musicians, and academics meet to discuss how they might fight to abolish prisons entirely. The group have put out a **call to action** for an independent investigation into the trans woman’s claims and have called for the allegedly responsible staff members to be suspended.

The lawyer for No Pride in Prisons,Whangarei barrister Kelly Ellis, told VICE that an overwhelming number of trans women are kept in men’s prisons because they can’t afford to change their birth certificates. Alternatively, they can apply to be transferred to a female prison under the 2014 Transgender and Intersex Prisoner policy. “While trans people have the right to apply to go into women’s prison, this often goes by the wayside.”

Of the 20 trans women currently incarcerated across New Zealand, No Pride In Prisons have been able to contact two, both of whom say they’ve been sexually assaulted. The group has attempted to research how far reaching this issue is, but have predictably run into problems with access. “Our biggest issue is that there’s extremely limited access to the outside in these facilities,” says Emilie. “We have no idea of the extent of the abuses.”

Emilie is also advocating for a trans woman who claims to have been forcibly removed from protected segregation in a Serco-operated men’s prison in Wiri, Auckland, last October. She was moved into the main population area where she was beaten that morning. Later that afternoon she sought medical examination where it was decided she was at no further risk of assault. Despite this, later that evening she was put in a cell with another prisoner and allegedly raped. Police are still investigating the issue. Former Minister of Corrections Hon Peseta Sam Lotu-liga responded to these claims made by No Pride in Prisons last year, saying he was considering the issues. No contact has been made since.

In a statement by NPIP, international **studies have consistently** shown that double-bunking, and prison overcrowding generally, leads to higher rates of violence, including sexual violence.

According to a 2007 study in the US, trans women in men’s prisons are **13 times more likely** to be sexually assaulted than the men they are imprisoned with, the statement reads.

“A **2015 survey of incarcerated LGBTQ people** found that 12 per cent of respondents had been raped by staff. The rape of prisoners by their jailers is an all-too-common event.”

Ministry of Corrections chief custodial officer Neil Beales says double-bunking has worked well in New Zealand, in an economic sense. About 30 per cent of the New Zealand prison population is double-bunked, compared with 70 to 80 per cent in South Australia.

Corrections also cites **research** undertaken in 2012, which found there was no evidence to support the hypothesis that double bunking resulted in, or was associated with, increased incident rates, he says.

“Corrections is committed to ensuring transgender and intersex prisoners are treated respectfully and according to their needs while maintaining the safety and security of other prisoners,” explains Neil. Every **application for placement** in a gender-specific prison is considered on its own merits, but if it’s unsuccessful, transgender prisoners are assigned to a prison according to their gender recorded on their birth certificate.

“No assault is acceptable; however, it is an unfortunate reality that from time to time this will occur. We manage some of New Zealand’s most difficult and challenging citizens. Therefore, violence is always a risk as many offenders resort to violent behaviour as a means of resolving issues and of expressing themselves.

“We absolutely refute any suggestion that rape is a systemic issue in New Zealand prisons. Incidents of any type of sexual assault are extremely rare.”

Neil says in the case of the prisoner who was allegedly raped by three Corrections staff, many allegations were made, which have since been referred to police. “Corrections has also investigated and found no substance to the allegations. CCTV footage does not back up the prisoner’s allegations.”

For the two transgender women who have made claims to the contrary, their cases remain in the hands of police. Meanwhile, further double bunking is on the horizon, which is seen as beneficial by all those with greater bargaining power. “Unfortunately I suspect there are plenty of predators who would love the move towards double bunking,” says Kelly Ellis.

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