

**REPORT ON THE CONDITION OF WOMEN PRISONERS IN PUNJAB: OBSERVATIONS AND
RECOMMENDATIONS BY THE PUNJAB COMMISSION ON THE STATUS OF WOMEN
(PCSW)**

Introduction

Women prisoners comprise a small percentage of the total prisoner population in Punjab. As of November 15, 2015, there were 884 women prisoners as compared to 47,840 male prisoners in all prisons of the Punjab.¹ Though small in numbers, women prisoners, a majority of whom are illiterate and from an underprivileged class, are more vulnerable than men and are at an increased risk of abuse both, physical and sexual; severe mental and other healthcare issues and; the fear of abandonment and stigmatization during imprisonment and after release. The Punjab Commission on the Status of Women (PCSW), a statutory body formed under the *Punjab Commission on the Status of Women Act, 2014*, is mandated to “inspect any jail, sub-jail or other places of custody, where women and girls are kept” and “make appropriate recommendations to the concerned authority or agency” (PCSW Act 9(2)). As per mandate, the Chairperson PCSW visited a total of 19 jails in the Punjab in 2014-2015 for orientation and observation purposes.² A draft of the fact-finding template prepared and used by PCSW for jail monitoring is attached as (**Annexure A**) and observations based on preliminary observations arising from PCSW monitoring visits are as under:

Observations:

(i) Accommodations/Living Conditions:

According to Rule 305 of the Prison Rules (the Jail Manual), women prisoners must be strictly separated from male prisoners “so as to prevent their seeing, conversing or holding any communication with them.” This Rule is strictly implemented in all Punjab prisons where except for the Multan Women’s Jail (an all Women’s Jail), all prisons have completely separate barracks for women prisoners.

It was observed that Rule 309 of the Prison Rules (the Jail Manual) is not implemented in most prisons. Consequently, convicted and under trial prisoners are generally housed together. This lack of separation causes prolonged interaction between the two classes of prisoners that is detrimental for the under trail prisoners and leads to friction on account of work responsibilities according to status.

Despite the smaller number of women prisoners, **overcrowding** was noted in the case of Gujranwala Central Jail where the number of women prisoners on November 24, 2015 was 65 against an accommodation capacity of 34 beds in women.

¹ Prisoners Statistics, Punjab Prisons, Government of the Punjab <http://www.prisons.punjab.gov.pk/prisoners-statistics>

² List of Jails visited: Gujranwala, Toba Tek Singh, Faisalabad, Multan, Vehari, Sahiwal, Sargodha, Rahim Yar Khan, Jhelum, Kasur, Lodhran, Rajanpur, Khanewal, Chakwal, Bahawalpur, Bahawalnagar, Sheikhpura, Muzaffargarh and DG Khan

Prisons in Punjab are generally well kept with most prisons having adequately maintained and ventilated women's barracks with electric lights and fans. Though ventilation works well in summer months, it has been noted that living spaces get very cold in winters due to the lack of permanent covering for windows. Provision of make shift arrangements for covering cells with plastic sheets is not an effective means of keeping the space warm. Similarly, women feel cold in the single blanket provided during winters and cold seeps in floor bedding for excess prisoners beyond sanctioned cots for women.

Washroom facilities in most prisons is inadequate resulting in poor hygiene conditions. The number of washrooms allocated for prisoners varies from one washroom for three to four prisoners to one washroom for sixty prisoners (six toilets for 65 prisoners in Gujranwala Central Jail) and absence of separate bathing areas. Women prisoners bathe in cramped toilets in some jails without taps under which buckets can be placed. In most prisons, toilets have no adaptation for women with disabilities.

The standard and quality of food in most prisons has also been reported to be poor. Prisoners are generally given very basic meals without any protein content. Food is extremely oily and bread is reported to be under-cooked. In some prisons, timings of meals are not evenly distributed and women are given three meals within a span of 10 hours; thereby leaving them without any food for the remaining 14 hours.

(iii) Women with Disabilities:

Punjab prisons are completely lacking consideration for the needs of women prisoners with disabilities. There are steps leading to barracks and washrooms, lack of provision for wheelchairs and absence of special provisions for women with disabilities. Consequently, such prisoners have to rely on the mercy of fellow prisoners to carry out ordinary daily natural functions.

(iv) Visitation rights and phone calls:

Most women interviewed during visits conducted by the Chairperson PCSW revealed that there were no problems with visitation and their families were allowed to visit them on scheduled days. It was noted however, that some women are in prisons far from their home districts causing hardships for families visiting them. This causes depression and anxiety; especially in women who are unable to meet their children for extended periods of time.

With reference to phone calls, prisons' policy dictates that prisoners are not allowed to receive any calls, even in the case of emergencies. Most prisons do not have a Public Call Office (PCO) and ones in which such a facility exists, women are generally allowed to use it once in a week with the costs of making the phone call high enough that most women cannot afford to use it.³

(iv) Inadequate Staff:

In all the prisons visited by the Chairperson PCSW, it was observed that vacant female posts causes hardship for women staff and prisoners. For example, Kasur Jail does not have an Assistant

³ In Gujranwala Central Jail, a PCO does exist but the cost of making a 20-minute call is Rs. 200.

Superintendent since the last five years, there were only 5 staff against 9 sanctioned posts in Gujranwala and there were vacant posts in Faisalabad, Multan, Lodhran and Vehari. Social Welfare Officers are either not appointed in many jails (Sahiwal, Vehari, Kasur, Sargodha) by the Social Welfare Department or are given multiple charges.

(v) Lack of Emphasis on Rehabilitation and Re-integration of Prisoners:

Commission observed a lack of emphasis on rehabilitation needs of prisoners which is not only fundamental for their re-integration into society but also proven to reduce re-offending of prisoners. Prisons in Punjab demonstrate a total absence of focus on legal literacy, behavior change education or effective re-integration interventions that will result in a reduction in criminal recidivism. Depression, anxiety, criminality, anger etc are neither recognized in prisons programming nor catered for. In fact, there is no provision for the posts of a counselor, psychologist/psychiatrist, literacy teacher or vocational teacher under the Prison Rules, indicating an institutional denial of emphasis on social and psychological rehabilitation and reintegration of women prisoners.

The limited efforts that are being made in this regard are from the prisons' administration with the help of local NGOs and by soliciting support of other government institutions through personal efforts. Education within prisons has three distinct aspects: (i) formal education (ii) religious education and (iii) vocational training/skills development. Unfortunately there are no sanctioned posts of Literacy, Vocational and Religious teachers for women; dedicated funds or; formal or uniform curriculum across Punjab.

In prisons where facilities or initiatives for training do exist, the quality of instruction and learning is so poor as to render the entire activity ineffective. In most cases management depends on Social Welfare Department where teachers are only provided after SWD's own institutional positions are filled (Vehari, Kasur, Gujranwala, Sahiwal, Toba Tek Singh, Sargodha) or on local NGOs, without any mechanism for monitoring their quality of work.

Prison products by women can have a wide market. These are not only a source of income for women, they also have an intrinsic therapeutic value necessary for rehabilitation of prisoners. Women are given vocational training (Faisalabad, Gujranwala, Multan) but it is not market oriented and requires value addition.

(vi) Health facilities:

Lack of proper medical facilities for women prisoners is a problem common to all prisons of the Punjab. While male doctors are employed in all prisons, qualified full time Women Medical Officers were

either not appointed or had not joined (Vehari, Sheikhpura, Toba Tek Singh, Sargodha); do not reside in Prison Housing or; are found to be absent and reportedly negligent (Adiala Jail).⁴ In some districts, Since prisons are not equipped to deal with complicated cases of any nature (and this includes gynaecological issues), women are often referred to District Headquarters Hospitals, a process that is lengthy, cumbersome and potentially even harmful for a person in need of immediate medical attention. With regards to children, there is an absence of systematic/uniform immunization process across Punjab, through which children living with their mothers in prisons are immunized regularly.

Mental/Emotional Health:

A significant number of women in prisons have been observed to be suffering from some form of depression, stress and/or anxiety resulting from their incarceration and separation from their families; especially children. A few are even suffering from severe mental disorders but prisons are completely ill equipped to take care of or provide treatment to women with any sort of mental health issues. It was observed in Gujranwala Central Jail that women and accompanying children with psychiatric disorders were housed with other prisoners in the same barracks. As mentioned before, there are no counseling facilities available and prisons do not have a psychologist/psychiatrist on staff.

(vii) Legal Literacy (Access to Justice):

A majority of the women that end up in prisons are illiterate and lack any sort of knowledge of the criminal justice system as a whole or of the specific legal rights that are granted to them by the Constitution of Pakistan and/or relevant federal and provincial laws. Illiteracy and lack of knowledge leads to exploitation of these women at the hands of male family members as well as police and judicial officers. For women who are incarcerated and cannot afford representation, access to state appointed legal counsel is a constitutional right. In most cases, however, state appointed lawyers do not show interest in cases appointed to them and frequently miss court appearances thereby contributing to further delays in the judicial process.

(viii) Support for Destitute Women in Detention:

Lack of financial support for destitute women prisoners causes unnecessary distress and hardship. It is observed that due to lack of finances, many women prisoners cannot afford adequate representation; are not released on bail for years because they cannot afford to pay for their bail, or because no relative can provide surety bonds and; convicted prisoners who have completed their sentences are forced to stay in prison for extended periods because they cannot pay court appointed fines.

⁴ Prisons Reforms – A Dire Need: women prisoners’ perspective. Khawar Mumtaz

(ix) Facilities for Accompanying Children:

As per Prison Rules, prison administration provides half a litre of milk for suckling babies and infants across the province. However, care of accompanying children is restricted to this provision only and other needs of children are inconsistently provided for across Prisons. While superintendents in various prisons have successfully raised funds and other resources for such children, there are no provisions for education, clothing or recreation of accompanying children under the Prison Rules.

(x) Implementation of Conjugal Rights Provision

Prisons visits revealed lack of implementation of conjugal rights for women prisoners in almost all prisons, despite provision in the Jail Manual.

(x) Dis-empowerment of Female prison staff:

Patriarchy is reflected in the behavior of male staff towards female staff in prisons. Female staff have reported discrimination, lack of respect, lack of inclusion in decision making forums and a sense of dis-empowerment within Prison administration. Despite guarantees of adequate representation and setting up of Harassment Complaint Committees under the Punjab Women's Empowerment Package, 2012⁵, the Commission observed poor implementation of mandatory provisions of law in prisons across Punjab.

(x) Prison Rules (The Jail Manual):

The Jail Manual is a detailed document that contains provisions dealing with the confinement of prisoners. Chapter 13 (Rules 305-364) of the Jail Manual deals with women prisoners and children and prescribes rules for their confinement. It includes provisions on the confinement of women, the period of confinement, strict segregation, age-wise categories of women in prison, and classes that need to be kept apart due to the nature of crime (e.g. convicted and under trial, habitual and casual, etc.). The Rules also prescribe that women are not to be handcuffed (unless required), fettered or whipped.

Additional provisions deal with female staff and wardens, cooked food, clothing, bedding, and food and clothing for children as well. The Manual does not, however, cater to certain important facets of women's confinement and also differentiates between measures for men and those for women. Chapter 12, for example, which deals with Juvenile and Youthful Offenders, provides, with the exception of one, rules only for male juvenile prisoners. The only provision dealing with female juvenile prisoners is Rule 292 which provides that "Juvenile female convicted prisoners shall be transferred immediately on conviction to the Women's prison." In the case of male juveniles, there are rules providing for "careful individual attention" (Rule 295), "education" (Rule 298) and "physical drill, gymnastics and games" (Rule 299). In comparison, the Jail Manual contains no such provisions for female juvenile prisoners.

⁵ The Punjab Women's Empowerment Package 2012, The Punjab Fair Representation of Women Act 2014 and the Punjab Prevention of Harassment of Women at the Workplace Act 2012 require 33% women's representation in all boards of statutory organizations, public sector companies and committees as well as special purpose task force and committees and; establishment of Harassment Committees in all Public institutions

Recommendations:

Based on a observations arising from prisons orientation/monitoring visits to ascertain the condition of women prisoners, the following recommendations are being made:

(i) Reduce Over-crowding:

In prisons where the number of women is expected to be significantly higher than its current capacity, infrastructure needs to be improved to accommodate an increased number of prisoners. In addition, convicted prisoners must be separated from Under trial prisoners so as to avoid over-crowding as well as rifts and tensions that exist between the two classes of prisoners.

(ii) Improved living conditions/Accommodations:

- A concerted effort must be made by every prison to improve hygiene, provide for adequate toilets/bath facilities and to equip prisons to deal with extreme cold. Extra bedding and blankets are needed in winter months. Where necessary, washroom facilities must be added so as to reduce the number of prisoners per washroom and each prison must have a facility that can be accessed by women with disabilities.
- Food quality must be improved and special dietary needs of women; especially of pregnant and lactating mothers must be taken into account during food preparation. Where applicable, timings of meals must be changed so as to distribute meal times evenly during a span of 12-14 hours.

(iii) Visitation and Phone Calls:

- Convicted and under trail women prisoners should be transferred to their home districts to enable family visits necessary for reducing depression among prisoners.
- Public Call Offices (PCOs) must be set up in all prisons on urgent basis, with reduced call rates for destitute prisoners.

In September 2015, Chairperson, PCSW wrote to the Inspector General (IG) of Prisons vide Letter No. PS/PCSW/2-1/2014/831 dated 28-09-2015 suggesting that the Toll Free Helpline of the PCSW be added to the list of permitted numbers. In response, IG Prisons sent directives to all prisons in the Punjab to implement the same. Monitoring of implementation of this directive is required to ensure that this facility is made available and that all women prisoners are also made aware of this facility.

(iv) Adequate provisions for education, clothing and recreation of accompanying children may be made under the Prison Rules.

(iv) Human Resources:

Posts of psychologist/psychiatrist, nursing assistants, dentists, vocational teachers, literacy instructors and religious teachers (catering to the needs of prisoners from all religions) be created and sanctioned posts be filled on an urgent basis.

(v) Effective Psychological Rehabilitation and Social Re-Integration Plan:

An effective plan for social re-integration and psychological rehabilitation of prisoners after release be prepared. This must include:

- Literacy and vocational trainings under an approved curriculum devised by experts in collaboration with Literacy & NFBE Department, TEVTA, PVTC, etc.
- Qualified staff must provide vocational trainings and ensure market linkages to promote financial independence after release from prison.
- Legal literacy and knowledge of the criminal justice system be provided to women prisoners.
- Legal Aid be provided to prisoners and connections be made with Legal Aid Society of the Punjab Bar Council and the Punjab Bar Council.

(vi) Health facilities:

- All accompanying children must be vaccinated and their records be maintained.
- Provisions must be made for dental services
- Counseling and treatment of women suffering from depression and/or mental disorders be ensured.

(vii) Implementation for conjugal rights for women prisoners be ensured.

(viii) Funds for Bail and Surety Bonds:

Efforts must be made to operationalize the Women in Distress and Detention Fund Act, 2010⁶ and to provide access to Diyat, Arsh and Daman Funds for incarcerated women.

(viii) External Oversight/Complaint Mechanism:

Current system of complaints management by the Superintendent of the Prison be augmented with an external oversight/complaint mechanism in line with international best practice to ensure transparency and accountability. Punjab Commission on the Status of Women Act permits the Commission to “inspect any jail, sub-jail or other places of custody, where women and girls are kept, in accordance with relevant laws and rules and after prior permission of the Government and to make appropriate recommendations to the concerned authority or agency” (PCSW Act 9 (2)(e). The Commission may be considered as a women specific option for external oversight.

(ix) Jail Manual:

- The Jail Manual must be amended to institutionalize proposed recommendations. Currently, the Manual is silent on provisions relating to female juveniles.

⁶ The Women in Distress and Detention Fund Act, 2010 makes provision for financial and legal assistance to women and allows up to Rs. 10,000 for legal aid, bail and other support for women in need.