



# IMPACTS OF INCARCERATION ON WOMEN PRISONERS IN PREVIEW OF STATUTORY AND INTERNATIONAL STANDARDS: A QUALITATIVE STUDY IN PAKISTAN

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**Abstract:** *The present study is an endeavor to assess living conditions of women inmates within the uncolored walls of prisons generally and to explore various impacts of incarceration on them. The impacts of incarceration, in accordance with thematic analysis of this study mainly classified into physical, psychological, economics and social. There, however explored few more impacts in general as well. The study is proceeded using a qualitative approach, applying interview protocol to such official, who are serving in different institutions of criminal justice system of Pakistan e.g., session judges, magistrates, Prosecutors, Lady superintendent jails, Commandant Prison Staff Training Academy, criminal psychologists serving in prisons and other professionals from universities having experience and interest in the area criminology. study ascertain the possible impacts of incarceration through analysis of data and at the same concluded with considerable recommendations that may be implemented as step to overcome such tenacious and crucial impacts of incarceration.*

**Keywords:** *women inmates, incarceration in Pakistan, impacts of incarceration*

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## 1. INTRODUCTION

Pakistan is a multi-traditional society having various ethnicities and civilizations; yet unfair attitude to women is pretty common. It seems an implied schema that women should be limited from having freedom, learning, financial and social exposure, and rights. Women once go behind the bars, become vulnerable and their level of mistreatment advances manifold because of the humiliation they bring for whole of their life. Distress of women prisoners also results from poor implementation of prison rules, mistreatment by administrators of jail and overall prevailing prison environment. The reformation of criminals, more or less, has always been the aim of custodial institutions. Reformatory theory of punishment also does not seem to be effective especially; in context of women prisoners. Incarcerations affect women badly and leaves deep impression on their lives, even after release; which is impossible to compensate in Pakistani society. As regards, women criminals, incarceration never proved to be significantly helpful for correction of female prisoners. It is clear from the eminent researches conducted by Rizvi (2019), Ehsan & Niaz, (2021), Bagri (2010) and Baloch, (2013), in Pakistan that there are no satisfactory correctional programs in the prison, especially with regard to women prisoners. The sad tragedy is that the Pakistani society looks down on convicted women, even their families consider contact with them as treasonous. The behavior of prison administration, non-implementation of the prison laws, the environment provided in the prison, unfavourable social behavior and along with this, the abusive and tolerant behavior of their families affect them from different perspectives. (Baloch, 2013)

Focusing on Pakistani prisoners, in particular, most prisons in Pakistan are overcrowded with poor living conditions, and health has always been a neglected issue. However, the overall prisoner's environment, living conditions, and availability of health facilities are the most important issues relating to penal institutions. In other words, it is appropriate to say that the prison environment is one of the main challenges to overall health of prisoners. (Rani & Ullah). Despite the fact that being a part of international treaties, aims for protection of prisoners' basic human rights still the state of prisons is repellent. It is an absolute necessity to give due attention to this matter and this subject should be intensified, analyzed, argued, and considered on an urgent basis, as women prisoners are also humans and eligible to enjoy human rights similarly to free citizens of Pakistan (Zakir et al., 2020)

### 1.1. Object of Study

This study aims to know the legal provisions and international standards on the imprisonment and to explore the various impacts of incarcerations on women prisoners from the perspectives of officials connected with different institutions of criminal justice system of Pakistan.

### 1.2. Significance of The Study

The study is based on the hypothesis that the most vulnerable community in Pakistan is incarcerated women. They are living their confined life in destitution as compared to male prisoners. This study is significant mainly because, this is the first academic study intended to know the impact of incarceration for which an exploratory research has been adopted. Despite the requirements of national laws and international standards, study also focused on considerable and substantial strategies and future reforms as a way forward to minimize or eradicate such impacts.

## 2. LITERATURE REVIEW

Literature review is measured as an evaluative version of studies as established in the literature related to some selected area of study. It is serving authors to compile some theoretical base for the research and aid authors to determine the nature of their research. (Sridhar, 2020).

The foremost research is available highlighting different problems of female inmates while being imprisoned. The causes of feminine criminality, the women prisoners' vulnerabilities and their ill-treatment behind the bars in true sense also discussed, in this piece of literature. (Butt, 2014).

Akbar & Bhutta highlighted the humiliating situation of prisons and prisoners in Pakistan by taking into consideration the considerable efforts and attainments of the various commissions and



committees as established to reform the prison structure in Pakistan and also prescribed the significance of the universal instruments like treaties, different conventions and other international standards concerned prisons. He apprehended the prevalent poorest environment of jails. According to him meager conditions of custodial institutes are just because of the gap between theory and practice. A prison house is supposed to be a place properly arranged and equipped for the reception of prisoners who by legal process are committed to it for safe custody while awaiting trial or punishment. Jails are always considered correctional facilities for criminals. Pakistan continuously facing difficulties regarding safeguarding women's rights toward stumbling violence against women across the country. Blatant infringement of basic rights of women has become everyday news but the sufferings and pains of women prisoners have never been knocked out the doors of the government authorities. These women face neglect from their families who disown them fearing societal disgrace. They are made to live in miserable conditions in jails, where they face severe problems with their privacy. One of many problems addressed in HRCP reports is lack of medical facilities and female doctors, whenever they require medical attention. There are no separate accommodation jails for girls aged below 18. Imprisoned women face the worst time of their life being in jail. They are hatred, neglected, and abused in our society. Unfortunately, no one has been able to address his or her sufferings, being in jail. Though incidents of violence against women and a separate bill to stop the re-occurrence of such incidents have been passed to concerned authority offices; but they have failed to implement them as cases of violence have been on consistent rise. (Khan et al, 2012) Disappointingly, confined time is often troubled with hardship. Imprisonment is stressful, causing psychological disorders, anxiety, and depression etc. It may lead more troubles after release. During incarceration, confined persons have to face all the hardships unwillingly like accepting punishment, adjusting themselves within four walled space with aliens (jail fellows) specially departure from home and loss of social contracts (Haney, 2002) The reformation of criminals, more or less, has always been the aim no matter in what form they exist. As regards, women criminals, punishments including imprisonment never proved to be significantly helpful for reducing the crimes and correction of female prisoners. The fast-growing rate of women's prison population throughout the world indicates such failure. Focusing on Pakistani prisoners, particular in context of women inmates, prisons in Pakistan are overcrowded with poor living conditions, health has always been a neglected issue. However, there is no inclusive study compiled after a thematic analysis of collected primary data from different institutional and academic key informants regarding the impacts of incarceration on women prisoners.

### 3. INTERNATIONAL AND NATIONAL STANDARDS ON WOMEN INCARCERATION

Universal Declaration of Human Rights (1948) rules out various articles to mandate the prisoners' rights. Article 5, 6 and 10 were adopted to grant basic human rights to the prisoners. Geneva Convention III (1949) is a world wide memorandum that addressed war prisoners' veneration and integrity. Article 9(4) of the International Covenant on Civil and Political Rights, ICCPR (1966) quantifies that *everyone having legal restriction on their freedom shall deserve due respect, dignified way and humane treatment.* As the responsibility of States under the UN Charter is to promote collective respect for, and compliance of human rights and liberties, the charters also establishes human duties to others and to the community to which he belongs, is bound to endeavor the advancement and compliance of the Covenant. Standard Minimum Rules for the Treatment of Prisoners 1977, is momentous draft that describes guidelines, dealing with prisoners. Rules 23 (1) & (2) and 53 (1) , (2) & (3) are exclusively about the treatment of women prisoners. UN Convention against Torture and other Cruel, Inhuman or degrading Treatment (1984) is a tremendous tool which shelter the subjects from custodial torture, brutality, and undignified punishment. Members states of United Nations have oath to attain the standard that *"No one shall be subject to torture or cruel, inhuman or degrading treatment of punishment"* (Art.5 UDHR). Convention on the elimination of discrimination against women (CEDAW) 1979, safeguards women from all discriminations as they face during jail life . Inga Abramova v Belarus (Communication No. 23/2009), is an exemplary case decided on 25<sup>th</sup> July 2011, by Committee on

CEDAW that supported the victim against harassment and inhuman treatment caused by officials in lockup. UN Rules for the treatment of women prisoners and non-custodial measures for women offenders (2010) are exclusive to facilitate women inmates regarding social rehabilitation, living productive and decent life even, after release. The rules suppose women prisoners to be dealt with dignified approach by the authorities. These Bangkok Rules 2010, also mandate the specific needs and well being of women inmates.

Constitutional measures

The only enactment Pakistan Prison Rules (PPR) 1978 was designed to administer and regulate jails, prisons and prisoners. Chapter 13<sup>th</sup> of PPR, directly deals with matters all related with women prisoners. Prisoners who are mentally sick or suffering with any psychological disorder are to be administered under Mental Health Ordinance (2001).

#### 4. RESEARCH METHODOLOGY

##### 4.1. Research Design

As a research design, interview protocol contains of Open ended questions, were applied to explore the various perspectives of impacts of incarceration on the women prisoners. In qualitative approaches, open ended questions are useful to structure the way that allows researchers to gather under-consideration data in depth (Caelli, Ray, & Mill, 2003).

##### 4.2. Sample of study

Total 09 personnel from different institutions of criminal justice system and officials from various universities associated with field of Law, criminal psychology, sociology and criminology were employed as main participants in this study. All participants were above the age of 44 and below 56 years having more than 15 years of experience in their respective fields (see column 03 & 04 of given table)

##### Descriptive List of Participant of Study

Sr.no	Participants	Age	Experience	Name codes
01	Magistrate	52	20 years	P.01
02	Prosecutor	53	24 years	P. 02
03	Lady Assistant Super intendent jail	50	19	P. 03
04	Criminal psychologist from central prison	42	15	P.04
05	University Professor from sociology Department	48	18 years	P. 05
06	University Professor from criminology Department	55	34 years	P. 06
07	University Assistant Professor from Law Department	45	16 years	P.07
08	Commandant Prison Staff Training Academy	46	18	P.08
09	District & Session Judge	45	16	P.09

##### 4.3. Data Collection

Primary data was collected using interview protocol contains open ended questions to explore the area under research from relevant key informants and officials like, criminologists, sociologists, criminal psychologist, Magistrates, Prosecutors and jail personnel etc. Open-ended questions are appropriate and useful tool in qualitative and exploratory studies. to obtain in-depth perspectives data collection tools for exploratory studies.



Secondary data was collected from relevant law books, law journals, research articles, magazines, newspaper articles, reports of governmental, semi-governmental, and non-governmental, organizations, etc.

#### **4.4. Data Analysis**

The obtained data through application of open-ended questions was transcribed later and processed through thematic analyses.

#### **4.5. Ethical Considerations**

Throughout this study, ethical concerns were taken into consideration. Before conducting interviews, it was ensured to all key informants that the data obtained from them shall be used for research purpose only. Participation of the research participants was voluntary and based on informed consent. Confidentiality of the participants were taken care of and instead of their actual names code names have been used (see column 05 of given table)

### **5. RESULT AND DISCUSSIONS**

Findings of the study reveal many folded perspectives of impact of incarceration on women inmates, as have been listed into following main themes.

#### **5.1. Sociological Impact**

Findings revealed that incarceration put worst impact on social and personal relationship of women prisoners. Women prisoners is one the vulnerable class of society and passing their confined life in very miserable situations as shareholders never showed keen interest to curb their troublesome situations. Overall analysis carried out study by Bagri (2010) that convict women is never acknowledged by their family and the society, which once again paves them way towards crimes as she is left with no other option. One of the officers (P.07) stated that Pakistani society is socially complex and being female, inmates have already been living with their strong, sensitive and personal relationships within home particularly and in society generally. So it can be obvious that incarceration directly hit their social and personal relations. It is crucial fact irrespective of the circumstances and the merits of the case of women prisoners that families and relatives normally boycott them for being convicted. They don't want to be identified with her reference in the society. Boycott from families and relatives further effect their imprisoned life and made them more helpless and miserable as they lost support and care to face the hardships and difficulties during incarceration and even after liberation.

Another official (P. 03) responded almost the same that relatives shun such women during and after imprisonment because they feel shy or they think that people will start mistrusting them too when they meet such women.

Data revealed that the social consequences of women imprisonment are more notable and drastic. One of the University Professors stated that incarceration badly impact the social status and networks of women prisoners. Their family life gets strained and the social ties get weaken if not broken. (P. 06) Another official (P. 05) stated that Married and single status has different circumstances over the women prisoners If talk about the social impact in society. Married are leave alone while singles are getting problem in knot in marriage.

#### **5.2. Psychological impacts**

Data revealed that incarceration also have psychological impact on women prisoners. One of the officials stated that it has also been observed that female inmates are exploited in. Both jail management and other imprisoned inmates are involved in such exploitations. During imprisonment, they become drug addicts and alcohol users. All these and other conditions in jail negatively affect the psychological wellbeing of female. It has long term mental health impacts for them. (P. 03)



It has been observed that majority of the women prisoners suffer a lot due to mental health problems for which there are multiple reasons. Up till now no proper mental health care centers have been established to treat the women prisoners. Jail environment directly put negative impact on minds of women prisoners that plants negativity towards life and human fellows.(P. 04)

### **5.3. Economical impacts**

Findings identified that incarceration without recreational or reformative programs not only impact the imprisoned life of female inmates but also badly affect them after release. Rani and Khan (2021) also explored that insufficiency in amenities, privations in scheming to rehabilitative and recreational programs for women prisoners, accommodation of convicts and under trial, juveniles and adolescents with adult offenders in same barrack or lockup are another hardship and also blatant violation of prison rules.

One of the prison staffs stated that financial aid is never provided to female inmates by their families in order to satisfy their casual needs. Additionally due to limited jail resources, no substantial programs available for the betterment of women prisoners through which they can earn money. (P. 03) Another participant of this study stated that the that the skills and art taught in prisons lead to respectable employment for female inmates, but their unavailability in prisons adversely affects the economic conditions of female inmates specially after release. Most of women inmates are forced to earn a living by working on others people's houses or they are forced to live like servants in their own homes under taunts. Incarcerations, no doubt has significant impact on economic status of women inmates. They can't start their own small business due to lack of money that's why working in other's home as maid. (P.08)

### **5.4. Physical Impact**

Physical impact on women prisoners was came out as a significant theme of this study. One of the officials shared her view that imprisoned women are prone to physical abuse due to so many reasons. For example, the male management staff could easily exploit female prisoners. Similarly, if the jail is overcrowded, even other harden & habitual female criminals may also exploit new comers. Even, the environmental conditions of the jail could lead to physical issues for the inmate.(P. 02) Provision of medical facility incorporated as prisoners right under Pakistan prison Rules 1978 but according to one of the participants no prisons, especially women section is properly equipped to provide adequate mediealtreatment and additionally lack of hygiene deteriorate their physical and health conditions.(participant 08)

### **5.5. Health Perspective**

Health perspective of incarceration is most prominent finding of this study. However it has two folded aspects.

#### **5.5 (i). Impact on Physical Health**

Incarceration's impact on physical health of the women is explored as a significant theme of this study. Majority of women prisoners are deprived of medical treatment as per their medical issues. Rules relevant with medical examination are not truly implemented. Hepatitis C, Hepatitis B, diabetes, hypertension, and joint pain are the most common diseases in women section of jail for which no appropriate treatment available. One of the officials (P.03) stated that after entering prisons incarcerated women are at higher risk of acquiring infectious diseases like HIV, hepatitis B+C hepatitis, and women who are involved in high risk behavior i.e. as sex work, injectable drug use and alcohol before imprisonment are at particular risk.

Also, due to the absence of female doctor in many prisons and the fear of gynecological checkups by a male doctor majority of women conceal issues related to their reproductive health. The incarcerated women who are pregnant are at higher risk, and both mother and foetus are subsequently face health problems and poor health outcomes after they are released. Thus, health





vulnerabilities of incarcerated women pose great challenges to health professionals and left long-term impacts on their lives. Other officials (P.08) from prison openly expressed her viewpoint based on her 19 years' experience dealing with incarcerated women that Prison life had a severe impact on the physical health of female inmates. Many women enter prison with severe mental health issues. Without appropriate intervention during incarceration, these conditions have the potential to deteriorate. As a result, most of whom will be released eventually; women may return to their families and communities with even more complex mental health needs.

#### **5.5 (ii). Impact on Mental Health**

Another significant impact of incarceration is related with mental health of the women prisoners. One of the participants (P.04) stated that compared to male convicts, women prisoners had higher rates of despair and mental illness. Their mental health was initially harmed by the shock of being imprisoned, separated from their families, and forced to live with other women who were going through drug withdrawal and had significant mental health issues. Compared to men, suicide rates among inmates are significantly higher among women. Self-harming behaviour is more prevalent among women as a coping strategy.

Another official (P.01) from court expressed his opinion that in person, I have visited a lot of jails, it's been crystal clear that there is a great ratio differences between male and female prisoners, which inculcate sense of insecurity and fear in female inmates that directly hit their mental state and capacity to understanding. While expressing myself during this interview, I remember that women prisoner who was begging me to let her die in spite of being stiffened in those colorless walls. I would like to highly prefer that rehabilitation of such woman must be done in order to bring a ray of hope to their lives and upcoming generation.

#### **5.6. Impact on mother-child bond**

Data revealed that incarceration has worst impact on the bond between a mother and her child that last a lifetime. A senior sociologist stated that because of the long distances between them and the high cost of having family members visit, mothers in prison frequently lose contact with their children. Even when the underlying offenses are unrelated to child abuse and neglect, arrest and incarceration increase the likelihood of involvement in child welfare. Children of mothers who are incarcerated run the risk of being placed in foster care, and parental termination rates are higher in part because mothers are unable to participate in reunification plans. It is impossible to overstate the generational and cyclical effects of placing a child in foster care and parent incarceration. Over the course of a child's life, having a parent in jail or placed in foster care significantly increases the likelihood of subsequent offenses and homelessness. (P. 05)

### **6. CONCLUSION**

The explored impacts of incarceration on women prisoners are mixed however, mainly reported to be negative. Prisons are meant to keep criminals away from the society. In this way, society can be kept safe and functional. The philosophy behind the system of prisons is to re-socialize its inhabitants in order that they become easily reintegrated into society upon release. However, mostly it has been explored that imprisonment produces plenty of issues and problems not only for the incarcerated people but for society at large. However, if these incarcerated persons are women, the problems and issues become more sensitive and multifold.

Women prisoners are living in very deplorable conditions behind the bars. They face loss of self respect, isolation from family and society, high level of anxiety and hesitation and inactivity for long times during incarceration. Although laws and jail manual are adequate to administer the affairs of women prisoners, but when it comes to the practical implementation it is found a very huge gap on the implementation side. Due to the factors of corruptions and Mal practices by the jail officials the women prisoners suffer a lot as they are comparatively very weak and unable to challenge them. Study concluded following recommendations to overcome sufferings of women prisoners.




## 7. RECOMMENDATIONS

On the basis of study findings, it is recommended that there is a need to schedule seminars, formal sitting and awareness programs related to legal rights, mental health along with therapies for female prisoners suffering from psychic problems. In order to avoid the overfilling in a cell, prisoners must be lockup according to the intensity of crime. Further, Keeping in view the mental health and human right concepts private space should be given to them. New buildings, may be constructed to accommodate women prisoners gracefully. If there is a lack of space, prison budget may be enhanced and private buildings may be taken on rent. Detailed medical inspection of female prisoners should be done at the time of their entrance in jail so is to debar other prisoners from the dispersion. Health issues of pregnant woman, mothers and their babies should be given a careful consideration and properly endorsed. During gestation period as well as during period of feeding babies there must be a proper arrangement of diet for such female prisoners four to five times in a day. Other problems related to diet, water, and sanitation should also be figure out. Female psychologists should be appointed within each female enclosure by creating positions for them on permanent basis. In order to keep women prisoners physically and mentally healthy, recreational and reformative programs may be launched on priority basis. Women prisoners having children with them may be provided guiding sessions to make them learn how to deal positively their children problems. The government must take such initiatives to ensure the schooling, religious and ethical wellbeing of children living with mothers inside the jails.

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