



Commonwealth Human Rights Initiative



March 13, 2020

Jail Mail: International Women's Day 8th March 2020 'Securing rights of women prisoners'

Dear Friends,

Greetings from CHRI!

The campaign theme for International Women's Day 2020 was **#EachforEqual**. However, we believe that the practice of this theme has to go beyond a symbolic day and be part of our daily lives, policies and programmes. The campaign emphasises on **'collective individualism'** which acknowledges that we are all part of the whole. It showcases how we as individuals can work towards creating a more equal world. Yet, while emphasis has been on increased participation of women in boardrooms and the government, a group of women are often overlooked and neglected: those in detention.

The disparity is most evident inside prisons. **In most prisons in India, women are often relegated to an enclosure inside the male prison, and are denied access to several basic facilities that are available to male prisoners.** According to the latest figures from the Prison Statistics India 2018 published by the National Crime Records Bureau, there were 19,242 women prisoners in India for that year. Among these, 1,732 women prisoners were residing in prison with their 1,999 children. **Interestingly, the increase in women prisoners in India is at a higher rate (111.7%) than the increase in number of prisoners (71%).** Further, the increase in India is twice the rate of increase of women prisoners in the world (53.3%) since 2000.

Our **Jail Mail** from the International Women's Day 2018 enumerated some of the concerns of women inside a prison. It summarised the work of the Parliamentary Committee on the Empowerment of Women's report 'Women in Detention and Access to Justice'. This year, **CHRI calls upon readers to make a concerted effort towards improving the condition of women in prisons.**

This resonates with the recognition of women prisoners as a vulnerable group with specific needs and requirements by the international community including the United Nations Economic and Social Council (ECOSOC). A decade ago, premised on the acceptance that the Standard Minimum Rules for the Treatment of Prisoners might not adequately address gender specific concerns of women prisoners, the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (**the Bangkok Rules**) 2010 were published.

In India, various committees have studied issues faced by women inside prison. Perhaps the most detailed of these was the Justice Krishna Iyer Committee Report of 1987. The centre took these and recent judgments of the Supreme Court into consideration while drafting Chapter XXVI of the Model Prison Manual 2016 on women prisoners. The fact remains, however, that in most states the prison manuals are old and give little consideration to gender-specific needs.

It is with this in mind, and in furtherance of our interactions with prison staff and women prisoners in the course of our prison condition studies in Haryana, Punjab and Karnataka, CHRI has prepared a

resource named – ***Standards Behind Bars: Securing Rights of Women Prisoners***. This publication will serve as a guide primarily for prison staff to assist them in the administration of prisons to ensure that women's gender-specific needs are adequately addressed during their period of incarceration. Additionally, the guide will also act as a ready reckoner on standards relevant to the confinement of women prisoners for other criminal justice actors including policymakers, legislators, judicial officers, legal services providers, probation officers and law enforcement personnel. It sets out standards drawn from various national and international documents including the Ministry of Home Affairs's Model Prison Manual 2016, the UN Standard Minimum Rules for Treatment of Prisoners (Nelson Mandela Rules) 2015 and the UN Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules) 2010, which are instrumental towards ensuring the rights of women prisoners.

In light of several commitments in both national and international law, CHRI reiterates the need for collective engagements to secure the rights of women prisoners. Towards this, you can:

As prison administrators

- Endeavour to comply with the standards set out in international and national law in prisons within your jurisdiction, and ensure that basic needs of women prisoners (social, psychological, medical, and economic) and their children (healthcare, education, recreation) are taken care of.
- Encourage and support research in prisons under your jurisdiction in order to identify challenges faced by women prisoners and their children and undertake initiatives to address them.

As prison monitors

- Conduct periodic prison visits to ensure that gender-specific needs of all women prisoners are addressed.

As civil society organisations

- Conduct research to identify challenges faced by women prisoners and their children; increasing proportion of female prisoners; psycho-social impacts of detention of women prisoners etc.
- Engage in awareness raising initiatives to raise awareness of issues specific to women prisoners, as well as engage in awareness building initiatives with women prisoners.
- Circulate our guide – Standards Behind Bars: Securing Rights of Women Prisoners widely and assist CHRI in its translation in local languages.

You can also write to us at chriprisonsprog@gmail.com with comments and suggestions.

Please send us an email if you wish to unsubscribe from these updates.

With best regards,

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**This jail mail has been prepared by Anju Anna John, Project Officer, Prison Reforms, Access to Justice Programme, CHRI*

About *Jail Mail*

Jail Mail is a regular series of Prison Reform Updates from CHRI for readers interested in the rights of prisoners and the reform of prisons as a matter of public concern. The engagement of civil society in the management and monitoring of prisons and the rights of prisoners is vital to the transparency of this traditionally closed institution and to ensure the practical realisation of the rights of those behind bars. *Jail Mail* invites discussion between civil society members and those entrusted to oversee and manage prisons.

Evidence-based research and watch reports of CHRI's Prison Reforms Programme, interviews with critical stakeholders, topical issues and developments concerning the liberty of prisoners, and health of prisons in India and around the world will form the sources of *Jail Mail*. Its periodicity will depend on the urgency of issues and the interest they generate.

About CHRI and the Prison Reforms Programme

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-profit, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI, with the conviction that there was little focus on the issues of human rights within the Commonwealth although the organisation provided member countries a shared set of values and legal principles from which to work.

The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pre-trial detentions, specifically in Rajasthan and West Bengal. The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme

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