

CHRI 2020

STANDARDS BEHIND BARS: SECURING RIGHTS OF WOMEN PRISONERS



A User's Guide



CHRI

Commonwealth Human Rights Initiative
working for the practical realisation of human rights in
the Commonwealth

The present guide emphasises on the need to develop a gender-sensitive approach to prison management. It seeks to ensure the *practical* realisation of the rights of women prisoners as provided in national and international standards.

Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-profit, non-partisan, international non-governmental organisation working in the area of human rights. In 1987, several Commonwealth professional associations founded CHRI, since there was little focus on human rights within the association of 53 nations although the Commonwealth provided member countries the basis of shared common legal system.

Through its reports, research and advocacy, CHRI draws attention to the progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, the United Nations Human Rights Council members, civil society and the media on criminal justice concerns. It works on and collaborates around public education programmes, policy dialogues, comparative research, media dissemination advocacy and networking on the issues of Access to Information and Access to Justice.

CHRI promotes adherence to the Universal Declaration of Human Rights, the Commonwealth Harare Principles and other internationally recognised human rights instruments, including domestic legislation supporting human rights in Commonwealth countries.

CHRI is headquartered in New Delhi, India, with offices in London, UK and Accra, Ghana.

International Advisory Commission: Alison Duxbury, Chairperson. Wajahat Habibullah, Edward Mortimer, Sam Okudzeto and Sanjoy Hazarika

Executive Committee (India): Wajahat Habibullah, Chairperson. **Members:** B. K. Chandrashekar, Jayanto Choudhury, Maja Daruwala, Nitin Desai, Kamal Kumar, Madan Lokur, Poonam Muttreja, Jacob Punnoose, Vineeta Rai, Nidhi Razdan, A P Shah, and Sanjoy Hazarika

Executive Committee (Ghana): Sam Okudzeto, Chairperson. **Members:** Akoto Ampaw, Yashpal Ghai, Wajahat Habibullah, Kofi Quashigah, Juliette Tuakli and Sanjoy Hazarika

Executive Committee (UK): Joanna Ewart-James, Chairperson. **Members:** Richard Bourne, Pralab Barua, Tony Foreman, Neville Linton, Suzanne Lambert and Sanjoy Hazarika

Sanjoy Hazarika, International Director

© Commonwealth Human Rights Initiative, 2020. Material from this report may be used, duly acknowledging the source.



CHRI Headquarters, New Delhi

55A, Third Floor
Siddharth Chambers
Kalu Sarai, New Delhi 110 017
India
Tel: +91 11 4318 0200
Fax: +91 11 2686 4688
E-mail:
info@humanrightsinitiative.org

CHRI London

Room No. 219
School of Advanced Study
South Block, Senate House
Malet Street, London WC1E 7HU
United Kingdom
E-mail:
london@humanrightsinitiative.org

CHRI Africa, Accra

Dr. Stanley Marbell Plaza
H/No. 158/2 Asylum Down, Accra.
Ghana
Tel/Fax: +233 302 971170
Email:
chriafrica@humanrightsinitiative.org

www.humanrightsinitiative.org

This Guidebook is written by Ms. Anju Anna John, Project Officer; edited by Ms. Sugandha Shankar, Senior Programme Officer and Ms. Madhurima Dhanuka, Programme Head, Prison Reforms Programme; and designed by Mr. Gurnam Singh.



Introduction

Why this Guide?

Prisons are an opaque institution and the outside world has limited knowledge of what happens inside. This opacity makes the inhabitants vulnerable to violence and abuse. Further the custodial setup exacerbates the vulnerability of women prisoners. While the fight for equality either in law or culture has come a long way, the challenges faced by women are far from over. Historically women have been subjugated to a male dominated regime which has impacted them at the social, political, economic, cultural and psychological level. These challenges continue to affect the lives of women in custody.

Prisons have been primarily housed by men and consequently have traditionally been designed to suit the needs of men. This often leads to a residuary importance being given to women prisoners and their plight when initiating policy reforms or during implementation of on-going reforms. The specific needs of women prisoners are often overlooked simply because women form a small proportion of the prison population. In India, the share of women prisoners, though small, has steadily increased over the years. Therefore, there is a pressing need to address the issues relating to the management and treatment of women prisoners.

Given the limited number of women prisons in India, women prisoners are mostly confined in separate enclosures within male prisons. The enclosures are often cramped spaces, and offer women prisoners limited access to prison facilities that male prisoners can access freely. Therefore, special efforts need to be made by the prison authorities to ensure the rights of women prisoners.

Safety and reformation are two important facets of prison administration. In the context of women prisoners, not only is it essential that women offenders be guarded against any form of exploitation while in prison, it is also imperative that programmes be initiated aimed specifically at their rehabilitation and to impart life-skills that would enable them to be self-reliant, and easily re-integrate into society after release. Health of women prisoners has also been recognised internationally as a focus area warranting special attention. There must be a constant endeavor on the part of governments, international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to the issue of women in prison, including the children of women in prison and on alternatives to imprisonment for women offenders by strengthening the appropriate legislations, procedures, policies and practices.

About the Guide

This guide puts forth standards set out under various national and international documents including the Ministry of Home Affairs India's Model Prison Manual 2016, the United Nations Standard Minimum Rules for Treatment of Prisoners (Nelson Mandela Rules) 2015 and the United Nations 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. These guidelines are applicable to all categories of women deprived of their liberty, including criminal or civil, undertrial or convicted.

The objective of this publication is to serve as a guide primarily for prison staff to assist them in the administration of prisons in order to ensure that women's gender-specific needs are adequately addressed during their period of incarceration. Additionally, this guide is also relevant for other criminal justice actors including policymakers, legislators, judicial officers, legal services providers, probation officers and law enforcement personnel.

The guide emphasises on the significance of ensuring that the minimum standards for treatment of women prisoners are implemented and monitored. It is imperative to first identify the specific needs of women in a custodial setup; then design the institution to adapt to these needs and; then sensitise the stakeholders to function in a manner that makes the prison safe and secure for women prisoners.



I. Prison Infrastructure



As far as possible, men and women should be detained in separate institutions. In an institution which receives both men and women, the whole of the premises allocated to women should be entirely separate.¹ Special consideration should be given to the special needs of women prisoners while designing and constructing new women prisons and enclosures. Ideally, women prisoners should be allocated to prisons close to their homes, considering their caretaking responsibilities, the individual woman's preferences and the availability of appropriate programs and services.²

In situations where the women enclosure is not structurally separate, and women prisoners have to pass through the male enclosures to reach their place of confinement -- the existing enclosures for women in common prisons should be renovated to ensure that the women prisoners do not encounter male prisoners during their passage to and from these enclosures.³

In situations where a single woman prisoner is lodged in a sub-jail or any prison, and there is no fellow woman prisoner or no woman staff or lady security guard -- a panel of reserve lady home-guards can be kept ready, who can be requisitioned by the officer in-charge of prison.

A. ACCOMMODATION

All accommodation provided to women prisoners should meet the basic requirements of health. The place needs to be sufficiently ventilated.⁴ These spaces should also have enough artificial light so that the prisoners can read or work.⁵

The enclosures for women prisoners should have all the requisite facilities with reference to their special needs such as segregation, security, pregnancy, childbirth and family care, health care and rehabilitation⁶ and prenatal and postnatal care and treatment.⁷ Such enclosures should be, to the extent possible, independent in terms of infrastructural set-up.⁸ For example, every institution should have a separate library and a reading room for women with both recreational and instructional books.⁹ In case of space constraint or archaic structure of prisons, where providing adequate infrastructural facilities is a challenge, efforts should be made to ensure that women prisoners are able to access the library, playground, place of worship, phone booth, video-conferencing room, garden, etc.

There should be four types of living accommodation: (a) Barracks with accommodation for 20 women prisoners; (b) Dormitory accommodation for four to six women prisoners each; (c) Single room accommodation for women prisoners needing privacy for pursuing studies; and (d) Cells for segregation of women prisoners for the purpose of security and punishment.¹⁰ A woman prisoner may be allowed separate accommodation not just for pursuing studies or security but also for health purposes; or to help new entrants to get adjusted to the prison conditions; for mothers in the postnatal stage to maintain a standard of hygiene and protect the young infant from any contagion.¹¹

Among women prisoners, some must be segregated from others – under-trials from convicted prisoners, even when their number is small; habitual offenders, prostitutes and brothel keepers from casual prisoners; civil prisoners and detainees, including those under preventive provisions, from convicts and undertrial prisoners, as far as possible.¹²



II. Admission to Prison

At the time of admission, the prison staff should pay adequate attention to women and their children, as they are particularly vulnerable at this point. Upon admission, women prisoners should be allowed to contact their relatives, access legal advice, given information about the prison regime, prison rules and regulations, and grievance redressal mechanisms. This information should be provided in a language that they understand, and, in the case of foreign nationals, they should be allowed access to consular representatives.¹³ Also, women with caretaking responsibilities for children should be permitted to make arrangements for those children, taking into account the best interest of the child.¹⁴

A. RECORD OF INFORMATION



Women prisons and enclosures should maintain a register where the following details regarding a female prisoner should be documented –

- i. Information concerning their identity;
- ii. The reasons for their imprisonment and the authority ordering such imprisonment with full details of such order;
- iii. The day and hour of their admission and probable release;
- iv. Details of children of the prisoner, if any, including names, age, their location, and their custody or guardianship status.¹⁵
- v. Details of any close male relative lodged in that jail or any other jail.
- vi. Details of their personal belongings.

The information regarding the children of women prisoners should ideally be recorded in a separate register, so as to maintain confidentiality relating to the identity of the children, and the use of this information should always take into account the best interests of the child.¹⁶ Children of prisoners living in the community are children in need of care and protection and therefore, the prison authorities should immediately contact the district Child Welfare Committee (CWC) to ensure their guardianship status. In cases where the family/friends are unavailable to care for the child and the child cannot accompany the mother into the prison, the child should be appropriately placed in a Child Care Institution. It must be ensured that children of the same woman prisoner are placed together in alternative care. The prison administration must ensure that the child be placed in a manner that he/she can interact with the mother regularly at least once a week.¹⁷ In case the child is in the care of family/friend, the woman inmate should be allowed to call every day for a week, and thereafter at least twice a week, for a reasonable time to be in touch with the child or the caregiver of the child. Many prisons do not have phone facilities for prisoners, in such a case the state prison department may allow the prison authorities to use office phones for this purpose.¹⁸

All money, jewellery, and articles of clothing, received with or found on the person of a woman prisoner on her admission to the prison, or sent subsequently by the police, or tendered by her relatives or friends on her behalf prior to her release, is to be received and taken over by the Deputy Superintendent or other officer on duty in the prison. A list of all such articles should be entered in the Admission Register and in the prisoner's warrant and read over to the prisoner in the presence of the Superintendent who should countersign the entries in the register and in the warrant. The method of storing the prisoner's valuables would be according to the general rules laid down in the Prison Manual of the respective state.¹⁹



Female prisoners should be allowed to retain certain ornaments of small value such as mangal sutras, bangles and toe rings. However, the Superintendent may, at his discretion, refuse to allow the retention of these ornaments for disciplinary or security reasons.²⁰

B. SEARCHES



It is essential that measures to ensure the protection of the woman prisoner's dignity and respect are employed while searching women prisoners.²¹ Such searches should be carried out in a separate room by female warders in the presence of other senior women personnel/officers with due regards to consideration of privacy and decency, and should not be conducted in the presence of any male staff.²² It is also essential to ensure that no woman prisoner is involved in the search and is only conducted by the women staff. Photographs, footprints, finger-prints and measurements of women prisoners should be done in the presence, and with the assistance, of women prison officers or women warders.²³

Efforts should also be made to employ alternative screening methods such as scans that could replace strip searches and invasive body searches.²⁴ The prison staff should also demonstrate professionalism and sensitivity when searching children accompanying their mother and children visiting prisoners.²⁵

Body searches need to be regulated by law and clear policies and guidelines need to be put in place to explicitly define the conditions and modalities of their use.²⁶ The state prison departments must develop a detailed guideline to include the kind of searches that are allowed, to what extent the search can be made, the circumstances under which different categories of prisoners can be searched and the manner and place for the search.

C. MEDICAL SCREENING ON ENTRY

At the time of admission to prison, women prisoners need to be medically examined by a lady Medical Officer.²⁷ In case there is no lady medical officer in the prison, part-time lady medical officers of the District Government Hospital should be engaged for medical examination of female prisoners on admission.²⁸ The medical examination should be comprehensive and include tests:

- a) to determine the presence of any sexually transmitted diseases like HIV,
- b) assess the mental health-care needs (including post-traumatic stress disorder and risk of suicide and self-harm),
- c) the details regarding pregnancies and related health issues,
- d) whether the inmate has any drug dependency, and
- e) any sexual abuse or other violence the inmate might have suffered before admission.²⁹

The medical examination of women should take place immediately after (or at least before the close of the day of) admission and the process should be followed at the sub-jails (and other jails not having medical staff posted within the jail premises) by requisitioning the services of such staff from the district/local medical authorities.

If the medical examination reveals signs of sexual abuse or other forms of violence (before or during detention), the woman prisoner should be informed of her right to seek recourse from judicial



authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner wishes to take legal action, the appropriate staff should be informed and the case should be immediately referred to the competent authority for investigation. Prison authorities should help such women to access legal assistance. Whether or not the woman chooses to take legal action, prison authorities should endeavour to ensure that she has immediate access to specialised psychological support or counselling.³⁰

In case the prisoner is suspected to be pregnant, the lady Medical Officer should report the fact to the Superintendent.³¹ Arrangements need to be made to take her to the female wing of the District Government Hospital for ascertaining the state of her health, pregnancy, the duration of pregnancy and the probable date of delivery. Following this, a detailed report should be sent to the head of the prison.³²

Children accompanying women prisoners should also undergo a health screening. This should ideally be performed by a child health specialist, to determine any medical needs and suitable healthcare as available in primary health centres should be provided to them.³³

D. ASCERTAINING LEGAL REPRESENTATION

Newly admitted women should be provided information on how to access legal counsel and legal services, if required. For this purpose, the District Legal Services Authority (DLSA) must direct their Jail Visiting Lawyers or paralegal volunteers to meet with the newly admitted women at the earliest. In case of a foreign national, DLSA should inform the concerned embassy/ consulate/ high commission for informing the family of the woman prisoner.

E. CONTACT WITH FAMILY

Every newly admitted prisoner should be allowed facilities for seeing or communicating with her relatives/friends/legal advisors, to prepare an appeal or revision petition or for procuring bail. She should be allowed to have interviews with, or write letters to, her relatives more often, if the Superintendent considers it necessary, to enable her to arrange for the management of her property and other family affairs.³⁴



F. PROVISION OF BASIC ESSENTIALS

Clothing: Adequate clothing should be provided to women prisoners,³⁵ mainly convicts. The clothing requirements may be prescribed by each State, including adequate warm clothing, in accordance with the prevailing climate and cultural norms.³⁶ In the event that undertrial women inmates do not receive support from their families, they must be provided with an essential kit. It must contain two sets of clothes, including undergarments (this should be made available in varying sizes to fit women of different body types), towel, tooth brush, tooth paste, bathing soap, hand-wash soap, washing soap/detergent, shampoo, hair oil, comb, *kumkum* and sanitary pads.³⁷ Children accompanying their mothers should also be provided clothing similar to what children wear in the local community.³⁸



Bedding: Women prisoners are to be provided with a sleeping berth and sufficient bedding which is cleaned when issued and changed often enough to ensure cleanliness.³⁹ Women prisoners should be given one pillow with pillow cover and woolen blankets according to climatic conditions.⁴⁰ All articles of prisoner's bedding, clothing and other equipment should be inspected by a woman officer at least once a week to ensure that proper standards are maintained.⁴¹

III. Basic Amenities

A. WATER, SANITATION AND HYGIENE



Water: Clean drinking water should be supplied to prisoners and it should be tested periodically.⁴² Prisons must also provide regular water supply for maintaining basic personal hygiene.⁴³ Water quality tests should be conducted periodically to scope for minimum standards of water quality, specially bathing/water supply in toilets as it can have potential consequences to menstrual/sexual or reproductive health.

Bathrooms and Toilets: Adequate number of baths and toilets should be provided that are maintained in a clean and decent state. Every prisoner may have a bath at a temperature suitable for the climate, as frequently as may be necessary, for maintaining general hygiene according to season and climate.⁴⁴ Prisons need to uphold the fundamental right to privacy and dignity of women prisoners, to be able to use the toilet for ablutions/bathing/changing menstrual products with dignity. For this, measures should be taken to raise the walls of toilets located inside the barracks, provide doors, etc.

Maintenance of Clothing: All clothing should be cleaned and kept in a proper condition. They should be sterilised by the prison department at no cost to the woman prisoner once in two months.⁴⁵

Hygiene: Hygiene of surroundings as well as personal hygiene, both are extremely important in a prison setting. All parts of the women's enclosure in a prison should always be properly maintained and kept scrupulously clean.⁴⁶ No menial duties, or conservancy work, connected with the women's enclosure should be carried out by the women prisoners. Specific staff should be employed for this purpose.⁴⁷ A soap dispenser must be provided and filled in each wash area to enable better hygiene practices. With regard to personal hygiene, underclothing shall be changed and washed as often as necessary for maintenance of hygiene.⁴⁸

Access to Menstrual Products and Basic Facilities: Ideally, apart from sanitary pads, women prisoners must be allowed to make an individual choice among a basket of products that are financially and environmentally friendly, like menstrual cups, cloth pads and cloth pads that don't necessitate panties. The most common being a sanitary pad, women prisoners must be provided with sanitary pads free of charge.⁴⁹ Every menstruating woman should have access to at least 4-6 pads per day of their cycle (varying cycle lengths), making it a healthy practice to change pad once in 4-6 hours. The prison authorities should account for the access to washing/drying facilities away from humidity/rain conditions to enable proper drying of undergarments and clothes. As regards quality, sanitary pads must be procured from vendors who prescribe to the Bureau of Indian Standards' (BIS) Standards for Disposable Sanitary Pads. It is imperative that pads of varying sizes and absorbencies with options of wings are provided.



Women prison/enclosure should be equipped with – (a) a dustbin with a lid in all female barracks for disposal of sanitary pads during lock up hours and night; (b) clothes lines to dry used and washed underwear/cloth and other absorbents in the sun; (c) hot water bags for menstrual pain management to help deal with cramps; and (d) all-time availability of old newspapers to be provided for disposal of pads. As regards their disposal, pads must be collected in a separate waste disposal bin by covering with newspaper and marking with a red dot to enable ease in segregation, and if possible be sent to a central incinerating facility/hospital that has the capacity to handle the waste. In case an incineration machine is installed, it must be ensured that it functions as per the World Health Organisation’s incineration standards.

B. DIET AND KITCHEN

DIET CHART⁵⁰



a) For all prisoners

Sl. No.	Items of diet	Quantity
1.	Cereals (including millet)	600 g.
2.	Pulses	Twice a week 100 g.
3.	Vegetables a) Green Leafy b) Roots and tubers c) Other	250 g.
4.	Fish or meat or Milk Ghee Groundnut	100 g 500 ml 15 g 100 g
5.	Milk Curd	50 ml. 100 ml.
6.	Grams (Roasted)	60 g.
7.	Jaggery	20 g.
8.	Oil	30 g.
9.	Salt	30 g.
10.	Tamarind	15 g.
11.	Jeera or Tejpata	5 g.
12.	Turmeric	2 g.
13.	Coriander	5 g.
14.	Chillies	5 g.
15.	Onion	25 g.
16.	Coffee or tea	
17.	White sugar	50 g.
18.	Pepper	3 g.
19.	Mustard	2 g.
20.	Garlic	2 g.
21.	Coconut	1/20 Nos



b) For pregnant and nursing women prisoners (in addition to the regular diet) –

Sl. No.	Items of diet	Quantity
1.	Milk	250 ml.
2.	Sugar	60 g.
3.	Vegetables	100 g.
4.	Fish/Meat or Curd	300 or 200 g. 50 ml.

Fresh fruits should also be provided to pregnant and lactating mothers as per the quantity prescribed by the Medical Officer

Arrangements for heating and boiling water/milk shall be made available for lactating mothers.

c) For children between three and six years:

Sl. No.	Items of diet	Quantity
1.	Cereals	300 g.
2.	Pulses	60 g.
3.	Vegetables i) Leafy ii) Roots and Tubers iii) Other	125 g.
4.	Fish or meat or Curd	150 g. or 100 g. 50 ml
5.	Milk	150 ml.
6.	Salt	20 g.
7.	Oil	30 ml.
8.	Jaggery	30 g.
9.	Tamarind	10 g.

Fresh fruits should also be provided to children according to the quantity prescribed by the Medical Officer.

Kitchen: In women enclosures with more than 100 women, there should be a provision for a separate kitchen. However in practice enclosures usually have a population which is less than 100, therefore separate kitchens may be established even for a lesser number of women, where possible.

C. COMMUNICATION WITH FAMILY AND CHILDREN



The staff should also ensure that women in prison are able to communicate with their family and friends if they want to.⁵¹ Women prisoners' contact with their families, including their children, their children's guardians and legal representatives should all be encouraged and facilitated by all reasonable means. The prisoners should be afforded opportunity as prescribed in the rules, to have reasonable contact including visits, telephone contact, electronic communication contact, interviews through video-conferencing and correspondence with the family inside the prison. There should be no limit on incoming letters for women prisoners. Illiterate or semi-illiterate prisoners should be provided help in writing letters.



A waiting room for visitors should be provided at each prison for women. Visits involving children should take place in an environment that is conducive to a positive visiting experience for the visiting children, including with regard to staff attitudes, and should allow open contact between mother and child. Where possible, visits involving extended contact with children should be encouraged.⁵²

The Superintendent shall also permit interviews between men and women prisoners who are related to each other by marriage or blood, once a week⁵³, when they happen to be confined in the same prison, or when one is in the Central Prison and the other in the Special Prison for Women. If a prisoner is to be sent out of the prison for the purpose of such interviews, he/she shall be sent under adequate escort.⁵⁴

D. RECREATION

Recreational programmes should be organised for women prisoners which may include simple outdoor games, bhajans, music, folk dances, drama, TV, radio and film shows. Women prisoners shall be provided facilities for meditation and yoga for stress management and for improving their mental and physical health.⁵⁵



E. GRIEVANCE REDRESSAL

A complaint box should be fixed at a prominent place in the women's enclosure which shall be opened in the presence of the Superintendent at least twice a week. Women prisoners who report abuse shall be provided immediate protection, support and counseling and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.⁵⁶ Appropriate guidance and assistance should be given to women prisoners for filing complaints against sexual harassment with the internal complaints committee constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.⁵⁷ The Board of Visitors shall monitor the conditions of detention and treatment of women prisoners in particular.⁵⁸

IV. Medical and Mental Healthcare

A. GENDER-SPECIFIC HEALTH CARE

Every woman prison should have a 10 bed hospital for women. Treatment programmes should be properly planned and developed in every women's prison. At least one woman gynecologist and psychiatrist should be provided. Modern equipment for X-ray, ECG, ultrasound and sonography should be available.⁵⁹



In a prison with a women's enclosure, there should be a separate ward for women in prison hospitals.⁶⁰ Sick women prisoners should be treated in a separate enclosure attached either to the hospital section or to the women section of the prison.⁶¹

The health-care facilities available to women inside prisons should be atleast equivalent to those



that would be available to her through government health centres.⁶² Only lady doctors should look after the medical care of women prisoners during their stay in prison.⁶³ Unless there is a need for an urgent medical intervention, women medical officers are to undertake the examination of women prisoners, and in an emergency situation where a male medical officer conducts the examination, it should be done in the presence of a female staff member.⁶⁴ Adequate number of medical escorts must be provided by the police department for the purpose of treatment of out-patient women prisoners referred by the medical officer to a local district hospital or outside district for specialised treatment. The medical officers treating women substance abusers should take into account the possibility of prior victimisation, the special needs of pregnant women and women with children, as well as the diverse backgrounds that they come from.⁶⁵

B. MENTAL HEALTHCARE

The women inmates should have access to mental health care and rehabilitation programmes that are individualised and gender-sensitive. Female prisoners suffering from psychosomatic and psychological disorders, victims of sexual abuse and those having mental health issues, should get proper counseling and medical treatment.⁶⁶ The prison staff also needs to be explained about the various instances when women might feel particular distress.⁶⁷ They could help by recognising some of the common symptoms of poor mental health and seek guidance of a trained mental health professional.⁶⁸

The mental health professionals should handle their cases in a thoughtful and understanding manner.⁶⁹ Clinical decisions by health care professionals should not be ignored or over-ruled by non-medical prison staff.⁷⁰ Female prisoners needing treatment for mental diseases should not be admitted in prison. They should be kept in separate enclosures for female patients at the mental health hospital, or in other mental health facilities, under the supervision of a lady Medical Officer.⁷¹

The prison staff should also employ trauma-informed practice while setting up policies and prison regimes.⁷² The five key standards are –

1. Safety – Staff should ensure that women in prison feel physically and emotionally safe.
2. Trustworthiness – Staff should ensure that expectations on prison staff relationships are clear and that appropriate boundaries are maintained.
3. Choice – Preferences of the women in prison should be considered, including in relation to the care, treatment and support they receive.
4. Collaboration – Input from women in prison should be invited, encouraged and valued.
5. Empowerment – Services are developed to maximize women’s empowerment, recognizing strengths and building on skills that will enable a successful transition to the community.

C. SUICIDE AND SELF-HARM PREVENTION

The prison departments should work with mental health-care services and social welfare services to develop and implement strategies to prevent suicide and self-harm among women prisoners. Those at risk should be provided specialized support.⁷³



D. PREVENTIVE HEALTHCARE SERVICES

Women prisoners should receive education and information about preventive health care measures, including from HIV, sexually transmitted diseases and other, blood-borne diseases, as well as gender-specific health conditions. Preventive health care measures of particular relevance to women, such as Papanicolaou tests and screening for breast and gynaecological cancer, shall be offered to women prisoners on an equal basis with women of the same age in the community.⁷⁴ For this, prison authorities must make efforts to collaborate with local hospitals, government or private.

V. Legal Representation

A. LEGAL AWARENESS

The prison authorities should work with the District Legal Services Authority (DLSA) to ensure that legal awareness camps are held at least once a month. These sessions should be aimed at informing the prisoners about their rights, court proceedings and the availability of free legal services and the procedures regarding application for the same.⁷⁵ They should also address provisions of parole, remission, furlough and premature release. Additionally, the fortnightly or weekly nari bandi sabhas (women prisoner's councils) could also be an avenue for women inmates to learn about their rights and the rules relating to custodial living.⁷⁶



B. LEGAL SERVICES CLINICS IN WOMEN ENCLOSURES

Separate legal aid clinics should be set up in women's enclosures. This would be a designated place within the women's enclosures where women prisoners can approach legal aid lawyers or para legal volunteers who could provide advice and assistance to the inmates relating to their cases and help them with their procedural and legal problems. If they do not have a lawyer, they could be provided with legal representation at State expenses.⁷⁷ The prison legal aid clinics should be conducted in the women enclosures at least twice a week.

C. PERIODIC REVIEW OF CASES

In order to ensure that no woman prisoner is unnecessarily detained, especially women under trial prisoners who are not accused of serious offences and are first time offenders, their cases must be reviewed by the district Under-trial Review Committee (UTRC).⁷⁸ The prison authorities should ensure that their names are added in the list of prisoners sent to the DLSA Secretary to be presented for review before the UTRC. During its quarterly meeting, UTRC must consider their release on bail under S.437, CrPC, and recommend the same to the concerned trial courts. The UTRC may also recommend suitable measures under the directions of the Hon'ble Court in *R. D. Upadhyay vs State of A.P. & Ors.* (AIR 2006 SC 1946).



VI. Needs of Special Groups

A. PREGNANT AND LACTATING WOMEN

Prior to sending a woman who is pregnant to prison, the concerned authorities must issue appropriate directions to the head of the prison to ensure the availability of minimum facilities for pre-natal and post-natal care for both, the mother and the child⁷⁹, even if that entails the transfer of the detained woman to a government hospital or another jail where such facilities exist.

Proper pre-natal and ante-natal care is to be provided to the prisoner as per the advice of a qualified medical officer.⁸⁰ Pregnant and breast-feeding women prisoners should be provided adequate and timely food including supplemental nutrients, a healthy environment and opportunities for regular exercise.⁸¹ They should be prescribed a special diet.⁸² During pregnancy and lactation, a woman needs more protein and minerals than otherwise. The extra protein can be obtained by substituting a part of the cereal portion of the diet with more milk, fish, meat and eggs, and in the case of vegetarians by concentrating more on milk and milk products. This would also ensure the necessary additional supply of minerals.⁸³

Instruments of restraint should never be used on women during labour, during childbirth and immediately after childbirth.⁸⁴ Punishment of solitary confinement or disciplinary segregation should not be applied to pregnant women.⁸⁵

Childbirth: As far as possible, arrangements for temporary release should be made to enable the prisoner to deliver the child outside the prison.⁸⁶ If a child is born in prison, this fact should not be mentioned in the birth certificate.⁸⁷ As far as the circumstances permit, all facilities for performing the naming rites of the child born in a prison shall be extended to the mother.⁸⁸

B. CHILDCARE IN PRISON



Women prisoners should be allowed to keep their children with them in jail till they attain the age of six years,⁸⁹ if no other arrangements can be made.⁹⁰ The Medical Officer is to determine the age of the children who were not born in prison for the purpose of this provision.⁹¹ Children of women prisoners are not to be treated as an undertrial/convict when accompanying them in jail.

Scales of diet for children should be decided keeping in view the calorific requirements of growing children as per medical norms and climatic conditions. Separate utensils of suitable size and material should also be provided to each mother prisoner for feeding her child.⁹² Special arrangements for warming food/milk shall be made for women with children.⁹³ A refrigerator may also be provided to store milk and food items for children. Adequate health facilities should be provided to children of women prisoners (in collaboration with community health services). Children should be regularly examined by a Lady Medical Officer to monitor their physical growth. The children should also be vaccinated for various diseases including polio and small-pox at the appropriate time. Extra clothing and diet may also be provided to such children on the written recommendations of the Medical Officer.⁹⁴



In the event a woman prisoner with children falls ill, alternative arrangements should be made by the prison staff for looking after the prisoner's children.⁹⁵

Once the child has attained six years of age, the Superintendent is to inform the Directorate of Social Welfare, the Department of Child Rights, the concerned Child Welfare Committee (CWC), or the District Child Protection Unit, so that they could be placed in a registered child care institution until the mother is released or the child is able to earn a living.⁹⁶ Children in these homes should be allowed to meet with their mothers at least once a week at the time allotted by the Superintendent.⁹⁷

The prison has to provide the facility of crèche and nursery attached to the women's enclosure where the children of women prisoners can be looked after. Children below the age of three shall be allowed in the crèche. Children between three and six years of age are to be sent to the nursery.⁹⁸

If there are very few children falling within that age-group or the period of their stay is so short as not to warrant the establishment of a crèche at the prison, the services of the local officer of the department of women and child development or social welfare should be availed to provide the benefit of the local Aanganwadi to these children.

C. FOREIGN NATIONALS

Women prisoners who are foreign nationals, should be allowed reasonable facilities to communicate with their diplomatic and consular representatives.⁹⁹ In case of refugees, they are also to be allowed similar facilities to communicate with any agency whose task is to protect such person – e.g. The United Nations High Commissioner for Refugees (UNHCR).

VII. Release and Rehabilitation

It is essential that the staff employed in women's prisons are trained to address the concerns and impediments that hinder women's social reintegration after release. The prison staff also need to be conscious that the circumstances that lead women to prison are generally different from those of male prisoners. Therefore, it becomes crucial that women inmates are afforded facilities and services during their incarceration that would assist them in reintegrating back into society as a healthy individual capable of becoming financially independent. Towards this, the prison authorities should extend education and vocational training to the women inmates to improve their employment prospects.¹⁰⁰



Further, the release and post-release support extended to each inmate would vary among different groups of women inmates. The prison authorities should try to address the specific concerns in the case of each inmate while planning rehabilitation programmes for reintegration in society.

Services of the district probation or prison welfare officer should be availed for preparing an individual care plan for each convicted woman inmate in consultation with prison functionaries and should be executed systematically till the woman is due for release.



A. EDUCATION AND VOCATIONAL TRAINING

Internationally, studies have shown that prisoners who receive education and vocational training during their imprisonment are less likely to reoffend than those who do not receive such opportunity. For many women inmates who could not complete their education, prison could provide them with the opportunity to do so. This could help them gain new qualifications that would help them after release.

Every woman prisoner should be offered a suitable educational programme during her stay in prison to improve her employment prospects. Education should be a compulsory activity for at least one-hour every day.¹⁰¹ Prison authorities should organise adult education, social, moral and health education, family welfare programmes and training in various skills to make women self-reliant. They should also be provided with recreational facilities and cultural programmes¹⁰² and access to books.¹⁰³

Vocational training imparted to women inmates should be suited to their aptitude and background and such that it would enable them to be economically self-reliant post-release. Therefore, the selection of training programmes should be on the basis of the employability and profitability of the product, enhancing the prisoner's ability to earn their livelihood after release.¹⁰⁴

Unless medically advised not to work, all prisoners shall be engaged in work and activity in the prison, for which they will be paid proper wages. Prisoners shall be paid equitable remuneration for their work and no disparity in wages shall accrue on account of gender differences. The system should also provide that a part of the earnings is set aside by the administration to constitute a savings fund to be handed over to the prisoners on their release. Under the system the prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of it to their family.¹⁰⁵

B. PREPARATION FOR RELEASE AND POST-RELEASE SUPPORT



Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations, shall design and implement comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs of women to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage.¹⁰⁶

In order to facilitate reintegration into society, the prison department should work towards establishing open prisons for women prisoners. In line with gender-sensitive management policy, women should also be given special consideration for premature release, especially when she is the sole breadwinner or where no surrogate care is possible for the dependents of women prisoners. As far as possible, expectant mothers may be released on suspended sentences, or otherwise, to avoid delivery of their child inside the prison.¹⁰⁷ Liberal conditions for parole and furlough could also be considered. Moreover, Probation of Offenders Act, 1958 should be used extensively for women offenders to provide suitable non-institutional corrective treatment to them.¹⁰⁸ The prison authorities should also work with the Ministry of Women and Child Development to assist women inmates who need institutional support for rehabilitation that is supported under the Swadhar Greh Scheme.¹⁰⁹ The prison authorities can also identify voluntary organisations in each district that could be entrusted with assisting the released prisoner.¹¹⁰ Comprehensive, intensive and incessant counseling of women offenders and members of their families shall be carried out by these groups of social activists/N.G.Os to preempt/overcome



the aversion of the society to women prisoners, which otherwise might deter and derail proper rehabilitation of women in custody.¹¹¹

Every woman confined in a prison other than that of the district of her residence, shall be transferred to such prison in the district of her residence 10 days before her release.¹¹² Before a woman prisoner is released, sufficient advance notice shall be given to her relatives or friends to be present at the prison and receive her. If no relative appears on the day of her release, she shall be sent to her home under the charge of female escort. The Deputy Superintendent shall record in her report book about arrangements made for the safe release and escort of a woman prisoner to her home.¹¹³

C. REHABILITATION PROGRAMS FOR SPECIFIC GROUPS¹¹⁴

Young Female Prisoners

Young female prisoners should be provided equal access to education and vocational training that their male counterparts have. They should also receive gender-specific services such as counselling to address possible sexual abuse or violence and regular access to gynaecologists. Given their young and impressionable nature, female young offenders should be kept in separate enclosures and should be given treatment and training suited to their special needs for rehabilitation.¹¹⁵



Foreign National Prisoners

Rehabilitation of foreign female prisoners requires particular attention. Programmes for them need to take into account their individual situation and the reason for their detention. They could be supported by consulting with community representatives of foreign nationals. The option of e-learning courses should also be explored.

Prisoners from Minority Groups

Prison authorities should recognize that women from different religious and cultural backgrounds would have their own distinct needs and might face multiple forms of discrimination. Therefore, it is essential that the prison staff provide programmes and services (including pre and post-release services) that address these needs.

Prisoners with Mental Healthcare Needs

Prisons need to have regular visits by qualified mental health professionals. In prisons where this is not taking place, the prison staff need to be trained to identify signs of emotional or psychological distress and know how to respond. For their reintegration, it would be best for prison authorities to work with community mental health services in order to ensure continuity of care.

Prisoners with Physical Disabilities

Under the Nelson Mandela Rules, the prison administration needs to make all reasonable accommodation and adjustments to ensure that prisoners with physical disabilities have effective access to prison life on an equitable basis.¹¹⁶ Towards this, the prison authorities also need to ensure that information is shared in alternative formats such as Braille or audio.



Lesbian, Bisexual, Transgender and Intersex Persons

Lesbian, bisexual, transgender and intersex persons are particularly vulnerable to discrimination and abuse in prisons, often including violence and sexual abuse. The prison functionaries should ensure that sexual orientation of any individual inmate is not exploited by other inmates as they may be particularly vulnerable to sexual assault. In such cases, the prison rules in this regard should be strictly followed to prevent such incidents.

Post-release, the discrimination and stigma could make it difficult for this group to find housing and employment. Appropriate counseling during incarceration could help such inmates in overcoming this trauma.

Older Prisoners

As older women inmates might be faced with a lack of community support upon release, prison authorities should work to address their age and health related issue with the help of prison welfare officers collaborating with the senior citizens division of the social welfare department.

VIII. Prison Staff and Training

Women prisoners should only be attended to and supervised by women staff members. This does not, however, preclude male staff members, particularly doctors and teachers, from carrying out their professional duties in prisons or parts of prisons set aside for women.¹¹⁷ In a prison for convicted women prisoners there shall be one post of a lady Superintendent. The women's enclosures attached to the sub-prisons and district prisons shall be in the charge of a lady Deputy/Assistant Superintendent. They will be assisted by a female Chief Head Warder, Head Warder and female warders/matrons, Teachers, Instructors, Psychiatrist, Doctor, specially gynecologist, Clerks and Aftercare Officer.¹¹⁸

It is also essential to ensure that sufficient women correctional staff are employed to work in women enclosures and that they are extended suitable salaries, employment benefits and conditions of service.¹¹⁹ A welfare fund should be established in each State/UT.¹²⁰ They should be provided proper forum at the institutional and state levels to ventilate their grievances.¹²¹ Study teams of senior women officers should be deputed to visit prison institutions in various states in the country and in other countries.¹²² There should also be a lady Deputy Inspector General (DIG) attached to the prison headquarters to look after women prisoners, women prison staff and women prisons.¹²³ Inquiries pertaining to women prisoners shall be conducted by the lady DIG, who shall submit her finding to the head of prisons with her recommendations.¹²⁴

The female staff should also be allowed a day off once a week.¹²⁵ They should also be extended services of creche for proper care of their young children while they are on duty.¹²⁶ Canteen facilities¹²⁷ and meals during working hours should also be extended to them.¹²⁸

After-care of women prisoners, discharged from prisons and allied institutions, should be the statutory function of the Department of Prisons and Correctional Services. There should be women staff in the aftercare and follow-up units in the headquarters of the Department of Prisons and Correctional Services in each State/UT.¹²⁹



It is crucial that women staff handling women prisoners are given adequate training on the gender-specific issues of incarcerated women, including their human rights.¹³⁰ Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children should also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.¹³¹ The capacity-building measures for them should also include access to senior positions with key responsibilities for the development of policies and strategies relating to the treatment and care of women prisoners.¹³²

IX. Important Reports & Documents

▶ **Reckless Commission Report, 1951**

In 1951, the Government of India invited Dr. Walter C. Reckless, a United Nations Expert on Criminology and Correctional Administration who undertook a study on prison administration and suggested policy reforms.¹³³ The recommendations include the need for separate prisons for women.

▶ **All India Jail Manual Committee, 1957**

The Government of India set up the All India Jail Manual Committee in 1957 for the preparation of the model prison manual, which was submitted in 1960. This Manual was, at that time, the guiding principle for prison management in India.¹³⁴ The report recommended that the prisoners be categorised into different groups including undertrial, women, life convicts, habitual offenders, lunatics, juveniles etc. It recommended a specialised approach towards care, treatment and rehabilitation of women offenders, and vocational training for women in custody.¹³⁵

▶ **Convention on the Elimination of All Forms of Discrimination against Women, 1979**

Often described as the international bill of rights for women, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), was adopted in 1979 by the UN General Assembly. The convention defines discrimination against women, and sets up a series of measures towards ending all forms of discrimination against women.¹³⁶

▶ **All India Prison Reforms Committee, 1980-83 (Mulla Committee)**

Chapter XIII of the Mulla Committee report addresses the special issues faced by women prisoners and provides recommendations for improving their conditions.¹³⁷ It stresses on the need to have dedicated institutions/annexes for women prisoners that are staffed by women personnel. It addresses the issues relating to pre and postnatal care. The report also dwells on the need for providing work programs that are focused on the rehabilitation of the woman once she is released from prison, and the need to prepare for after-care following her release. It also lays emphasis on training of custodial staff in prisons to handle women prisoners with a reformatory attitude.¹³⁸

▶ **National Expert Committee on Women Prisoners, 1987 (Justice Krishna Iyer Committee)**

The National Expert Committee (NEC) on Women Prisoners was set up in order to identify the gaps in or drawbacks of the existing facilities and services and to evolve a more humane policy towards women



offenders. One of its main recommendations was to formulate policy guidelines that address the special needs of women in the criminal correctional process. The Committee suggested the formulation and adoption of a National Policy on Custodial Justice to Women, and recommended the creation of a statutory body to oversee its implementation. The report also recommends setting up of special courts to dispense justice to women. It called for increased women prison staff and officers.

▶ **Law Commission of India's 135th Report on Women in Custody, 1989**

The main issue that this report sought to address related to the protection of women from harassment during custody. The Commission tried to do so by proposing amendments to the provisions relating to arrest, interrogation and custody of women (and children). This also extended to recommendations on the treatment of women in prisons. It also advocated for more lenient provisions for bail and sentencing for women prisoners.¹³⁹

▶ **'Women in Detention' – Third report by the Committee on Empowerment of Women (13th Lok Sabha), 2001**

This report by the 13th Parliament looked at the condition of women inside prisons which was further augmented by the antiquated manuals and the insensitive approach of the jail authorities.¹⁴⁰ The study found that 80% of the female inmates were undertrials and there was a lack of firm initiatives on the part of the State to resolve their issues. It also noted the vital role that the custodial staff played in the rehabilitation and reformation of the women prisoners and provided a list of 21 suggestions on the condition of women inmates which included points on rehabilitation, provision of legal aid, children of women prisoners and a liberal provision for releasing women on parole.

▶ **R. D. Upadhyay v. State of Andhra Pradesh, 2006**

In a writ petition filed by advocate R. D. Upadhyay on the plight of undertrial prisoners, the Supreme Court in its judgment dated 13 April 2006 considered the issue of the development of children who are in jail with their mothers. The Supreme Court called upon the States and Union Territories to state the facilities available to take care of children of female prisoners. Following this, the court issued a series of guidelines to ensure the care, welfare and development of children of female prisoners to bring it in consonance with national and international obligations.

▶ **United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), 2010**

Better known as the Bangkok Rules, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders is a set of 70 Rules that were adopted by the United Nations General Assembly, to address the specific requirements of women prisoners to cater to their special needs. This was felt necessary as not all the rules from the Standard Minimum Rules could be equally applied to women prisoners.

▶ **The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), 2015**

Although the Standard Minimum Rules for the Treatment of Prisoners were first adopted in 1955, these



were later taken up for revision in 2010 and adopted in 2015 as the Nelson Mandela Rules. The eight substantive areas that were revised included respect of prisoners' inherent dignity, medical and health services and protection of vulnerable groups.¹⁴¹

▶ **The Model Prison Manual, 2016**

The Model Prison Manual consisting of 32 chapters was approved by the Home Ministry with the aim of bringing uniformity in laws, rules and regulations governing the administration of prisons and the management of prisoners all over the country. Chapter XXVI of the new Manual addresses the topic on Women Prisoners paying special attention to the various gender-specific needs of women prisoners and also provides for rules relating to children of women prisoners.

▶ **'Women in Detention and Access to Justice' – Tenth report by the Committee on Empowerment of Women (16th Lok Sabha), Aug 2017**

This report looks at the challenges faced by women in detention and the need to improve their condition inside prisons. In its recommendations it suggested that the issue of overcrowding could be managed by finding alternatives for handling non-criminal offenders and petty criminals. It also looked into the issue of custodial rapes and recommended the use of CCTV to ensure effective prison management and encouraged greater interface with civil rights activists for people in custody. On the topic of rehabilitation, the report directed the Ministry of Home Affairs to coordinate with the Ministry of Skill Development to facilitate employment opportunities to women inmates after their release. It also reiterated the need to fill up vacancies of women officers in various roles inside prisons and their training to ensure that the prison management is gender sensitive and aware of their gender-specific needs. The committee also looked into the difficulties that foreign national prisoners encounter, specially, in their access to justice, and also gave recommendations to the legal services authorities to provide legal assistance to women inmates.

▶ **Action taken by the government on Women in Detention and Access to Justice – Thirteenth report by the Committee on Empowerment of Women (16th Lok Sabha), Aug 2018**

This report dealt with the action taken replies submitted by the Ministry of Home Affairs following the recommendations of the Committee in its 10th Report. While the committee received satisfactory response from the Ministry on most of its recommendations, it had two points where the responses were highlighted as 'interim replies'. One was on ensuring gender sensitive prison management through mandatory training for every officer. It further suggested evolving a system in which NGOs with their expertise could work together for the betterment of the prisoners. The other recommendation of the Committee was with regards to ascertaining the compliance of the Model Prison Manual highlighting provisions relating to safety and reformation of women prisoners and the health of women prisoners.

▶ **'Women in Prisons' report by the Ministry of Women and Child Development, India, 2018 (MWCD)**

The report titled Women in Prisons aims to build an understanding of the various entitlements of women in prisons, the various issues faced by them and possible methods for resolution of the same.¹⁴² The report contains a comprehensive list of 134 recommendations for improving the lives of women inmates, including issues relating to pregnancy, mental health, legal aid and reintegration in society.



► **NALSA’s report on the Campaign for Enhancing Legal Services to Women Inmates and their Accompanying Children in Prisons**

In May of 2018, the National Legal Services Authority (NALSA) launched a 10-day campaign with the objective of enhancing legal services to women prisoners and their accompanying children in jail. The responsibility of conducting the campaign was given to the State Legal Services Authorities (SLSA), and were to be held in conjunction with various departments including the Department Prisons, Health, Education and Women and Children and NGOs. The main objective of this campaign was focused on empowering women inmates by creating awareness about their rights and the services of the legal services institutions. It was to address various issues including legal needs, health rights, education, vocational training and recreational facilities for women inmates and their dependent children. A report regarding the findings and outcomes of this campaign was published by NALSA.



End Notes

1. Nelson Mandela Rules, Rule 11(a)
2. Bangkok Rules, Rule 4.
3. Model Prison Manual 2016, 26.01.
4. Model Prison Manual 2016, 26.75.
5. Model Prison Manual 2016, 26.80.
6. Model Prison Manual 2016, 26.02.
7. Nelson Mandela Rules, Rule 28.
8. Model Prison Manual 2016, 26.01.
9. Model Prison Manual 2016, 26.101.
10. Model Prison Manual 2016, 26.74.
11. 'Women in Prisons – India', report by the Ministry of Women and Child Development Government of India (June 2018), Para 5.6.3.
12. Model Prison Manual 2016, 26.04.
13. Bangkok Rules, Rule 2(1).
14. Bangkok Rules, Rule 2(2).
15. Model Prison Manual 2016, 26.05.
16. Bangkok Rules, Rule 3(2).
17. 'Women in Prisons – India', report by the Ministry of Women and Child Development Government of India (June 2018), Para 5.7.8
18. A practice that may be followed is to send out a printed post card containing particulars such as the date of admission of woman in prison, the location of police station concerned, the authority ordering judicial custody, the case or FIR number, location of the jail/sub jail and the prescribed days for personal visits to the inmate to the a relative/acquaintance at the address specified by the newly admitted inmate or by persons accompanying her.
19. Model Prison Manual 2016, 26.32.
20. Model Prison Manual 2016, 26.33.
21. Bangkok Rules, Rule 19.
22. Model Prison Manual 2016, 26.22.
23. Model Prison Manual 2016, 26.16.
24. Bangkok Rules, Rule 20.
25. Bangkok Rules, Rule 21.
26. Marty Drapkin, Strip Search Policies in Jail, CorrectionsOne (Jan 27, 2011) - <https://www.correctionsone.com/corrections-training/articles/strip-search-policies-in-jails-sKIq8Sv3p5mvucSZ/> (last accessed on 07.03.2020).
27. Model Prison Manual 2016, 26.23.
28. Model Prison Manual 2016, 26.25.
29. Bangkok Rules, Rule 6.
30. Bangkok Rules, Rule 7.
31. Model Prison Manual 2016, 26.27.
32. *Id.*
33. Bangkok Rules, Rule 9.
34. Model Prison Manual 2016, 26.99.
35. Model Prison Manual 2016, 26.62-26.63.
36. Model Prison Manual 2016, 26.64.
37. Model Prison Manual 2016, 26.88-26.90.



38. Model Prison Manual 2016, 26.65.
39. Model Prison Manual 2016, 26.70.
40. Model Prison Manual 2016, 26.71.
41. Model Prison Manual 2016, 26.73.
42. Model Prison Manual 2016, 26.56.
43. Bangkok Rules, Rule 5.
44. Model Prison Manual 2016, 26.81.
45. Model Prison Manual 2016, 26.68.
46. Model Prison Manual 2016, 26.83.
47. Model Prison Manual 2016, 26.84.
48. Model Prison Manual 2016, 26.69.
49. Bangkok Rules, Rule 5.
50. Model Prison Manual 2016, 6.05.
51. Women in prison: mental health and well-being; A guide for prison staff, Penal Reforms International, February 2020 - <https://cdn.penalreform.org/wp-content/uploads/2020/02/PRI-Women-in-prison-and-mental-well-being.pdf>. (last accessed on 03.03.2020)
52. Model Prison Manual 2016, 26.92-26.98.
53. Model Prison Manual 2016, 26.100.
54. Model Prison Manual 2016, 8.08.
55. Model Prison Manual 2016, 26.104.
56. Model Prison Manual 2016, 26.152.
57. Model Prison Manual 2016, 26.153.
58. Model Prison Manual 2016, 26.154.
59. Model Prison Manual 2016, 26.110.
60. All India Jail Reforms Committee (Justice Mulla Committee Report), 1980-83, Para 13.11.20.
61. All India Jail Reforms Committee (Justice Mulla Committee Report), 1980-83, Para 7.13.34.
62. Bangkok Rules, Rule 10(1).
63. Model Prison Manual 2016, 26.25.
64. Bangkok Rules, Rule 10(2).
65. Bangkok Rules, Rule 15.
66. Model Prison Manual 2016, 26.112.
67. Bangkok Rules, Rule 13.
68. Women in prison: mental health and well-being; A guide for prison staff, Penal Reforms International, February 2020 - <https://cdn.penalreform.org/wp-content/uploads/2020/02/PRI-Women-in-prison-and-mental-well-being.pdf>, pgs 19-20. (last accessed on 03.03.2020)
69. Bangkok Rules, Rule 12.
70. Women in prison: mental health and well-being; A guide for prison staff, Penal Reforms International, February 2020 - <https://cdn.penalreform.org/wp-content/uploads/2020/02/PRI-Women-in-prison-and-mental-well-being.pdf>, pgs 25-26 (last accessed on 03.03.3020).
71. Model Prison Manual 2016, 26.19.
72. Women in prison: mental health and well-being; A guide for prison staff, Penal Reforms International, February 2020 - <https://cdn.penalreform.org/wp-content/uploads/2020/02/PRI-Women-in-prison-and-mental-well-being.pdf>, pgs 25-26 (last accessed on 03.03.3020)
73. Bangkok Rules, Rule 16.
74. Bangkok Rules, Rules 17 and 18.
75. To enhance legal awareness of persons in custody, CHRI has developed two posters - Legal Aid & You and Steps from Arrest to Appeal. They are available in Bengali, Burmese, English, Hindi, Kannada, Marathi, Malayalam, Punjabi and Urdu.



76. Model Prison Manual 2016, 26.118.
77. Model Prison Manual 2016, 26.115.
78. UTRCs were established by the order of the Hon'ble Supreme Court in April 2015 in writ petition titled 'Re-inhuman conditions in 1382 prisons'. For more details, please refer to the Standard Operating Procedure issued by the National Legal Services Authority.
79. R. D. Upadhyay v. State of Andhra Pradesh, AIR 2006 SC 1946.
80. Model Prison Manual 2016, 26.28; Nelson Mandela Rules, Rule 28.
81. Model Prison Manual 2016, 26.29.
82. Model Prison Manual 2016, 26.48.
83. Model Prison Manual 2016, 6.02.
84. Nelson Mandela Rules, Rule 48(2).
85. Bangkok Rules, Rule 22.
86. Model Prison Manual 2016, 26.30; Nelson Mandela Rules, Rule 28.
87. Model Prison Manual 2016, 26.31; Nelson Mandela Rules, Rule 28.
88. *Id.*
89. Model Prison Manual 2016, 26.35; R. D. Upadhyay v. State of Andhra Pradesh, AIR 2006 SC 1946.
90. Model Prison Manual 2016, 26.34.
91. *Id.*
92. Model Prison Manual 2016, 26.42.
93. Model Prison Manual 2016, 26.52.
94. Model Prison Manual 2016, 26.44.
95. Model Prison Manual 2016, 26.43.
96. Model Prison Manual 2016, 26.35.
97. Model Prison Manual 2016, 26.36; Bangkok Rules, Rule 52 (3).
98. Model Prison Manual 2016, 26.38.
99. Model Prison Manual 2016, 26.121.
100. Bangkok Rules, Rule 60.
101. Model Prison Manual 2016, 26.103.
102. Model Prison Manual 2016, 26.104.
103. Model Prison Manual 2016, 26.101.
104. Model Prison Manual 2016, 26.105.
105. Model Prison Manual 2016, 26.106 - 26.109.
106. Model Prison Manual 2016, 26.127-128.
107. Model Prison Manual 2016, 26.122.
108. Model Prison Manual 2016, 26.123; Bangkok Rules, Rule 59.
109. Swadhar Greh, Ministry of Women and Child Development - <https://www.india.gov.in/spotlight/swadhar-greh-scheme> (last accessed on 31.01.2020).
110. Model Prison Manual 2016, 26.128.
111. Model Prison Manual 2016, 26.140.
112. Model Prison Manual 2016, 26.125.
113. Model Prison Manual 2016, 26.126.
114. The Rehabilitation and Social Reintegration of women prisoners: Implementation of the Bangkok Rules, Penal Reforms International - https://cdn.penalreform.org/wp-content/uploads/2019/05/PRI_Rehabilitation-of-women-prisoners_WEB.pdf. (last accessed on 31.01.2020)
115. Model Prison Manual 2016, 26.04(iv).
116. Nelson Mandela Rules, Rule 5.
117. Nelson Mandela Rules, Rule 81.

118. Model Prison Manual 2016, 26.155-157.
119. Nelson Mandela Rules, Rule 74.
120. Model Prison Manual 2016, 26.168.
121. Model Prison Manual 2016, 26.169.
122. Model Prison Manual 2016, 26.166.
123. Model Prison Manual 2016, 26.158.
124. *Id.*
125. Model Prison Manual 2016, 26.174.
126. Model Prison Manual 2016, 26.179.
127. Model Prison Manual 2016, 26.180.
128. Model Prison Manual 2016, 26.181.
129. Model Prison Manual 2016, 26.133-134.
130. Model Prison Manual 2016, 26.12; Bangkok Rules, Rule 33.
131. Model Prison Manual 2016, 26.13.
132. Bangkok Rules, Rule 29.
133. Prison Reforms in India, Members' Reference Service – Lok Sabha Secretariat, New Delhi - http://parliamentlibraryindia.nic.in/writereaddata/Library/Reference%20Notes/Prison_reforms_in_India.pdf (last accessed on 20.01.2020).
134. *Id.*
135. Third report by the Committee on Empowerment of Women (13th Lok Sabha), Aug 2001.
136. Convention on the Elimination of All Forms of Discrimination against Women, UN Women - <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm> (last accessed on 20.01.2020).
137. Chapter XIII – Women Prisoners, Mulla Committee Report - https://mha.gov.in/MHA1/PrisonReforms/NewPDF/PRV1_210TO240.pdf (last accessed on 20.01.2020).
138. Third report by the Committee on Empowerment of Women (13th Lok Sabha), Aug 2001.
139. 135th Report, Women in Custody, Law Commission of India - <https://www.penalreform.org/issues/prison-conditions/standard-minimum-rules/> (last accessed on 20.01.2020).
140. Third report by the Committee on Empowerment of Women (13th Lok Sabha), Aug 2001.
141. Nelson Mandela Rules (revised SMR), Penal Reform International - <https://www.penalreform.org/issues/prison-conditions/standard-minimum-rules/> (last accessed on 20.01.2020).
142. Report on 'Women in Prisons' launched by the Ministry of Women and Child Development - <https://pib.gov.in/newsite/PrintRelease.aspx?relid=180173> (last accessed on 20.01.2020).

CHRI Programmes

CHRI believes that the Commonwealth and its member countries must be held to high standards and functional mechanisms for accountability and participation. This is essential for human rights, transparent democracies and Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. It focuses on research, publications, workshops, analysis, mobilisation, dissemination and advocacy and informs the following principal programmes:

1. Access to Justice (ATJ) *

* **Police Reforms:** In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as enforcers of a regime. CHRI's programme aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In East Africa and Ghana, CHRI examines police accountability and political interference.

* We are preparing to add a portfolio on anti-discrimination on the basis of colour, appearance and gender.

* **Prison Reforms:** CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting failures of the legal system that result in overcrowding and unacceptably long pre-trial detention and prison overstay, we engage in interventions and advocacy for legal aid and policy changes to revive prison oversight systems. Attention to these areas can bring improvements to the administration of prisons and conditions of justice.

2. Access to Information

CHRI is acknowledged as a key organisation working on the promotion of Access to Information. It encourages countries to pass and implement effective Right to Information laws. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh, Ghana, and more recently, Kenya. In Ghana, CHRI is the Secretariat for the RTI civil society coalition. We regularly critique new legislation and intervene to bring best practices into governments and civil society knowledge both at a time when laws are being drafted and when they are first being implemented. We have experience of working in hostile environments as well as culturally varied jurisdictions; these enable us to bring valuable insights into countries seeking to evolve new laws on right to information. In Ghana, for instance, it has been promoting knowledge about the value of Access to Information and to campaign for the introduction of an effective law.

* South Asia Media Defender's Network (SAMDEN)

CHRI has developed a regional network of media professionals to address the issue of increasing attacks on media workers and pressure on freedom of speech and expression in South Asia, especially in rural areas. This network, the South Asia Media Defenders Network (SAMDEN) recognises that such freedoms are indivisible and know no political boundaries. Anchored by a core group of media professionals who have experienced discrimination and intimidation, SAMDEN is developing an interactive website platform to highlight pressures on media, issues of shrinking media space and press freedom. It is also working to mobilise media so that strength grows through collaboration and numbers. A key area of synergy lies in linking SAMDEN with the Right to Information movements and activists

3. International Advocacy and Programming

CHRI monitors the compliance of Commonwealth member states with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Secretariat, Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for and monitoring the Commonwealth reform, reviewing promised by Commonwealth members at the UN Human Rights Council, and the Universal Periodic Review. We advocate for the protection of human rights defenders and civil society spaces and monitor the performance of National Human Rights Institutions in the Commonwealth while pressing for their strengthening.

Activity supported by the
Canada Fund for Local Initiatives
Activité réalisée avec l'appui du
Fonds canadien d'initiatives locales

Canada

***“The journey of gender justice is long; the battle for equity and equality for the weaker sex, amidst feudalism inhibitions, is on...
Still there is hope that some action will happen...
Many police and prison officers, men and women,
are unbelievably humanist. The negative thought that nothing will succeed must be dissolved and positive hope that reforms will work must be kindled.”***

- Justice V.R. Krishna Iyer



CHRI
Commonwealth Human Rights Initiative
working for the practical realisation of human rights in
the Commonwealth

55A, Third Floor, Siddhartha Chambers - I,
Kalu Sarai, New Delhi 110 016, India
Tel: +91 11 4318 0200 Fax: +91 11 2686 4688
E-mail: info@humanrightsinitiative.org
Website: www.humanrightsinitiative.org
Twitter: @CHRI_INT