



9 March 2021

Jail Mail – International Women’s Day 2021
#ChooseToChallenge

Dear Friends,

Greetings from CHRI!

In a year that has seen its share of challenges, women across the world were faced with the challenge of adjusting to a new normal in light of a global pandemic. On this day, the **international community celebrates women’s achievements and challenges gender bias and inequality**. It is also an occasion to push ways to improve the rights of women. At the Commonwealth Human Rights Initiative (CHRI), we want to take this opportunity to review the inequalities faced by women prisoners, a section of our society that is often ignored.

Prisons have traditionally housed men and as a result been designed to suit the needs of male prisoners. While the custodial setting places prisoners in a vulnerable position, it is only made worse in the case of women prisoners, with the challenges faced outside becoming sharper inside prisons.

The need for a specialised approach towards care, treatment and rehabilitation of women offenders has been a subject of consideration of various committees looking at prison reforms including the All India Jail Manual Committee, 1957 and the Mulla Committee (1980-83). This was specifically dealt with by the National Expert Committee on Women Prisoners, 1987 headed by Justice Krishna Iyer. In 2018, **the ‘Women in Prisons: India’ report by the Ministry of Women and Child Development** also considered this at length.

Unfortunately, there remains a number of crucial issues that need to be addressed with regard to women prisoners:

- **Overcrowding in Women prisons/enclosures:** The total number of women prisoners in the country has been steadily increasing. According to the Prison Statistics India 2019 (PSI 2019), the total number of women prisoners in India on 31st December 2019 stood at 19913, an increase of 11.7% over the last five years. While the overall occupancy rate of **women’s prisons** stood at 56.09%, a closer look into the state level and prison level data reveals the extreme cases of overcrowding of women prisoners. For example, one special prison for women in Maharashtra had an occupancy of 500% - five women inmates living in a space for one. Amongst Central Jails in the country, the occupancy of women prisoners was highest in Uttar Pradesh with 236.6%. The highest occupancy among District Jails was

in Uttarakhand at 162.7%, and among Sub-Jails, those in Himachal Pradesh had an occupancy rate of 233.3%.

- **Lack of Access to Prison facilities:** PSI 2019 reports that, only about 18% (3,652) of the population of women prisoners were housed in women's jail. The majority of women prisoners are confined to small detention facilities inside male prisons. This results in further restriction in their access to prison facilities like the prison legal aid clinic, library, factory, playground, places of worship, recreational spaces and activities that the men can freely access.
- **Lack of implementation of R.D. Upadhyay directions:** In 2006, the Supreme Court issued a series of guidelines to ensure the care, welfare and development of women prisoners and their children in prisons to bring it in consonance with national and international obligations. However, more than a decade after this judgment, implementation gaps exist due to lack of infrastructural facilities in women prisons/enclosures across the country.
- **Lack of awareness about Menstrual Hygiene Management in Prisons:** While the standards are uniform, the practice in regard to menstrual hygiene management differs from state to state and prison to prison. The restrictions placed on the provision of sanitary pads, coupled with dirty and unhygienic toilets, inadequate number of dustbins, cleaning and drying spaces, lack of facilities for proper disposal of sanitary napkins have an adverse impact on the menstrual health and hygiene practices of women.

CHRI's efforts towards ensuring practical realisation of Rights of Women Prisoners – The past year has seen women prisoners faced with increased isolation as prisons across the country had stopped allowing family and friends to visit them in prison. They were also more vulnerable to COVID-19 due to overcrowding and absence of sufficient female healthcare professionals to attend to their gender-specific concerns. Owing to the such prison conditions, the process of decongestion of prisons was initiated by the High Powered Committees (HPC) set up under the directions of the Supreme Court in every state and union territory across the country. CHRI's report, '**Responding to the Pandemic: Prisons and Overcrowding**' (2020) highlighted that only a few HPCs specifically considered cases of women prisoners for release. The HPCs of Punjab, Delhi and Jammu & Kashmir recommended for the release of women prisoners who were pregnant; aged 60 years and above; and convicted in only one case and have spent more than 8 years in prison, respectively.

Last year also marked the ten-year anniversary of the Bangkok Rules on the treatment of women prisoners and non-custodial measures for women offenders which came into effect on the 21st December, 2010. On this occasion, CHRI partnered with Boondh – a social enterprise that works on Menstrual Literacy and Policy – to reach out to various stakeholders including Prison Departments and State Legal Services Authorities (SLSAs) to share our guidance document on the '**Recommendations on Ensuring Menstrual Hygiene in Prisons**' and a **poster** on Menstrual Hygiene Management in prisons.

We received positive feedback on these initiatives from various prison departments and SLSAs. CHRI and Boondh were also approached by the SLSAs of Manipur, Punjab, Madhya Pradesh and Meghalaya, to organize webinars with prison officers and legal aid lawyers on menstrual hygiene management in prisons. These webinars have helped us to continue our engagement with prison authorities and SLSAs on issues relating to women, even as we worked to ensure menstrual hygiene of women prisoners.

In 2021, we plan to continue engaging with various stakeholders to improve the overall condition of women prisoners and challenge the current norms and practices that need revising in light of the Bangkok Rules and the Model Prison Manual which are enumerated in our **Handbook**, Standards Behind Bars: Securing Rights of Women Prisoners.

To contribute to this effort, we urge:

As prison administrators

- To 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.
- Raise awareness of prison personnel on the various aspects relating to women prisoners including menstrual hygiene management.

As prison monitors

- Conduct periodic prison visits to ensure that gender-specific needs of all women prisoners are addressed and complied with as per the national and international standards.

As civil society organisations

- Conduct research to identify challenges faced by women prisoners and their children during the pandemic; increasing proportion of female prisoners; psycho-social impacts of detention of women prisoners etc.
- Engage in initiatives to raise awareness of issues specific to women prisoners, including that of ensuring menstrual hygiene management in prisons with the aid of our guidance documents and posters.
- Engage with national and state women commissions in bridging the implementation gaps in regard to rights of women prisoners and conditions of women prisons/ enclosures as mandated in the national and international obligations.
- Circulate **CHRI's** handbook (Standards Behind Bars: Securing Rights of Women Prisoners), guidance document and poster widely and assist CHRI in its translation in local languages.

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

With best regards,

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