

Right to Health of Female Prisoners: A Critical Analysis of KP Prison Act in the Light of International Human Rights Law

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p- ISSN: 2708-2458

e- ISSN: 2708-2466

L- ISSN: 2708-2458

Vol. V, No. III (Summer 2020)

Pages: 21 – 32

DOI: 10.31703/glsr.2020[V-III].03

URL: [http://dx.doi.org/10.31703/glsr.2020\[V-III\].03](http://dx.doi.org/10.31703/glsr.2020[V-III].03)

Abstract: *The paper explores the study of female prisoners who are facing multiple issues regarding health by taking into consideration the rights given to them under international law and how far those rights are available to them within local laws. The miserable conditions of prisoners around the world need no elaborations, particularly in less developed countries are taken into account; it speaks volumes of human right violations. Reviews on the conditions of female prisoners across the globe and how incarceration affects their health is being discussed with special reference to Mandela and Bangkok Rules passed by the United Nations. The study addresses an understanding of whether the available legislative framework in the form of KP prison Act 1894 in Khyber-Pakhtunkhwa safeguards the rights of access to health care for female prisoners or not. In the end, various suggestions and strategies are given to make a step forward in resolving this issue.*

Key Words: KP Prison Act 1894, Mandela and Bangkok Rules, Violations, Reforms and limited Resources.

Introduction

The condition of prisons in Pakistan is getting worse day by day. Despite being a signatory to various international instruments, securing basic human rights to prisoners, the current situation is quite abysmal. It is need of the hour that this issue is thoroughly discussed, highlighted and effectively addressed, as the people living in prisons are no less than a human and entitled to same human rights like a free citizen of Pakistan. Our society is strife with crime due to multiple social and economic factors, and therefore the commission of a crime is not limited to particular gender or age rather all sections are affected by it be it male, female or adults. Similarly, according to gender, age and nature of the crime, these prisoners are kept in different prison with the ultimate purpose of reformation and deterrence to prevent the commission of a crime. Female prisoners are kept in different prisons, and some time in different barracks, all sentenced women and juveniles are held in separate barracks in Peshawar and Haripur prisons in Khyber Pakhtunkhwa. Under-trial women and juveniles are detained in separate barracks in central and district prisons (UNODC, 2011). The ratio of female prisoners in Pakistan, unlike other foreign countries, has seen a decline but still the smaller section, which is undergoing prison life, faces immense problems and lives in an abysmal state. The total number of prisons in Khyber Pakhtunkhwa is 23 which have a total capacity of around 7,547 while the total number of prisoners is 11,061, of these 10,767 are male, and 294 are women (The Tribune, 2018).

Globally, female prisoners represent about 5% of the total prison population, but this proportion is increasing rapidly (WPPB, 2017). The profile and background of women in prison, and the reasons for which they are imprisoned, are different from those of men in the same situation. Prisons and prison regimes are developed with the needs of the majority male prison population in mind. A woman may constitute a small proportion of prisoners worldwide (UNODC, 2011). Women are vulnerable in prisons, due to their gender and caring responsibilities, and have requirements that are very different from those of men. With the increasing number of women prisoners, the problems of health care, prostitution through jail staff, physical and mental abuse, sexual assault, missing gender-specific needs, inappropriate facilities during childbirth and care for children in jail are coming on to our screen [\[Ali, A., & Shah, N. A. \(2011\)\]](#).

Separation from their communities, homes and families has a particularly detrimental impact on women prisoners' mental well-being. Prisons are prone to the high-risk environment for suicide, and this

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has been recognized by the World Health Organization Resource Document for prison officers on suicide.

Females usually need more psycho-social support than men, both due to the harmful impact of disruption of family links on women, as well as because of their typical background, which often involves being victims of domestic violence or other types of abuse. They need assistance and support to access counsel and special education and training, including building their life skills. Women also have different and specialized healthcare needs, which need special attention [\[WHO, 2000\]](#).

In Pakistan, 80% of women prisoners arrested by police are raped in the lockups. More than 70% of women in police custody experience physical abuse, including sexual abuse by their police officials [\[Ali, 2011\]](#). The prison system in Khyber Pakhtunkhwa is governed by KP Prison Act 1984 in which little modification is brought about till this time to address the current needs of prisoners in general and female prisoners in particular. The healthcare facilities, according to international standards, are still a far cry and not properly addressed in the said Act, which regulates the prison system. The Pakistan Prison Rules are 38 years old and need to be updated. Right to water and proper sanitation are not accordingly and should need to address to overcome diseases among prisoners. Precedent to use leg irons, manacles, chains and cuffs are common. A needless bodily punishment is an integral part of women cell in Peshawar jail. The weaker part, mainly women and juvenile prisoners, are more at risk to abuse, including sexual violence [\[Anwar, Z., & Shah, Z. \(2017\)\]](#). Moreover, the said act also falls short of providing effective measures for addressing health and mental needs of women prisoners as provided by International Instruments (Rule 6,15,16,22-26, 84-93 of SMR and Rule 2,4-18, 34-35, 48-54 of Bangkok Rules), and will help to address and proper legislation to ensure basic human rights and rapid redress of any abuse is adopted by all provinces in general and K-P government in particular.

The Reformation of Prisons in Pakistan

The focus and targets of current prison have changed, and now supervision, association fix, rectification, the contribution of the territorial fraternities and effective readjustments are goals of penitentiaries (Law and Justice Commission of Pakistan, 1998). Presently, jail is utilized to execute sentences granted by the courts. The ideas of reformation, maintenance, confinement of detainees happen in current prison. The Law and Justice Commissions of Pakistan were given numerous applications and information and suggestions from overall population and vast arena of NGOs on Human rights that the current jail framework in Pakistan requires changes so as to enhance the state of penitentiaries. The assortment of information occurred from the Human Rights Commission of Pakistan just as Islamic Ideological Council, Jail Training Institute Lahore, which contained significant recommendations for the improvement of jail framework in Pakistan. Numerous reports spilt on media, requesting survey and changes in detainment facilities. All the proposals and gathered information were investigated and afterwards joined in the report (Mitra and Kumar, 2004). Reconstruction of jail is important, so people groups create trust in government to improve lawfulness circumstance. Prisons are not meant only for the incarcerations of criminals and offenders, and their imprisonment does not entitle anyone to take away the basic rights given to them under the constitution of Pakistan. Apart from being a prisoner, it should not be forgotten that they are human first, and no person shall be deprived of their dignity on the pretext of being a prisoner. The authorities responsible for the upkeep of jails shall be kept under the check to prevent misuse of power.

Female Prisoners in KP

With the passage of time, the dynamics of society changes, so should the responses of the state towards these changes be also altered according to the circumstances. New methods, approaches and responses shall be adopted to maintain the standards of the civilized nation among the world. A huge movement to change ladies jail framework and culture in Khyber Pakhtunkhwa is to alter the principles and strategies. The Pakistan Prison Rules are thirty-eight (38) years of age and should be refreshed. So is the Training of the jail workers inside the nation and abroad is insignificant, particularly in Peshawar ladies jail cell. Female prisoners form a significant part of jail populace, but it should be kept in mind that while framing different laws for jail their presence in many areas is neglected as the justice system to a greater extent represent the homogenous male captive.

In like manner, new research centers ought to be set up. Option to water and appropriate disinfection are not in like manner and need an address to defeat illnesses among detainees. Point of reference to utilize leg irons, wrist bindings, chains and sleeves are normal. An unnecessary substantial discipline is a fundamental piece of ladies cell in Peshawar prison. The more vulnerable part, chiefly

ladies and adolescent detainees, are more in danger to mishandle, including sexual viciousness (Afzal, 2013). The life of ladies in such a cell is hopeless and a long way behind the base global norm.

Reforms aimed for the Modification and proper changes in the existing rules after the independence of Pakistan to cover the needs of every gender remained to be the least concerns of those who were at the helm of affairs. Various endeavors to alleviate the situation and improve the atmosphere inside the present confinement places were not that much effect on the part of developing nations. To top it, in the last five decades, only a few new prison buildings were acquired following the suggestions of various prison authorities in the state. As the world assimilated, human focal points of prisoners began to be seen. The basic complete overhauling program appeared in Pakistan in the midst of 1950 in the seat of Col. Salamat Ullah, ex-IG Prisons.

Afterwards, various committees of stakeholders were created in the regions and under the Federal Government backing to look into prisoners' protests. The suggestion and recommendation given by these Committees were dependably given to the Government for updating the current structure, which remains dormant in avoiding any suppression of misuse and abuse of powers and bringing about a positive change in the overall conditions of prison inmates. Anyway, beneficial work in this association was postponed as a result of budgetary prerequisites.

The Prison Act of 1894

The Prisons Act of 1894 continues filling in as the basic legitimate instrument supervising prison association. It deals with the upkeep of prisons and officials' conduct; commitments of prison staff; assertion (Brotherton and Barrious, 2011). It moreover oversees condemned prisoners' organization, apportioning work, rebuking offences within prison premises and controlling various reaches, for instance, prosperity organizations and visits. Pakistan Prison Rules 1978 direct the typical administration and association of repression workplaces, for the most part, called Jail Manual, a vastly altered rendition of standards including 50 sections and 1,250 rules.) Probation of Offenders Ordinance, 1960, considering release on post-preliminary management on occasion; the Juvenile Justice System Ordinance 2000, obliging the "protection of children remembered for the criminal case", their "reclamation in the public eye" and the "update of young adult courts" (Brotherton and Barrious, 2011). Mental health Ordinance, 2001, coordinating the survey of mentally deranged people. Like checking, correctional facilities are a typical subject, with every one of the four regular governments accountable for their establishment, upkeep and change, enlistment and pay paces of prison staff, and prison-related sanctioning. There are four kinds of confinement offices in each area (Jail Manual, 2015).

Fazel and Danesh (2002) gave a comprehension into the recurrence of the psychological issue among prisoners, revealing that one out of seven prisoners experiences the evil impacts of a type of mental or emotional issue. Present or past use of any form of narcotics, joblessness and vagrancy are the customary risk factors that contribute towards the development of some sort of mental diseases (Parson et al., 2001).

The major threat factors for mental issues are socio-political trickiness, financial flimsiness, viciousness, common conflict and class conflict for in any occasion in the past thirty years. For the most part, it is seen that the recurrence of debilitation is higher among women than in men. Financial disturbance, social upheaval, what's more, family issues are the essential segments that are major stakes involved in the continuity of deplorable mental well-being of females Focusing on Pakistani prisoners explicitly, most detainment facilities in Pakistan are loaded down with wretched environments, and prosperity has dependably been an ignored issue. An examination by Khan detailed a higher frequency of recurrence wretchedness among male detainees, and substance misuse was one of the basic issues that seem to be related to the pace of mental issue. On the other hand, there have been no investigations detailing the general and overall improvement in prison condition of female detainees in Pakistan [Khan et al, 2009].

Women are abused by various reasons, due to absence of proper guidance, lack of schooling, non-appearance of control to resources, incitement at the workplace by big cheese and male accomplices and various ordinary practices make her unprotected. Sexual direction aberrations and raising class contrast impact women just as drive them to remember for criminal activities. The extent of women's offenders is rising rapidly. A large portion of women is unaware of rights and laws, which results without a doubt for them to be confined for bad behaviors. This situation and time call for the need to give a chronicled layout of Laws related to women's prisoners.

The Protection of Women Act has revised two out of five Hudood orders. The offence of Zina rule has been significantly overhauled combined with prohibiting of whipping. The offences against property

command actually stay immaculate. The Qazf rule has been rectified in a tactless manner and suitability of progress yet to be required. The bill benefitted various female prisoners in the country; around 1300 to 1700 females (Nasir, 2015) prisoners are fusing 250 detained encroaching upon Hudood Ordinance were released in a split second out of in excess of 6,000 detained women. The amendments brought about a big change for female prisoners around the country. Since the explanation of law can't be secluded from the specific social association in which it is discovered, guidelines and recognized practices fundamentally impact the application and comprehension of law. (Iftikhar, 2015).

International legislation on Prison Reforms (Mandela rules and Bangkok rules)

A lot of diversity is being seen when it comes to the situations in which female prisoners are kept in detention facilities, which is basically the result of variations of atmosphere and ethos of various states. One outcome of these strategies is that in certain nations ladies are being held in packed conditions, while in different nations the issue of congestion doesn't emerge or, for instance on account of Denmark, overpopulation is taboo by law. The progressions after some time in the detention of ladies contrasted and that of men is altogether different over the nations reviewed. Some have seen considerably faster growth than others in the ladies' jail populace. In the United States, the ladies' jail populace expanded by 2.9 percent somewhere in the range of 2000 and 2005 contrasted with a 1.8 percent development in the men's jail populace and in Australia the number of ladies in jail expanded by 90% somewhere in the range of 1996 and 2006, contrasted with an expansion of 39 percent in the male jail populace (Mittra and Kumar, 2004).

The normal time of ladies in jail in the nations examined is near or over 30 years of age. There are likenesses in the wrongdoings for which ladies have been detained. Offences associated with illegal possession drugs are a significant reason for ladies' detention. In January 2008, there were 2,821 ladies (4.7 per cent) in New York State jails. Almost 33% (905) of these ladies were detained for offences related to the use of narcotics. In 2007 around 84 percent of ladies incarcerated in New York's penitentiaries in 2007 were indicted for non-violent offences, essentially narcotics and property-related misdemeanours. Nations, for example, Finland, where the numbers detained, are low and detention is utilized sparingly have a higher number of detainees indicted for intense wrongdoings of savagery. States have evolved various ways to deal with the subject of how to accommodate a segment of people that is a smaller minority in a framework intended for the larger part male populace. A few nations, for example, New Zealand and the USA, have viewed ladies as men in everything except sexual orientation and have replicated the framework utilized for men with just slight variations, in spite of the fact that the ramifications for ladies regarding remoteness from home are totally different. Others have a half-breed framework (Singleton, 2017).

Nelson Mandela Rules

Standard Minimum principles (SMR) are named as Nelson Mandela rules out of appreciation for Nelson Mandela President of South Africa subsequent to serving 27 years in prison. Standard Minimum Rules accommodate the essential enhancements that ought to be given to detainees to guarantee fundamental basic freedoms. After Geneva Conventions which guarantee rights to prisoners of war, these rules were adopted to grant basic human rights to the people kept under detentions. These rules were further supplemented by the implementation of Tokyo rules, which provided for non-custodial measures. All the enlightened countries of the world receive these standards. They are additionally enhanced by Bangkok Rules, which are explicitly drafted for female detainees and to fill the lacunas, which were left by Standard Minimum principles. It's been 30 years since Standard Minimum Rules (SMR) are adopted by all the members of the United Nations. These nations pledge to bring their municipal laws regarding confinements and imprisonments into conformity with Standard Minimum Rules. Pakistan is also a signatory to these rules, but despite this fact, Pakistan prison Rules embodies certain rules, which are in glaring contradiction of these principles and its high time to alter such discrepancies to avoid human right violations that result in detention centres.

The Bangkok Rules

Even though female prison population have increased with time but still ladies and juvenile female offenders represent less than ten percent of prison population because of which their attributes and needs have stayed unacknowledged and generally neglected by criminal equity frameworks. Foreign nationals continue to represent a large number of women in prison in many countries, especially in countries, which have large migrant workers. Penitentiaries and their systems – from the engineering

and security techniques to medical care, family contact and preparing openings - are typically intended for men.

These Rules were designed to cover and offer protection to female offenders who are yet not convicted and going through preliminary trial stages along with those women who have been charged and proven guilty of an offence. The Rules additionally secure ladies in jail under supposed 'protective' authority by the state along with female guilty parties who are given a sentence other than detention (non-custodial measure or assent). Offspring of detained guardians going with their parent to jail. Male detainees and guilty parties are likewise secured by a portion of the Rules. For instance, *the* focal function of the two guardians is perceived, and in like manner, a portion of the guidelines applies similarly to male detainees and to wrongdoers who are fathers. The 70 Rules offer direction to strategy creators, administrators, legal specialists and jail staff to diminish pointless detainment of ladies, and to meet the particular needs of ladies who are detained. The Bangkok Rules give direction on sex delicate choices for both pre-preliminary confinement and incarceration post-conviction which address the most widely recognized reasons for commission of crimes. They perceive that jail is typically an incapable, and regularly harming, answer for punishing ladies, preventing their social reintegration and capacity from living gainful and decent, honorable life after their liberation

The Bangkok Rules react to the various needs of ladies and young ladies in penitentiaries, giving direction on a wide scope of parts of the jail system - medical care, recovery programs, the preparation of jail staff and visiting rights. The rules expect ladies to be treated with human dignity and provide protection against violence.

Provision for Prisoners' Children

Bangkok rules are eloquent about the children accompanying their mothers during detention. Jail administrations must accommodate the full scope of requirements of youngsters in jail with their moms, regardless of whether clinical, physical or mental. As these kids are not detainees, they ought not to be treated as free citizens. The Rules additionally require exceptional arrangements to be made for moms before induction into prisons, so they can sort out elective childcare for kids left outside. However, there has been less progress to ensure the best interest of children while sentencing the primary caregiver. Approximately 19,000 children were living in prisons with a primary caregiver in 2017 (Un Global study on children deprived of their liberty).

Alternatives to Imprisonment

These rules lay stress on the non-custodial measure for female offenders for petty, minor and nonviolent offences as an alternative to an imprisonment so as to prevent overcrowding, limit the emotional and mental toll of imprisonment on women and their children by not separating them from families and avoid the damage caused by detention, in the form of bail, probation and payments of fine or any other framework which is suitable for the country. However, reports surface from time to time regarding women being subjected to physical and sexual abuse and compromised health care services, even in most developed countries. It has been 10 years now since Bangkok rules are adopted, but even after ten years these rules largely remain unimplemented.

It is basic first to take note of that in the course of recent many years; the overall jail populace has essentially expanded a wonder that has set a tremendous budgetary weight upon States. Detainment has gotten a close to a programmed reaction to wrongdoing, as opposed to a final hotel. Prison frameworks in many nations are no longer focused on transformation and social recovery, yet rather are centred around discipline through the hardship of freedom.

Clinical consideration is a base and crucial necessity for guaranteeing other conscious treatment of detainees. Clinical consideration and treatment, including assessments, must be completed instantly, autonomously, and consensually. Arrangement of essential supplies and clinical treatment legitimately identifies with the basic and general principle ordering that people denied of freedom must be treated with deference for their respect, and the reconsidered Rules mirror this crucial directly through stressing others conscious conditions. Rule 25 of Mandela rules call upon States to guarantee that there is a medical care administration in each jail, "entrusted with assessing, advancing, ensuring, and improving the physical and psychological well-being of detainees." The standard likewise offers that such types of assistance staff interdisciplinary groups with full clinical limit and qualified aptitude in brain research, psychiatry, and dentistry.

The Chelsea Manning Case

Ms Manning is right now carrying out a long-term jail punishment at the United States Disciplinary Barracks at Ft. Leavenworth Kansas, and however the military perceives that she has sex dysphoria requiring therapy, basic consideration has been retained with no clinical premise. Sexual orientation dysphoria is a genuine ailment that requires hormone treatment and changes to sex articulation, such as developing hair, to live reliably with one's sex way of life as a major aspect of acknowledged norms of care. Without important treatment, sex dysphoria can cause extreme mental misery, nervousness and suicidal deaths. Consequently, the National Commission on Correctional Health Care and the American Psychological Association has given policy statements that help to furnish treatment to detainees determined to have the said condition as per set up norms of care, as the Federal Bureau of Prisons and many state adjustments organizations are doing already. Therefore Ms Manning has submitted a complaint coupled with a motion in which she requests for the grant of a preliminary injunction requiring the concerned authorities to give her therapy for hormones, permission to follow female grooming methods and acquire therapy from a specialized doctor fully trained in dealing with such conditions as she is undergoing.

Khyber Pakhtunkhwa formerly known as Northwest Frontier province, adopted Pakistan prison rules, which consist of fifty chapters. The Pakistan prison Act serves to be the parent act for all the four provinces of Pakistan. Section 59 of the Pakistan prison act has given the prerogative to the respective provincial governments to bring about any change, modification in the rules according to their provincial needs. They are owing to the fact that the current rules are obsolete and new up-gradation, newly updated rules were adopted in 2018, which go by the name of KP Prison Rules 2018. Unfortunately, these new rules are short of any variation apart from the name. They accommodate the same old version of Pakistan prison rules, and yet there is a wide gulf that needed to be abridged to bring them into conformity with the international standards to which Pakistan is a signatory. It still embodies rules regarding corporal punishments, diet requirements, health conditions which make them fall short of Standard Minimum Rules (SMR).

Procedure on Admission to Prison

As indicated by KP Prison Rules 13-24 and segment 24 of KP Prison Act, it is expressed that each detainee will be reviewed in affirmation register by the Assistant Superintendent accountable for confirmations and will likewise be analyzed by the Medical Officer or the Junior Medical Officer under the time span of 24 hours of his entrance into the jail. The Medical Officer or Junior Medical Officer will inspect each detainee and enter in the affirmation register, the age, stature, weight and the condition of the well-being of the detainee, determining whether great, poor, normal or terrible, along with such perceptions in respect, to his physical or states of mind as might they think about essential and if the detainee is condemned to imprisonment which require any sort of work to be done, the class of work for which he is fit, regardless of whether hard, medium or light. While depicting a detainee's well-being as awful or impassive the Medical Officer or Junior Medical Officer will record the reasons, for example, broadened spleen, pallor, and so forth He will likewise note whether the detainee has been immunized for any infectious illnesses like chickenpox, scabies, and other communicable diseases.

Hygiene Condition

The Bangkok Rules react to the various needs of ladies and young ladies in detainment facilities, giving direction on a wide scope of parts of the jail system - medical care, restoration programs, the preparation of jail staff and visiting rights.

Standard least guidelines 15-16, 22-26 and Bangkok rules under principle 5 and 6 expresses that detail assessment of female detainees will be led for substance misuse, explicitly communicated sicknesses and other gynaecological issues while pregnant, nursing ladies will be checked by a certified medical officer, and all detainees will be provided with clean cushions and towels and other essential embellishments on normal premise where they don't need to request them to maintain a strategic distance from humiliation and inability to give such fundamental pleasantries add up to debasing therapy under CPT. Those ladies who have gone through abortion, miscarriage or are expecting will be provided with ordinary water and admittance to the latrine. Anyway, just essential conveniences, for example, cleanser, oil and soap are referenced in Rules, apart from these young ladies undergoing menstruation shall be provided with sanitary pads to avoid vaginal disease and other diseases which may result from unhygienic personal conditions.

Dietary Conditions

Women prisoners now form a considerable strength of jail populace. There have been contemplating indicating female, and kids' detainees had expanded in number since 1998 ([Ali 2011](#)). Bangkok Rules has laid special stress upon the treatment of pregnant, expecting and lactating females but despite this fact it argued that pregnant ladies are not given clinical consideration, or nutrient enrich food in which can help in maintaining the health of both the mother and baby in jail. Notwithstanding, information with respect to the healthful adequacy of ladies detainees is fragmentary. Food scales according to which meals are given to the detainees are mentioned in prison rules, but it noteworthy that for female, the amount of food according to their age and weight is not mentioned. Various studies conducted on the estimation of food given to prisoners and the amount nutrients they received from such food concludes that they get enough protein and energy, but as this protein is mostly received from vegetables and pulses, it is rather of low enrichment as compared to the one received from meat.

Punishments Inflicted on Female Prisoners

. Segment 46 of KP Act recommend disciplines which can be dispensed upon detainees it includes fetters, handcuffs and another instrument of restraints however Female detainees are not exposed to chains and whipping yet under Rule 313 they can be cuffed and can be exposed to correctional eating regimen, single and separate confinement which is against the soul of Bangkok rules and infringement of rule 43 of Standard Minimum Rules (Mandela Rules)

Mental Health Conditions

A person may be normal at the time of entry to prison, but the latter develop psychological issues. Exploration has demonstrated that ladies have high self-destructive inclination when contrasted with men (Center for infection control and prevention,2009). Besides this, the inclination is more noteworthy in detained ladies when contrasted with the network ladies (WHO,2007). A review led in Peshawar focal jail demonstrated that 59 percent of female detainees experience the ill effects of wretchedness among whom moderately aged ladies were in high ratio. ([T.m Khan 2012](#)) Therefore, under guideline 6(2) of Bangkok rules it is expressed that they ought to be appropriately investigated and the ones who have undergone ongoing fetus removal, unsuccessful labor or conveyance have a different hormonal change which can bring about post-pregnancy anxiety along these lines they require legitimate directing to keep away from self-hurt and dysfunctional behavior, the principles express that appropriate psycho-social help administrations will be given. For the psychological prosperity, the Bangkok rule 54 weights on the need of intimate visits to restrict the mental effect of detainment on mother and youngsters yet the KP jail Act and Rules are just restricted to the organization of jail and jail staff.

Suggestions and Recommendations

Following are certain recommendations, which are discussed as under after the analysis of KP Prison Act and Rules.

Space for Conjugal Meeting

After thorough deliberation, it has been observed that females have high emotional needs which affect them more as compared to the male segment of society. Imprisonment takes a high toll on the mental conditions of both male and female inmates in order to keep a balance and emotional stability various countries allowed conjugal meetings. In Pakistan, this right has been granted to prisoners after the decision of Federal Shariat Court. Therefore, it is high time that Changes be brought about in KP prison Rules, which to this date remain silent about such meetings. It is therefore recommended to follow the footsteps of other provinces like Punjab and Sindh to incorporate this rule and space shall be provided to ensure the privacy of meetings among spouses so as to ensure the sanctity of marriage and mental health of the female convict.

Doctor of her Choice

According to International Standards like Bangkok Rules and Principles of Detention and imprisonment (Principle 19), it is explicitly stated that when the physical examination is conducted on female inmates on their admission to prison or in case of any other emergency, they shall be provided with the doctor of their choice.

Mental program

This research has shown that among one of the major health problems faced by female prisoners and most glaring one is a mental issue. Depression, suicidal tendencies, anxiety and other mental illness, are more prevalent in female prisoners due to their fragile status, stigmatization from society and bonding with family. Prolonged imprisonment affects them more deeply. Gender-sensitive and interdisciplinary healthcare programs which enable them to cope with such dilemmas and also to cure such problems at the earliest possible time so that it does not aggravate to the level which needs hospital interventions should be made an essential component of all health-related services to female prisoners.

Drug Abuse

This is the most neglected area in prison, where the majority of female prisoners are either a drug addict or convicted of drug offences. Majority of women prisoners are involved in drug-related offences. Though in Pakistani society the women prisoner is not necessarily drugged addicts rather they are involved in drug trafficking, but for those inmates who are addicted to drugs and convicted for that offence, they require proper withdrawal program and health service as without that it can endanger their life. Withdrawal from drugs require detoxification, but unfortunately, no proper program for substance abuse is available to them, which is now need of the hour to be adequately addressed by incorporation in prison rules.

Amendment in Rule 225

Rule 225 of KP Prison Rule 2018 mention Special class prisoner neglecting to mention the details and requirements of this category which can be misconstrued owing to the ambiguities in this rule. The proper amendment shall be brought about as to remove any doubts that may arise regarding special class category along with needful amendments in chapter 10 of prison rules which fails to mention details about special class prisoners, vulnerable groups and their treatment.

Amendment in Rule 581

Rule 581 and 582 under KP Prison Rules 2018 deals with the power of superintendent to grant punishment and make necessary entries in punishment register. The Act and rules give immense power to superintendent when it comes to giving punishment, and no check and balance is placed upon this power, which often results in abuse of authority. Therefore, it is suggested that proper modifications shall be brought about in these rules, which requires the superintendent to record reasons for all of his decision so as to prevent violation and abuse powers.

Modification in Rule 578

Rule 578 deals with the power of the superintendent to allow the prisoner to call witnesses. Here again, the superintendent is the sole authority to decide whether the witness shall be called or not. In order to curb the violation of this power, Rule 578 be also amended to limit the intervention of the superintendent when prisoners want to call witnesses in his favor when he is charged with prison offences.

Physical Punishment

Bangkok rules couple with Standard minimum rules (Mandela rules) strictly prohibits the use of any form of corporal punishments upon prisoners Rule 583 (g) which relates to imposition of handcuffs be totally abolished as it is in violation of Standard minimum Rules though females are excluded from this still this provision is violated in most prisons.

Daily Visit by Medical Officer

Among other major and minor punishments, separate and cellular confinement is also included in which a prisoner is separated from communication but not from the sight of other prisoners. As communication is the only way to inform the authorities of any mishap and since during this punishment it is prohibited therefore to assess the physical and mental well-being of a prisoner a visit from the medical officer shall be mandatory. Therefore, a daily visit by a medical officer to the prisoner for as long as he is kept in separate confinement so as to assess their mental and physical well-being shall be added to the Prison rules as to ensure the safety of prisoners.

Penal Diet

The Prison Act serves as the parent act for all the rules to be derived from. Section 45 of the Prison Act deals with the punishment to be inflicted upon the prisoner, which authorizes the superintendent to impose penal diet. This section of Prison Rules needs amendment as it is against the principle of Bangkok rules, especially in the case of female prisoners who have undergone abortion, delivery or any other sort of trauma or mishap.

Transgender Prisoners

The prison Act, along with prison rules is mum about transgender prisoners. The plight of transgender, even who are free citizens speaks volumes. However, they are guaranteed Constitutional protections, a distinct identity which they chose for themselves still when it comes to their accommodation in prisons, no specific mechanism exists. They are often placed in male prisons along with male prisoner where they suffer sexual abuse or another form of abuses. In order to prevent such situation, separate prisons or separate barracks shall be made available to this deprived section so as to prevent them from torture, rape and other sexual abuses at the hands of authorities as well as other prisoners.

Disable Prisoners

Physically fit people alone do not commit crimes but also those who suffer from any kind of physical disability. Prisoners with a disability is another neglected area, no provision exists in either Act or rules for such prisoners, a disability could be either mental or physical but no facility exist in jails for such prisoner neither children with any disability living with their mother in jails. As a result, they encounter day to day practical challenges; thus, they are mostly confined to a cell or having limited access to exercise. Proper washroom, living area and other basic amenities shall be provided to prisoners by incorporating provisions in the concerned manuals.

Alternative Approaches to Imprisonment

As overcrowding and meagre resources are the main reasons, which contribute to the current languishing conditions of women inmates. An alternative to imprisonments as mention in Tokyo rules and non-custodial measure by Bangkok rules shall be followed in the form of granting bail to pre-trial prisoners, probation, house arrest, electronic monitoring, monetary sanctions shall be imposed to avoid human rights abuses due to overcrowding in jails. (Global Prison Trend, 2020)

Right to Appeal

Inmates who are subjected to charges of prison offences shall be provided with procedural safeguards against the arbitrary use of powers by authorities. This can be achieved by the introduction of new provisions in chapter 23 of the rules concerning provisions regarding time specified by statutes for the supply of documents essential for the preparation of defence coupled with the right to counsel and right to appeal against the decision of superintendent be also granted To prisoners.

Conclusion

December 2020 will mark 10th anniversary of the UN rules for prevention of discrimination and non-custodial measures for women offenders (Bangkok rules), which were basically aimed at improving the conditions of female prisoners who are mostly overlooked whenever any reforms are introduced. These rules were specifically designed for women prisoners keeping in view their gender needs and mental as well as emotional needs, but still, there is a long way to go to see the actual implementation of these rules. Though the Act has incorporated Standard Minimum Rules (SMR), there are still a lot of loopholes and glaring gaps between theory and practice. Mental health care is the most ignored domain couple with lack of balanced diet, proper nutrition, adequate counselling for trauma's suffered is further escalating psychological problems. Deplorable personal hygiene conditions in addition to overcrowding, is making these inmates more prone to various intimate diseases common among which is UTI (Urinary Tract Infection).

Meagre resources are one of the basic causes for non-availability of these facilities to incarcerated female prisoners, which result in violations of their basic healthcare needs. A large number of funds allocated to prisons are invested on the upkeep of infrastructure, staff and security, leaving almost nothing to be spent on healthcare and proper food for prisoners. This low funding leads to poor detention conditions. Further unrestraint power of authorities and no check and balance make the situation

grimmer in cases where the law has granted them some facilities. Imprisonment does not have the sole purpose to only punish the criminal rather it aims at rehabilitation and reformation but looking at the statistics and prevailing conditions in various jails across the country, it is hardly fulfilling the purpose of rehabilitation and reformation. The prisoner remains mal and undernourished, suffer more harm inside the prison cell. He becomes physically weak; their mental conditions deteriorate and get infected with other diseases. In order to control the situation, non-custodial measures as directed by Bangkok rules shall be followed so as to prevent these violations as much as possible.

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