



Plight of Women in Pakistan's Prisons

# REPORT



Government of Pakistan  
**Ministry of Human Rights**



# ACKNOWLEDGEMENT

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This Report is produced by the Committee which was created under the directions of Prime Minister Imran Khan to investigate the plight of women prisoners in Pakistan. The report effectively highlights the problems faced by female prisoners in incarceration, and outlines critical legal and policy recommendations to be instituted to ameliorate their suffering. I am grateful for the support of Secretary of the Committee, Ms. Rabiya Javeri Agha. I would also like to thank the members of the Committee, including Secretary Ministry of Interior, Home Secretaries and Inspector General Prisons of the four provinces and Gilgit-Baltistan, for ensuring the timely provision of relevant data. A special thank you is also extended to our two civil society experts, Ms Sarah Belal (Justice Project Pakistan) and Ms. Haya Zahid (Legal Aid Society) for their valuable feedback towards strengthening the analysis and recommendations of the report. I am also thankful for the technical support offered by the officials at Ministry of Human Rights; Mr. Mohammad Arshad Director General HR Wing, Mr. Arfan Shabbir Deputy Director HR Wing, and finally, the contribution of our EU Consultants, Ms. Saleha Zahid and Ms. Maimana Khattak, who played an important role in data compilation, analysis and consolidation of the report.



# Table of Contents

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|  |    |
|--|----|
| Executive Summary  | 4  |
| Background   | 4  |
| Methodology  | 5  |
| Information & Data Recieved  | 6  |
| TOR I.   | 7  |
| TOR II.  | 13 |
| TOR III.   | 15 |
| TOR IV.  | 16 |
| TOR V.   | 17 |
| TOR VI.  | 18 |
| TOR VII.   | 19 |
| TOR VIII.  | 20 |
| Key findings and recommendations   | 21 |
| Bibliography   | 25 |
| Gap analysis between the Pakistan Prison Rules and the Bangkok Rules (Annex A) | 26 |
| Gap Analysis between Provincial Prison Rules and the Bangkok Rules (Annex B)   | 31 |
| Compilation of Data (Annex C)  | 73 |
| Preliminary Questionnaire (Annex D)  | 76 |
| Second Questionnaire (Annex E)   | 78 |



# Executive Summary

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The Committee constituted by PM Imran Khan to investigate the Plight of Women in Pakistan's Prisons made several key observations and recommendations in terms of legislative, policy and training reforms needed to protect the rights of female prisoners in the country. The Committee collected primary data through two rounds of questionnaires and conducted a comprehensive literature review of available reports and existing research on the issue to develop a more in-depth understanding of their problems and concerns. Finally, the Committee went beyond the parameters defined by the Terms of Reference to evaluate the adherence of provincial prison rules to internationally recognized standards for the treatment of women prisoners as defined by the Bangkok Rules. The Committee has presented several gender specific recommendations for legislative amendments that should ideally be incorporated into the provincial rules as they are in the process of being finalized. The Committee found that there was a critical need to reduce the proportion of Under Trial Prisoners; develop sentencing alternatives and non-custodial measures for female prisoners; as well as to improve living conditions and education and rehabilitation programmes in female prisons and barracks across Pakistan.

## Background

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Although women only make up a small proportion of the total prison population, they have been found to be less knowledgeable, more disempowered and vulnerable to the existing criminal justice system. Their gender-specific struggles and issues are over ignored or overlooked in terms of policy and discourse pertaining to the rights of prisoners. In order to account for their specific needs and ensure that their fundamental rights are protected, there is a need to put in place institutional arrangements to address the plight of female prisoners, whether convicted or awaiting trial, in a comprehensive manner in Pakistan.

The Prime Minister constituted a committee to study and investigate the plight of women in Pakistan's prisons, to be chaired by the Minister for Human Rights to look into the following areas (Terms of Reference):

- I. Assess whether Prison Rules, CrPC 1898 and international best practices are being adhered to with respect to women prisoners, especially their protection, rights, health, security and well-being;
- II. Ensure gender-specific services are available for women prisoners addressing their physical, psychological, emotional and sociological needs;
- III. Review Prison Rules and other relevant laws with a view to suggest gender specific changes in order to bring improvements for women inmates;



- IV. Review overall governance, legal aid and management systems/ processes in prison administration, especially with regard to women prisoners and to suggest improvements;
- V. Review individual cases of human rights violations and victimization of women inmates and suggest measures for institutional accountability;
- VI. Review situation of children accompanying women in jails and work to help mainstream such children, especially with regard to their education and social integration;
- VII. Suggest comprehensive and workable system of governance of prisons in Pakistan with a view to ameliorating the plight of women in prisons;
- VIII. Review post release programmes to ensure that women prisoners are able to adjust in society after they leave the prisons

The Committee comprised the following members; Federal Minister of Human Rights (Chairperson), Secretary Ministry of Human Rights (Secretary), Secretary Ministry of Interior, Home Secretary of Punjab, Home Secretary of Sindh, Home Secretary of Khyber Pakhtunkhwa, Home Secretary of Balochistan, Home Secretary of Gilgit Baltistan, Inspector General Prisons Punjab, Inspector General Prisons Sindh, Inspector General Prisons Khyber Pakhtunkhwa, Inspector General Prisons Balochistan, Inspector General Prisons Gilgit Baltistan, Barrister Sarah Belal (Justice Project Pakistan), and Ms Haya Emaan Zahid (Legal Aid Society.)

## Methodology

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The first meeting of the Committee was held on 4th June 2020 via the zoom platform. The meeting was chaired by the Minister of Human Rights and attended by all the members of the committee. The Committee deliberated upon the TORs and certain key issues/considerations were raised. A brief summation of the salient issues discussed in the meeting is as follows:

1. Home Departments to provide the latest available data regarding female prisoners, in accordance with the TORs and a questionnaire to be developed by the Ministry of Human Rights;
2. The Bangkok Rules 2010 to be used as a standard guideline to establish best practices in jail reform regarding detention of women and children;
3. Individual cases of female prisoners who are sick, elderly, or victims of human rights violations to be considered in addition to the data provided by the relevant authorities. The case of Ms Sakina Ramzan was brought to the attention of the Committee; and
4. Provincial anthropological angle through in-depth research and alternatives to interviews in the context of the coronavirus

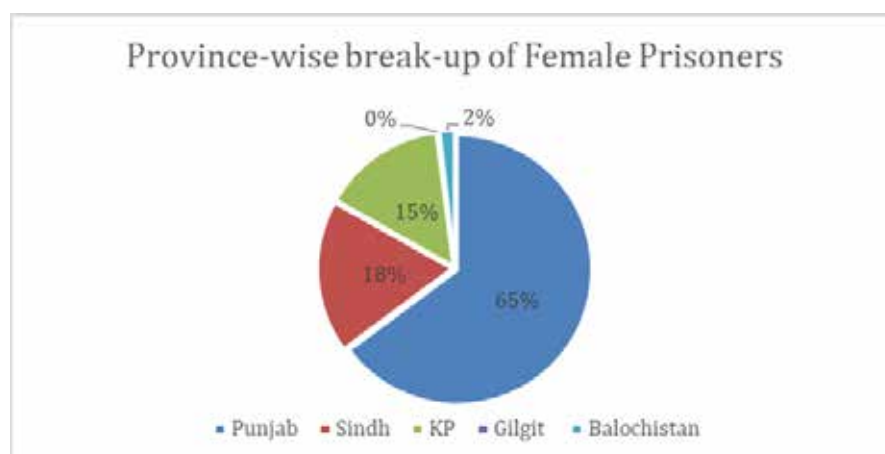
The Committee composed and dispatched a preliminary questionnaire to the Home Departments and IG Prisons with a request for data to be furnished (Attached as **Annex D**.) The data received from the provinces was compiled and a preliminary analysis of findings was shared with individual committee members for feedback. A gap analysis of the compiled data was formulated on the basis of this feedback to define the priorities and scope of the second phase of data collection. It was decided that a second questionnaire be sent to the Provincial Home Departments and IG Prisons to extrapolate specific missing data as well as more comprehensive responses to identified areas of concern (Attached as **Annex E**) The Committee also conducted a literature review of available reports and existing research on the issue to develop a more in-depth understanding of the plight of female prisoners in Pakistan.

The Committee also carried out a comprehensive gap analysis between the Pakistan Prison Rules and the Bangkok Rules (The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders) in order to assess whether Prison Rules and Criminal Procedure Code 1898 adhere to internationally recognized standards and identify specific areas that require either legislative reform in the Pakistan Prison Rules or policy reform in general. **The gap analysis matrix is attached as Annex A to this report.**

The Committee also reviewed the Sindh Prisons and Correction Services Rules that were enacted in May 2020, the KP Prison Rules 2018 and the Draft Punjab Prison Rules in light of the Bangkok Rules, to propose gender specific recommendations and amendments required in the provincial prison rules. **The gap analysis matrix of the provincial rules is attached as Annex B to this report.**

## Information & Data Received

Based on official data received, 1,121 out of 73,242 prisoners in Pakistan are female, accounting to 1.5% of the total prison population. The largest female prison population is in Punjab (727), followed by Sindh (205) and KPK (166). There are only 20 female prisoners in Balochistan and 03 in GB.

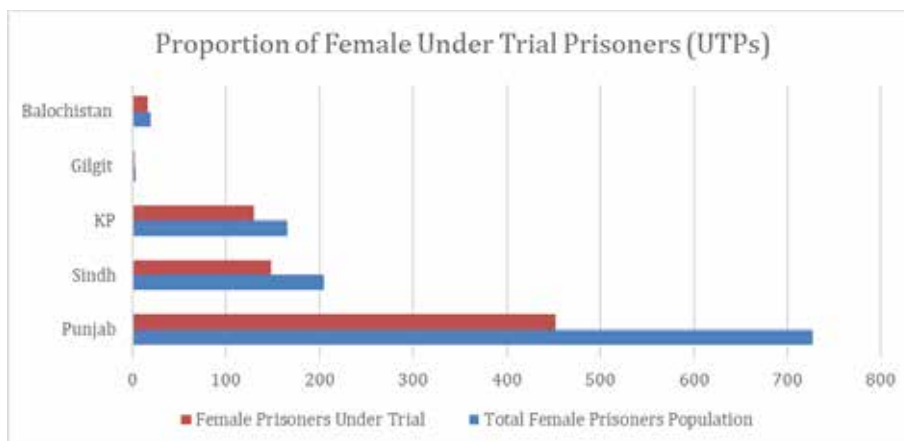


<sup>1</sup>Bangkok Rules, [https://www.unodc.org/documents/justice-and-prison-reform/Bangkok\\_Rules\\_ENG\\_22032015.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf)

<sup>2</sup>Sindh Prisons and Correction Services Rules <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.X%20of%202019.pdf>

<sup>3</sup>KP Prison Rules 2018 [http://www.prisons.kp.gov.pk/?page\\_id=85](http://www.prisons.kp.gov.pk/?page_id=85)

It is important to note that 66.7% of the total female prison population in Pakistan consists of Under Trial Prisoners (UTPs). 62.2% of prisoners in Punjab are Under Trial Prisoners (UTPs), in Sindh the percentage is 72.2%, in KPK it is 78.3% and in Balochistan 80% of the female prison population are UTPs.



Additionally, there are a total of 134 mothers who have children residing with them within prison premises. The total number of children in prisons is 195. As can be seen from the information above, the majority of females in the prisons are married, however there are single or widowed women prisoners as well. There are 46 female senior citizen prisoners and 10 female juveniles in total. The prison authorities also informed that approximately 300 prisoners are detained away from their home districts.

There are a total of 24 female medical workers available to cater to the health and nutrition needs of these female prisoners in addition to visiting doctors from nearby DHQs.

**The complete compiled data is annexed as Appendix C to this Report.**

**TOR I. Assess whether Prison Rules, CrPC 1898 and international best practices are being adhered to with respect to women prisoners, especially their protection, rights, health, security and well being**

The Committee assessed compliance of Prison Authorities to local laws and International Commitments through a review of available literature as well as the data provided by the Prison Authorities. The key observations and findings are summarized below:

### Administration, Registration and Allocation

As per Rule 18 of the Pakistan Prison Rules new female prisoners are screened for medical conditions As per Rule 18 of the Pakistan Prison Rules new female prisoners are screened for medical conditions and diseases at the time of induction by female medical officers. In Punjab, this includes a comprehensive assessment of mental health and drug dependence in accordance with the Bangkok Rules (2-3 and 40-42). However, in practice the screening often precludes a mental health assessment, drug addiction assessment and does not account for history of sexual abuse and violence. Moreover, at the time of induction, important details like the number and ages of children, if any, of the female prisoners are often not recorded. In Gilgit, prison administrations often do not have the capacity to screen female prisoners for health conditions upon admission. In doubtful cases the prisoners are sent to DHQ Hospital for screening.

The Sindh Prison Rules (747) comprehensively handle the screening of women prisoners, emphasizing holistic health screening including mental health care needs, the reproductive health history of a woman prisoners, and drug dependencies. It also specifies the importance of maintaining confidentiality of all records. This can serve as a guideline to be replicated in other provinces.

### **Safety and security**

With respect to the searches, safety, and security of the female prisoners, it was noted that even though most of the provinces have the facility of alternative-screening methods such as scanning doors, the routine practice continues to be invasive physical examinations conducted by prison female wardens. Rule 315 of the Pakistan Prison Rules mandates that women prisoners shall be searched by a women warder and the search should not be carried out in the presence of a male officer, however it fails to state that bodily inspections of female prisoners should be carried out after seeking their consent and their right to confidentiality with regard to their reproductive history must be respected and ensured.

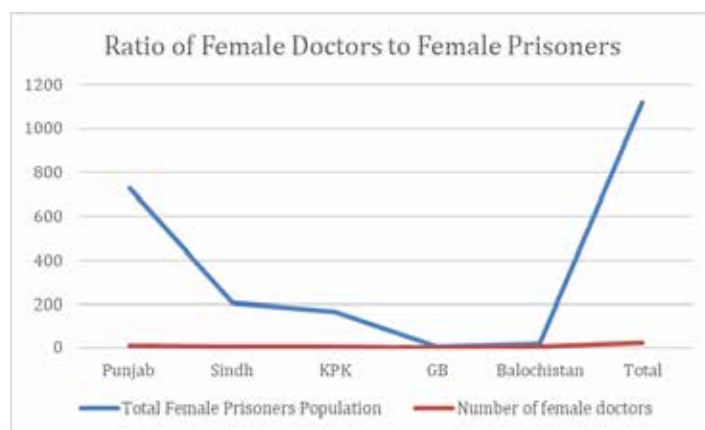
All the female prisoners are confined in female barracks and only dealt by female staff as per the Pakistan Prison Rules. According to Rule 306 of Pakistan Prison Rules women prisoners with sentences of two months or more should ordinarily be transferred to the Women's Prisons however, there are a total of 5 female only prisons, and in the majority of cases women prisoners are confined in separate female barracks in the same prisons. There is a total of 63 separate female barracks in prisons across the country. The supervisory, custodial and instructional staff for female prisoners is Lady Deputy Superintendents, Lady Assistant Superintendents and Lady warders. Round the clock security check by Prison Officers / Officials to ensure the safety and security of female inmates. In Punjab, female prisoners are further classified on the basis of their crime and age. Those who have a tendency to harm other prisoners are confined in a cell and are kept under observation. This practice needs to be replicated in the other provinces in line with the Mandela Rules, which state that confinement in cells for any reason should not amount to solitary confinement.

In Punjab, it has been observed that female inmates can register complaints before any forum. The Learned Sessions Judges, Inspector General of Prisons, & Regional command also visit on a regular basis for redressal of grievances of the female inmates. It is important to note that while the current rules do not have any provisions for complaint mechanisms, the draft of the new Punjab Prison Rules contains an entire chapter on the registration of complaints and the process of how they are considered and prioritized.

All the provinces reported that no cases of sexual violence or abuse have been reported in recent years. There is a need to explore this issue in greater depth, particularly the mechanism of reporting abuse or harassment, and the perceptions of safety of comfort in being able to report these incidents. There is a need to develop confidential and secure mechanisms for reporting sexual abuse and violence. Finally, there is a need to strengthen and improve training of prison staff on matters of gender sensitivity to create a safe and nurturing environment for women and children incarcerated in jails with their mothers.

## Hygiene and Healthcare

The Pakistan Prison Rules provide that there shall be medical officers located on prison premises who shall conduct daily visits of the prison premises and an entire chapter is dedicated to the duties of medical officers. As per the data received, all provincial prison authorities have employed female medical officers in jails and prisons. Punjab has 11 permanent female medical workers and visiting female consultants from concerned District Health Quarters, KPK has 5 medical workers, Sindh has 7 sanctioned medical officers and Balochistan has 4 medical workers. No female doctor is available in any jail of GB. These numbers appear to be inadequate when compared to the female prison populations to which they must cater. For example, there are only 11 resident female medical officers in Punjab to cater to approximately 700 inmates. Based on an interview with a physically ill prisoner at Central Jail, Lahore the Medical Officers only visit if a prisoner makes a request to be checked and the hospital is only able to carry out 'first aid' medical attention.



While there is a psychotherapy cell with a jail psychologist in some of the main prisons in Punjab, most prisons rely on visits from mental health specialists from government hospitals in their respective provinces. For instance, in Central jail Multan, a lady psychologist has been posted since 2019 but there is no separate ward for mentally ill prisoners. They shift the mentally ill prisoner to separate cells, which can be detrimental to the health of such prisoners. The Committee observed a dire need to prioritize mental health issues of female inmates, including strengthening counselling and psychological services available to female prisons on site.

In order to ensure the hygiene of female prisoners, they are supplied with sanitary towels and other soap and water facilities on a regular basis. However, it has been observed that these amenities are often only provided to prisoners with low-income backgrounds while those who can afford them arrange such items for themselves. Rules 317 and 319 of the Pakistan Prison Rules require that prison administrations ensure the availability of amenities for women prisoners including soap, hair oil, sanitary toilets, mirrors and cleanliness are provided to female prisoners. The provinces reported that all female inmates had access to running water, toilets and washrooms. The women were also provided with mosquito repellents, soap and sanitizers and sanitary towels for personal hygiene. However, a 2011 UNODC report<sup>4</sup> revealed that the number of washrooms ranged from 3 to 4 prisoners per washroom to 60 prisoners per wash room in one of the larger prisons. In some instances, there were no separate washrooms, but washing and sanitation facilities were within the barracks, and in some the bathrooms were reported to be non-functional for months.

<sup>4</sup>United Nations Office on Drugs and Crime, Country Office Pakistan "Females Behind Bars Situation and Needs Assessment in Female Prisons and Barracks" (2011).



Only in a few cases water was purified through a water filtration plant and made available around the clock. Majority had tap water available for 24 hours, however the water was not purified leading to various water borne diseases. It must be noted that while there have been significant improvements and renovations of sanitation facilities in the provinces in the past few years, there is a need for more updated primary research into the issue.

It has also been observed that there is a dearth of statistics and data documenting the burden of HIV, HBV, HCV, TB and other infectious diseases in prisons in Pakistan, obscuring the real magnitude of the spread of diseases amongst prison inmates. A 2019 report on the “Prevalence of Tuberculosis, HIV/Aids, and Hepatitis in a prison of Balochistan”<sup>5</sup> highlighted several key issues faced by both men and women in the Central Jail Gaddani, district Lasbela of Balochistan province in Pakistan. The study revealed a critical lack of funding in prison health care systems, as well as inadequate health care screenings which left women and children vulnerable to harmful contagious infections. Perhaps more critically, it revealed the importance of integrating prison health care systems in Pakistan within national public health care systems, as well as strengthening linkages with national infectious disease control programmes.

### **Contact with the family**

According to the Bangkok Rules (4), female prisoners should be held in prisons close to their home districts. However, currently approximately 27% of female prisoners in Pakistan are being held in prisons away from their homes, which is severely detrimental in terms of close family contact. This comprises a total of 298 female prisoners who are located in prisons away from their homes. Half of these are female prisoners in Punjab, 58 in Sindh, 60 in KPK, and 7 in Balochistan.

There is a total of 134 incarcerated mothers with children residing in Prisons in Pakistan. 83 in Punjab, 16 in Sindh, 29 in KP, 2 in GB, and 4 in Balochistan. While children may stay with their mothers in prisons until the age of 5 according to the Pakistan Prison Rules, it is doubtful whether decisions are always made in the best interest of the child, and whether these children are provided with alternate housing or accommodation after being separated from their mothers. In practice, however, reports have found instances of children residing in prison with a parent beyond these age limits - in some cases up to the age of 9 or 10.

Generally, weekly interviews and meeting facilities are available for incarcerated women where they are allowed to meet with family. There are two chapters (Chapter 38 and 22) in the Pakistan Prison Rules dedicated to dealing with visitors and letters and interviews of the prison inmates. A research study conducted in 2013, *From arrest to trial court: the story of women prisoners of Pakistan*<sup>6</sup>, explored the situation of four female prisons in Sindh. The study found that after admission into prison, one third of the prison inmates were never visited by the families. The reason recorded for this was the socio-economic background of the female prisoners. Since these women belonged to very poor/poor socio-economic class, the families could not afford to travel to town where the prison was located as well as buy utility things for inmates. Moreover, even when prisoners' families did visit them, it was observed that they were only given a limited time period of 15-20 minutes with their families. According to the UNODC's 2014 Handbook<sup>7</sup> on women and imprisonment, 'Children are a life-sustaining force for many prisoners and breaking the bond between the mother and child is punishment of the worst kind for the mother.'

<sup>5</sup>“Prevalence of tuberculosis, HIV/AIDS, and hepatitis; in a prison of Balochistan: a cross-sectional survey.” BMC Public Health 19, 1631 (2019). <https://doi.org/10.1186/s12889-019-8011-7>

<sup>6</sup>Gul Ahmed Baloch, “From Arrest to Trial Court: the story of women prisoners of Pakistan” (2013).

<sup>7</sup>United Nations Office on Drugs and Crime UNODC (2014) “Handbook on Women and Imprisonment,” [https://www.unodc.org/documents/justice-and-prison-reform/women\\_and\\_imprisonment\\_-\\_2nd\\_edition.pdf](https://www.unodc.org/documents/justice-and-prison-reform/women_and_imprisonment_-_2nd_edition.pdf)

### **Non-custodial measures**

There are currently no diversionary measures, pre-trial or sentencing alternatives for women prisoners in any province in Pakistan. Although all of the provinces reported that remissions were granted to female prisoners in accordance with Chapter 9 of the Pakistan Prison Rules, parole programmes did not exist in any of the provinces apart from Sindh. A key recommendation provided in the Handbook for Prison Managers and Policy Makers on women prisoners' states that pre-trial detention should not be used as a protective measure, instead these women should be kept in shelters. Additionally, parental status of these female inmates and other caring responsibilities should be taken into account when deciding pre-trial detention. Committee noted that Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations still need to design and implement comprehensive pre- and post-release reintegration programs which take into account the gender-specific needs of women.

### **Rehabilitation**

The Committee observed that vocational training programmes were available for female prisoners in most of the provinces. Female psychologists are also available in jails for the provision of mental health services. However, as noted above, there is a need for more comprehensive psycho-social services, including counselling for victims of sexual abuse and violence as well as drug dependencies.

A 2011 study on mental health conducted by the Committee for the Welfare of Prisoners – Legal Aid Office in Sindh<sup>8</sup>, aimed to generate baseline information about women's mental health needs in the Karachi Women's Prison through data sampling of 140 imprisoned women. Their mental health was assessed using the Mini International Neuropsychiatric Interview (MINI). The research revealed that a majority of women reported symptoms of mental health disorders. The most common disorders were Major Depressive Episodes, Suicidality, Generalised Anxiety Disorder, Panic Disorders and Post-traumatic stress disorders. The study revealed the prevalence of a significant issue that is often overlooked. Recommendations that emerged from the research emphasized the need for permanent mental health service providers in prisons, training for prison staff on mental health and suicide prevention and creating awareness of mental health issues within and outside prisons.

### **Additional rights of vulnerable female prisoners**

Specific provisions to cater to the needs of vulnerable female prisoners are lacking. Juvenile female prisoners are not kept separately or provided special vocational training, and there is lack of access to age, culture and gender-specific programmes and services for women prisoners who are foreigners or belong to minorities. There are only 15 foreign female prisoners in all the provinces. 8 in Punjab, 2 in Sindh, and 5 in Balochistan.

### **Status of Provincial Prison Rules**

**Sindh:** The Committee observed that only the province of Sindh has been successful in introducing a new legal scheme that includes many gender-sensitized and progressive rules on admissions, classifications, rehabilitative initiatives and other entitlements including promulgation of Sindh Prisons and Corrections Services Act<sup>9</sup>, 2019 and revision of Sindh Prison Rules 2020.

<sup>8</sup>Legal Aid Society, "An Analysis of Mental Health Needs in Karachi Women's Prison" (2011).

<sup>9</sup>Sindh Prisons and Corrections Services Act (2019).

<http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.X%20of%202019.pdf>

**Punjab:** It was noted that Punjab is currently reviewing and revising its Prison Act and Rules, which are at a final stage. Prominent amendments include amendment of Rules 305 to 308 Punjab under Pakistan Prisons Rules 1978 dealing with administration of female prisoners and Innocent Children to update them and bring them in line with Standard Minimum Rules and United Nations Declaration on the Elimination of Violence against Women and Bangkok Rules. It also includes a separate chapter on vulnerable prisoners including foreign nationals, a new chapter on complaint mechanisms, a revised chapter on the treatment of mentally ill prisoners, new chapters defining the role and responsibilities of social welfare officers and prison psychologists.

**KP:** The KP Prison Regime is also seeking to minimize differences for women prisoners between prison life at liberty, and the KP Prison Rules 2018 adhere more closely to the Bangkok Rules and International Standards. The government of KP introduced the Prison Rules in 2018, which adhere more closely to the Bangkok Rules and International Standards. However, the provincial authorities of KPK have proposed several amendments in the 2018 Prison Rules including amendment in Rules 21, 137, 325 and 555 to provide for greater rights at the time of admission including privacy during searches and provision of legal aid and increased contact with family by inserting new rules.

#### **Punjab Field Visits:**

##### **Led by Committee Member Sarah Belal (JPP)**

Field visits were conducted in 3 prisons in Punjab; Central Jail, Lahore (women barracks), Women's Jail, Multan and Central Jail. The field visits included interviews with female inmates and wardens as well as primary questionnaires.

Although the DSP states that prisoners in Central Jail Lahore underwent *Medical Health Screenings* in Jinnah hospital and another screening before admission to jail, interviews with prisoners revealed that the health screening was often not implemented.

Regarding *mental health*, Multan and Lahore have posted a female psychologist however there is no separate ward for mentally ill prisoners. Instead, they are shifted to separate cells which could be detrimental to the health of such prisoners.

Regarding *contact with family*, visits in both Rawalpindi and Multan have allowed families to visit the prisoners every two weeks. The visits were suspended due to COVID-19 however prisoners could make phone calls.

On *outdoor spaces*, in Rawalpindi and Multan women prisoners could roam freely during the daylight hours and were only confined to their cells at night. Moreover, no males (including laborers) could enter women's jail premises without being accompanied by a female warden.



*Recreational Activities* such as board games, knitting, sewing watching TV were included in Rawalpindi Jail. Moreover, Central Jail Rawalpindi and Lahore has a Domestic Tailoring program and Beautician program provided by TEVTA. However, compared to male prisoners in Central Jail Lahore females were offered less courses.

In terms of *Access to legal counsel* Quite a few prisoners in Rawalpindi mentioned that their high court appeals have been pending for years. Inmates in Central Jail Lahore were unaware of *Legal Aid Schemes* or NGOs that were willing to assist them.

In both Multan and Rawalpindi, *children* can live with their mothers up to the age of 6. In Central Jail, Lahore there is a separate room for children of all ages decorated as a classroom. There are no external teachers, so the duty is taken by inmates with educational backgrounds. A prisoner at Central Jail, reported that her child who has developmental delays was not offered any specialised medical care/early interventions despite the prisoner's insistence over the last 6 years of incarceration.

*Covid-19 SOPs* were found to be loosely implemented during the field visits. The field visit team observed that the prisoners, their children, the DSP and warders, the psychologists and Lady Health Visitors were not wearing masks. Outside the building which had the DSPs office in Central Jail, Lahore, was a sign in Urdu asking all to wash hands with soap. In Rawalpindi Central Jail, it was also observed that there were no disinfection or social distancing measures being practiced in female barracks.

## **TOR II. What gender-specific services are available for women prisoners addressing their physical, psychological, emotional and sociological needs.**

The literature review and the data provided by the Prison Authorities reveals that the following services are being provided to the female prisoners:

In order to cater to the female prisoners' health, at the time of initial screening, the female prisoners are tested and medically screened for existing medical conditions and diseases by female medical officers, and specific treatment plans are devised accordingly. In Sindh, female prisoners have access to facilities to contact legal aid and information about prison rules upon admission is provided through a provincial government notified committee operating since 2004. Specific arrangements are made for women including gender specific accommodation within prisons. All females are provided with cots for sleeping, and there is no issue of overcrowding in female barracks / prisons. Large areas, including outdoor spaces, have been reserved for female prisoners in Punjab and Sindh. It was noted that living conditions in most of the provinces need to be improved to institutionalize the provisions of rules. This includes improving indoor and outdoor recreational and educational facilities.



As per the information provided by the prison authorities a wholesome weekly diet plan for the female prisoners with full nutrients and calories is provided. Extra special diet consisting of milk, sugar, rice, fruits and vegetables provided to expecting or lactating mothers. Any other food articles may also be included on the recommendation of the Women Medical Officer. Separate transportation facilities are also available to female prisoners, for example separate prisons vans are arranged for court production of females so that they do not have to sit with male prisoners or guards.

However, when questioned, a prisoner in Central Jail, Lahore reported that the diet for prisoners was inadequate and served at inconsistent times. She also reported that since the spread of COVID-19, the prison has stopped providing milk to children living in prison with their mothers. This was the only special food available for the children's' nutrition, and no alternative has been provided. Moreover, she reported that little regard is given to children's' unique nutritional needs despite making requests to the authorities.

In Punjab, psychological and counselling services are being provided to female prisoners based on need. Psychologists and mental health experts visit jails from government hospitals regularly in most of the provinces. Prison Authorities facilitate weekly family visits for female prisoners, including the provision of space spaces for women to spend time with their husbands and children. Additionally, the female prisoners who have young children up to the ages of 5 are allowed to remain with the mothers in prison premises and special living and educational arrangements are provided to them such as the Montessori styled schools established in Hyderabad and Karachi Women's Prisons. Moreover, prison staff is trained in terms of providing psychological and emotional support to female prisons, which includes listening to their complaints, praising and acknowledging good behaviours and showing empathy and consideration. The Committee however observed that there is a need to strengthen gender sensitization and training of prison staff in the provinces, and training needs to be conducted on a more regular basis.

The female prisoners receive vocational training and education courses during their time in the prison. The primary courses being taught include beautician courses, domestic tailoring, machine embroidery and hand embroidery. Additionally, since a majority of female prisoners are illiterate Muslims, religious courses including Nazra Quran Course, AL Lisan ul Arbi Course are also being provided. While there are some courses teaching useful skills available for prisoners, there is a lack of teaching of life-skills. Short courses on how to get a CNIC, how to open a bank account and be fiscally responsible, and how to manage access to services outside prison must be included if female prisoners are to be truly facilitated in improving their lives post incarceration. There is also an imbalance in opportunities for female prisoners and male prisoners.

In Punjab in the last four years approximately 1069 convicted prisoners and 882 under trial prisoners have benefitted from these courses. It is noteworthy that although a huge majority of prisoners are illiterate or have some basic religious knowledge there are approximately 30 prisoners who have secondary and undergraduate level education in Punjab.

Similarly the language of the Prison Rules can be modified to include the provision of conducive activities that contribute to their socio-economic rehabilitation and psychological well-being such as but not limited to spinning, embroidery making, designing of clothes, painting of walls, cards or decorating sceneries, jewellery making, cooking, gardening, teaching, management of library etc., and shall, whenever possible, be given instructions in needle work, knitting and other domestic industries.

### **TOR III. Review Prison Rules and other relevant laws with a view to suggest gender specific changes in order to bring improvements for women inmates;**

#### **Gap Analysis of Pakistan Prison Rules in relation to the Bangkok Prison Rules**

In order to assess whether Prison Rules, and Criminal Procedure Code 1898 adhere to internationally recognized standards, the Committee carried out a gap analysis between the Pakistan Prison Rules and the Bangkok Rules. The “United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders” or more commonly known as the Bangkok Rules are the universally recognized international standards on the treatment of female offenders and prisoners. These rules were adopted by the United Nations in 2010.

Briefly, the Bangkok Rules are a set of seventy (70) rules that cover 6 broad areas of prison life including initial registration, safety and security, hygiene and healthcare, contact with the family, non-custodial measures and rehabilitation. The rules also refer to additional rights of vulnerable female prisoners including expecting mothers or mothers with lactating babies, prisoners belonging to minority groups, foreigners as well as under-trial prisoners. Lastly, the rules also stress on the importance of institutional training and research, planning and development.

The Committee reviewed the Pakistan Prison Rules, the Sindh Prison Rules 2020 and the Draft Punjab Prison Rules in light of the Bangkok Rules and made specific recommendations for legal amendments and made gender specific recommendations for legal amendments that have been included in this report.

**The gap analysis matrix comparing the Bangkok Rules and the Pakistan Prison Rules is attached as Annex A of this report.**

**The gap analysis matrix comparing the Bangkok Rules with the provincial Prison Rules in Pakistan is attached as Annex B to this report.**

#### **TOR IV. Review overall governance, legal aid and management systems/ processes in prison administration, especially with regard to women prisoners and to suggest improvements;**

The Prison Management Information System (PMIS) has been introduced in Punjab, KP and Sindh, in order to create a comprehensive and uniform record management system in prisons that can effectively assist in assessing and monitoring the human rights conditions in prisons across the country. This includes records about the caring responsibilities of women, history of victimization, mental health care vulnerabilities and substance dependencies. The PMIS in these provinces are still in a beta stage and require further upgradation and installation in all prisons. The PMIS is critical in terms of empowering judicial authorities to take appropriate decisions, including an accurate assessment of risk level and the delivery of parole and sentencing alternatives. While there is still a long way to go till all the prisons are managed and supervised through these indicators, an emphasis needs to be placed on strengthening the PMIS. Similar systems should also be introduced in Gilgit Baltistan and Balochistan.

'Jail Committees' have been constituted to inquire about the state of the inmates and make recommendations to jail authorities to address their grievances. However, the UN Committee against Torture (UNCAT)<sup>10</sup> in its 2017 concluding observations on Pakistan expressed concern regarding the reports that the committees have not been made operational in practice and the lack of an independent jail monitoring mechanism. There is a dire need to strengthen these committees and institute a fully independent monitoring mechanism in prisons in Pakistan.

Legal Aid is provided to female prisoners through public private partnerships with civil society organizations in most of the provinces. In Sindh, a Home Department notified committee known as the Committee for the Welfare of Prisoners provides legal aid to first time under trial prisoners implicated in non-heinous offences and has been working in women prisons since 2004. Progress reports indicate the committee provided legal aid to 2,530 prisoners in 2020 (of which 75 were female prisoners) and facilitated the judicial conclusion of 2,076 cases (of which 53 were of female prisoners). The committee has recently been provided with statutory footing under the new prison laws.

In Punjab, a Special agenda item for the welfare of female prisoners in monthly meetings of the District Criminal Justice Coordination committee constituted under Police Order 2002. It is general practice that both President and Secretary of District Bars accompany the learned District & Sessions Judges during their visits / inspections of Punjab jails on a fortnightly basis. During these visits, Jail Superintendents submit a list of needy prisoners for legal assistance. The Criminal Justice Committee also works towards instituting necessary measures to provide pro bono to the indigent prisoners. NGOs like AGHS, SPARC and Rehai provide legal assistance to indigent juveniles and women. The cases of female prisoners for legal assistance may also be entertained by Punjab Legal Aid Agency under Punjab Legal Aid Act, 2018.

<sup>10</sup>United Nations Committee Against Torture Annual Report (2017). [https://tbinternet.ohchr.org/\\_layouts/15/treaty-bodyexternal/Download.aspx?symbolno=A%2f72%2f44&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treaty-bodyexternal/Download.aspx?symbolno=A%2f72%2f44&Lang=en)

## **TOR V. Review individual cases of human rights violations and victimization of women inmates and suggest measures for institutional accountability;**

### **Individual cases**

#### **Sakina Ramzan Case:**

Ms. Sakina Ramzan is a seventy-five-year-old who has been incarcerated in the Karachi Women's Prison since 2014. She was convicted under Section-9 of the Control of Narcotic Substances (CNS) Act<sup>11</sup> and sentenced to life imprisonment and a fine of Rs. 1 million. Her case has been pleaded on humanitarian grounds - Sakina has numerous health problems in her old age, including chronic physical pain, asthma and difficulty breathing. Sakina continues to maintain her innocence until this day.

#### **Kanizan Bibi Case:**

Kanizan Bibi is Pakistan's longest standing death row prisoner and the only woman who came close to being executed before the President stayed her execution in 2000.

Kanizan Bibi suffers from severe schizophrenia and has spent 30 years in prison. She was born into a very poor family and worked as a housemaid to help make ends meet. In 1989, her employer's wife and children were found murdered, for which Kanizan and her employer were subsequently arrested and convicted. According to her family, the real culprits, who were engaged in a longstanding land dispute with Kanizan's employer, had been arrested but were later released after they bribed the police. They then filed a false police report accusing Kanizan. After enduring nearly 15 days of torture, including severe beatings and electrocution, the police coerced the child into confessing. Since then, Kanizan has repeatedly insisted on her innocence.

She was arrested in 1989 as a juvenile and was sentenced to death by Additional Sessions Judge, Toba Tek Singh in 1991, and her subsequent appeals in the Lahore High Court and the Supreme Court have been dismissed. Despite her long history of mental illness, the President dismissed her petition for mercy along with those of over sixty others in 1999. In 2006, she was shifted from Lahore Central Jail (Kot Lakhpat) to Punjab Institute of Mental Health (PIMH) where she was being treated for her mental illness, until 2017 when she was arbitrarily shifted back to Central Jail, Lahore. During the course of her incarceration, her medical condition has deteriorated so much that she has not spoken a word in over a decade

The Supreme Court of Pakistan took Suo Motu notice of Kanizan Bibi's case which was heard on April 21, 2018 by a two-member bench headed by former chief justice Saqib Nisar. This case is still pending before the Supreme Court of Pakistan. Kanizan Bibi has spent nearly 30 years on death row, she poses no harm to society and justice demands that her sentence be commuted to life imprisonment. Until this decision is made and her remissions granted, she must be shifted to PIMH, into the care of her treating physicians.

<sup>11</sup>Control of Narcotic Substances Act (1997).  
<http://www.na.gov.pk/uploads/documents/Control-of-Narcotic-Substances-Act-XXV.pdf>



## **TOR VI. Review situation of children accompanying women in jails and work to help mainstream such children especially with regard to their education and social integration;**

Children accompanying women in jails are “secondary victims” as spending formative years spent in jail affects their intellectual growth and emotional development.

One of the primary issues affecting children in prisons is that of the extent or duration of incarceration with their mothers. While the Pakistan Prison Rules define the maximum age for a child to remain in prison with their mothers, this is not always implemented in practice. In Sindh, for instance, children often remain in incarceration with their mothers beyond the age of 6 years that is prescribed in the PPR. According to the KP Prison Rules, a child should be reintegrated into society upon crossing the age of 8 years. While the need for individual, case-by-case assessments of the best interests of the child and the identification of suitable living arrangements has been stipulated under the Prison Rules, it is unclear whether prison authorities have the necessary capacity and mechanisms in place for comprehensive, individualized need-based assessments of mother and child. Regular visits between mothers and children should be allowed if a child is to reside outside of the prison. Meetings between mothers and children should always allow physical contact and never have screens or physical barriers separating them.

Punjab prison authorities report that education facilities are provided to children up to the age of 6 years. Other facilities that are available to children accompanying women prisoners include religious education, recreational facilities such as toys and board games, as well as facilities such as air coolers and electric waters coolers in the summer. Television sets are also available in female wards, and children are provided iron beds and special meal plans. At Central Jail Rawalpindi, a perceptual room is available for children with a television and computers. In order to protect children from stigmatization, the Punjab Prison Rules stipulate that the birth certificate of a child should not reflect the jail as a place of birth. Special training courses are also conducted to sensitize the staff about the particular needs of women and children.

In KP, Children accompanying mothers are provided with all basic facilities inside their confinement in jail. New born babies are undergoing vaccination for five dangerous diseases; extra diet for children and their mothers is provided; medical health care is provided to children; play group, nursery and primary education are provided to these children unto the age of 8 years with the help of different NGOs; Outdoor game facilities are provided to these children; and bedding and clothing facilities are provided for winter and summer.

Jails in Pakistan also lack adequate educational, health, and psychological programmes for incarcerated children. A study conducted in Sindh, “Babies Behind Bars” in 2014 revealed that children under the age of 5 in prisons could barely communicate, despite the existence of primary education programmes. It also revealed several developmental and emotional issues that the children faced, including not knowing where their fathers were; and their siblings outside jail were suffering because their mothers were absent from their lives. It also highlighted problems in terms of the availability of gender-specific health care and services. According to 6 mothers, 6 children were born in prison and 2 mothers admitted to facing post-delivery complications.

On the basis of this data, Montessori teaching was introduced in line with the national curricula on early learning in 2015 in the Karachi Women's Prison. In 2017 a similar Montessori was opened in Hyderabad Women's Prison which is a good example as it caters not just to children of female prisoners but also prison staff and acts as a make-shift day care centre. The Early LCs are monitored by an advisory board comprising of experts from leading private schools who closely monitor progress of children.

In order to strengthen the provision of educational programmes, the School Education Department may be involved to help in establishing a calendar of productive educational recreational activities with the support of the Prison Psychologist. Multi-grade teaching techniques & recreational activities may polish their innate skills. To avoid the social stigma, it has been recommended that if a child is born in prison, his/her birth certificate should not reflect jail as a place of birth.

It is apparent that most children born in prisons are developmentally more delayed than children born and living outside prisons. These developmental health concerns require key recommendations and planning to cater to them. Additionally, there are children living with their mothers who have psychosocial disabilities that require early intervention to manage. These facilities must be in place in prisons for all children under 6 to ensure that they are not left with lifelong, otherwise preventable / treatable health issues.

Despite the availability of designated areas for children, security and safety issues of childcare remain a critical concern, particularly whilst mothers need to attend court hearings or are otherwise occupied. More standardized and regular training of prison staff is needed in all the provinces, perhaps to be replicated along the Punjab model, to create safe and nurturing spaces for children within prisons. The Committee also observed the need for the development of a training manual for prison administration that places human rights at its centre. There are currently no children in jails in GB, and no operating procedures or programmes are available to cater to children.

#### **TOR VII. Suggest comprehensive and workable system of governance of prisons in Pakistan with a view to ameliorating the plight of women in prisons;**

It is imperative that the wider community, public health and criminal justice sector work together to provide and implement sustainable solutions. One such viable recommendation has been made by the Punjab Home department regarding the establishment of a socio-legal counselling cell in each institution to be managed by volunteers from a designated law school, school of social work, or a non-governmental voluntary agency. Work done by students while working in such a cell shall be given academic credit and shall form a part of the student's graded curriculum. These may also include therapeutic courses and counselling for victims of domestic violence and sexual abuse; suitable treatment for those with mental disability; and educational and training programmes to improve employment prospects.

In addition to the above, there is a need to strengthen cross-departmental cooperation between the prison departments, the provincial health authorities, as well as the welfare and social officers and psychiatrists. Moreover, inter provincial training of prison staff may be carried out so that best practices of other provinces can be adopted.

The National Academy for Prisons Administration, the special institution under Ministry of Interior, may serve as an appropriate platform in this regard, to share best prison practices of the four provinces, AJK and GB. Women prison staff should receive equal access to training as male staff, and all staff involved in the management of women's prisons shall receive training on gender sensitivity and prohibition of discrimination and sexual harassment. Regular feedback should be taken from the prison staff and prisoners on how management or services can be improved.

Appropriate resources shall be made available to devise suitable alternatives for women offenders in order to combine non-custodial measures with interventions to address the most common problems leading to women's contact with the criminal justice system. Probation programme for women, particularly for mothers, as incarceration has a negative impact on their intellectual and emotional development. Pilot projects on probation through public-private partnership should be developed in specialized sectors, for example juveniles in conflict with the law, substance misusers and women in prisons. These programmes should also ensure that probation officers do not abuse their power and authority, and thus should be trained as social workers, and should preferably be female. Such non-custodial probation-led projects would provide women offenders equal opportunities to better reintegrate into their community not only for their own self but also for their children and loved ones.

The financial budget of prison departments must be increased to cater to human and technical resource requirements. For example, the prison department in KPK informed that it is in the process of introducing a case management system for the prisoners whereby all relevant authorities including the police, the judiciary and the prison staff will have relevant data on each prisoner. If effectively operated the other provinces may learn from the same management system. The Federal Ombudsman on Prisons Reforms has also recommended the development of a 'Common Interface' electronic data base of accused linked with Police, Prison and Prosecution. Moreover, guidelines and protocols should be developed for minimum standards for visits between mothers and children and should always include physical contact.

#### **TOR VIII. Review post release programmes to ensure that women prisoners are able to adjust in society after they leave the prisons**

There are currently no post release programmes for women prisoners in KP, Balochistan or Gilgit. Punjab prisons have need based rehabilitation programmes that cater to the technical, social and mental health needs of female prisoners to facilitate their reintegration into society. Women prisoners are also provided with a resource list of mental health care providers in their communities upon release. There are also special programs in Sindh to reintegrate women into society upon release from Prison.

However, the Pakistan Prison Rules currently require women prisoners not to be released on their own. They can only be released into the custody of a family member or to a women's shelter. These laws are discriminatory, many women prisoners do not necessarily want to return to difficult living conditions and should have the option to go free without being released into someone else's custody. The revised Sindh Rules and draft Punjab Prison Rules have been revised to overcome this issue, while accounting for the safety, security and will of the female prisoners.



There is a need for more comprehensive programmes that monitor and follow up with the rehabilitation and reintegration process of incarcerated women. These may be developed in consultation with relevant stakeholders. In order to make sure that the prisoners enter meaningful employment and break the cycle of reoffending, centres for post-employment should be established after post-release, which would enable meaningful employment according to the vocational training they received.

## Key Findings & Recommendations:

In light of the detailed assessment carried out and the findings recorded above, the Committee is pleased to make the following recommendations:

### **a) Fast-tracking the revision of Prison Rules:**

The Committee notes that Pakistan Prison Rules do not mandate the minimum requirements set out in the Bangkok Rules. Post 18th Amendment the subject was devolved and the responsibility rests on provincial Home Departments to update their respective prison rules. In this regard Sindh has already notified the Sindh Prison Rules 2020 that have incorporated the minimum standards set by the Bangkok Rules. In Punjab the draft rules have been framed however the process of their notification and finalization needs to be expedited. Although KPK amended their prison rules, they still require amendment to ensure women and children are protected. Balochistan unfortunately has yet to amend the rules.

### **b) Reducing the Under-Trial Prisoner population:**

The Committee notes that 66.7% of the total female prison population comprises of UTPs. There is an urgent need to address this issue. There is a dire need to recognize that some women may have the additional parental responsibilities and the same must be considered at the time of sending these women to prisons. Reducing the Female UTP population would also require the broader training of judicial officers and provincial authorities to understand gender specific concerns and teach them sentencing alternatives available under the law.

### **c) Development of sentencing alternatives:**

The Committee notes that although all of the provinces reported that remissions were granted to female prisoners, there are currently no diversionary measures, pre-trial or sentencing alternatives for women prisoners in any province in Pakistan. It may be important to strengthen legislation in terms of developing and defining Sentencing Guidelines and a change in sentencing policies. Moreover, the committee recommends that parole and probation programs should be introduced for women. Moreover, the enforcement of The Probation & Parole Act<sup>12</sup> should be extended to Gilgit Baltistan. In provinces like GB where the number of women prisoners is negligible, prisoners may be shifted to a Dar-ul-Amaan for custody, control, care, cure, correction and community readjustment by framing rules accordingly.

<sup>12</sup>Punjab Probation & Parole Act (2019).  
<http://nasirlawsite.com/laws/pppsa.htm>

#### **d) Development of Post Release programmes:**

The prison authorities should also focus on introducing post release programs to ensure that these women become contributing members of the society and are empowered to not succumb to committing criminal offences again. This is especially important for female prisoners as they encounter greater issues of stigmatization and abandonment by families

#### **e) Combating issues of mental health:**

The Committee notes that the issue of mental health among female prisoners remains unaddressed in most cases. Women have a likelihood of a history of abuse, as well as a higher rate of mental illness, suicide and self-harm. All provincial prison authorities must train their prison staff to provide psychological and emotional support to female prisoners, which includes listening to their complaints, praising and acknowledging good behaviours and showing empathy and consideration. The permanent availability of psychologists should also be ensured which would provide therapy and counselling for victims of domestic violence and sexual abuse.

#### **f) Training of Staff:**

The committee notes that there is a dire need to train the prison staff. Women prison staff should receive equal access to training as male staff, and all staff involved in the management of women's prisons shall receive training on gender sensitivity and prohibition of discrimination and sexual harassment. Regular feedback should be taken from the prison staff and prisoners on how the management or services can be improved. In this regard, a federal committee may be constituted to draft a 'Prisons Staff Training Manual' based upon human rights approach to prisons administration.

#### **g) Strengthen Educational and Rehabilitation Programmes**

While substantial progress in this regard has been made in Punjab and Sindh, there is still a need to strengthen and consolidate educational, vocational, recreation and rehabilitation programmes in both provinces. These efforts should be replicated in the other provinces as well. Greater efforts must also be made to provide access to legal counsel and ensure that women are aware of their legal rights and recourse to justice.

#### **h) Review individual cases of human rights violations & humanitarian needs**

The Committee observed that there is a need for prison authorities to review and highlight the cases of particularly vulnerable women languishing in prisons across Pakistan. This includes elder women as well as those suffering from mental health conditions, particularly with regards to those facing death row. It is proposed that an independent oversight board for prisons be established at the provincial level to monitor individual cases of human rights violations and humanitarian considerations, such as has been highlighted through the cases of Kanizan Bibi and Sakina Ramzan that were brought to the Committees attention.

# Legal Recommendations for Provincial Laws

The Committee reviewed the Pakistan Prison Rules, the Sindh Prison Rules 2020 and the Draft Punjab Prison Rules in light of the Bangkok Rules and has proposed the following gender specific legal amendments:

- a) Many of the Bangkok Rules standards or requirements are already reflected in the Pakistan Prison Rules. However, there are a few areas that require either legislative reform in the Pakistan Prison Rules or policy reform in general;
- b) Although the Pakistan Prison Rules entail medical screening at the time of induction, a corresponding rule may be inserted that includes a mandatory assessment of mental health care needs women, including post-traumatic stress disorder and risk of suicide and self-harm; recording of the reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues; and the existence of drug dependency, and history of sexual violence or abuse. It is noteworthy that the Sindh Prison Rules, 2020 have addressed this issue and have incorporated these rights in Rule 747 of the said rules.
- c) The Pakistan Prison Rules may be amended to mandate that women prisoners shall be allocated, to the extent possible, to prisons close to their home, taking into account their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services. The language of Rule 746 of Sindh Prison Rules may be incorporated in Rule 306 of the Pakistan Prison Rules.
- d) With respect to children, the Pakistan Prison Rules specify age limits on the eligibility of the child to remain with his/her mother in jail. According to the Bangkok Rules, such separation should only be carried out in the best interest of the child only when alternate accommodation and shelter has been ensured.
- e) The Pakistan Prison Rules should incorporate the language of Bangkok Rule no. 33 whereby all staff assigned to work with female prisoners should receive training relating to the gender specific needs or women prisoners including health, emotional and psychological needs and dignity. Although the Sindh Prison Rules 2020 have provisions for mandatory training as well as establishment of a training wing, no such provisions are found in other provincial prison rules.
- f) The Prison Rules should provide a detailed mechanism to register and address complaints regarding abuse or harassment of female prisoners. It is proposed that all such complaints be immediately flagged as of sensitive or urgent nature and be accelerated to the attention of the Inspector General of Prisons. Moreover, a complainant should have the option to make an anonymous complaint if she chooses to do so. In addition to insertion of a chapter on complaint redressal an internal complaints committee may be established in every jail to launch an investigation into any claim that is to be concluded promptly.

The Committee should consist of consisting of the Superintendent, the Deputy Superintendent, the Medical Officer, and the Social Welfare Officer. In the case that a complainant feels that his/her complaint has not been adequately addressed by an internal committee, he/she can escalate the complaint to an external grievance committee or to a district and sessions judge, upon his/her visit to the prisons.

- g) Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations should be mandated to design and implement comprehensive pre- and post-release reintegration programs which take into account the gender-specific needs of women. In this regard the language of Rules no. 45 and 46 of the Bangkok Rules may be introduced in the Pakistan Prison Rules. This is especially crucial because of the major chunk of female prisoners being under-trial prisoners.
- h) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of their own State. They should also be provided access to interpreters, and to all documents related to their case. Example of such provision is available in Section 46 of The Sindh Prisons and Corrections Services Act 2019. Inclusion of such provisions would also align with Pakistan's obligation under the Vienna Convention on Consular Relations (VCCR)<sup>13</sup>.
- i) The Prison Rules should provide that female prisoners should be provided with the maximum possible opportunities to spend time with their children as provided for in Bangkok Rule 50 and the innocent children detained with their mothers should also be provided medical screening and their needs are met with as noted in Bangkok Rule 50.
- j) Bangkok Rule 42 may be specifically inserted in Pakistan Prison Rules and pregnant women and girls should never be subjected to vaginal searches without their consent. The right has been protected in rule 747 of the Sindh Prison Rules 2020 and similar language may be incorporated in other provincial prison rules.
- k) The language of Bangkok Rule 5 may be inserted to ensure that female prisoners are allocated to jails closest to their homes. Sindh has already incorporated this provision in the Sindh Prison Rules 2020 and Rule 655 reads as "Prisoners whose sentences exceed five years shall be confined in a prison which is situated in the home district or which is close to their "homes";
- l) With respect to vulnerable groups like minorities, extra protections should be established by inserting such language in the Pakistan Prison Rules. Measures and provisions should be introduced to cater for the different religious and cultural backgrounds and resultant needs of female prisoners and foreigner female prisoners should be ensured quick and effective contact with their embassies or consulates.
- m) There is also a need to revise existing prison rules (in all provinces) to incorporate the duties and responsibilities of psychologists, mental health professionals, social workers etc that work with prisoners.

<sup>13</sup> Vienna Convention on Consular Relations (1963).  
[https://legal.un.org/ilc/texts/instruments/english/conventions/9\\_2\\_1963.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf)

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| Sr. No | Bangkok Rules   | Pakistan Prison Rules  | Gaps & Recommendations  |
|--------|---|--|---|
| 1.     | Specific needs of female prisoners should be addressed at the time of admission. These include making arrangement for children belonging to these women, record keeping of the number and ages of these children (2-3)  | Writing up and medical examination of prisoners including age, height, weight, health status, physical and mental conditions to be noted. (18)   | The information received from the provinces show that although basic medical checkups are conducted at the time of admission, existence of drug dependency and sexual abuse and other forms of violence are usually not part of the medical assessment form.  |
| 2.     | Female prisoners should be allocated to jails closest to their homes (4)  | Location of women prisoners to be away from men's prisons (305 and 321)  | Moreover, in Punjab there are almost 200 female prisoners who are not kept closer to their homes and no proper record keeping of number and ages of children or making of respective arrangements are made. The PPR do not provide for such requirements and language of Rule 321 only refers to women prisons being located away from male prisons. The language of Rule 746 of Sindh Prison Rules may be incorporated in Rule 306 of the Pakistan Prison Rules (PPR).   |
| 3.     | Prison Authorities to ensure gender specific needs and circumstances of women prisoners to ensure appropriate and individualized planning and implementation towards prisoners' early rehabilitation, treatment and re-integration into society. (40-42)  | Separation of difference classes of women into Under Trial, Convicted and Condemned (309-310)  |   |
| 4.     | Female prisoners should be provided with women's specific hygiene needs, including sanitary towels and a regular supply of water Hygiene (5)  | Amenities for women prisoners including soap, hair oil, sanitary toilets, mirrors and cleanliness shall be ensured (317, 319)  | Although the information provided by provinces shows that practically women prisoners are provided with facilities and materials required to meet women's special hygiene needs. However the language of Rule 5 may be inserted in PPR.   |
| 5.     | Female prisoners should be screened for STDs, mental health including PTSD, reproductive history and sexual abuse and provided with an opportunity to seek recourse for these conditions. Such measures should be undertaken in complete confidentiality. The children of these prisoners should also be medically screened. Provision of gender specific health services have to be ensured which include preventive health care services, substance abuse treatment programs and STD prevention, treatment and care programs (6-18) | It shall be the duty of woman warder to seek medical assistance for sick female prisoners as well as the health of children (1190)<br><br>Women upon their arrival are screened for multiple diseases (18) | Although the Pakistan Prison Rules entail medical screening at the time of induction and the practice of medical screening is regularly conducted and treatment programs are also carried out as per the information received from the provincial prison departments some gaps exist. In order to address those gaps a corresponding rule may be inserted that includes a mandatory assessments of mental health care needs women, including post-traumatic stress disorder and risk of suicide and self-harm; recording of the reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues; and the existence of drug dependency, and history of sexual violence or abuse. |

| Sr. No | Bangkok Rules   | Pakistan Prison Rules  | Gaps & Recommendations   |
|--------|---|--|--|
| 6.     | Preferably female staff should search female prisoners and the dignity of these prisoners should be respected. Alternative search mechanisms should be developed and prison staff should demonstrate sensitivity and professionalism (19-21)          | Only female prison staff shall search women prisoners. Female warders shall be permitted inside female enclosures and such enclosures shall be located away from male enclosures. (315, 320, 321, 1086)<br><br>Interaction with male officers only in times of emergency (314, 1183, 1188)   | BR 42 may be specifically inserted in PPR so that pregnant women and girls should never be subjected to vaginal searches.<br><br>Moreover alternative-screening methods, such as scans, should be introduced (provided if the prisons get financial help for this). Although Punjab and KP have reported availability of scanning doors, their practice is fairly limited.   |
| 7.     | Solitary confinement and instruments of restrain should not be awarded to or used against pregnant prisoners and female prisoners who have children with them. At no cost should they be prevented from family contact particularly children. (22-24) | Chapter 23 on punishment and offences<br>Women prisoners not to be put in handcuffs of fetters as punishments (583)  | Solitary confinement is only awarded to female prisoners for heinous crimes, like in Punjab for blasphemy cases. However, the language may be incorporated in PPR.   |
| 8.     | Reports of abuse shall be investigated and victim prisoner shall be provided immediate protection, support and counseling. In order to monitor such condition authorities responsible for visiting prisons should include women officers. (25)        | Rule 1065 in Pakistan Prisons Rules is a complementary rule that emphasizes on the duty of prison staff to treat prisoners humanely and listen to their grievances.<br><br>Section 2 of Sindh Prisons and Corrections Services Act 2019 ('Sindh Act') is a better enunciation of the Mandela Rules since it recognizes the inherent fundamental right to dignity of a prisoner. Furthermore, the Sindh Act gives mechanisms for redressal and filing of complaints against the prison staff.<br><br>Rule 926 female visitors | A system has to be devised in which a prisoner can effectively without coercion make a complaint to the Superintendent and upon release the prisoner shall receive an official copy of the records.<br><br>The data provided by Sindh Prison department states that a record is maintained of directions from the Court where prisoners have couriered their grievances and regular reports are filed in compliance of the directions. Other provinces may adopt similar methods.<br><br>Under Rule 926 female visitors should be appointed to visit women enclosures to monitor state of female prisoners |

| Sr. No | Bangkok Rules  | Pakistan Prison Rules  | Gaps & Recommendations  |
|--------|--|--|---|
| 9.     | Contact with family should be encouraged and facilitated and visits with children should take place in conducive environments. Conjugal visits should be allowed on equal basis with men (26-28). Visits should be monitored to ensure those that committed domestic violence are not allowed visitation (44)  | Chapters 38 deals with visitors and chapter 22 Letters and Interviews<br><br>Special meetings for three consecutive days are provided for in the rules as well as participation in funerals (545-A and B)  |   |
| 10.    | Prison department to utilize options such as home leave, open prisons, halfway houses and community-based programs and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families. In order to do so they should design and implement comprehensive pre- and post-release reintegration programs (43-47) | -  | BR 45 and 46 should be catered for within the PPR. Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations to design and implement comprehensive pre- and post-release reintegration programs which take into account the gender-specific needs of women.   |
| 11.    | Female Juvenile prisoners to have equal access to education and vocational training, counseling, age appropriate programs and services. Maximum efforts to not institutionalize female juveniles (36-39 and 65)  | 292  | Although according to the data received Juvenile female prisoners are being given educational and vocational training, they should also receive education on women's health care and provisions to this effect should be incorporated in the PPR.   |
| 12.    | Health practitioners should draw up a health and diet program keeping in mind health and medical needs of pregnant prisoners. The lactating mothers should be encouraged to breastfeed and spend maximum time with children (47-50)  | Entire Chapter 20 is dedicated to dietary requirements of prisoners. Extra diet should be provided to nursing mother and special diet programs for pregnancy women (487, 488) Specific diet scale is also provided for children residing in prisons with their mothers (489) | Individualized health plans are not available to each female prisoner but generic guidelines with respect to female dietary requirements are provided. To update rules 328, Rule 48 of the Bangkok Rules should be incorporated verbatim.<br><br>Although the mothers and children are being vaccinated in the prisons in Pakistan, the Pakistan Prison Rules do not specifically refer to such vaccinations and provision of maternal care facilities. |



| Sr. No | Bangkok Rules   | Pakistan Prison Rules  | Gaps & Recommendations   |
|--------|---|--|--|
| 13.    | Decision to separate child from mother shall be based on individual assessments and the child will be separated only when appropriate alternate care methods are in place. Children with female prisoners should be provided environment like a child outside prison (50-52)  | Child-birth in prison shall be avoided as far as possible. (322, 323)<br><br>Specific ages for children mentioned while they can stay with their mothers in prison and their diet and clothing (326, 327, 328) | It is proposed that the best practices as enlisted in the Bangkok Rules for children may be incorporated in Pakistan Prison Rules so that women prisoners may be provided with the maximum possible opportunities to spend time with their children (BR 50) and the innocent children detained with their mothers are also provided medical screening and their needs are met with (BR 9). Furthermore, such separation should only be carried out in the best interest of the child only when alternate accommodation and shelter has been ensured. |
| 14.    | Foreigner female prisoners should be transferred to their home country as early as possible and to ratify the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (53 and 66) | -  | PPR should include provision dealing with foreign nationals granting them diplomatic protection including consular access. Stateless persons should also be accommodated. Example is Section 46 [International Transfer of Prisoner] of the Sindh Act, 2019.<br><br>Mandela Rule 62 is ideal and may be incorporated verbatim whereby Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of their own State.   |
| 15.    | Access should be made available to gender- and culture-relevant programs and services of minorities (54-55)   | -  | Extra protections for minorities should be established as they are the most vulnerable as such language is missing from PPR. Measures and provisions should be introduced to cater for the different religious and cultural backgrounds and resultant needs of female prisoners – consultation can be held with female inmates to devise such plans  |
| 16.    | Under Trial prisoners safety to be ensured (56)   | 324  |  |
| 17.    | States to develop diversionary measures and pretrial and sentencing alternatives, careful consideration to mitigating factors when awarding sentences including criminal history or non-severity of crime. Non-custodial measures (57-64)   | Chapter 9 deals with remissions  | The chapter on remissions in PPR as well as decisions regarding early conditional release (parole) may be amended to incorporate considerations like women prisoners' caretaking responsibilities, as well as their specific social reintegration needs.<br><br>Non-custodial sentences for pregnant women need to be introduced.  |

| Sr. No | Bangkok Rules   | Pakistan Prison Rules | Gaps & Recommendations   |
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| 18.    | Institutional personal & training including capacity building measures, clear policy for female prison staff to prevent gender based discrimination, provision of clear policies (29-35)  | -                     | <p>Women prison staff should receive equal access to training as male staff, and all staff involved in the management of women's prisons shall receive training on gender sensitivity and prohibition of discrimination and sexual harassment (BR 32).</p> <p>In line with BR 33, all staff assigned to work with women prisoners should receive training relating to the gender-specific needs and human rights of women prisoners. Additionally, basic training should be provided for prison staff working in women's prisons on the main issues relating to women's health, in addition to first aid and basic medicine. Moreover, 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.</p> |
| 19.    | State to organize and promote periodic comprehensive, result-oriented research on the offences committed by women, the reasons that trigger women's confrontation with the criminal justice system, the impact of secondary criminalization and imprisonment on women, the characteristics of women offenders, as well as programs designed to reduce reoffending by women. The media and the public shall be informed about the reasons that lead to women's entrapment in the criminal justice system and the most effective ways to respond to it. (67-70) | -                     | <p>These Rules are not available in the PPR and mostly policy decisions are made in this regard. Moreover commissions and oversight committees have been notified to monitor and assess the situation of prisoners in Pakistan. However, Sindh Prisons and Corrections Services Act was passed on 11<sup>th</sup> June 2019 and Sindh Prison Rules were revised and notified on 14<sup>th</sup> May 2020. These laws have introduced a new legal scheme that is gender sensitized and provides for progressive rules on admissions, classifications, rehabilitative initiatives and other entitlements. Punjab is also currently reviewing and revising its Prison Act and Rules, which these are at a final stage.</p>  |

# Annex B

## Bangkok Rules Vs Provincial Prison Rules



| Bangkok Rules |   | Pakistan Prison Rules   | Sindh Prison Rules  | KP Prison Rules  | Further Comments  |
|---------------|---|---|---|--|---|
| Admission     |   |   |   |  |   |
| Rule 2 (1)    | Adequate attention shall be paid to the admission procedures for women and children, due to their particular vulnerability at this time. Newly arrived women prisoners shall be provided with facilities to contact their relatives; access to legal advice; information about prison rules and regulations, the prison regime and where to seek help when in need in a language that they understand; and, in the case of foreign nationals, access to consular representatives as well. | <b>Chapter 3 – Admission of Prisoners</b> <ul style="list-style-type: none"> <li>Amend to include admission rights for women outlined in Bangkok Rule 2, including contact with their relatives, access to legal advice etc.</li> </ul> | <b>Chapter XIX – Admission of Prisoners</b> <ul style="list-style-type: none"> <li>Amend to include additional admission rights for women as outlined in Bangkok Rule 2</li> </ul>                  | <b>Not included in KP Prison Rules</b><br><br>However, Rule 249.B(4) of KP Prison Rules stipulates, 'Specific information about legal assistance shall be provided to prisoners who are foreign nationals'. <ul style="list-style-type: none"> <li>Not specific to women, but it may be implied.</li> </ul> Amend to include Bangkok Rule 2(1) | Recommendations provided in the three respective columns. |
| Rule 2(2)     | Prior to or on admission, women with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children.  | <b>Chapter 13 – Women Prisoners and Innocent Children</b> <ul style="list-style-type: none"> <li>Amend to include Bangkok Rule 2(2) for women with caretaking responsibilities for children</li> </ul>                                  | <b>Chapter IX – Female and Juvenile Prison and Staff</b> <ul style="list-style-type: none"> <li>Amend to include Bangkok Rule 2(2) - women with caretaking responsibilities for children</li> </ul> | <b>Not present in the KP Prison Rules</b> , may amend and include it in <u>Chapter 13 – Women Prisoners and Children</u><br><br>Amend to include Bangkok Rule 2(2)   | Recommendations provided in the three respective columns. |

| Registration |   |   |   |   |   |
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| Rule 3       | <p>1. The number and personal details of the children of a woman being admitted to prison shall be recorded at the time of admission. The records shall include, without prejudicing the rights of the mother, at least the names of the children, their ages and, if not accompanying the mother, their location and custody or guardianship status.</p> <p>2. All information relating to the children's identity shall be kept confidential, and the use of such information shall always comply with the requirement to take into account the best interests of the children.</p> | <p><b>Chapter 13- Women Prisoners and Innocent Children</b></p> <ul style="list-style-type: none"><li>Amend to include Bangkok Rule 3(1) &amp; (2) regarding the taking of the number and personal details of the children of a woman and confidentiality</li></ul> | <p><b>Chapter IX – Female and Juvenile Prison and Staff</b></p> <ul style="list-style-type: none"><li>Amend to include Bangkok Rule 3(1) - the number and personal details of the children of a woman and confidentiality</li></ul> | <p><b>Not present in the KP Prison Rules, may amend and include it in Chapter 13 – Women Prisoners and Children</b></p> <p>Amend to include Bangkok Rule 3(1)</p> | <p><b>Recommendations provided in the three respective columns.</b></p>           |
| Allocation   |   |   |   |   |   |
| Rule 4       | Women prisoners shall be allocated, to the extent possible, to prisons close to their   | <p><b>Not present in the Pakistan Prison Rules 1978</b></p>   | <p><b>Included in Sindh Prison Rules – Rule 746 “Allocation</b></p>   | <p><b>Included in Rule 306(3) of KP Prison Rules.</b></p>   | <p>Necessary to adjust Pakistan Prison Rules. It appears a little outdated in</p> |

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|                         | home or place of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services.   | Amend to include provision.   | and "Treatment of Women Prisoners".  | protection of women and their prison allocation.<br><br>Should consider how often this rule is practiced and the number of prisons available for women. Is it always possible to locate them close to their homes?  |
| <b>Personal Hygiene</b> |  |   |  |   |
| Rule 5                  | The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating. | <p><b>Rule 317 – Pakistan Prison Rules 1978</b></p> <ul style="list-style-type: none"> <li>• <b>Rule 317 – Amenities for women prisoners</b> <ul style="list-style-type: none"> <li>○ Amend rule to include Rule 5 from the Bangkok Rules (particularly regarding sanitary towels and regular supply of water)</li> </ul> </li> </ul> | <p><b>Rule 630 of Sindh Prison Rules– Supply of Water to Prisoners</b></p> <ul style="list-style-type: none"> <li>• Satisfied part of Bangkok Rule 5</li> </ul> <p><b>Chapter XXVII – Accommodation and Sanitation</b></p> <ul style="list-style-type: none"> <li>• Amend Chapter to include provision regarding distribution of sanitary towels free of charge</li> </ul> | <p><b>Recommendations provided in the three respective columns.</b></p> <p><b>Rule 317 of KP Prison Rules:</b></p> <p>1) Women prisoners shall be supplied with a comb. They shall be given one medium size soap cake and one medium size bottle of mustard oil per prisoner every week for washing and dressing their hair. They shall also be allowed the use of a mirror shall be fixed in the wall in each ward. Sanitary toilets and bathrooms shall be provided in the women's ward.</p> <p>2) Every women prisoner shall be provided with a cot, a mattress and a pillow.</p> <p>No mention of sanitary towels being free of charge.</p> |

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|                               |   |   |  | <p>Amend to include Rule 5 Bangkok Rules</p> <p><b>Water supply covered in Rule 504 and 768 of KP Prison</b></p> <ul style="list-style-type: none"> <li>No explicit statement that water supply should be made available for <i>in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating</i> <ul style="list-style-type: none"> <li>Amend KP Prison Rules to include more specific water supply needs for women under Rule 5 of Bangkok Rules</li> </ul> </li> </ul> |   |
| Health Care Screening         |   |   |  |   |   |
| A. Medical Screening on Entry |   |   |  |   |   |
| Rule 6                        | <p>The health screening of women prisoners shall include comprehensive screening to determine primary health- and also shall determine:</p> <p>(a) The presence of sexually transmitted</p> | <p><b>Rule 18 or 21 – Pakistan Prison Rules 1978</b></p> <ul style="list-style-type: none"> <li><b>Rule 21 – Search and examination of women prisoner</b> <ul style="list-style-type: none"> <li>Amend rule to include Rule 6 from the Bangkok</li> </ul> </li> </ul> | <p><b>Rule 747 – Sindh Prison Rules</b></p> <ul style="list-style-type: none"> <li><b>Rule 747 – Screening of Women Prisoners</b> <ul style="list-style-type: none"> <li>This provision already includes mental health, PTSD,</li> </ul> </li> </ul> | <p><b>Included in Rule 327.B(1) of KP Prison Rules</b></p>  | <p><b>Recommendations provided in the three respective columns.</b></p> |

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| <p>diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counselling;</p> <p>(b) Mental health-care needs, including post-traumatic stress disorder and risk of suicide and self-harm;</p> <p>(c) The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues;</p> <p>(d) The existence of drug dependency;</p> <p>(e) Sexual abuse and other forms of violence that may have been suffered prior to admission.</p> | <p>Rules (particularly examination regarding sexual assault, STDs, reproductive health)</p> | <p>risk of suicide and self-harm, reproductive health history and drug dependency</p> <ul style="list-style-type: none"> <li>Amend Rule 747 to include Rule 12 (particularly, examination of any STDs, HIV, existence of drug dependency, and sexual abuse/other forms of violence that may have been suffered prior to admission)</li> </ul> | <p>Rule 7</p> | <p><b>Not present in Pakistan Prison Rules 1978</b></p> <p>Amend to include provision.</p> | <p><b>Not Present in Sindh Prison Rules</b></p> <p>Amend to include provision.</p> | <p><b>Not present in the KP Prison Rules</b></p> <p>Amend to include provision.</p> |
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|                                       | <ul style="list-style-type: none"> <li>Specialized psychological support and counselling</li> <li>Measures developed to avoid any form of retaliation against those making such reports or taking legal action</li> </ul> |  |  |  |  |  |  |
| Rule 8                                | Right to medical confidentiality  | <b>Not present in Pakistan Prison Rules 1978</b>                                   | <b>Covered in Rule 747(2) Sindh Prison Rule.</b> <ul style="list-style-type: none"> <li>Rule 747 – Screening of Women Prisoners</li> <li>747(2) - Women's right to confidentiality regarding their reproductive health history</li> </ul>                                    | <b>Included in Rule 327.B(2) of KP Prison Rules</b>                            | <b>Recommendations provided in the three respective columns.</b> |  |  |
| <b>B. Gender Specific Health care</b> |   |  |  |  |  |  |  |
| Rule 10 (1)                           | Gender-specific health-care services at least equivalent to those available in the community shall be provided to women prisoners.  | <b>Not present in Pakistan Prison Rules 1978.</b> Amend to include Bangkok Rule 10 | <b>Covered in Rule 747(3) Sindh Prison Rule.</b> <ul style="list-style-type: none"> <li>Rule 747 – Screening of Women Prisoners</li> <li>747(3) - must provide woman physician or nurse upon request, except for situations requiring urgent medical intervention</li> </ul> | <b>Not present in the KP Prison Rules.</b><br>Amend to include Bangkok Rule 10 | <b>Recommendations provided in the three respective columns.</b> |  |  |





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| Rule 10<br>(2)              | If a woman prisoner requests that she be examined or treated by a woman physician or nurse, a woman physician or nurse shall be made available, to the extent possible, except for situations requiring urgent medical intervention. If a male medical practitioner undertakes the examination contrary to the wishes of the woman prisoner, a woman staff member shall be present during the examination. | <b>Not present in Pakistan Prison Rules 1978</b><br><br>Amend to include provision. | <b>Covered in rule 747(3) - "if male practitioner undertakes the examination contrary to the wishes of the woman prisoner, a woman staff member shall be present during the examination".</b> | <b>Included in Rule 327.B(3) of KP Prison Rules</b><br><br>Amend to include provision. | <b>Recommendations provided in the three respective columns.</b> |
| Rule 11(1)                  | Confidentiality and secrecy are maintained if there is a need for a prison staff to be present   | <b>Not present in Pakistan Prison Rules 1978</b><br><br>Amend to include provision. | <b>Amend rule 747(3) to include confidentiality if there is a need for a prison staff to be present</b>   | <b>Not present in the KP Prison Rules</b><br><br>Amend to include provision.           | <b>Recommendations provided in the three respective columns.</b> |
| Rule 11(2)                  | If it is necessary for non-medical prison staff to be present during medical examinations, such staff should be women and examinations shall be carried out in a manner that safeguards privacy, dignity and confidentiality.  | <b>Not present in Pakistan Prison Rules 1978</b><br><br>Amend to include provision. | <b>Amend rule 747(3) to include privacy, dignity and confidentiality if there is a need for non-medical prison staff to be present</b>  | <b>Not present in the KP Prison Rules</b><br><br>Amend to include provision.           | <b>Recommendations provided in the three respective columns.</b> |
| <b>C. Mental Healthcare</b> |  |   |   |  |  |



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| Rule 12       | Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes shall be made available for women prisoners with mental health-care needs in prison or in non-custodial settings. | <b>Not present in Pakistan Prison Rules 1978</b><br><br>Mental health and rehabilitation are not a consideration in the Pakistan Prison Rules. Necessary to amend Pakistan Prison Rules and include provisions relevant to mental health care. | <b>Chapter XXXII – Directorate of Corrections - Prisoner Wellbeing and Rehabilitation</b><br><br><b>Chapter XXXI – Rehabilitation and Welfare of Prisoners</b><br><br>There are several provisions regarding mental health and rehabilitation programmes, however, <u>not</u> specific to woman. | <b>Not present in the KP Prison Rules</b><br><br>Amend to include provision.  | <b>Recommendations provided in the three respective columns.</b> |
| Rule 13       | Prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided appropriate support.  | <b>Not present in Pakistan Prison Rules 1978</b><br><br>Amend to include provision.  | <b>Not Present in Sindh Prison Rules</b><br><br>Amend to include provision.  | <b>Not present in the KP Prison Rules</b><br><br>Amend to include provision.  | <b>Recommendations provided in the three respective columns.</b> |
| <b>D. HIV</b> |  |  |  |   |  |
| Rule 14       | Prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided appropriate support.  | There is mention of diseases in the Pakistan Prison Rules, but nothing directly regarding HIV.   | There is mention of diseases in the Sindh Prison Rules, but nothing directly regarding HIV.  | <b>Included in 18(5) of KP Prison Rules:</b> Pre and post-test counseling to those who opts for HIV test shall be provided by trained healthcare staff<br><br><b>Included in Rule 327.B(e) of KP Prison Rules:</b> depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counseling, on a voluntary basis | <b>Recommendations provided in the three respective columns.</b> |

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|                           |  |   |  | <ul style="list-style-type: none"> <li>This rule in the KP Prison Rules is more specific to women</li> </ul> <p><b>Included in Rule 808.A of KP Prison Rules - HIV/AIDS, hepatitis prevention, care, treatment and support services</b></p>   |  |
| <b>E. Substance Abuse</b> |  |   |  |   |  |
| Rule 15                   | Prison health services shall provide or facilitate specialized treatment programmes designed for women substance abusers, taking into account prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds. | <b>Not present in Pakistan Prison Rules 1978</b><br><br>Amend to include provision. | <p><b>Chapter XXXII – Directorate of Corrections - Prisoner Wellbeing and Rehabilitation</b></p> <p>Rule 727 – Functions and Mandate of Directorate</p> <ul style="list-style-type: none"> <li>727(q) - health screening for substance abuse</li> <li>727(r) programs for rehabilitation from substance abuse for prisoners</li> <li>727(s) - medical strategies and treatment of drug addiction and substance abuse</li> </ul> <p>This is not directed at woman only. Rule 15 of Bangkok Rules suggest exclusive treatment programmes for woman. Consider amending rule 727 to include gender-specific rehabilitation. As</p> | <p><b>Included in Rule 808.B of KP Prison Rules - Treatment for prisoners with substance dependence</b></p> <ul style="list-style-type: none"> <li>May need to amend to make it more specific to women per Rule 15 of Bangkok Rules, particularly regarding pregnant women</li> </ul> | <b>Recommendations provided in the three respective columns.</b> |

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|   |   |   | such, these provisions should be amended accordingly to have programs tailored to women.  |   |  |
| <b>F. Suicide &amp; Self Harm</b>           |   |   |   |   |  |
| Rule 16                                     | Developing and implementing strategies, in consultation with mental health-care and social welfare services, to prevent suicide and self-harm among women prisoners and providing appropriate, gender-specific and specialized support to those at risk shall be part of a comprehensive policy of mental health care in women's prisons. | <b>Not present in Pakistan Prison Rules 1978</b><br>Amend to include provision. | <b>Included in Rule 208 – Officer in Charge to take Precaution against Death by Accident or Suicide.</b><br><br>Necessary to amend this provision to include <u>gender-specific support</u> per Bangkok Rule 16 | <b>Not present in KP Prison Rules</b><br>Amend to include provision.  | <b>Recommendations provided in the three respective columns.</b> |
| <b>G. Preventative Health Care Services</b> |   |   |   |   |  |
| Rule 17                                     | Women prisoners shall receive education and information about preventive health-care measures, including on HIV, sexually transmitted diseases and other blood-borne diseases, as well as gender-specific health conditions.  | <b>Not present in Pakistan Prison Rules 1978</b><br>Amend to include provision. | <b>Not Present in Sindh Prison Rules</b><br><br>Amend to include provision.   | <b>Included in Rule 808.A(2) of KP Prison Rules:</b> <ul style="list-style-type: none"> <li>Such strategies and programmes shall include education and awareness raising among prisoners and staff on the modes of transmission of HIV, hepatitis and methods of prevention, among other measures to prevent the spread of</li> </ul> | <b>Recommendations provided in the three respective columns.</b> |

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| Rule 18 | 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. | <b>Not present in Pakistan Prison Rules 1978</b><br><br>Amend to include provision. | <b>Not Present in Sindh Prison Rules</b><br><br>Amend to include provision. | <p><b>HIV/AIDS and hepatitis</b></p> <ul style="list-style-type: none"> <li>Does not specifically mention STDs and other blood-borne diseases as well as gender-specific health conditions as stipulated in Rule 17 of Bangkok Rules. However, it may be implied.</li> </ul>  | <b>Recommendations provided in the three respective columns.</b> |
|         |   | <b>Not present in Pakistan Prison Rules 1978</b><br><br>Amend to include provision. | <b>Not Present in Sindh Prison Rules</b><br><br>Amend to include provision. | <p><b>Included in Rule 775.A(v) of KP Prison Rules</b></p> <ul style="list-style-type: none"> <li>all necessary medical, surgical and psychiatric services including those available in the community shall be provided to the prisoner for that purpose. Women prisoners' special healthcare needs, including preventive healthcare needs, shall be provided on an equal basis with the same age group of</li> </ul> |  |

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|                |  |   |  | <p>women in the community</p> <ul style="list-style-type: none"> <li>Does not specifically mention Papanicolaou testing and screening for breast and gynaecological cancer, <b>BUT</b> it may be implied</li> </ul>  |   |
| Searches       |  |   |  |  |   |
| Rule 19 and 20 | <p><b>Rule 19</b><br/>Effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures.</p> <p><b>Rule 20</b><br/>Alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body</p> | <p><b>Rule 315 – Pakistan Prison Rules 1978</b></p> <ul style="list-style-type: none"> <li>Rule 315 – Search of Women Prisoners <ul style="list-style-type: none"> <li>Rule already permits only female wardens</li> </ul> </li> <li>Rule 1166 - Personal search by the gatekeeper: <ul style="list-style-type: none"> <li>(iv) Women prisoners shall be searched by the women warden only in a secluded place and not in the presence of any male person.</li> </ul> </li> </ul> | <p><b>Rule 133 – Sindh Prison Rules</b></p> <ul style="list-style-type: none"> <li>Rule 133 – Search of Women Prisoners <ul style="list-style-type: none"> <li>Rule already permits only female wardens</li> </ul> </li> <li>Amend to include Rule 19 &amp; 20 of Bangkok Rules (particularly 'properly trained' and potential 'alternative screening methods')</li> </ul> | <p><b>Rule 21 – KP Prison Rules</b></p> <ul style="list-style-type: none"> <li>Rule 21: In case of women prisoners, search and examination shall be carried out by a Woman Warden under the orders of Deputy Superintendent. <ul style="list-style-type: none"> <li>Consider amending to include 'properly trained in appropriate searching methods'.</li> <li>Consider including Rule 20 of Bangkok Rules that</li> </ul> </li> </ul> | <p><b>Recommendations provided in the three respective columns.</b></p> |



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|                                  | searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.   | <ul style="list-style-type: none"> <li>Amend to include Rule 19 &amp; 20 of Bangkok Rules (particularly 'properly trained' and potential 'alternative screening methods')</li> </ul> |  | recommends implementing alternative screening methods to replace strip searches              |   |
| Rule 21                          | Prison staff shall demonstrate competence, professionalism and sensitivity and shall preserve respect and dignity when searching both children in prison with their mother and children visiting prisoners. | <p><b>Not present in Pakistan Prison Rules 1978.</b></p> <p>Amend to include provision.</p>  | <p><b>Chapter III – High Security Prison</b></p> <ul style="list-style-type: none"> <li><b>Rule 11</b> – officers and staff of high security prisons shall be carefully selected for their integrity, humanity, professional capacity and personal suitability</li> </ul> <p>Provision only applies to high security prison, <u>no express mention of prison staff generally having to demonstrate competence, professionalism and sensitivity</u></p> | <p><b>Included in Rule 630(6) of KP Prison Rules.</b></p> <p>Amend to include provision.</p> | <p><b>Recommendations provided in the three respective columns.</b></p> |
| <b>Discipline and punishment</b> |   |  |  |  |   |
| Rule 22                          | Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women,   | <p><b>Rule 313 – Pakistan Prison Rules 1978</b></p> <ul style="list-style-type: none"> <li><b>Rule 313:</b> Bar to Certain kinds of Punishments</li> </ul>                           | <p><b>Rule 946, 947 &amp; 948 – Sindh Prison Rules</b></p> <ul style="list-style-type: none"> <li>No mention of barring punishment by close confinement</li> </ul>   | <p><b>Included in Rule 313 of KP Prison Rules:</b> Bar to Certain Kinds of Punishment</p>    | <p><b>Recommendations provided in the three respective columns.</b></p> |

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| women with infants and breastfeeding mothers in prison.  | <ul style="list-style-type: none"> <li>Amend rule to include Rule 22 &amp; 23 of Bangkok Rules</li> </ul> | <p>or disciplinary segregation</p> <p><b>Rule 940 - Sindh Prison Rules</b></p> <ul style="list-style-type: none"> <li>Rule 940 allows for confinement of prisoner who commits assault on any office, until case disposed of, or if found guilty, to be kept in separate confinement</li> <li>Amend Rule to include Rule 22 from Bangkok Rules, in that Rule 940 should not apply to pregnant women, women with infants or breastfeeding mothers in prison</li> </ul> |  |   |
| Rule 23<br>Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children. | <p><b>Not present in Pakistan Prison Rules.</b></p> <p>Amend to include provision.</p>                    | <p><b>Not present in Sindh Prison Rules.</b></p> <p>Amend to include provision.</p>  | <p><b>Included in Rule 313(5) of KP Prison Rules: Bar to Certain Kinds of Punishment</b></p>   | <p><b>Recommendations provided in the three respective columns.</b></p> |
| <b>Instruments of Restraint</b>  |   |  |  |   |
| Rule 24<br>Instruments of restraint shall never be used on women during labour,  | <p><b>Not present in Pakistan Prison Rules.</b></p>   | <p><b>Not present in Sindh Prison Rules.</b></p>   | <p><b>Rule 313(5) Instruments of restraint shall never be used on women during labour,</b></p> |   |



|  | during birth and immediately after birth.   | Amend to include provision.  | Amend to include provision.  | Amend to include provision.  | childbirth and immediately after birth. |  |
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| <b>Information to and complaints by prisoners; inspections</b> |   |  |  |  |   |  |
| Rule 25(1)   | Women prisoners who report abuse shall be provided immediate protection, support and counselling, 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. | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision.              | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision. | <b>Not present in KP Prison Rules</b><br>Amend to include provision.                     |   |  |
| Rule 25(2)   | Women prisoners who have been subjected to sexual abuse, and especially those who have become pregnant as a result, shall receive appropriate medical advice and counselling and shall be provided with the requisite physical and mental health care, support and legal aid.   | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision.              | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision. | <b>Not present in KP Prison Rules</b><br>Amend to include provision.                     |   |  |
| Rule 25(3)   | In order to monitor the conditions of detention and treatment of women prisoners, inspectorates,  | <b>Rule 321</b> - the supervisory, custodial and instructional staff shall all be female | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision. | <b>Rule 321</b> - the supervisory, custodial and instructional staff shall all be female |   |  |

| Contact with the outside World       |   |   |  |   |   |
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|                                      | visiting or monitoring boards or supervisory bodies shall include women members.  |   |  |   |   |
| Rule 26                              | Women prisoners' contact with their families, including their children, and their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes. | <b>Pakistan Prison Rules 1978:</b> no relevant rules                        | <b>Sindh Rules 2019 and KP Prisoner Rules 2018:</b> (mentioned in a few sections) prisoners shall be <u>allowed</u> <u>reasonable facilities</u> for seeing or communicating with relatives, friends and legal advisor | <b>Rule S326 (4)</b> after children are separated from their mother and placed with family, women prisoners shall be given the maximum possible opportunity and facilities to meet with their children, provided that the best interests of the children is protected and public safety is not compromised. | Women's need shall be addressed separately, they shall be provided with more support for their communication with families, such as given the choice to be detained in institutions near their homes. |
| Rule 27                              | Where conjugal visits are allowed, women prisoners shall be able to exercise this right on an equal basis with men.   | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision.   | <b>Not present in KP Prison Rules</b><br>Amend to include provision.  | Seems that Pakistan does not have separate statutes for women regarding prison visiting   |
| Rule 28<br>Visits involving children | Children visit in positive environment<br>Allowing open contact with mothers  | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision.   | <b>Not present in KP Prison Rules</b><br>Amend to include provision.  |   |

| Institutional Personnel & Training                               |  |  |  |  |
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| Rule 29<br>Capacity building for staff employed in Women prisons | Clear policies and regulations on the conduct of prison staff aimed at providing maximum protection for women  | <b>Not present in Pakistan Prison Rules.</b><br><br>Relevant: <b>Rule 1180</b> – for women prison there shall be a Lady Assistant Superintendent subject to the control of the Superintendent of the local men's prison, have complete charge of all women prisoners. Also <b>Rule 1181</b> mentions about women warders duties  | <b>Not present in Sindh Prison Rules.</b><br><br>Relevant: <b>Rule – 128</b> , mentioning duties of a Lady Prison Officer. | <b>Rule 1129(5) -</b><br><br>Women prison staff shall receive equal access to training as male staff and consideration shall be given to arrangement of training in such a manner as to enable women prison staff to attend. |
| Rule 30  | Women prison staff shall receive equal access to training as male staff  | The KP Prison <b>Rules 1129(5)</b> mirrors Bangkok <b>Rule 32</b> . However, it is not detailed enough.<br><br>For the other two Pakistan legislations, the relevant rules only provide a general duty for female prison officer.<br><br>In conclusion, a more comprehensive rule shall be adopted in Pakistan to regulate capacity building measures, training measures and treatments for those female officers. |  |  |
| Rule 31  | Clear and sustained commitment to training at managerial level   |  |  |  |
| Rule 32  | Training staff to provide maximum protection for women prisoners   |  |  |  |
| Rule 33  | Women staff should have equal access to training and should receive special training to prohibit discrimination and sexual harassment<br><br>Training related to gender specific issues, basic health care, first aid and basic medicine |  |  |  |
| Rule 34  | Capacity-building programmes on HIV  |  |  |  |

| Rule 35                          | Prison staff shall be trained to detect mental health-care needs   |   |   |  |   |  |
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| <b>Juvenile Female Prisoners</b> |  |   |   |  |   |  |
| Rule 36                          | Prison authorities shall put in place measures to meet the protection needs of juvenile female prisoners.  | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision.   | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision.  | <b>Not present in KP Prison Rules</b><br>Amend to include provision.   | the Pakistan legislations all have a few sections mention the protection of juvenile prisoners but not specifically regarding 'female juvenile' |  |
| Rule 37                          | Juvenile female prisoners shall have equal access to education and vocational training that are available to juvenile male prisoners.  | <b>Rule 296 – Juvenile has access to education in accordance with the standard by Education Department.</b><br>Superintendent can raise such standard | <b>Rule 767 –education of juvenile prisoner, e.g. They shall be able to enrol in primary or secondary school or college; standard of teaching, etc.</b> |  |   |  |
| Rule 38                          | Juvenile female prisoners shall have access to age- and gender-specific programmes and services, such as counselling for sexual abuse or violence. They shall receive education on women's health care and have regular access to gynaecologists, similar to adult female prisoners. | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision.   | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision.  | <b>Rule 1191 – The Lady Deputy Superintendent or Senior Assistant Superintendent or Female Warders shall organize, in coordination with relevant Governmental Organizations, educational, vocational training and other programmes and activities in prisons to assist with the rehabilitation of women prisoners.</b> |   |  |
| Rule 39                          | Pregnant juvenile female prisoners shall receive support and medical care equivalent to that   | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision.   | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision.  | <b>Not present in KP Prison Rules</b><br>Amend to include provision.   |   |  |



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|                          | provided for adult female prisoners. Their health shall be monitored by a medical specialist, taking account of the fact that they may be at greater risk of health complications during pregnancy due to their age.   |   |  |  |  |
| Prisoners under sentence |  |   |  |  |  |
| Rule 40                  | Prison administrators shall develop and implement classification methods addressing the gender-specific needs and circumstances of women prisoners to ensure appropriate and individualized planning and implementation towards those prisoners' early rehabilitation, treatment and reintegration into society. | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision. | <b>Not present in KP Prison Rules</b><br>Amend to include provision.   |  |
| Rule 41                  | The gender-sensitive risk assessment and classification of prisoners shall<br><br>(a) Take into account the generally lower risk posed by women prisoners to others, as well as the particularly   | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision. | <b>Rule 230</b> – women prisoners shall be classified in the same manner as is provided in the case of males.<br><br><b>Rule 309</b> – separation of different classes of women prisoners. |  |

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| <p>harmful effects that high-security measures and increased levels of isolation can have on women prisoners;</p> <p>(b) Enable essential information about women's backgrounds, such as violence they may have experienced, history of mental disability and substance abuse, as well as parental and other caretaking responsibilities, to be taken into account in the allocation and sentence planning process;</p> <p>(c) Ensure that women's sentence plans include rehabilitative programmes and services that match their gender-specific needs;</p> <p>(d) Ensure that those with mental health-care needs are housed in accommodation which is not restrictive, and at the lowest possible</p> |  |
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| Rule 42 | <p>security level, and receive appropriate treatment, rather than being placed in higher security level facilities solely due to their mental health problems</p> | <p><b>Rule 322 – women prisoner at an advanced stage of pregnancy shall be reported. A full statement of case prepared by a lady doctor.</b></p> <ul style="list-style-type: none"> <li>There is no detailed program as specified in the Bangkok Rules</li> </ul> | <p><b>Rule 140 - women prisoner at an advanced stage of pregnancy shall be reported.</b></p> <p><b>Note:</b> – Similar with Rule 1978, the rule does not specify what treatments they will get</p> <p><b>A.</b> s322 say to report advanced stage of pregnancy, so it means earlier stages of pregnancy are not treated the same way</p> <p><b>B.</b> Statement of Lady doctor is needed per case.</p> | <p><b>Rule 311 - A Regime activities and work. ---Women prisoners shall have access to a balanced and comprehensive programme of activities.</b></p> <ul style="list-style-type: none"> <li>The administration of the prison shall be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children.</li> <li>Childcare facilities or arrangements shall be provided in prison in order to enable women prisoners to participate in prison activities.</li> </ul> <p>(basically, mirrors Bangkok Rule 42)</p> <p><b>Rule 926</b></p> |  |

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|         | women with children in prison.<br>4. Particular efforts shall be made to provide appropriate services for women prisoners who have psychosocial support needs, especially those who have been subjected to physical, mental or sexual abuse. |   |  |   | Lady visitors to inspect barracks of women prisoners and to hear their petitions.<br><br>Ascertain where health security and cleanliness of women prison is up to the expectations. |  |
| Rule 43 | Prison authorities shall encourage and, where possible, also facilitate visits to women prisoners as an important prerequisite to ensuring their mental well-being and social reintegration.   | Similar with the above Bangkok <b>Rule 26</b>                                   | <b>Not present in Sindh Prison Rules.</b><br><br>Amend to include provision. | See above Bangkok Rule 26   |   |  |
| Rule 44 | In view of women prisoners' disproportionate experience of domestic violence, they shall be properly consulted as to who, including which family members, is allowed to visit them.  | <b>Not present in Pakistan Prison Rules.</b><br><br>Amend to include provision. | <b>Not present in Sindh Prison Rules.</b><br><br>Amend to include provision. | <b>Not present in KP Prison Rules</b><br><br>Amend to include provision.  |   |  |
| Rule 45 | Prison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programmes and   | <b>Not present in Pakistan Prison Rules.</b><br><br>Amend to include provision. | <b>Not present in Sindh Prison Rules.</b><br><br>Amend to include provision. | <b>Rule 137</b> – release of women prisoners: her relatives shall be informed; allowed to stay for the night in the women 's ward; allowed to be shifted to other | <ul style="list-style-type: none"> <li>Special unit must be established in each province for integration and resettlement of prisoners.</li> </ul>                                  |  |

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|         | services to the maximum possible extent for women prisoners, 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  |   |   |   | place if she refused to go with her family. | <ul style="list-style-type: none"><li>Resettlement can include establishing contact with family and revisiting family as a part of the resettlement program</li><li>Women who have faced domestic violence should not be asked to go back to the same household.</li></ul> |
| Rule 46 | 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. | <b>Not present in Pakistan Prison Rules.</b><br><br>Amend to include provision. | <b>Chapter 31 – Rule 727 (1) (a) to (v)</b><br>There are general guidelines to implement integration programs.<br><b>Rule 727 (1) (t) -&gt;</b> specifically talks about post release programs and include governmental and non-governmental agency participation. <ul style="list-style-type: none"><li>More details and guidelines must be provided to the prison staff to better adapt the rules</li></ul> | <b>Rule 1109(3) -</b><br><br>The duties of staff go beyond those required of mere guards and shall take account of the need to facilitate the reintegration of prisoners into society after their sentence has been completed, through a programme of positive care and assistance. |   | <ul style="list-style-type: none"><li>Special unit must be established in each province for integration and resettlement of prisoners.</li></ul>   |
| Rule 47 | Additional support following release shall be provided to released   | <b>Not present in Pakistan Prison Rules.</b>                                    | <b>chapter 31 – Rule 727 (1) (a) to (v)</b>   | <b>Rule 306(2) -</b>  |   | <ul style="list-style-type: none"><li>Special unit must be established in each province for</li></ul>  |

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|         | women prisoners who need psychological, medical, legal and practical help to ensure their successful social reintegration, in cooperation with services in the community.   | Amend to include provision.  | <p>There are general guidelines to implement integration programs.</p> <p><b>Rule 727 (1) (t) -&gt;</b> specifically talks about post release programs and include governmental and non-governmental agency participation</p> <p><b>Rule 729</b> Includes a non-exhaustive list of different type of programs included to support prisoners after release</p> <ul style="list-style-type: none"> <li>• Please refer to further comments</li> </ul> | <p>The prison authorities shall pay attention to the requirements of women, such as their physical, vocational, social and psychological needs, when making decisions that affect any aspect of their detention.</p> <p>And</p> <ul style="list-style-type: none"> <li>• Resettlement can include establishing contact with family and revisiting family as a part of the resettlement program</li> </ul>  | <p>integration and resettlement of prisoners.</p>   |
| Rule 48 | 1. Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers. | <p><b>Not present in Pakistan Prison Rules.</b></p> <p>Amend to include provision.</p> | <p><b>Chapter 22 – 500, 501 and 502</b><br/>Pregnant Female prisoners under capital punishments can postpone or commute their execution (request to court) if found pregnant</p> <ul style="list-style-type: none"> <li>• Prison rules must consider women specific conditions like pregnancy and breast feeding into their remission system.</li> </ul>   | <p><b>Chapter 14</b><br/><b>Rule 348, 349 350 -&gt;</b><br/>Sentence to be postponed or commuted for pregnant women prisoners on death row.</p> <p><b>Chapter VIII – Remission System</b><br/>Detailed remission system in place but it doesn't include gender-based conditions like pregnancy into consideration</p> <ul style="list-style-type: none"> <li>• Prison rules must consider women specific conditions like pregnancy and breast</li> </ul> | <ul style="list-style-type: none"> <li>• Safer environment should be provided to encourage breastfeeding practices</li> <li>• Breastfeeding rooms should be provided in women prisons.</li> <li>• Written information provided to prison staff engaged with pregnant women and breastfeeding mothers</li> </ul> |



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| Rule 49 | <p>2. Women prisoners shall not be discouraged from breastfeeding their children, unless there are specific health reasons to do so.</p> <p>3. The medical and nutritional needs of women prisoners who have recently given birth, but whose babies are not with them in prison, shall be included in treatment programmes.</p> |  |   | feeding in their remission system.  | <ul style="list-style-type: none"> <li>Medical support should be provided on regular basis</li> <li>The gender specific issues must be kept in mind when designing or remodelling women prisons.</li> </ul>   |
| Rule 49 | <p>Decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners.</p>  | <p><b>Rule 327</b><br/>Children can stay with mothers till the age of three. When child cannot be kept in the prison then he is sent either to family, relatives or governmental agencies and there is no consideration as what the best interest of the child is.</p> <p><b>Rule 326</b><br/>Children born in prison are to be registered</p> <p><b>Rule 327</b><br/>Children allowed to stay with their mothers</p> <ul style="list-style-type: none"> <li>The Prison rules are bare minimum of what is expected in</li> </ul> | <p><b>Chapter IX - 144</b><br/>Childrens can stay with their mother till 6 years of age. No directions stated as what are the best interests of child</p> <p><b>Chapter 36 – Rule 865 (g)</b> – Legal Aid Services<br/>The committee is supposed to work for welfare of children and female prisoners</p> <ul style="list-style-type: none"> <li>Rules are there without detailed adherence guidelines for the prison staff. More efforts are needed to integrate the welfare of mothers and their children.</li> </ul> | <p><b>Chapter 13</b><br/><b>Rule 326 (1)</b> -&gt; Children born to women prisoners can stay with their mothers till the age of six. The maximum age limit is 8 years unless compassionate reasons apply.</p> <p><b>Rule 326 (4)</b> -&gt; Balancing test between the best interest of the child and the public interest.</p> <p><b>Rule 326 (5)</b> -&gt; provision of recreational facilities and education goes to the best interests of a child.</p> <p><b>Rule 327</b> -&gt; Best interests of child when the child cannot stay with the mother in prison.</p> <p><b>Rule 327A (4)</b> -&gt; children born in prison are not to be</p> | <ul style="list-style-type: none"> <li>While the prison rules talk about 'best interest of child' but it doesn't elaborate on it and there are no guidelines provided as what factors should be considered when the best interests of a child are considered.</li> <li>Provision of specialist staff and services to support the best interest of the child can be a step further.</li> </ul> |

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|         |   | <p>Bangkok and Madela Rules. More efforts are needed to integrate the welfare of mothers and their children.</p> <ul style="list-style-type: none"> <li>Please refer to further comments.</li> </ul>  | <ul style="list-style-type: none"> <li>Please refer to further Comments.</li> </ul>  | <p>treated as prisoners and their birth certificate also will not include details of prison.</p> <ul style="list-style-type: none"> <li>There is little guidance as how to evaluate the best interests of the child and the factors that must be considered in favour or in against when performing the balancing test.</li> </ul> | <ul style="list-style-type: none"> <li>Women prison must be designed in such a way that the difference between the outside world and the prison world is eliminated for the children.</li> <li>Child welfare agencies must be involved in providing care for the children of women prisoners</li> </ul>  |
| Rule 50 | Women prisoners whose children are in prison with them shall be provided with the maximum possible opportunities to spend time with their children. | <p><b>Rule 327</b><br/>Children can stay with mothers till the age of three. When child cannot be kept in the prison then he is sent either to family, relatives or governmental agencies and there is no consideration as what the best interest of the child is.</p> <ul style="list-style-type: none"> <li>There is little guidance as how to evaluate the best interests of the child and the factors that must be considered in favour or in against when</li> </ul> | <p><b>Chapter IX - 144</b><br/>Childrens can stay with their mother till 6 years of age.</p> <ul style="list-style-type: none"> <li>Women prisoners will find it hard to cook and work with their kids especially when they are newborn.</li> <li>Please refer to further comments for in-depth recommendations</li> </ul> | <p><b>Not present in KP Prison Rules</b><br/>Amend to include provision.</p>   | <ul style="list-style-type: none"> <li>Separation of children from their mothers must be carried only when the alternative care arrangements are satisfactorily approved by the child welfare agencies</li> <li>Children should be allowed to stay with their mothers occasionally even after separation.</li> <li>Mothers (women prisoners) should</li> </ul> |

|         | preforming the<br>balancing test.   |   |  |  | also be allowed<br>frequent home<br>visits as well.  |
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| Rule 51 | <p>1. Children living with their mothers in prison shall be provided with ongoing health-care services and their development shall be monitored by specialists, in collaboration with community health services.</p> <p>2. The environment provided for such children's upbringing shall be as close as possible to that of a child outside prison.</p> | <p><b>Rule 326 and Rule 327 - Children allowed to stay with their mothers till the age of six.</b></p> <ul style="list-style-type: none"><li>• Medical Officer in the Prison rules does not entail a child specific role.</li><li>• More specific duties can be added to include children welfare</li></ul> | <p><b>Chapter X – 151 and 152</b><br/>Medical officer is responsible for all health physical and mental needs of all prisoners. Also responsible for treatment, hygiene and sanitation of whole prison. Recommend – having specially care officers that can be rotated between the local prisons on need basis. Big prisons with large number of prisoners must have</p> <p><b>Rule 727 - (1) (o) - Children of prisoners must be provided education, but it is not compulsory.</b></p> <ul style="list-style-type: none"><li>• The directions don't put an obligation but asks to make every attempt. More allocations of staff and funds will lead to better outcomes.</li></ul> | <p><b>Chapter 13</b><br/><b>Rule 326 (5) and 327 -&gt;</b> directs to provide education and recreational facilities to such children</p> <p><b>Rule 327A (1) to (4) -&gt;</b> are various directions to keep provide a wholesome environment and education and health care to children born in prison.</p> <p><b>Rule 327A (2) -&gt;</b> Health care services for children in prison in collaboration with community health services.</p> <ul style="list-style-type: none"><li>• KP prison rules better deliver when it comes to education and health care of children.</li><li>• More details will help the prison staff to follow guidelines.</li><li>• Specific targets can be provided e.g. minimum school facilities and subjects available for children, minimum amount of separate recreational area available for children in prison.</li></ul> | <ul style="list-style-type: none"><li>• Provision of specialist staff and services to support the best interest of the child can be a step further.</li><li>• Women prison must be designed in such a way that the difference between the outside world and the prison world is eliminated for the children of women prisoners</li><li>• Child welfare agencies must be involved in providing care for the children of women prisoners</li></ul> |

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| Rule 52 | <ul style="list-style-type: none"> <li>Decisions as to when a child is to be separated from its mother shall be based on individual assessments and the best interests of the child within the scope of relevant national laws.</li> <li>The removal of the child from prison shall be undertaken with sensitivity, only when alternative care arrangements for the child have been identified and, in the case of foreign-national prisoners, in consultation with consular officials.</li> <li>After children are separated from their mothers and placed with family or relatives or in other alternative care, women prisoners shall be given the maximum possible opportunity and facilities to meet with their children, when it is in the best interests of the children and when public safety is not compromised.</li> </ul> | <p><b>Rule 327</b><br/>Children can stay with mothers till the age of three. When child cannot be kept in the prison then he is sent either to family, relatives or governmental agencies.</p> <ul style="list-style-type: none"> <li>There is no consideration as what the best interest of the child is. There is little guidance as how to evaluate the best interests of the child and the factors that must be considered in favour or in against when preforming the balancing test.</li> </ul> | <p><b>Chapter 30 - Rule 724 (vii)</b><br/>Early Discharge of children and women who are not danger to the society.</p> <ul style="list-style-type: none"> <li>Prison rules doesn't define the factors used in judging their early release</li> <li>Procedures to put in place so other government departments can work with prison staff for early discharge of women prisoners.</li> </ul> | <p><b>Chapter 13 Rule 327</b><br/>Best interests of child when the child cannot stay with the mother in prison.</p> <ul style="list-style-type: none"> <li>There is little guidance as how to evaluate the best interests of the child and the factors that must be considered in favour or in against when preforming the balancing test.</li> </ul> | <ul style="list-style-type: none"> <li>This is a complex decision and so specialist childcare agencies and NGOs must be involved in the decision making.</li> <li>While the prison rules talk about 'best interest of child' but it doesn't elaborate on this matter and there are no guidelines provided as what factors should be considered when the best interests of a child are on the table.</li> </ul> |
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| Foreign Nationals               |   |   |  |  |
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| Rule 53(1)                      | Where relevant bilateral or multilateral agreements are in place, the transfer of non-resident foreign- national women prisoners to their home country, especially if they have children in their home country, shall be considered as early as possible during their imprisonment, following the application or informed consent of the woman concerned. | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision. | <p><b>Chapter 10 Rule 249 B</b><br/>Generally, the provision abides by the Bangkok Rules</p> <ul style="list-style-type: none"> <li>Bilateral and multinational agreements to transfer prisoners to their countries.</li> <li>Foreign nationals to be provided with interpreters and legal aid in their applications for transfers</li> <li>Special consideration to the women who acted as drug mules.</li> </ul> |
| Rule 53(2)                      | Where a child living with a non-resident foreign-national woman prisoner is to be removed from prison, consideration should be given to relocation of the child to its home country, taking into account the best interests of the child and in consultation with the mother.   | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision. | <p><b>Chapter 10 Rule 249 B</b><br/>Generally, the provision abides by the Bangkok Rules</p> <ul style="list-style-type: none"> <li>Children of foreign nationals should be provided with similar facilities and support as children of Pakistani women in prison.</li> <li>There is no specific mention of children, but they can be included under the term 'all foreign nationals'.</li> </ul>                  |
| Minorities & Indigenous peoples |   |   |  |  |

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| <b>Rule 54</b> | Prison authorities shall recognize that women prisoners from different religious and cultural backgrounds have distinctive needs and may face multiple forms of discrimination in their access to gender- and culture-relevant programmes and services. Accordingly, prison authorities shall provide comprehensive programmes and services that address these needs, in consultation with women prisoners themselves and the relevant groups. | <p><b>Rule 681 (i)</b> no interference to religious practices to prisoners of other religions</p> <p><b>Rule 215 (iv)</b> prisoners can undertake education of scriptures of other religion</p> <ul style="list-style-type: none"> <li>Please see further comments</li> </ul> | <p><b>Chapter 25 – 568 (1)</b><br/>No interference to practice of other religion by prisoners</p>                     | <p><b>Chapter 28</b><br/><b>Rule 681 (1), (2), (7), (8), (9)</b><br/>Generally, prisoners can practice their religion freely. Religious conversion is discouraged.</p> <p><b>Rule 681 (6)</b><br/>Allows religious representative to visit prisoner</p> <ul style="list-style-type: none"> <li>Rules are not specific to women but are applicable to all prisoners</li> </ul> | <ul style="list-style-type: none"> <li>A multicultural team that can work with prison authorities and prison staff to implement special programs for minorities.</li> <li>Providing educational and work programs for minorities to integrate them in the system</li> <li>Parole decision about the minority prisoners to be evaluated on lenient basis.</li> </ul> |
| <b>Rule 55</b> | Pre- and post-release services shall be reviewed to ensure that they are appropriate and accessible to indigenous women prisoners and to women prisoners from ethnic and racial groups, in consultation with the relevant groups.  | <p><b>Not present in Pakistan Prison Rules.</b></p> <p>Amend to include provision.</p>  | <p><b>Chapter 31 – Rule 727 (a) to (v)</b><br/>There are general programs to rehabilitate prisoners after release</p> | <p><b>Not present in KP Prison Rules</b></p> <p>Amend to include provision.</p>   | <ul style="list-style-type: none"> <li>Women from minority community is bound to face stigma after release thus it is important that these women learn life skills and receive vocational education so that they can provide for themselves and support to their</li> </ul>   |



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|  |   |   |   |   | families as well after release.  |
| Prisoners under arrest or awaiting trial |   |   |   |   |  |
| Rule 56                                  | The particular risk of abuse that women face in pretrial detention shall be recognized by relevant authorities, which shall adopt appropriate measures in policies and practice to guarantee such women's safety at this time.  | <b>Not present in Pakistan Prison Rules.</b><br><br>Amend to include provision.   | <b>Rules 142 – Request court to release such prisoners</b>  | <b>Not present in KP Prison Rules</b><br><br>Amend to include provision.  | <ul style="list-style-type: none"> <li>Prison health services should seek outside specialist help in working with women with substance abuse problems and these women should be allowed to access to the same health care even after leaving the prison.</li> </ul>                    |
| Non-custodial Measures                   |   |   |   |   |  |
| Rule 57                                  | The provisions of the Tokyo Rules shall guide the development and implementation of appropriate responses to women offenders. Gender-specific options for diversionary measures and pretrial and sentencing alternatives shall be developed within Member States' legal systems, taking account of the history of | <b>Policy Development Area</b><br><br>Cannot be answered in this brief<br><br>Need further detailed comparison of prison rules with the Tokyo rules | <b>Policy Development Area</b><br><br>Cannot be answered in this brief<br><br>Need further detailed comparison of prison rules with the Tokyo rules | <b>Policy Development Area</b><br><br>Cannot be answered in this brief<br><br>Need further detailed comparison of prison rules with the Tokyo rules | <ul style="list-style-type: none"> <li>Sentencing guidelines for judges can include directions to consider Tokyo rules when sentencing</li> <li>Relevant authorities like police, prosecutors and judges should be given proper training as to understand the Bangkok rules</li> </ul> |

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| Rule 58 | victimization of many women offenders and their caretaking responsibilities.  | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <p><b>Chapter 37 Rule 875</b><br/>Conjugal visits allowed for 2 nights every 3 months is the prison sentence is more than 5 years</p> <p><b>Rule 876</b> – Extra visits may be allowed</p> <p><b>Chapter 38 Rule 918, 919, 920, 921</b><br/>Prisoners can visit family for compassionate reasons and to attend a marriage or a funeral.</p> <ul style="list-style-type: none"> <li>• More efforts are needed to increase the use of this clause.</li> <li>• Please see further recommendations.</li> </ul> | <b>Not present in KP Prison Rules</b><br>Amend to include provision. | <p>when specifically dealing with women in the criminal justice system.</p> <ul style="list-style-type: none"> <li>• Sentencing guidelines to allow women prisoners serve their sentence through community work.</li> <li>• UK has a prisoner rehabilitation legislation that can be borrowed to</li> <li>• Relevant Legislation such as sentencing guidelines and criminal procedure must be reviewed so that the department involved have resources and guidelines to support women in criminal justice system</li> </ul> |
| Rule 59 | Generally, non-custodial means of protection, for example in shelters managed by independent bodies, non-governmental | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision.   | <b>Not present in KP Prison Rules</b><br>Amend to include provision. | <p>Relevant Legislation such as sentencing guidelines and criminal procedure must be reviewed</p>   |

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| Rule 60 | organizations or other community services, shall be used to protect women who need such protection. Temporary measures involving custody to protect a woman shall only be applied when necessary and expressly requested by the woman concerned and shall in all cases be supervised by judicial or other competent authorities. Such protective measures shall not be continued against the will of the woman concerned. |   |  |  | so that the department involved have resources and guidelines to support women in criminal justice system   |
|         | Appropriate resources shall be made available to devise suitable alternatives for women offenders in order to combine non-custodial measures with interventions to address the most common problems leading to women's contact with the criminal justice system. These may include therapeutic courses and counselling for victims of domestic violence and sexual abuse; suitable treatment                              | <b>Not present in Pakistan Prison Rules.</b><br><br>Amend to include provision. | <b>Not present in Sindh Prison Rules.</b><br><br>Amend to include provision. | <b>Not present in KP Prison Rules</b><br><br>Amend to include provision. | <ul style="list-style-type: none"> <li>Judicial authorities should be provided with a full picture of women prisoners including details like their caring responsibilities, dependents, mental state, previous abuse before they pass on sentence.</li> </ul> |

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| for those with mental disability; and educational and training programmes to improve employment prospects. Such programmes shall take account of the need to provide care for children and women-only services. |   |   |   |   |  |
| Rule 61   | When sentencing women offenders, courts shall have the power to consider mitigating factors such as lack of criminal history and relative non-severity and nature of the criminal conduct, in the light of women's caretaking responsibilities and typical backgrounds. | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <p><b>Chapter 31 Rule 730</b><br/>Sentencing planning guidelines includes prisoners but this is after prison sentence starts.</p> <ul style="list-style-type: none"> <li>This rule is related to sentencing guidelines and might be related to another legislature.</li> <li>A link or general description of the guidelines will enable prison staff to better adhere to the rules.</li> </ul> | <p><b>Chapter 8 – Remission System</b><br/><b>Rule 199</b><br/>There is remission system.</p> | <ul style="list-style-type: none"> <li>Relevant Legislation such as sentencing guidelines and criminal procedure must be reviewed so that the department involved have resources and guidelines to support women in criminal justice system</li> <li>Prepare reports on each woman sentenced about her background including things as asked in this specific rule and courts are compelled by legislature to include such</li> </ul> |



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| Rule 62 | The provision of gender-sensitive, trauma-informed, women-only substance abuse treatment programmes in the community and women's access to such treatment shall be improved, for crime prevention as well as for diversion and alternative sentencing purposes. | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Chapter 31 Rule 727 (1) (q)</b><br>Substance abuse program directives are present. <ul style="list-style-type: none"> <li>The directives are not women specific and are not detailed enough to showcase a proper system to rehabilitate and support substance abusers.</li> <li>Please see the detailed recommendations.</li> </ul> | <b>Not present in KP Prison Rules</b><br>Amend to include provision. | <p>reports as the basis for sentencing</p> <p><b>Note:</b> - Criminal Procedure act is an 1898 act and doesn't have women specific sections in sentencing</p> <ul style="list-style-type: none"> <li>Resources should be allocated to design and deliver such programs. Might start from educating women in prison against the physical, mental and psychological impact of substance abuse and can be built upon include specific withdrawal management clinics.</li> <li>Less Punitive approach when dealing with women with a substance abuse issue.</li> </ul> |
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| Post-Sentencing |   |   |   |  |  |
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| Rule 63         | Decisions regarding early conditional release (parole) shall favourably take into account women prisoners' caretaking responsibilities, as well as their specific social reintegration needs. | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Chapter 31 Rule 730</b><br>Prisoners are encouraged to be involved in sentencing planning.<br><ul style="list-style-type: none"><li>The rule does advice that the prisoners are encouraged but specific guidelines are missing as how this encouragement is practically implemented.</li></ul> | <b>Not present in KP Prison Rules</b><br>Amend to include provision. | <ul style="list-style-type: none"> <li>Bodies involved in early release like prison staff, parole officers and social services must work together to support a procedure for early release of women prisoners</li> <li>The parole process must be fair and give equal opportunity for the prisoner to present her case.</li> </ul> |
| Rule 64         | Non-custodial sentences for pregnant women and women with dependent children shall be preferred   | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Chapter 31 Rule 730</b><br>Prisoners are encouraged to be involved in sentencing planning.<br><ul style="list-style-type: none"><li>Specific guidelines are missing</li><li>there are no women and children focussed initiatives</li></ul>   | <b>Not present in KP Prison Rules</b><br>Amend to include provision. | <ul style="list-style-type: none"> <li>A prisoner profile to assist in informed decision making can be a good start.</li> </ul>  |
| Rule 64 cont..  | Pregnant women and women with children should be given custodial sentences  | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Chapter 31 Rule 730</b><br>Prisoners are encouraged to be involved in sentencing planning,<br><ul style="list-style-type: none"><li>Specific guidelines are missing</li><li>No directive focussed on sentencing pregnant women.</li></ul>  | <b>Not present in KP Prison Rules</b><br>Amend to include provision. | <ul style="list-style-type: none"> <li>Convention on the rights of the child (CRC) dictates that all decisions involved are in the best interest of the child.</li> <li>First step can be to prioritise</li> </ul>   |



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|                           |  |   |  |  | alternative arrangements (and not prison sentence) for pregnant women, breastfeeding mothers and women with small children.  |
| Juvenile Female Offenders |  |   |  |  |  |
| Rule 65                   | Institutionalization of children in conflict with the law shall be avoided to the maximum extent possible. The gender-based vulnerability of juvenile female offenders shall be taken into account in decision-making. | <p><b>Rule 282, 283, 287</b><br/>Separate Special Prisons for Juveniles</p> <p><b>Rule 282</b> talks about sending boys but there is no mention of female juveniles</p> <ul style="list-style-type: none"> <li>Prison rules are male oriented and female juvenile specific needs are missing.</li> <li>There are no women specific juvenile prisons. Female juveniles are integrated with the women prisoners and the specific needs of female juveniles are unattended.</li> </ul> | <p><b>Rule 727 - (2) -</b><br/>Directorate is asked to administer programs that are designed to train and educated juvenile and female prisoners, but no details are there as which programs will be run and what are the penalties of not having such programs.</p> <p><b>Chapter 36 – Rule 865 (g)–</b><br/>Legal Aid Services<br/>The committee is supposed to work for welfare of juveniles.</p> <ul style="list-style-type: none"> <li>Further directives on how to access legal aid</li> <li>Job description of prison staff to include the responsibility to coordinate with legal aid services.</li> </ul> | <p><b>Chapter 12 – Rule 292</b><br/>Female juvenile prisoners are transferred to female prisons.</p> <p><b>Rule 287</b> – only refers to male juveniles to be transferred to special juvenile prisons.</p> <ul style="list-style-type: none"> <li>There are no women specific juvenile prisons. Female juveniles are integrated with the women prisoners and the specific needs of female juveniles are unattended.</li> </ul> | <ul style="list-style-type: none"> <li>Legislation and sentencing guidelines should be lenient towards juvenile prisoners and especially to female juvenile prisoners.</li> <li>Each province should have a specialised prison for female juvenile prisoners and, should be a rehabilitation centre to integrate such females back into the society through vocational education and other means.</li> </ul> |



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| Rule 66<br>Foreign<br>Nationals | Maximum effort shall be made to ratify the United Nations Convention against Transnational Organized Crime <sup>30</sup> and the Protocol to Prevent, | <b>Not present in Pakistan Prison Rules.</b><br>Amend to include provision. | <b>Not present in Sindh Prison Rules.</b><br>Amend to include provision.  | <b>Not present in KP Prison Rules</b><br>Amend to include provision. | Each province must take amend the prison rules to reflect Bangkok Rule 65 and 66. |
|                                 |   |   | <p><b>Chapter 29 Rule 653 (1)</b><br/>only about the transfer male juveniles to the special institution or the juvenile prison – There are four juvenile detention facilities in Sindh. No further information was available as how these facilities are for female juveniles.</p> <p><b>Chapter 32 rule 765 and 767</b><br/>Welfare and rehabilitation programs specifically for juveniles</p> <ul style="list-style-type: none"> <li>• Question on accessibility and presence of such programs.</li> <li>• There are no women specific juvenile prisons. Female juveniles are integrated with the women prisoners and the specific needs of female juveniles are unattended.</li> </ul> |  |   |



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|                                   | Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime <sup>31</sup> to fully implement their provisions so as to provide maximum protection to victims of trafficking in order to avoid secondary victimization of many foreign-national women.  |  |  |  |   |
| Research, Planning and Evaluation |   |  |  |  |   |
| Rule 67                           | Efforts shall be made to organize and promote comprehensive, result-oriented research on the offences committed by women, the reasons that trigger women's confrontation with the criminal justice system, the impact of secondary criminalization and imprisonment on women, the characteristics of women offenders, as well as programmes designed to reduce reoffending by women, as a basis for | <b>Absent</b><br>Relates to research, planning and evaluation of impact on women in the criminal justice system. | <b>Absent</b><br>Relates to research, planning and evaluation of impact on women in the criminal justice system. | <b>Absent</b><br>Relates to research, planning and evaluation of impact on women in the criminal justice system. | <ul style="list-style-type: none"> <li>First and the most important step is to allocate funding and resources to ensure that the research can be conducted, and data can be collected.</li> <li>This will also mean the resources should be available and used to the optimum.</li> <li>NGOs and social services should be involved in doing</li> </ul> |

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|         | effective planning, programme development and policy formulation to respond to the social reintegration needs of women offenders.   |  |  |  |  | <p>research and planning.</p> <ul style="list-style-type: none"> <li>Regular internal and independent third-party reviews of prisons will confirm implementation of new strategies and suggest pathway for improvements</li> </ul>  |
| Rule 68 | Efforts shall be made to organize and promote research on the number of children affected by their mothers' confrontation with the criminal justice system, and imprisonment in particular, and the impact of this on the children, in order to contribute to policy formulation and programme development, taking into account the best interests of the children. | <b>Absent</b><br>Relates to research, planning and evaluation of impact on women in the criminal justice system. | <b>Absent</b><br>Relates to research, planning and evaluation of impact on women in the criminal justice system. | <b>Absent</b><br>Relates to research, planning and evaluation of impact on women in the criminal justice system. | <b>Absent</b><br>Relates to research, planning and evaluation of impact on women in the criminal justice system. | <ul style="list-style-type: none"> <li>"As Above"</li> <li>and</li> <li>NGO and Academic departments can be integrated in the research to extend the basis</li> <li>other parties that can be included are specialists like paediatrician and child psychologists.</li> </ul> |
| Rule 69 | Efforts shall be made to review, evaluate and make public periodically the trends, problems and factors associated with offending behaviour in women and the effectiveness in   | <b>Absent</b><br>Relates to research, planning and evaluation of impact on women in the criminal justice system. | <b>Absent</b><br>Relates to research, planning and evaluation of impact on women in the criminal justice system. | <b>Absent</b><br>Relates to research, planning and evaluation of impact on women in the criminal justice system. | <b>Absent</b><br>Relates to research, planning and evaluation of impact on women in the criminal justice system. | <ul style="list-style-type: none"> <li>Legislative assembly and Justice system must take independent regular review of the effectiveness of the current policies</li> </ul>   |



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| Rule 70 | <p>responding to the social reintegration needs of women offenders, as well as their children, in order to reduce the stigmatization and negative impact of those women's confrontation with the criminal justice system on them.</p>   | <p><b>Absent</b><br/>Relates to research, planning and evaluation of impact on women in the criminal justice system.</p> | <p><b>Absent</b><br/>Relates to research, planning and evaluation of impact on women in the criminal justice system.</p> | <p><b>Absent</b><br/>Relates to research, planning and evaluation of impact on women in the criminal justice system.</p> | <p>and what can be done to make the system better.</p>  |
|         | <p>1. The media and the public shall be informed about the reasons that lead to women's entrapment in the criminal justice system and the most effective ways to respond to it, in order to enable women's social reintegration, taking into account the best interests of their children.</p> <p>2. Publication and dissemination of research and good practice examples shall form comprehensive elements of policies that aim to improve the outcomes and the fairness to women and their children of criminal justice responses to women offenders.</p> | <p><b>Absent</b><br/>Relates to research, planning and evaluation of impact on women in the criminal justice system.</p> | <p><b>Absent</b><br/>Relates to research, planning and evaluation of impact on women in the criminal justice system.</p> | <p><b>Absent</b><br/>Relates to research, planning and evaluation of impact on women in the criminal justice system.</p> | <ul style="list-style-type: none"> <li>• Prison Staff and relevant authorities working with women prisoners must be given training to understand the rationale behind women offending.</li> </ul> |



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|   |  |  |  |  |   |
|   |  |  |  |  | KP Prison rules have detailed remission system which is missing in other prison rules |
|   |  |  |  |  |   |
|   |  |  |  |  |   |
| 3. The media, the public and those with professional responsibility in matters concerning women prisoners and offenders shall be provided regularly with factual information about the matters covered in these rules and about their implementation. |  |  |  |  |   |
| 4. Training programmes on the present rules and the results of research shall be developed and implemented for relevant criminal justice officials to raise their awareness and sensitize them to their provisions contained therein.                 |  |  |  |  |   |
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## Annex C | Compilation of Data

| Prison Population                               | Punjab | Sindh  | KP    | Gilgit | Balochistan | Total  |
|---|--------|--------|-------|--------|-------------|--------|
| Prisons (Central and District)                  | 41     | 24     | 20    |        | 11          | 96     |
| Number of Prisons with separate female barracks | 26     | 6      | 17    | 3      | 11          | 63     |
| Number of female only prisons                   | 1      | 4      | 0     | 0      | 0           | 5      |
| Total Prison Population                         | 45,324 | 16,315 | 9,900 |        | 2,122       | 73,661 |
| Total Female Prisoners Population               | 727    | 205    | 166   | 3      | 20          | 1121   |
| % Female population                             | 1.6%   | 1.3%   | 1.7%  | N/A    | 0.9%        | 1.5%   |

| Prison Population Profile       | Punjab | Sindh | KP    | Gilgit | Balochistan | Total |
|---------------------------------|--------|-------|-------|--------|-------------|-------|
| Number of old age prisoners     | 42     | 1     | 3     | 0      | 0           | 46    |
| Number of juveniles             | 1      | 0     | 9     | 0      | 0           | 10    |
| Number of mothers with children | 83     | 16    | 29    | 2      | 4           | 134   |
| Number of children              | 125    | 26    | 38    | 1      | 5           | 195   |
| Number of female only prisons   | 2.4%   | 16.7% | 0.0%  | N/A    | 0.0%        | 5.2%  |
| Number of old age prisoners     | 5.8%   | 0.5%  | 1.8%  | 0.0%   | 0.0%        | 4.1%  |
| Number of juveniles             | 0.1%   | 0.0%  | 5.4%  | 0.0%   | 0.0%        | 0.9%  |
| Number of mothers with children | 11.4%  | 7.8%  | 17.5% | 66.7%  | 20.0%       | 12.0% |
| Number of children              | 17.2%  | 12.7% | 22.9% | 33.3%  | 25.0%       | 17.4% |

| Under Trial Prisoners        | Punjab | Sindh | KPK | GB | Balochistan | Total |
|------------------------------|--------|-------|-----|----|-------------|-------|
| Female Prisoners Under Trial | 452    | 148   | 130 | 2  | 16          | 748   |
| Female Juveniles Under Trial | 0      | 0     | 9   | 0  | 0           | 9     |

| Under Trial Prisoners        | Punjab | Sindh | KPK   | GB    | Balochistan | Total |
|------------------------------|--------|-------|-------|-------|-------------|-------|
| Female Prisoners Under Trial | 62.2%  | 72.2% | 78.3% | 66.7% | 80.0%       | 66.7% |

| Prisoners with Special Health Needs | Punjab | Sindh | KPK | GB | Balochistan | Total |
|-------------------------------------|--------|-------|-----|----|-------------|-------|
| Pregnancy                           | 16     | 2     | 8   | 0  | 1           | 27    |
| Hepatitis                           | 34     | 1     | 3   | 0  | 0           | 38    |
| HIV                                 | 2      | 1     | 1   | 0  | 0           | 4     |
| TB                                  | 0      | 2     | 0   | 0  | 0           | 2     |
| Mental Illness                      | 8      | 0     | 1   | 0  | 0           | 9     |
| Other sickness                      | 27     | 0     | 4   | 0  | 0           | 31    |
| Ill Female Prisoners                | 87     | 6     | 17  | 0  | 1           | 84    |
| % ill female prisoners              | 12%    | 3%    | 10% | 0% | 5%          | 7%    |





| Medical Staff  | Punjab | Sindh | KPK  | GB | Balochistan | Total |
|--|--------|-------|------|----|-------------|-------|
| Number of female doctors   | 11     | 4     | 5    | 0  | 4           | 24    |
| Sanctioned strength of female medical officers                                   | 23     | 7     | 5    | 0  | 4           | 39    |
| Vacant strength of female medical officers                                       | 9      | 6     | 2    | 0  | 3           | 20    |
| Sanctioned strength of female nurses and LHVs in all the prisons in the province | 14     | 13    | 11   | 0  | 14          | 52    |
| Number of psychologists  | 0      |       | 11   |    |             |       |
| Medical Staff  | Punjab | Sindh | KPK  | GB | Balochistan | Total |
| Sanctioned Held Vacant   | 48%    | 57%   | 100% | 0% | 100%        | 62%   |

| Prison Administration  | Punjab | Sindh | KP  | GB  | Balochistan | Total |
|--|--------|-------|-----|-----|-------------|-------|
| Women Prisoners detained away from their home districts                    | 173    | 58    | 60  | 0   | 7           | 298   |
| Availability of Scanning Machines  | Yes    | Yes   | Yes | No  | No          |       |
| Availability of Education & Training Programmes                            | Yes    | Yes   | Yes | No  | Yes         |       |
| Availability of Education for Children incarcerated with their mothers     | Yes    | Yes   | Yes | No  | No          |       |
| Availability of Special Diet for Mothers & Children                        | Yes    | Yes   | Yes | Yes | Yes         |       |
| Provision of Hygiene & Sanitation Equipment                                | Yes    | Yes   | Yes | Yes | Yes         |       |
| Availability of Special Mental Health Services & Facilities                | Yes    | Yes   | Yes | No  | Yes         |       |
| Availability of Mechanisms & Procedures to file complaints of Sexual Abuse | Yes    | Yes   | Yes | Yes | Yes         |       |
| Gender Sensitized Training of Prison Staff                                 | Yes    | Yes   | Yes | Yes | Yes         |       |
| Remission Granted  | Yes    | Yes   | Yes | Yes | Yes         |       |
| Parole Programmes  | No     | No    | No  | No  | Yes         |       |
| Diversiory Measures & Alternative Sentencing Measures for Women            | No     | No    | No  | No  | No          |       |
|  |        |       |     |     |             |       |
| No. with CNICs   | 247    | 153   | 83  | 8   | 3           |       |
| No. with Bank Accounts   | 54     | 5     | 0   | 0   | 1           |       |



## Prisoner Profiling

|                                 | Punjab                    | Sindh  | KP   | Balochistan   | Gilgit                    |
|---------------------------------|---------------------------|--|--|---|---------------------------|
| Age profile of female prisoners | 11-20: 26                 | 11-20: 19  | 11-20: 35  | Average age: 31-40  | 11-20: 1                  |
|                                 | 21-30: 155                | 21-30: 72  | 21-30: 50  |   | 21-30: 0                  |
|                                 | 31-40: 270                | 31-40: 73  | 31-40: 48  |   | 31-40: 1                  |
|                                 | Above 40: 276             | 41-50: 32  | 51-60: 68  |   | 41-50: 1                  |
|                                 |                           | 51-60: 8   | Above 60: 3  |   | Above 60: 0               |
| Crimes incarcerated for         | Murder: 289               | Theft  | Murder   | Murder 11   | Murder                    |
|                                 | Narcotics 238             | Murder   | Narcotics  | Narcotics 5   |                           |
|                                 | Kidnapping & abduction 29 | Kidnapping & abduction                                     |  | Kidnapping 1  |                           |
|                                 | Robbery 26                | Robbery  |  | Foreign Act 3   |                           |
| Average level of education      | Primary: 37               | Majority are illiterate or have received primary education | Majority are illiterate or have received religious education | Majority are illiterate or have received primary or religious education | Majority have middle pass |
|                                 | Secondary: 18             |  |  |   |                           |
|                                 | Undergraduate: 10         |  |  |   |                           |
|                                 | Religious: 197            |  |  |   |                           |
|                                 | Illiterate: 465           |  |  |   |                           |
| Nationality                     | 8 foreigners              | 2 foreigners   | Pakistani  | 5 foreigners  | Pakistani                 |
| Religion                        | 709 Muslims               | 195 Muslims  | Majority Muslim  | Majority Muslim   | Majority Muslim           |
|                                 | 17 Christians             | 8 Christians   |  |   |                           |
|                                 | 1 Hindu                   | 2 Hindus   |  |   |                           |
| Marital Status                  | Married 493               | Married 108  |  | Married 6   |                           |
|                                 | Divorced 84               | Divorced 15  |  | Divorced 5  |                           |
|                                 | Single 42                 | Single or Widowed 84                                       |  | Single 6  |                           |
|                                 | Widowed 108               |  |  | Widowed 3   |                           |

## Crimes Incarcerated For

| Crimes Incarcerated For   | Punjab     | Sindh      | KP         | Balochistan | Gilgit   | Total       |
|---|------------|------------|------------|-------------|----------|-------------|
| Murder  | 289        | 91         | 63         | 7           | 0        | 450         |
| Narcotics   | 270        | 40         | 31         | 5           | 0        | 346         |
| Kidnapping & Abduction  | 29         | 20         | 19         |             | 0        | 68          |
| Robbery & Theft   | 55         | 12         |            |             | 0        | 67          |
| Blasphemy   | 4          |            |            |             | 1        | 5           |
| Selling or buying a person for prostitution                         | 0          | 2          | 10         |             | 0        | 12          |
| Rape or Sexual Abuse  | 9          |            | 2          |             | 0        | 11          |
| Causing Harm to Body  | 13         | 1          | 5          |             | 0        | 19          |
| Cheating/Forgery/Fraud  | 8          |            |            |             | 0        | 8           |
| Anti-Terrorism Act 1997   | 8          |            |            |             | 0        | 8           |
| Lunatics (UCCP/CP)  | 9          |            |            |             | 0        | 9           |
| Attempt To Murder   | 8          | 1          |            |             | 0        | 9           |
| Arrest without warrant of a suspicion                               | 0          |            | 3          |             | 0        | 3           |
| Marriage ceremony fraudulently gone through without lawful marriage | 0          |            | 27         |             | 0        | 27          |
| Lurking House Trespass or House Breaking                            | 0          |            | 3          |             | 0        | 3           |
| Foreigner Act   | 3          |            |            | 3           | 0        | 6           |
| Permission to Conduct Persecution (302 CRPC)                        | 0          |            |            |             | 1        | 1           |
| Protective Custody  | 0          |            |            |             | 1        | 1           |
| Other   | 22         | 36         | 4          | 4           | 0        | 66          |
| <b>Total</b>  | <b>727</b> | <b>203</b> | <b>167</b> | <b>19</b>   | <b>3</b> | <b>1119</b> |

## Annex D | Preliminary Questionnaire

### Questionnaire On Women And Children Prisoners

Please fill out the questions below in as much detail as possible. Please also provide any additional information if available.

1. Total Number of female prisoners in all jails/prisons in each province. (Jail wise and crime wise breakdown may also be provided if available)
2. Are there separate barracks or jails for these female prisoners?
3. Are there separate barracks for female juveniles?
4. Average age of females imprisoned:  
(11-20)      (21-30)      (31-40)      (41-50)      (51-60)
5. How many female prisoners are senior citizens?
6. What is the number of female juveniles?
7. What are the most common crimes women are incarcerated for?
8. How many female prisoners have been imprisoned before? (if yes, for what crimes)
9. How many female prisoners have been imprisoned before? (if yes, for what crimes)
10. How many female prisoners are held in prisons away from their home districts?
11. How many female prisoners are foreigners?
12. Upon admission are these female prisoners medically screened for possible STDs, mental health issues, reproductive issues, breast cancer, drug dependence and sexual abuse or violence? Is the screening carried out by female doctors?
13. What is the number / availability of female doctors to cater to the gender-specific healthcare needs of female prisoners?
14. Are there alternatives in place to replace invasive body searches at the time of admission?
15. What is the average level of education received by the female prisoners (primary, secondary, undergraduate, religious education, illiterate etc.)
16. What was the average income of the female prisoners before being imprisoned?
17. What is the religion of the female prisoners imprisoned in jails/prisons (Muslim, Christian, Hindu, Sikh or other)
18. How many female prisoners are married, divorced, single or widowed?
19. How many females have children with them? What are the average ages of these children?
20. Are new-born children living with female prisoners vaccinated?

21. Are female prisoners who are married allowed to meet their husbands?
22. How many female prisoners have CNICs?
23. How many female prisoners have bank accounts?
24. Are there specific training and education programs for these female prisoners? (beautician courses, education programs, others) please provide details
25. Are children living with their incarcerated mothers provided basic school facilities?
26. What special opportunities (if any) do incarcerated women have to spend time with their children residing outside the prison?
27. Is the food and diet plan different for female prisoners? Especially for expecting mothers or lactating mothers?
28. Are the female prisoners provided basic sanitary equipment including sanitary towels and water supply for personal hygiene and child care?
29. Is there separate facilities or assistance provided to female prisoners for their mental health?
30. Are there measures in place to protect female prisoners from sexual and physical abuse? Is there a procedure available to file complaints against such abuse?
31. Is the prison staff trained to address the specific needs of women (their dignity, health, mental health etc.)
32. Are female prisons usually granted remissions and parole facilities?
33. Are female prisoners awarded solitary confinement?
34. Are there alternative punishments (to confinement) for pregnant women?
35. Are there diversionary measures, pre-trial and sentencing alternatives for women (Non-custodial measures)?
36. Do female prisoners have access to social services and institutions such as BISP, the Police, the Ombudsman or their respective Social Welfare Departments?
37. Do women have access to facilities to contact their relatives, legal aid, and information about prison rules upon admission / Do women have access to legal aid?
38. Are there any rehabilitation programmes to assist women to reintegrate into society upon release from prison?
39. How many female Prisoners have tested positive for Covid-19? What special measures are being taken to cater to their needs?
40. Are there any special measures in place to prevent the spread of Covid-19 infection?

## Annex E | Second Questionnaire

### Questionnaire On Women And Children Prisoners

Please fill out the questions below in as much detail as possible. Please also provide any additional information if available.

1. What is the number of Prisons with Separate Female Barracks?
2. What is the number of Female-only Prisons?
3. Please provide a jail-wise breakdown of number of women and capacity in prisons:
4. Please provide detailed statistics for the crimes that women have been incarcerated for:
5. Total Number of Children residing with their mothers in all Jails/ Prisons:
6. What is the number of Women in Protective Custody?
7. What is the ratio of Female Prisoners to Female Wardens?
8. What percentage of the prison staff has received gender sensitivity training?  
How many have received this in the last year?
9. On average, what is the frequency of health care provided?
10. What is the number of psychologists / psycho-social workers for women and children?
11. Data on number of prisoners with special health needs:

|                |  |
|----------------|--|
| Pregnancy      |  |
| Sexual Abuse   |  |
| Mental Illness |  |
| Disability     |  |
| Hepatitis      |  |
| HIV            |  |
| TB             |  |
| Other Illness  |  |

12. What is the total number of women that have reported sexual abuse or violence in prisons / jails?
13. Please provide detailed data on remissions that have been earned/ granted to female prisoners:
14. How many female Prisoners have tested positive for Covid-19? What special measures are being taken to cater to their needs?

