

## **WOMEN PRISONERS IN BANGLADESH: SOME SOCIOLOGICAL INSIGHTS FOR REFORM**

**Tahsina Akhter<sup>1</sup>**

<sup>1</sup>Assistant Professor, University of Dhaka, Bangladesh, moni\_maliha@yahoo.com

### **Abstract**

Research confirms that all over the world, women in prison suffer from intersecting discrimination, and are largely ignored in prison systems designed for men. The issue of women incarceration in Bangladesh's prisons has been overlooked and ignored not only in the scholarly literature of the country but by the policy makers of the country too. However, female offending and offenders are receiving increased scholarly deliberation recently in the country reflecting international concerns about the issue that holds unavoidable human rights obligations as well as Gender Needs Differences in the society. In Bangladesh research or presentation about female incarnation from their socioeconomic background is less evaluated throughout the ages. Society is not made for law rather law is made for society and people. It has become the call of the time now to dig insights from sociological point of view for the reform of the present incarceration system for women in Bangladesh. As there is no work been done before from Sociology discipline about the subject matter in Bangladesh, this paper will be pioneer for the research community in this area.

**Keywords:** Female Imprisonment, alternatives, reform

### **1. Introduction**

All over the world, women in prison suffer from intersecting discriminations, and are largely ignored in prison systems designed for men. The issue of women incarceration in Bangladesh's prisons has been overlooked and ignored not only in the scholarly literatures of the country but by the policy makers of the country too. Not only that, the prison condition for women, reasons for imprisonment, other issues of imprisonment of health, motherhood, re-entry to the society, re-socialization – all remain in dark for the national and international community for any kind of reform work in the country. However, female offending and offenders are receiving increased scholarly deliberation recently in the country reflecting international concerns about the issue that holds unavoidable human rights obligations as well as Gender Needs Differences in the society.

### **2. Need and importance of study of women in prison in Bangladesh**

In 2003, the Quaker United Nations Office (QUNO), Geneva, began research on women in prison with the aims to better understand the reasons of increasing numbers of women being imprisoned and to identify the conditions in which women prisoners are kept around the world, and draw attention to the particular impact that imprisonment has on women as opposed to men, with a view to encouraging greater understanding and the development of appropriate responses.

In July 2004, QUNO published a preliminary paper, Women in Prison and Children of Imprisoned Mothers. This identifies many difficulties particular to women who are imprisoned, and illustrates that they are not limited to certain regions, or to "Developed" or "Developing" countries.

Important elements of the increasing UN attention to women prisoners were drawn together in QUNO's publication Women in Prison & Children of Imprisoned Mothers: Recent Developments in the United Nations Human Rights System (April 2006). In February 2007, QUNO addressed the issue of Pre-Trial Detention of Women & its impact on their children and made several recommendations for the alternatives to women imprisonment.

In those reports nothing is mentioned about the condition of Bangladesh. This lacking demands scrutinized research on the issue for the country. In the following headings some necessities has been described comparing literatures from both developed and developing countries where literature is available to overcome the overcasting of available literatures for Bangladesh.

### **3. Increasing Number**

One very important reason for studying the imprisonment of women is that the number of incarcerated women is rising at an alarming rate. This has not been due to a rise in the seriousness of female offending but due to a doubling of the use of prison for less serious summary offences in some countries. The number has increased in Bangladesh too but there is no established theoretical explanation for that increase.

### **4. Gender sensitivity: Different Needs, Women hood, Motherhood**

There is a gender dimension in the issue that has been discussed under points such as, womanhood, motherhood and, different gender needs.

In the United Kingdom in the year 1990, there were riots in six men's prisons upon which Lord Justice Woolf made a report with recommendations of major reforms for the prison system in England and Wales over the next twenty five years. The important point here is that only one month ago there was a disturbance in the Risley Remand Centre for Women but the government did not take it seriously. According to Player "...they [women] do not riot badly enough, or publicly enough, to vitalise official concern...". She also explained that the recommendation based on male prisoners would also be implemented on women prisoners, which will have serious consequences for the female prisoners and suggests a total failure of the government to understand the gender specific needs of the prisoners. Another reason for failing to neglecting women's need could be that they constitute an insignificant number against the male offenders.

Both Research Studies and the government sponsored Corston report (2007) in the United Kingdom concluded that most women offenders have complex, multiple problems which not only are ignored structurally but also women are being trapped in a male dominated society with structures made by men for men. Examples can be borrowed from some countries like Uganda or Afghanistan where women are incarcerated for adultery (including remarriage after divorce) or for running away from home. For Bangladesh special cases remain for in depth research on the issue of 'safe custody' where women are kept even for loitering or to save from external attack but in practical they end up with imprisonment. Personal observation is that no theoretical or applied knowledge does exist to frame the human right condition of those female inmates inside the custody or in prisons. However, the general notion prevails in the society that the female prisoners' rights are degraded and neglected massively in the country at different stages of administrative and legislative domain of socio-legal and or Judicial process. Urgent attention and reform task is necessary in the present issue here justice delayed means justice denied.

Besides the common problems of poverty, substance misuse and various social exclusion for both men and women, significant qualitative differences in terms of women's experiences have been identified specifically with emotional aspects relating to reproductive, biological (e.g., menstruation, pregnancy and giving birth), prolonged sufferings from sexual and/or other physical violence. These physical and/or sexual abuse might not be the only factor leading a woman to be criminal but taken into consideration along with other social and psychological factors, greater offending risk can be predicted. Being the sole carer of younger and/or elders along with their simultaneous dealing with own problems can be significant factor for women offending out of desperation or hopelessness and/or mental illness. Recent systematic literature review of 62 surveys worldwide suggests 'Worldwide, several million prisoners probably have serious mental disorders, but how well prison services are addressing these problems is not known'. Here this is not even clear whether among those countries Bangladesh was included or not let alone the socio-legal condition of the female prisoners of the country.

Motherhood, whilst in prison, is a very crucial point which most governments find it difficult to deal effectively with. However, general perception of magistrates and judges in the United Kingdom are like that, if one has left her husband and that her child is already in care...it may seem a very good idea to send her to prison for three months. On the contrary, Research suggests that many women, enter prison in a confused and highly anxious state; many are in poor health due to substance abuse. Unlike most male prisoners who appear to adjust to the practical realities of incarceration by, as far as possible, shutting their mind off from the world outside, most women do not leave their outside concerns behind them and worry about their children or other relatives or

homes and property. Around 55% of all women in prison in the UK have child under 16 and over one-third have a child under five. In 1995 only 35% of women remanded in custody receive a custodial sentence and 61% of convicted women received a sentence of less than six months. The point is that, this six month period of imprisonment may not have severe effects for an adult but can be a devastating life experience for a child's future psychological development. There are around 2674 (24) women prisoners in Bangladesh with 367 (24) children under age of 6. Other than this 13.70% children in the custody with their mother there is no statistics been found about the children of ages over 6 years where they are gone or what is happening with them in the society after the imprisonment of their mother.

This can well understand that putting these already vulnerable and socially excluded women in the prison not only instigates their previous malfunctioning life into the vicious cycle but also leads to social problems of their children's behavior at school and on the streets and also in their later life in their own family.

All major and vital Research reports suggest greater recognition for gender needs and community or alternative sanctions for women offenders to play larger roles accordingly, no difference in the case of Bangladesh.

## 5. After prison: Reoffending, Resettlement

It is not likely most of the time that imprisonment is the end of doing crime for the women offenders. Rather, most of them get involved with re-offending and suffers from re-settlement issues after imprisonment, regardless of length or causes of their sentencing. Malin's study (2007) reveals that resettlement after imprisonment becomes difficult for women. In a conservative society like Bangladesh this re-settlement becomes more difficult once labeled as imprisoned woman or mother and recycles in the revolving doors of the prison. In *Women in Bangladesh Prison* TahminaShafique (2007) described several aspects and opinions of several activists on the issue of women's imprisonment as follows ( in Boxes ) :

One of the worst things that women go through while being in jails is that they do not want to come out of it.

Ain-O-ShalishKendra, 2000.

Regular harassment of female prisoners and demanding bribes from inmates by the jail authority are very common practices inside the prisons in Bangladesh.

Odhikar, 2001.

The rule that a female detainee will be overseen by female officials is violated. The result is that they are subjected to abuse and maltreatment.

UBINIG, 2006.

## 6. Gist of the needs

- Research indicates that, the experience and needs of female prisoners are different. But little research has been focused on challenging the policy shifts to respond these differences worldwide.
- It is one of the most critical decisions for the Government of any country and its policy makers to ensure that the children of female offenders receive proper care and shelter.
- Recent researches such as the Queensland Women prisoner's Health survey, UK (2002), Kyiv Declaration (2009) suggests that any research concerning the health issues of female prisoners will get high priority as it is the one of the basic human rights of a person. However, no such example of International research been found regarding Bangladesh.
- Besides the government of any country, international organizations like WHO, UN and others are getting involved in the issues of alternatives to female imprisonment where there is no prevailing concept of alternative for female imprisonment in Bangladesh.

- Research towards reforms can be available in developed countries whereas in the context of developing countries they are very scarce.

## **7. Constitutional Deficiencies in Protecting the Rights and Meeting the Needs of Women in Bangladesh**

The Constitution of Bangladesh provides that all are equal before law and entitled to equal protection of law. The implication of the terms 'equality before law' and 'equal protection of law' is that nobody shall, on the grounds only of religion, race, caste, sex, or place of birth, be subjected to any disability, liability, restriction, or condition. Equal treatment in the courts of law by the authority has been guaranteed to every citizen and non-citizen, male or female alike. In the first instance, things seem to be alright. But actually the Constitution not only fails to recognize the different needs of the female prisoners in Bangladesh, but also the general female population of the country. Thus, it is important to understand the different needs of women and reform the constitution about the meaning of equality of rights for men and women.

Scattered literature from local writers says that whatever may be the provisions for women prisoners' safety, the conditions are not satisfactory. The women are not safe either in society due to torture perpetrated by the miscreants of society or in police custody or prisons for numerous reasons. The female prisoners are being subjected to violations of their human rights through rape, molestation, and indecent behavior by members of the LEA (Law Enforcement Agency).

## **8. Historical Background**

The historical past of the women's imprisonment in Bangladesh or in any other country in the world is not only about their own life but also about their existing relation to others in the wider socio-cultural, socio-legal and socio-economic contexts let alone their womanhood and in especial situations about their motherhood. While putting a man into the bar, the judges think about their parenting role in special occasions while this is the prime concern for a judge to decide about a woman's imprisonment. From scattered media reports and local NGO reports it can well presume the condition is worse in Bangladesh. The reforms undergone in the developed countries were the reflections of multiple reasons from inside (e.g., the battle for right of motherhood) and outside (e.g., the scholarly movements for the right and justification of an incarceration for a woman with different contexts) of the prisons. Bangladesh has a very different historical background which leaves space for further research.

Literature found about the historical past of the composition of the female prison population in the UK or USA does not only concern the offending histories of women prisoners and their family relations, but also queries the relationships between classes, racism, gender and imprisonment, because the debates and arguments are framed solely in terms of evidence that the majority of jailed women have committed less serious offences than male prisoners and that, on the whole, they also have shorter and less violent criminal records along with their poverty situation. Bangladesh already herself is a poor country; the women prisoners constitute the majority portion of the poor community of the society in terms of economy, education or social status. The important point here is that the history of female imprisonment is arguably the history of poverty relationships primarily, for the larger body of female prisoners not only in the United Kingdom but also for any country of the world like in Bangladesh that deserves more extensive research and reform that comes from the inside of the societies and represent the indigenous needs of the countries.

Very little establishment history from colonial period to the present time vividly depicts the scarcity of proper attention and care of the female incarceration issues in the country though expert recommendation was there.

In the report of the Jails of Bengal, Behar and Orissa, for the year 1854-55, D.D. Loch, Esquire, the then Inspector of Jails of lower provinces wrote to the then Secretary to the Government of Bengal, Fort William describing the overall situation of female incarceration establishment and their conditions as following :

These reports remarks the lack of proper compartmentalization of the female prisoners along with their unsatisfactory prison condition in the 1800s in the then colonial Bengal that is still prevalent in the country .

Later in the in the year 1934 in the report of Administrative Report on the Jails of Bihar and Orissa Lt. Col. O.R.

Unger, I.M.S., the then Inspector general of Prisons of Bihar and Orissa described some numbers of female prisoners indicating no other socio-economic or socio-cultural background for the female offenders as follows:

There was a further fall in the number of admission of female convicts as compared with the previous year. The figure being 690 against 941 in 1933. Their daily average number for the year was 261.91 against 321.53 in the year before. The number of female prisoners transferred from one jail to another to undergo sentence or for release was 376. On transfer from one jail to another such prisoners are always accompanied by female warders in addition to the police scot.

Though this report exemplifies the number of decrease but never depicted proper socio-economic or other socio-legal records of the inmates, male or female.

## References

- Bastick, M &Townhead 2008 Women in prison: A commentary on the UN Standard Minimum Rules for the treatment of Prisoners Quaker United Nations Office (QUNO), Geneva.
- Gelsthorpe, L 2007 Sentencing and Gender , in Sheehan, R, Mclvor, G and Trotter, C. (eds) (2007) What Works with Women Offenders. Devon; Willan Publishing.
- Goldhill 2009 From pillar to post: multi-agency working with women offenders in Aaron P. & Dennis G. (eds) (2009) Multi-agency Working in Criminal Justice: Control and care in Contemporary Correction Practice, Policy Press, Bristol, UK
- Player, E. (2001) Women's Prisons After Woolf in Player & Jenkins. M., (eds) (2001) Prisons After Woolf: Reform Through Riot, pp. 203-210. Available Online.
- Carlen, P. and Worrall, A. (2004) Analysing Women's Imprisonment. Devon, William Publishing; Fawcett society (2007) Provision for women offenders in the community. London, Fawcett Society.
- Carlen, P. and Worrall, A. (2004) Analysing Women's Imprisonment. Devon, William Publishing;
- Gelsthorpe, L (2007) Sentencing and Gender , in Sheehan, R, Mclvor, G and Trotter, C. (eds) (2007) What Works with Women Offenders. Devon; Willan Publishing.
- Corston, J. (2007) The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System. London: Home Office.
- Corston 2007 cited in Goldhill 2009 From pillar to post: multi-agency working with women offenders in Aaron P. & Dennis G. (eds) (2009) Multi-agency Working in Criminal Justice: Control and care in Contemporary Correction Practice, Policy Press, Bristol, UK.
- Bastick, M &Townhead 2008 Women in prison: A commentary on the UN Standard Minimum Rules for the treatment of Prisoners Quaker United Nations Office (QUNO), Geneva.
- Women in prison: incarcerated in a man's world 2008 ( 1) Penal Reform Briefing No.3, penal Reform International, UK.
- Carlen, P and Tchaikovsky, C (1996) Women's Imprisonment in England at the End of the Twentieth Century: Legitimacy, Realities and Utopias in Prisons 2000: International Perspectives on the Current State and Future of Imprisonment.; Dobash, R.P.,
- Dobash, R.E., and Gutteridge (1986) The Imprisonment of Women. Basil Blackwell Ltd., UK.; Byrne, C. F. And Trew, K. J. (2008) 'Pathways Through Crime: The Development of crime and desistance in the Accounts of Men and Women offenders', Howard Journal 47, no. 3, pp. 238-2253.[Accessed 12/09/09].

- Corston, J. (2007) *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*. London: Home Office. Cabinet Office social Exclusion Task Force 2009, UK.
- Rumgay 2004b cited in Corston 2007 cited in Goldhill 2009 *From pillar to post: multi-agency working with women offenders* in Aaron P. & Dennis G. (eds) (2009) *Multi-agency Working in Criminal Justice: Control and care in Contemporary Correction Practice*, pp. 82, Policy Press, Bristol, UK.
- Pillar to post: multi-agency working with women offenders* in Aaron P. & Dennis G. (eds) (2009) *Multi-agency Working in Criminal Justice: Control and care in Contemporary Correction Practice*, Policy Press, Bristol, UK.
- Carlen, P. and Worrall, A. (2004) *Analysing Women's Imprisonment*, pp. 42, Devon, William Publishing.
- Goldhill 2009 *From pillar to post: multi-agency working with women offenders* in Aaron P. & Dennis G. (eds) (2009) *Multi-agency Working in Criminal Justice: Control and care in Contemporary Correction Practice*, pp. 81-82, Policy Press, Bristol, UK.
- Fazel, S. & Danesh, J. 2002 *Serious mental disorder in 23000 prisoners : a systematic review of 62 surveys*. *The Lancet*. Vol. 359, Issue. 9306. Available online <http://www.sciencedirect.com/science/article/pii/S0140673602077401> [Accessed 29th November 2011].
- Women's health in prison: Correcting gender inequity in prison health* (2009) *Kyiv Declaration on Women's health in prison*. UNODC, WHO Regional office for Europe, Denmark. Available Online.
- Carlen, P. (1988) *Women, Crime and Poverty*, Open University Press, Bristol, USA.
- Codd, H. (2008) *In the Shadow of Prison: Families, Imprisonment and Criminal justice*. HM Prison Service, UK, 2003:3
- HM Inspectorate of Prisons (2005) *Women In Prison*. [online] Available from: <http://inspectrates.homeoffice.gov.uk/hmiprisons/thematicreports1/womeninprison.pdf?view=Binary> [Accessed: 17/09/2009].
- Matrix Knowledge Group 2007, pp. 82 cited in Goldhill 2009 *From pillar to post: multi-agency working with women offenders* in Aaron P. & Dennis G. (eds) (2009) *Multi-agency Working in Criminal Justice: Control and care in Contemporary Correction Practice*, Policy Press, Bristol, UK.
- Corston, J. (2007) *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*. London: Home Office.
- Corston, J. (2007) *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*. London: Home Office Carlen, P. and Worrall, A. (2004) *Analysing Women's Imprisonment*. Devon, William Publishing.
- Women's health in prison: Correcting gender inequity in prison health* (2009) *Kyiv Declaration on Women's health in prison*. UNODC, WHO Regional office for Europe, Denmark. Available Online Constitution of the Peoples' Republic of Bangladesh, Article 27.
- Nazrul, M., Hannan, M. A, & Islam S. 2005 *Human Rights Of Accused Women In Criminal Justice In Bangladesh; Middle East Journal of Family Medicine*. (Online) [Accessed 12th September 2009].
- Carlen, P and Tchaikovsky, C (1996) *Women s Imprisonment in England at theEnd of the Twentieth Century: Legitimacy, Realities and Utopias* in *Prisons 2000: International Perspectives on the Current State and Future of Imprisonment*, pp.213.