

Behind the Bars: Situation of Imprisoned Mothers in Karachi Jail

Abstract

Women either in police custody or in jail both are in quite horrible and dreadful situation. It is hard to measure their physical and especially mental state as they do not easily discuss their problems with anyone. Women prisoners who live with their children or have children outside the jail confront more miserable psychological issues than others. More than 60% of women prisoners are mothers of little children. For this research, the universe is the Youth Offenders Industrial School & Special Prison for Women, Karachi. Through simple random sampling 200 women prisoners were selected. According to the research requirement questionnaire was developed by reviewing the objectives the finding shows that children living with their mothers in Jail particularly need special attention and the Jail Manual should be modified.

Introduction

The issue of female criminality was not highlighted by criminologists, researchers and social scientists before, but in 1990's this problem drew attention of researchers and psychiatrists towards its intensity and significance for society. The reason for ignoring this problem was a common misconception that very few women were involved in crimes and also that usually women committed ordinary type of crimes, for example shoplifting, prostitution, and burglary. These crimes are not of that kind to draw attention or give reason and conduct research on the socio-economic factors behind them which force women to commit crimes (Wikstrom, 2006).

Because women constitute fewer than 7% of the world's prisoners, their needs, particularly regarding menstruation, pregnancy, and motherhood are often ignored by prison administrators. .

Jails are always considered as correctional facilities for the criminals. A prison was defined as a place properly arranged and equipped for the reception of prisoners who

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by legal process are committed to it for safe custody while awaiting trial or punishment. However, now prisons are increasingly being called correctional institutions and are defined as places properly arranged and equipped to keep in safe custody those committed there by the courts and where they will be treated with humanity, and helped to lead a useful life as law abiding citizens after their release.

Though the types of jails were changed according to time, they always existed for the reformation of criminals. According to United Nations report “the separation of women from their children due to imprisonment has a traumatic and long term effect on the mothers and their children. Children are likely to suffer from acute emotional and developmental problems, as well as being at risk of inadequate care at home or even in Child care institutions”. Women are facing many problems in jail like sexual assault, overcrowding, violence and rapes; these problems were rarely discussed before (Hiremath, 2005).

Faith (1993) presented the most comprehensive list of these “Pains of imprisonment”.

The “Pains of Imprisonment”

The stigma of incarceration
 The claustrophobia of confinement
 The boredom
 Anxiety about one’s children
 Loneliness for family
 With drawl from alcohol and street drugs
 The lack of privacy
 Abuses of power
 Little or no choice of diet
 The cacophony of radios , television , [and] people
 The uncertainty of when you will be released.

Women prisoners who live with their children or have children outside the jail confront more miserable psychological issues than others. More than 60% of women prisoners are mothers of little children; 3% of women’s children are living in jail with them. Women prisoners living with their children in jail seldom receive positive responses from jail staff and Police officers; most of the time they have victims of the most humiliating and violating abuses in jail. It is a common obscuration but cruel mental violence that children in jails are used to hearing ugly comments about their prisoner mothers character whether they are guilty or not. Pregnant women prisoners are also exploited in jail and face physical and mental violence from jail staff; with no special attention or medical facilities these women confront brutal behavior.

In Marcel’s (France) a woman prisoner delivered a child in jail while her hands and feet were being double chained and in this condition she got dripped. In American jails women are in chains till they complete their work (Shah, 2010). Even in developed countries women prisoners are suffering from terrible conditions.

Pakistani women are widely considered to be second grade citizens in a

predominantly male dominated society, where they are humiliated and exploited for various reasons. This continuous discrimination leads towards violent retaliation. Women have always played a pivotal and crucial role in our society. Women not only make an impact on their children but they play an important role as caretakers of their families and also provide financial support. Rapid urbanization, industrialization, poverty, socio-cultural restrictions and misinterpretation of religion, early marriages and generational gaps are major causes of women's increasing stress and anxiety.

According to the Marxist feminism capitalism created a sense of deprivation and inequality among classes. Women in the weaker position adopt those negative ways to cope with their unhealthy and misbalanced position in the society.

Historically women criminals have usually been subjected to the same prison system as men but with distinctive variations introduced from time to time (Hiremath, 2005). Torture and abuse of prisoners in police custody –particularly in police lock-ups—are common throughout Pakistan, and abuses against women detainees are frequent. Women either in police custody or in jail both are in quite horrible and dreadful situations. It is hard to measure their physical and especially mental state as they do not easily discuss their problems with anyone.

In Pakistan most prisons are overcrowded and few provide rehabilitative services to prisoners. The female population of jails in Pakistan face the very problems as male population and moreover are victims of sexual violence and prostitution, drug mafia within our jail system and physical violence by the jail officials.

Detail of Jails in Pakistan

Province	# of women jails	# of women cells
Sindh	03	01
Punjab	01	29
N.W.F.P.	NIL	20
Balochistan	01	05
Total	05	55

www.4anaa.org/.../PresentationonWomenPrisonersunderHudoodOrdinances

A majority of female prisoners in Jail are illiterate and unaware of their legal rights. These female prisoners, accused of many crimes actually done by their male partners, are forced to live behind bars. According to Human Rights Commission of Pakistan, in 2001 number of women prisoners in the country was over 2000. Official data shows that 1, 519 women were under trial and 653 convicted. A report from Adiala Jail in January stated that women prisoners and their children were imprisoned in miserable conditions. Drug addiction among women was on the rise and treatment at the hands of jail staff was extremely poor. Only two doctors who were in fact unavailable most of the time were posted to treat the 155 women and 40 children, aged one to ten (Sadaf ,2005)

Prison Conditions

According to the 1990 report of the Human Rights Commission of Pakistan, overcrowding, unhygienic accommodation, unsatisfactory diets, degrading punishments, unlawful solitary confinement, tyrannical behavior of warders, molestation of women prisoners, confinements of babies with convicted mothers, and the spread of drug abuse were major complaints.

The prison administration in Pakistan classifies prison facilities according to a three-tiered class system. According to the U.S. State Department, the lower class or class “C” cells, “which generally hold the common criminals, suspected terrorists, and low level political workers are the worst”. Conditions in ‘B’ and ‘A’ are better, with the latter reserved for prominent persons.”

The Human Rights Commission of Pakistan reports physical and sexual abuse of female prisoners by prison officials. However, there are fewer reported cases of sexual abuse of women in prison than in police lock-ups. One of the major reasons for reduced sexual violence in prison is that women prisoners are routinely guarded by female prison guards. This speaks volumes about the need of the Pakistani Government to implement the law requiring the presence of female constables and officers in police lock-ups (Shah, Ahmed & Karrar 2008).

Overcrowding is common in all Pakistani jails which creates unhealthy atmosphere in jails. According to the Human Rights Commission of Pakistan report in 2006 the number of male prisoners was 52,587 and female prisoners are 1,022. They were accused not convicted and due to weak law and judiciary system forced to wait long for their hearing. Numbers of male convicted were 17,263 and female were 313.

Number of Prisoners in Sindh Jails January---August 2006

Name of Jail	Approved Capacity	No of Prisoners
Women Jail Karachi	102	118
Women Jail Hyderabad	150	806
Women Jail Sakkhar	30	124
Women Jail Larkana	110	193

(State of Human Rights in Pakistan 2006)

According to another case study in Balochistan jail 26 women out of 36 were married, two were divorced, 47.22% reported that the pregnant women/feeding mother do not get any extra food and care. 36.11% were satisfied with the extra food and care given to pregnant/feeding mother. 16% had no comments. 55.56% reported that the children with women prisoners do not get enough food. 38.89% stated that they get enough food for their children. 5.56% did not respond. These findings clearly present the conditions of women prisoners living with their children; they did not get proper facilities which affect their physical and mental health.

It is pertinent to add that the psychological stigma attached to children imprisoned with their mothers has been recognized by related community professionals. According to Dr. Abbas, a psychiatrist, "Remaining with mothers in a prison could lead to mental disorders in the children. (Shah, Cheema, 2006). Under Section 426, the court has discretion to grant bail where it deems fit, after considering the facts and circumstances of the case. The court has to provide reasons for its bail decision, which should be based on sound "judicial principles".

Section 497(1) allows bail in non-bail able offenses to the infirm. Therefore, when a woman is infirm there is an even stronger case for granting her bail. Infirmary includes pregnancy. Courts generally do grant bail to the affected women and children, because the Courts take into account the nature of the illness and the lack of medical facilities in prisons.

Local human rights monitors have determined that the preferential treatment regarding bail under section 497 has not provided any meaningful relief for women. In addition, though the procurement of bail seems to be much easier under the law for women, in practice women are denied bail more frequently than men.

Although a court itself has the power to move for bail without that initiative being taken by the accused, in practice it is only when the accused through her attorney moves the court that bail is considered. The overwhelming majority of women prisoners inclusive of pregnant women and mothers are unaware of their basic rights including the right to move for bail. This legal unawareness become a cause of exploitation and abuse of these women prisoners by police and Jail staff. (Shah, Cheema, 2006)

Objective

The main objective of this research study is to know the legal rights of women in Pakistan and to find out the abuses, women prisoners faced in jail.

Methodology

For this research, the universe is the Youth Offenders Industrial School & Special Prison for Women, Karachi. The Jail was founded in 1993 by the Government of Sindh in the Peer Ilahi Bakhsh Colony, New Town in Jamshed Town. The number of barracks for women was six, two were reserved for foreigners and four barracks were reserved for local female prisoners. Every barrack had the space for twenty women but due to the problem of overcrowding one barrack contained 30-35 female prisoners. Every barrack had only one washroom which also created problem of sanitation. Women prisoners had the facility of medical room where from 10:00am to 01:00am a lady doctor was available that also provided them medicines. In case of emergency patient would be brought to the Jinnah Hospital.

The size of the sample was initially 100 in 2005 but after analyzing the facts the researcher decided to extend it from 100 women prisoners to 200 women in 2008 for

a brief overview. As per the requirement of the research the researcher proceeded towards building the questionnaire by reviewing the objectives and hypotheses.

Due to the nature of the problem and type of respondents, the researcher used the simple random sampling for research. This type of sampling is also known as chance sampling or probability sampling. There was no specific criteria set for inclusion and exclusion of the respondents because a limited number of women prisoners were available.

Results & Analysis

According to the survey results 29.50% respondents belong to the age group of 22-25 years, 22.50% belong to the 26-29, which shows that more than 50% women were young and they forcibly commit crimes due to poverty and peer pressure. Media, pornographic literature which is easily available everywhere, and limited thoughts and information about religion easily distract young women towards criminality. Moreover, socio-cultural restrictions, lack of access and control over resource and gender inequality increase the chances of women involvement in crimes. Data has shown that majority of respondents were Muslims which is 99% and only 1% is Non Muslim. Data shows that 33.50% respondents were Urdu speaking, 25% were Punjabi. Due to poverty Punjabi families were migrated to Karachi for employment. Generally they are illiterate and unaware, therefore criminal gangs are easily using them for criminal activities. Data has shown that 52% of the respondents were literate but among the literate women 28% respondents were only primary passed, 21% were Matric and 17% were Middle. The education system of Pakistan is very poor. Education at primary level is unsatisfactory even Middle pass students don't know how to write and read due to many reasons including teaching system. That's why even literate people do not fulfill the definition of literacy.

Among the illiterate 49% of respondents did not get education due to financial circumstances and 21% were pressurized because of household burden. Due to illiteracy women were unaware about their legal rights and become victim of cruel illegal acts.

Table. 1 shows that 67% females were married. Teenage marriages are common in Pakistan. Early marriages, extended families and limited income of spouses force women to commit crimes. Crime and violence is the direct effect of poverty in Pakistan. Prostitution is the most common form of human trafficking, which is largely fueled by poverty. According to a survey, men belong to poor households do violence on their wives for income purposes. They force their women family members to earn something even by selling their bodies. Increasing street crime is also the ultimate effect of poverty in Pakistan. The table also indicates that women of all marital status were involved in crimes. According to Baloch women of all marital status categories were involved in crime moreover his study findings showed that out of 13 divorced and widows, 10 (77%) were involved in three crimes i.e. drug

trafficking, robbery/theft and child trafficking; 5 out of 10 unmarried were involved in drug trafficking. Findings also showed that 72 inmates were illiterate and only 28 were literate (N=100). Out of 28 literate, 17 (61%) had achieved up to primary and secondary level education only: 15 of them were involved in household work and 2 of them worked as maids. The 11 inmates who achieved college and university level. The urban rural divide of the respondents showed that 40% belonged to rural areas and 60% belonged to urban areas. It may be kept in mind that those from urban areas were actually from the slums (*Katchi Abadis*) of the city and living in worst of the conditions. Findings show that inmates who are illiterate, poor, and belonged to lower socio-economic class had arranged marriages where the women were not asked their consent for marriage. Out of 90 married inmates 63.3% had arranged marriages, 18.9% had marriages of exchange, 15.6% had love marriages, and 2.2% fall in other category where the bride is purchased in lieu of hard cash. All the 2 'cash marriages' and out of 17 inmates having 'exchange' marriages, 15 were Sindhi who belonged to the rural areas where patriarchal society more prevalent. The figures show that 76 out of 90 married women (84.4%) do domestic work/farming, 5 were working as maids and only 9 (10%) were working women employed in public and private sectors. As mentioned earlier the occupation of the husbands as 81.1 % were farmers/laborers, doing nothing/gambling and begging/ill/old. Thus the result is: poverty married to poverty begets poverty (Baloch, 2012).

Table 2 shows that majority of respondents 80% have children.

Table 3 shows that majority of respondents (39%) have children between 5-6 and 29% between 1-2. It also indicated the failure of family planning programmes policies of Government of Pakistan. In Pakistani culture and society larger families are considered a symbol of pride. Larger families, lack of resources and poverty make them more vulnerable.

Table 4 shows that children of 38% respondents were living with their fathers and only five respondents said that their children were with them in jail. On further inquiry almost all respondents admitted that they missed their children and have fears that how they make up without them. They also told that behavior of in laws and neighbors is not good with them. They taunt their children because of their mothers and especially their daughters were used to the comment of 'Jesi Maa Wesi Beti' like mother like daughter which was devastating for their personalities. The mothers whose children were with them said that they were worried because of their children's future. They said that Jail atmosphere is not good for their children their children were so young that they could not live without them which increased their stress level.

Conclusion

The situations of women prisoners especially with children need extra attention as children are the future generation that would govern this country in the coming times.

The society and the state should provide them with human conditions of life even if they were living in the jail with their mothers.

The Jail Manual is too old and requires a thorough review and revision for amendment. It needs to be transformed according to the modern times.

TABLE – 1
Distribution of the respondents according to their marital status

Marital Status	Frequency	Percentage
Married	134	67.00%
Un married	37	18.50%
Divorce	12	06.00%
Widow	17	08.50%
Total	200	100%

Data shows that 67% females were married, 18.5% were unmarried, 5.5% were divorce and 9% were widow.

TABLE – 2
Distribution of the respondents whether if they have children.

Having Children	Frequency	Percentage
Yes	131	80.00%
No	32	20.00%
Total	163	100%

Majority of respondents 80.00% have children.

TABLE 3
Distribution of the respondents according to the number of children they have

Number of Children	Frequency	Percentage
1-2	38	29.00%
3-4	33	25.00%
5-6	51	39.00%
More than 6	9	07.00%
Total	131	100%

Majority of respondents 39.00% have 5-6 children whether 29.00% have 1-2 children and 25.00 have 3-4 children.

TABLE 4

Distribution of the respondents according to who has children's custody in their absence

Who has the children	Frequency	Percentage
Father	50	38.00%
Paternal grand parents	26	20.00%
Paternal Uncle	5	04.00%
Maternal Uncle	9	07.00%
Maternal grand parents	23	17.50%
With relatives	10	08.00%
With me in jail	5	04.00%
Living in Madressah	3	02.00%
Total	131	100%

Majority of respondent's 38.00 % children were in the custody of their father, 20.00% were in the custody of their parental parents and 17.5% lived with their maternal grandparents.

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End Notes