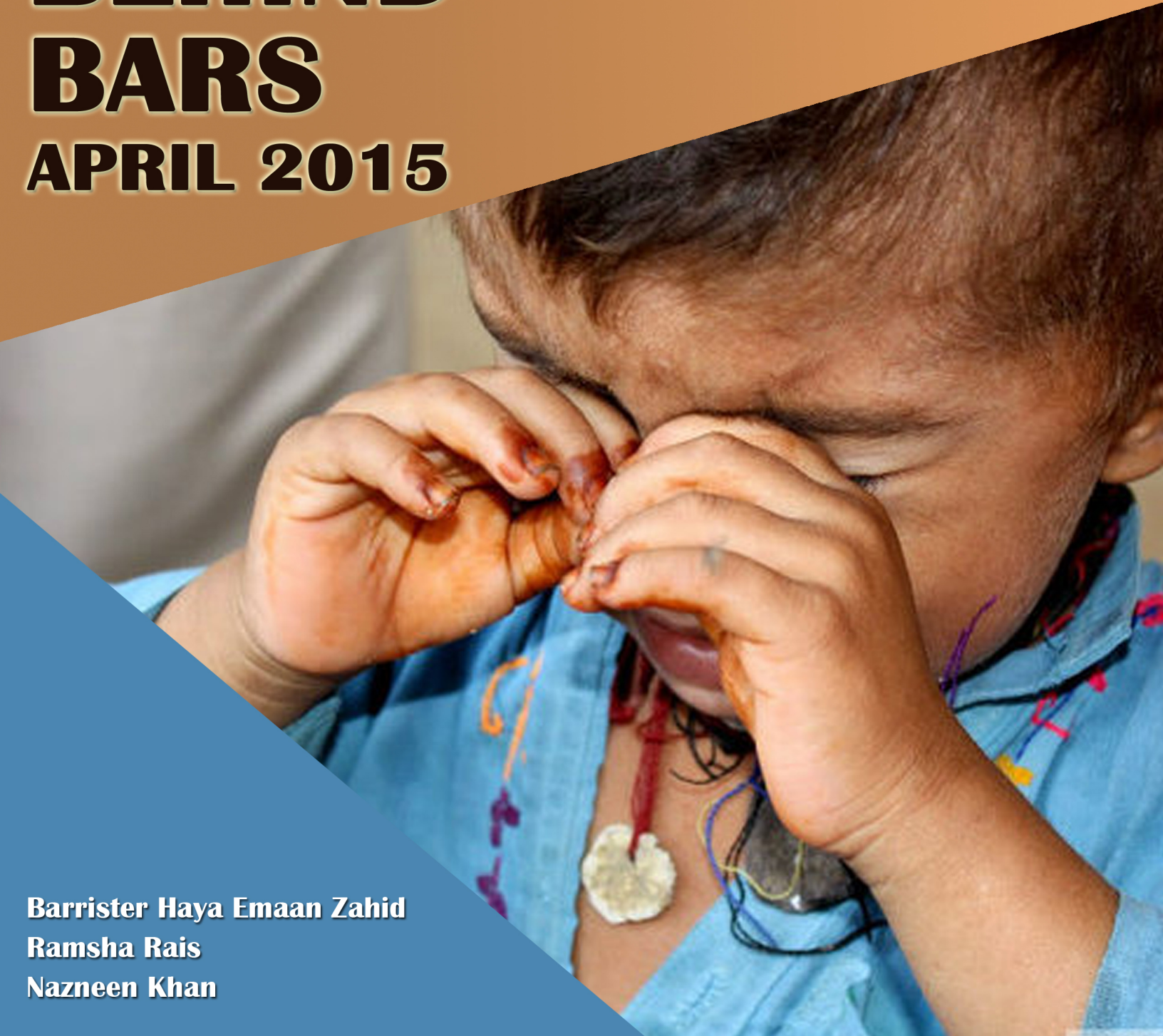




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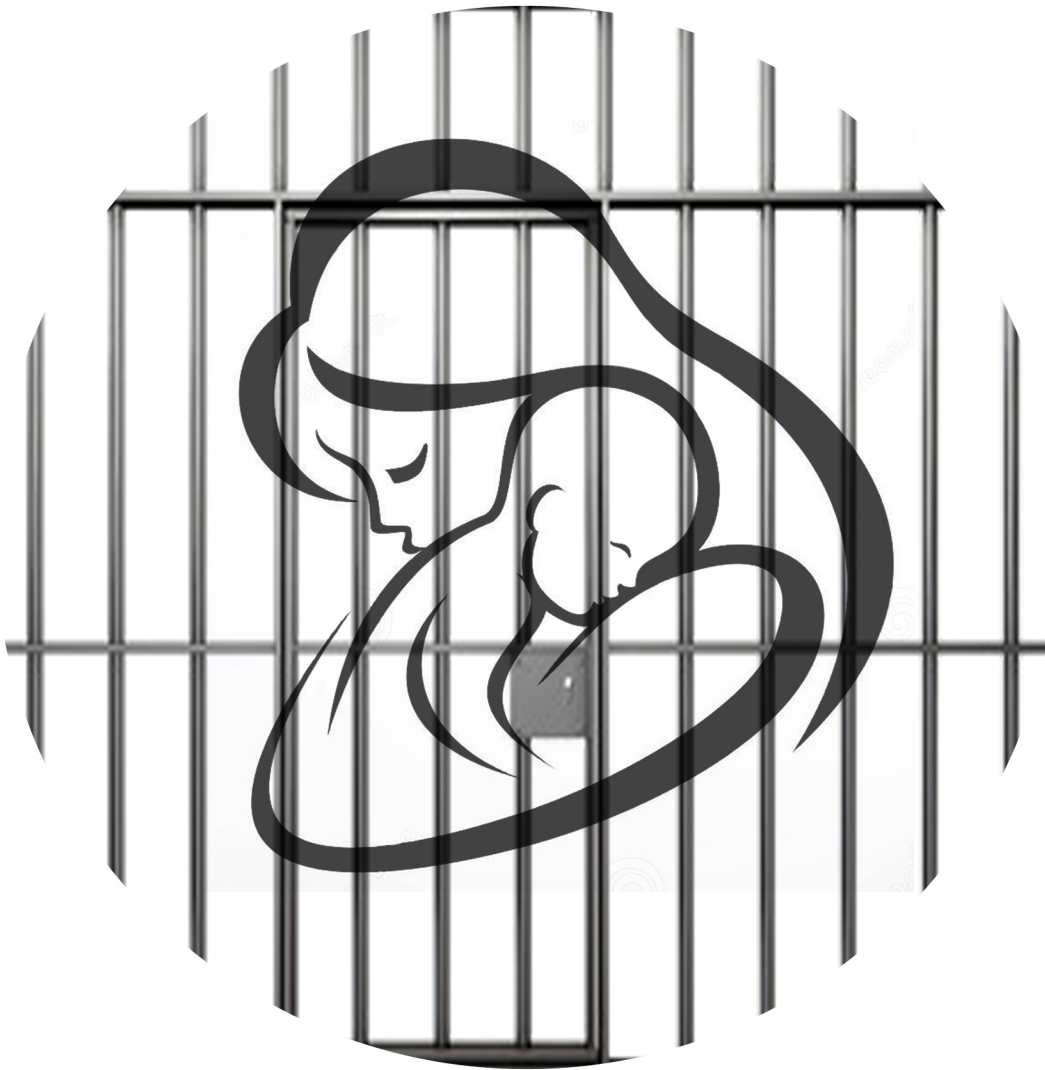
BABIES BEHIND BARS

APRIL 2015



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A Glimpse Into The Lives Of



Babies Behind Bars

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Introduction

“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” This is a right guaranteed to prisoners languishing in prisons under Article 10 of the United Nations International Covenant on Civil and Political Rights [“ICCPR”]¹. For an expecting female or a mother and child incarcerated across the prisons in Sindh, Pakistan, the same right is not guaranteed. A total of 185 females² who are incarcerated across the three Women Prisons³ in Sindh along with 33 children⁴, continuously live on the support of welfare organizations across Sindh for special dietary items, clothing and sanitation items and vocational training.

Children of incarcerated mothers suffer adverse effects on their relationships with them and are at a greater risk of future incarceration⁵. The controversial decision of allowing a child to remain incarcerated with his or her mother has sparked discussions worldwide insofar, where some countries have started a prison nursery program⁶

where the mother and child are incarcerated in a separate wing (within the prison)⁷ or are kept in the same wing as other prisoners⁸. An environment that is daunting for most adults can be even more traumatic for a child who is given birth to in prison or for the child confined in prison post-birth. The Committee on the Rights of the Child, established by United Nations identified “children living with mothers in prisons” as being among the most vulnerable children⁹.

During a survey conducted by the Legal Aid Office across Sindh with 33 children incarcerated in prison along with their mothers, some of the ordeals suffered were highlighted and will be discussed in detail in the latter part of this report.

This report focuses on the development of children languishing in prison with their mothers. Starting from whether a law exists in Pakistan, to safeguarding the rights of these children to whether that law is being actively enforced, the report will review in detail the observations of the conditions of the prisons where children are incarcerated and how these conditions have impacted their development. The realities being faced by expecting women, mothers and children incarcerated in prisons in Sindh will be highlighted along with a comprehensive

¹ Pakistan ratified the ICCPR on June 23, 2010

² Population Statement of Sindh Jails as it stood on 31-03-2015, received by the Legal Aid Office from the Record Office of the Inspector General of Sindh Prisons

³ Women Prison in Karachi, Hyderabad and Larkana.

⁴ Population Statement of Sindh Jails as it stood on 31-03-2015, received by the Legal Aid Office from the Record Office of the Inspector General of Sindh Prisons

⁵ Human Rights Watch *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons* p. 20: referring to an unpublished doctoral study conducted at Brandeis University which estimated that the children of inmates were five to six times more likely than their peers to be incarcerated [1996] [Online] Available at: http://www.hrw.org/legacy/reports/1996/Us1.htm#N_17 [Accessed 19 Mar, 2015]

⁶ Countries such as United States, Germany and Canada allow the mother and child to stay in a separate wing for a limited amount of time which can range from 12 months to 4 or 6 years. In countries such as Iceland and Ghana the child is allowed to stay with the mother until they are weaned. Villanueva, Chandra K.; *Mothers, Infants and Imprisonment: A National*

Look at Prison Nurseries and Community-Based Alternatives. Women’s Prison Association, Institute on Women and Criminal Justice [2009] [Online] Available at: <http://66.29.139.159/pdf/Mothers%20Infants%20and%20Imprisonment%202009.pdf> [Accessed 19 Mar, 2015]

⁷ In most facilities, the nursery program is in a wing or unit of the prison separated from the general population.

⁸ A practice found in developing countries such as Pakistan.

⁹ Bastick, Megan, and Laurel Townhead. *Women in Prison: A Commentary on the UN Standard Minimum Rules For The Treatment Of Prisoners.* Quaker United Nations Office, Human Rights & Refugees Publications [2008] [Online] Available at: http://www.peacewomen.org/assets/file/Resources/NGO/HR_Prisoners_QUNO_2008.pdf [Accessed 19 Mar, 2015]

profile of the major characteristics of these individual females and children. More importantly, the gaps faced between the established laws and the implementation of the same will also be looked at. The report will then focus on the best practices to help substantially reduce the impact of prison and enhance positive development for children languishing with their incarcerated mothers. These practices will be contextualized in terms of their practicality considering the cultural and societal norms of Pakistan and more specifically Sindh. Finally, the means to re-integrate and rehabilitate these children will be overviewed and implementable international standards will be recommended to safeguard the future of those incarcerated with his/her mothers.

Legislative Backdrop

As was mentioned earlier, the environment of a prison does play a role in the early development of the child incarcerated with his/her mother. Thus, it is the responsibility of the State to establish implementable legislation for the governance of children incarcerated with mothers. The United Nations Standard Minimum Rules for the Treatment of Prisoners ["SMR"] adopted on 1955 provide some persuasive guidelines for the treatment of incarcerated individuals. The SMR provides that special accommodation shall be provided in women prisons for the necessary pre and post-natal treatment of women¹⁰.

¹⁰ Rule 23, Standard Minimum Rules for the Treatment of Prisoners; "(1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment..." [Online] Available at: http://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf [Accessed 1 Apr, 2015]

Generally, majority of the children incarcerated are infants, or are unable to appropriately decide whether they wish to live in incarceration with their mother or be freed and live in a State entrusted organization. Resultantly, it is vital that the provisions for children incarcerated with mothers be appropriately decided and provided thereby reducing the trauma of prison for these children. International laws and guiding rules shed light on areas which have been neglected in the laws governing the care of children, mothers and expecting females in Pakistan.

Perhaps, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ["Bangkok Rules"] adopted in 2010 along with the SMR provide an appropriate framework for laws that need to be adopted to safeguard the future of children incarcerated with mothers. The Bangkok Rules explicitly supplement the SMR and provide guidelines on addressing the needs of women and young females who have been denied their liberty. In Pakistan specifically in Sindh, the Pakistan Prison Rules of 1978 ["PPR"], the Prisoners Act of 1900 and the Prisons Act of 1894 ["Prisons Act"] are the main legislative statutes in place for governing the administration of prisons. In Pakistan, the Prisons Act¹¹ and the PPR¹² both

¹¹ Section 27, Prisons Act 1894; Separation of prisoners: "The requisitions of this Act with respect to the separation of prisoners are as follows:- (1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;..." [Online] Available at: <http://www.pakistanlaw.com/LawOnline/law/SectionDescription.asp?casetypes=Prisons%20Act%201894&Sections=27> [Accessed 6 Apr, 2015]

¹² Rule 231, Pakistan Prison Rules; Separation of Prisoner: "Prisoners shall be kept separate as under: (i) In a prison containing men as well as women prisoners, the women shall be imprisoned in a separate prison, or separate part of the same prison in such manner as to prevent, their seeing, conversing or holding any communication with the male prisoners."

require females to be incarcerated separately from male and juvenile inmates.

The provisions and special requirements of expecting women, mothers and children incarcerated with mothers is generally provided under the PPR. Under the PPR the case of an expecting woman at an advanced stage of pregnancy should be reported to the Inspector General of Prisons [“I.G.”] for reference to the Government to suspend or remit her sentence¹³ or where the female is an under-trial prisoner [“UTP”] referred to the District Magistrate with a view to release her on bail¹⁴. This is somewhat in line with the Bangkok Rules which recommend that non-custodial sentences should be preferred and where the same cannot be given, the best interest of the child should be a priority¹⁵. It is important that the provision of the PPR be amended to include mothers with dependent children. Interestingly, the judiciary has exercised its discretion in cases where a mother sentenced may be allowed leniency in her sentence

¹³ Rule 322, Pakistan Prison Rules; Women prisoners in an advanced stage of pregnancy: “The case of every woman prisoner in an advanced stage of pregnancy shall be reported to the Inspector General for reference to the Government with a view to the suspension and remission of her sentence or otherwise. A full statement of the case by a lady doctor shall accompany the report.”

¹⁴ Rule 324, Pakistan Prison Rules; Under-trial women prisoners expecting confinement: “The case of under-trial women prisoners expecting confinement shall be referred to the District Magistrate with a view to the release of such prisoners, but if release on bail is not possible, provisions laid down in the preceding Rule shall be followed.”

¹⁵ Rule 64, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders; Pregnant women and women with dependent children: “Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children.” [Online] Available at: <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf> [Accessed 1 Apr, 2015]

for safeguarding of her infant from languishing in prison¹⁶.

The seminal judgment in this context is one of the Lahore High Court’s in 1991 in which it was explicitly held that the Court enjoys unlimited powers in order to protect and watch the welfare of suckling babies and children incarcerated in jail just like a mother outside prison would do¹⁷. In this interesting judgment, 14 under trial mothers with babies between the ages of 2 months to 2 years were allowed bail. Further the High Court established that cases being heard by the Federal Shariat Court [“FSC”] would be dealt with by the FSC as deemed appropriate by the same, adding that matter concerning convicted women with babies will be examined by the Additional Advocate General¹⁸. In another judgment, the Lahore High Court has gone as far as stating “...that it is better to err in releasing female accused carrying suckling baby on bail than in remanding her child along with her to jail during trial”¹⁹. In 1991, a total of 70 women expecting and nursing women were released from 14 different prisons in Punjab via the order of Justice Muhammad Munir Khan²⁰. These judgments provide

¹⁶ 2006 YLR 378, Mst. Sahiba vs. The State; Before Ijaz-ul-Hassan Khan and Ejaz Afzal Khan, JJ

¹⁷ 1991 P.Cr.L.J 1316; Ghulam Sakina vs. The State; Before Muhammad Munir Khan, J: “They shall protect/watch the welfare of the suckling babies and minor children detained in jails just like real mother. Needless to add that the Courts enjoy unlimited powers in this behalf.”

¹⁸ Ibid; 1991 P.Cr.L.J 1316

¹⁹ 1991 MLD 518, Zarina Khan vs. The State; Before Muhammad Munir Khan, J

²⁰ Asia Watch and the Women’s Right Project, Human Rights Watch. *Double Jeopardy: Police Abuse Of Women In Pakistan*. Karachi, Pakistan. [1992] [Print] pg. 94 “In February 1991, Justice Mohammed Munir Khan ordered the release of 70 pregnant and nursing mothers in 14 jails in the Punjab, some on personal surety.” [Online] Available at: <https://books.google.com.pk/books?id=mIUwZ4aVM8AC&pg=PA94&dq=muhammad+munir+khan+judge+mothers+in+prison&hl=en&sa=X&ei=mK0mVc6MK5blavjgKAD&ved=0CBsQ6AEwAA#v=onepage&q=muhammad%20m>

examples of our higher courts endorsing the notion and importance of keeping young children and their mothers away from the stringent and traumatic life in prison.

Additionally, the PPR provides that a child may remain in incarceration with his or her mother until the age of 6 years²¹. More so, the PPR clearly states that a child who is over the permissible age or whose mother has been executed or has died will not be permitted to stay in incarceration²². It is interesting to highlight here that contrary to this rule, the Legal Aid Office has observed a child as old as nine remaining incarcerated with her mother during the surveys conducted for this report which indicates a doleful crack in the system for children crossing the permissible age range who have no other viable option²³.

The PPR states that clothing shall be provided to children incarcerated as prescribed by the Superintendent²⁴. Similarly, the SMR also provides

that clothing should be provided for those prisoners that are not allowed to wear their own clothing²⁵. In line with the international guidelines, the PPR states that season appropriate clothing for infants permitted to live with their mothers shall be provided²⁶ and holds the Women Warden accountable for the provision of these amenities²⁷. In Sindh, children languishing in prisons with their mothers are generally not provided with adequate clothing and the mothers are required to provide clothing for themselves and their off-springs on their own or through welfare drives conducted by non-governmental organizations. The Bangkok Rules provide that women incarcerated ought to be allowed to provide their preference on the location of the prison they are confined in and it emphasizes the need to imprison women in prisons located close to their homes²⁸. Unfortunately, this is generally ignored in Sindh and has not been adopted in any statute or legislation in Sindh, Pakistan, whereby the majority of the women whose husbands reside in other provinces continue to languish in Sindh without being able to meet their relatives or have their off-springs meet their father. Three such

[unir%20khan%20judge%20mothers%20in%20prison&f=false](#) [Accessed 7 Apr, 2015]

²¹ Rule 326, Pakistan Prison Rules; Children to be allowed to remain with their mothers: *“Women prisoners shall be allowed to keep their children with them in prison till they attain the age of six years.”*

²² Rule 327, Pakistan Prison Rules; Cases in which a child cannot be kept in a prison: *“No woman prisoner shall be allowed to keep a child who is over the age of six years. On a child becoming disqualified for further retention or when a woman prisoner dies or is executed and leaves a child, the Superintendent shall inform the District Magistrate of the place where the prisoner resided and the latter shall arrange for the proper care of the child. Should the relatives or friends of the prisoner be unable or unwilling to support the child, the District Magistrate shall arrange for the removal of the child to healthy nursery surroundings through the special societies managing such institutes. The child shall be returned to the mother on release provide she is ready and also capable to look after it.”*

²³ A nine year female child was staying in incarceration with her mother in Women Prison, Hyderabad as there was no other family member who could take responsibility of the child as was observed by the LAO Research Team on 31st March, 2015.

²⁴ Rule 328, Pakistan Prison Rules; Diet and clothing for children: *“Children in prison shall be provided with such clothing as the Superintendent may prescribe in writing. The scale of diet for children is prescribed in rules pertaining to dietary.”*

²⁵ Rule 17, Standard Minimum Rules for the Treatment of Prisoners; Clothing and bedding: *“(1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.”*

²⁶ Rule 520, Pakistan Prison Rules; Clothing of infants: *“The Superintendent shall provide children permitted to remain with their mothers in prison with all necessary clothing in accordance with the requirements of the season.”*

²⁷ Rule 1190, Pakistan Prison Rules; Duties in regard to sick and children: *“...(ii) - The woman warden shall be responsible for seeing that every child for the time being in prison receives the clothing and the diet prescribed for and is properly cared for.”*

²⁸ Rule 4, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders; Allocation: *“Women prisoners shall be allocated, to the extent possible, to prisons close to their 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.”*[Online] Available at: <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf> [Accessed 1 Apr, 2015]

children between the ages of one year and five years are incarcerated in Women Prison, Karachi, and have not been able to meet their family or their father because their father resides in Punjab.

The Bangkok Rules further provide that personal hygienic needs of females ought to be met and includes that sanitation towels ought to be provided regularly and free of charge²⁹. Similarly, the PPR provides that toilets and bathrooms be provided³⁰ although unfortunately, it fails to take into account the requirement of sanitary napkins for female prisoners. It has been observed that while clean water is provided, the sanitary towels and napkins required by mothers and females on menstruation are not always provided resulting in females having to use scraps of cloth. Majority of the prisoners are dependent on NGOs such as Society for the Protection of the Rights of the Child [“SPARC”], Legal Aid Office and others for the provision of necessities such as soaps, clothing for children, educational toys and sometimes sanitation towels³¹.

²⁹ Rule 5, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders; Personal Hygiene [Supplements rules 15 and 16 of the Standard Minimum Rules for the Treatment of Prisoners]: “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.” [Online] Available at: <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf> [Accessed 1 Apr, 2015]

³⁰ Rule 317, Pakistan Prison Rules; Amenities for women prisoners: “(i) Women prisoners shall be supplied with a comb for their hair. They shall be given one chatak of soap and one chatak of mustard oil per prisoner every week for washing and dressing their hair. They shall also be allowed the use of a looking glass, one or two such glasses should be fixed in the wall in each ward. Sanitary toilets and bath rooms shall be provided in the women’s ward.”

³¹ LAO Research Team was informed by Prison Officials (Senior Warden) of Women Prison, Karachi on 26th March, 2015

More importantly, the Bangkok Rules³² and the SMR³³ provide guidance on meeting the food requirements of pregnant women, mothers, and children incarcerated in prison. The PPR explicitly provides for the food rations for nursing mothers³⁴, expecting females³⁵ and children³⁶. This is largely followed in Sindh, although the females are required to provide fruits and vegetables for their off-springs and themselves on their own.

Unfortunately, the PPR permits the use of cigarettes and biri³⁷ inside prison which resultantly may be

³² Rule 3, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders; Pregnant women, breastfeeding mothers and mothers with children in prison: “[Supplements rule 23 of the Standard Minimum Rules for the Treatment of Prisoners] 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 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. 2. Women prisoners shall not be discouraged from breastfeeding their children, unless there are specific health reasons to do so.” [Online] Available at: <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf> [Accessed 9 Apr, 2015]

³³ Rule 23, Standard Minimum Rules for the Treatment of Prisoners; Supra; Footnote 15

³⁴ Rule 487, Pakistan Prison Rules; Extra diet for nursing mothers: “A nursing mother with a child admitted to prison, shall receive, in addition to the ordinary diet 467 Gr. of milk and 29 Gr. sugar daily. This issue shall cease when the child is one year old.”

³⁵ Rule 488, Pakistan Prison Rules; Diet for the pregnant women: “The Medical Officer shall pay special attention to the dietary of pregnant Women prisoners, and shall, for each such prisoner, draw up a special diet scale to include milk, fresh vegetables, fruit or any other article of diet. The quantities of these shall be determined by him according to necessary. The quantities shall not usually exceed the following scales:-

Milk ... 700 Gr.

Fresh fruit ... 233 Gr.

Fresh vegetable ... 233 Gr.”

³⁶ Rule 489, Pakistan Prison Rules; Diet scale for children: “(i) A child admitted to prison with his mother shall receive according to age, one or other of the following allowances of food daily:-

(a) Under twelve months Milk 467 Gr. sugar 29 Gr.

(b) Over twelve months and up to 1-1/2 years. Milk 467 Gr. sugar 29 Gr.

Rice 117 Gr. dal 29 Gr. salt 10 Gr. ghee 12 Gr.

(ii) Extras when necessary shall be given as the Medical Officer directs.

(iii) 117 Gr. fresh fruit thrice weekly shall be issued to all children above the age of one year.”

³⁷ Rule 683, Pakistan Prison Rules; Smoking of cigarettes: “Prisoners are allowed to smoke cigarettes and bins at their own expense, but smoking inside the factories or while at work anywhere is prohibited. Convict officers on duty shall not smoke. Prisoners are allowed to keep match boxes. Hookas shall not be permitted.”

harmful for children incarcerated with mothers and more importantly, expecting women. Where a female prisoner wishes to smoke she is allowed to do so openly in any area of her choice whereas the expecting women remain inside barracks in order to refrain from inhaling second hand smoke³⁸.

The PPR explicitly states that education is required to be provided to illiterate prisoners³⁹ and provides that a well-stocked library should be placed in every prison. It is pertinent to note that all three of the prisons surveyed did not have a regular teacher coming in to educate the prisoners or their children despite the budget being allocated to prisons for the same purpose. The PPR further provides for the right of convicted prisoners⁴⁰ and UTPs⁴¹ to have weekly visitors. The ⁴², majority of the mothers incarcerated stated during their interviews that they are allowed to meet their families at court often in exchange for providing monetary incentives to prison officials.

³⁸ Observations of LAO Research Team during interviews conducted in Karachi Women Prison between 26th March, 2015 to 27th March, 2015

³⁹ Rule 679, Pakistan Prison Rules; Education: *“(i) Education upto primary standard shall be imparted to all illiterate prisoners daily for at least one hour by paid teachers who may be assisted in this work by educated prisoners. Religious education shall be compulsory for all prisoners. Facilities may be provided to prisoners who are desirous for higher studies. (ii) Every prison shall have a well-stocked library. Prisoners shall be permitted to borrow books from it. Prisoners shall be permitted to read daily newspapers to be supplied at state expense. Prisoners may also be permitted to obtain, at their own expense, newspapers and magazines on the approved list.”*

⁴⁰ Rule 538, Pakistan Prison Rules; **Facilities to new convicted prisoners:** *“Every newly convicted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives, friends and legal adviser with a view to the preparation of an appeal, revision or to the procuring of bail. He shall also be allowed to have interviews with, or write letters to his relatives or friends once or twice or oftener if the Superintendent considers it necessary to enable him to arrange for the management of his property or other family affairs.”*

⁴¹ Rule 564, Pakistan Prison Rules; Interviews, etc. in case of under-trial and civil prisoners: *“Under trial and civil prisoners shall be granted all reasonable facilities at proper time and under proper restrictions for interviewing or otherwise communicating, either orally or in writing, with their relatives, friends or legal advisers. Under-trial prisoners may ordinarily be; allowed one interview every week.”*

⁴² Unfulfilled needs of Babies [Children]; Below, p.57

The Bangkok Rules also provide that sensitization training of prison staff members should be provided for effective rehabilitation and re-integration of minors and females upon release and Senior Prison Officials will be responsible for developing guidelines and directives relating to women and minors incarcerated with mothers in prison⁴³. As has been observed during the surveys conducted no official directives or guidelines have been issued for Women Prisons across Sindh, although unofficial directives are presently being followed relating to the age at which a child must be removed from the prison⁴⁴.

Whilst the provision of these laws aim to negate the traumatic effects of the prison environment being suffered by young children who are only in incarceration for the crime allegedly committed by their mother, it is important to look at other non-custodial means of sentencing for mothers. Two such alternate means may include being released on parole or probation under the Good Conduct Prisoners Probation Release Act of 1926 and Probation of Offenders Ordinance of 1960 and Rule 1961 respectively. Allowing women to be freed from languishing in prison by virtue of non-custodial

⁴³ Rule 29, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders; Institutional personnel and training [Supplements rules 46 to 55 of the Standard Minimum Rules for the Treatment of Prisoners]: *“Capacity-building for staff employed in women’s prisons shall enable them to address the special social reintegration requirements of women prisoners and manage safe and rehabilitative facilities. Capacity-building measures for women staff shall also include access to senior positions with key responsibility for the development of policies and strategies relating to the treatment and care of women prisoners.”* [Online] Available at: <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf> [Accessed 7 Apr, 2015]

⁴⁴ Whereas, the Pakistan Prison Rules provide that a child may stay with his or her mother till the age of 6 years after which they must be removed from incarceration, unofficially, as confirmed by the observations made by the LAO Research Team between 26th March to 31st March, 2015 at Women Prisons in Karachi, Hyderabad and Larkana, the Inspector General of Prisons, Sindh has allowed children to remain in incarceration till the age of 9 years.

measures will also be in line with international guidelines set by the United Nations Standard Minimum Rules for Non-custodial Measures, 2006 [“Tokyo Rules”].

Methodology

The research aims of this study are to understand the needs of children incarcerated with their mothers, and recommend tangible initiatives and interventions that would improve their lives. This report also aims to serve as a need-based assessment regarding the facilitation of health and education services for expecting females, mothers and their children in prison and is based on in depth interviews of children, pregnant women prisoners and mothers incarcerated with children in addition to prison officials from Larkana, Hyderabad and Karachi Women’s Prisons.

Themes Of Research

The surveys were developed after a careful reading and analysis of the laws applicable to incarcerated expecting females, mothers and children in Pakistan. As the PPR are applicable to all of Pakistan these questions may be applicable in all Prisons across Pakistan, however, due to research and reach constraints the focus was limited on the three Women Prisons across Sindh.

It is pertinent to note that the findings that will be discussed in the latter part of the report will be applicable to prisons across Pakistan however, as Sindh has relatively better conditions for Women Prisons due to the outreach of the Legal Aid Office some of the conditions may differ. This is highlighted

by the fact that female prisons in Punjab⁴⁵, Balochistan and Khyber Pakhtunkhwa have been noted to be over-crowded whereas, the population of Sindh Women Prisons fall within the authorized capacity.

Data Collection

This report uses an exploratory and descriptive approach to understand the realities of the situation of the 33 children⁴⁶ residing with 27 mothers⁴⁷ out of a total of 185⁴⁸ female prisoners in Women Prisons across Sindh, Pakistan.

A combination of qualitative methods in the form of semi-structured interviews and observations, and quantitative methods in the form of surveys were used. There were 5 surveys individually structured in categories exploring the themes mentioned above for each mother, child, expecting mother, teacher and Prison Official and were administered over an intensive period of five days. The questions were open-ended to allow the females, children and jail staff to feel comfortable enough to allow the Legal Aid Office’s Research Team an in-depth view of the reality behind bars.

It is pertinent to note that mothers and children were always interviewed in the presence of prison

⁴⁵ The Express Tribune “823 female inmates in different prisons in Punjab: Report” Published on 25th March, 2015. [Online] Available at: <http://tribune.com.pk/story/858931/823-female-inmates-in-different-prisons-in-punjab-report/> [Accessed 24 April, 2015]

⁴⁶ Population Statement of Sindh Jails as it stood on 31-03-2015, received by the Legal Aid Office from the Record Office of the Inspector General of Sindh Prisons

⁴⁷ LAO Research Team conducted interviews with 27 mothers across Sindh in Karachi, Hyderabad and Larkana Women Prisons between 27th March to 31st March, 2015

⁴⁸ Population Statement of Sindh Jails as it stood on 31-03-2015, received by the Legal Aid Office from the Record Office of the Inspector General of Sindh Prisons

officials so they were unable to speak as openly as possible perhaps due to the fear of repercussions. The table below summarizes the interviews conducted.

Prisons Visited	Expecting Females in Prison	Mothers with Children in Prison	Residing in prison	Teachers Providing Education in Prison	Jail Officials Interviewed
Karachi	2	14	18	0	1
Hyderabad	2	8	10	0	1
Larkana	1	5	5	1	1
Total Interviews Conducted	5	27	33	1	3

It should be noted that since there were no official teachers present in the Karachi and Hyderabad women’s prisons, in order to get an understanding of the educational opportunities available, the Legal Aid Office’s research team spoke with a prisoner from each institution who had taken on the responsibility of teaching in prison in place of appointed teachers.

Research Ethics

Permission was sought to enter the prisons and confidentiality of the prisoners’ identity was guaranteed. All names of participants have been changed to endorse privacy rights.

Limitations

Limitations included a strict timeline for the completion of research and unforeseen circumstances such as delays in receiving permission and approval for prison visits. Due to time constraints travel to Larkana was not possible. As a result, the Research team was unable to take observation notes, having to rely on the assistance of advocates working in the Legal Aid Office Larkana

who were tasked with carrying out the interviews there.

Profile Of Women With Babies In Prison

In order to ascertain the effect of a prison on a child, it is important to overview the amount of time being spent inside the prison. Additionally, it is vital that the background profile of the mother or the expecting woman be reviewed with detail. Resultantly, this section of the report will be focusing on the 27 mothers incarcerated across Sindh and alongside will review the profile of the 5 expecting mothers.

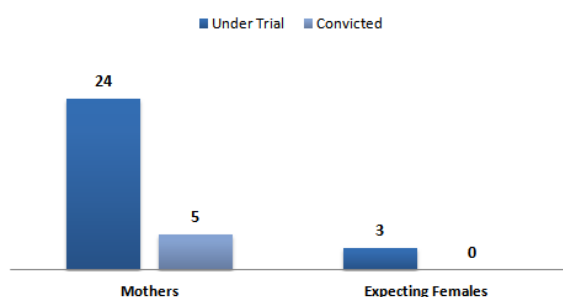
Reflecting on the diverse backgrounds of these women, the women were queried about their backgrounds which were followed by a focus on the psycho-social characteristics. Keeping the focus on the prison, the females were further asked whether their necessities are being fulfilled by the Prison Administration, whether there is any education available to the children and the mother, whether room for abuse of the child existed during the absence of the mother and whether the child has any family or acquaintance willing to support them upon release.

Profiling Exercise: Current Status Of Individual Mothers

As is evident in the above depicted graph, majority of the mothers incarcerated are UTPs and all the expecting mothers are UTPs. This entails that in total

30 children⁴⁹ and 29 females are currently awaiting the conclusion of their trial. However, once the trial is concluded there is no guarantee whether the females will be acquitted or convicted and the child may continuously suffer the stringent prison atmosphere. It is rather unfortunate that the trials are not being expedited keeping in view the respective future of the children.

Case Status of Mothers and Expecting Females



The 30 children incarcerated with UTP mothers provided ambiguous answers when queried on the length of incarceration they may face as their mothers are unsure of when the case proceedings will be completed and what possible sentences they may receive or whether they will be acquitted. With 6 mothers⁵⁰ incarcerated for terms ranging between 1.5 years and 4 years, the future of 7 children remains bleak as they are unaware when justice will be served.

Additionally, the 3 remaining children are incarcerated with 2 mothers currently serving sentences of 25 years and one mother serving a 7 years sentence.

⁴⁹ As observed by the LAO Research Team in Women Prison, Karachi that the three convicted mothers are currently incarcerated with three children as on 27th March, 2015

⁵⁰ As observed by the LAO Research Team in Women Prisons in Karachi, Hyderabad and Larkana between 27th March, 2015 and 31st March, 2015

For the remaining 2 children with convicted mothers there is uncertainty as to their future as they are aware that they cannot remain with their mothers for long.

Profiling Exercise: Offence Breakdown

The categorization of offences is of utmost importance when profiling mothers and expecting females because it may provide an insight on the number of years the mother and child may spend in prison during following a possible conviction.

Interestingly, the most common offence that women are charged with is murder⁵¹ at 40.74% and 40% respectively are charged with offences related to kidnapping.

Under section	Maximum punishment under the PPC	No. of mothers	Percentage of mothers	No. of expecting females	Percentage of expecting females
365-B PPC	Life imprisonment and fine	6	22.20%	1	20%
496-A PPC	Seven years and fine	1	3.70%	0	0%
302 PPC	Death or life imprisonment (25 years)	11	40.74	2	40%
392 PPC	Not less than 3 years and not more than 10 years	2	7.40%	0	0%
412 PPC	Life imprisonment or rigorous imprisonment for 10 years	1	3.70%	1	20%
364-A PPC	Death, life imprisonment or rigorous imprisonment for not more than 14 years and less than 7 years	1	3.70%	0	0%
324 PPC	Imprisonment upto 10 years	3	11.11%	0	0%
371-A/B PPC	Twenty five years and fine	2	7.41%	0	0%
9-C CNS Act	If less than 10 kg of narcotic substances is recovered than 14 years imprisonment and find and if quantity of narcotic substances recovered exceeds 10 kg then death or life imprisonment	0	0%	1	20%
Total		27	100	5	100

It is pertinent to note that in cases where a death sentence is awarded to expecting women, the same is not carried out until after the child is born or the

⁵¹ Section 302, Pakistan Penal Code

sentence may be commuted to life imprisonment⁵². Fortunately, no mother, incarcerated in all three Women Prisons across Sindh, was sentenced to death. Although, with the moratorium on death sentence being lifted after the attack on the Army Public School in Peshawar⁵³, it is worrisome for those mothers who are currently undergoing trial for serious offences.

Profiling Exercise: Mothers' Opinion On Basic Amenities And Legal Awareness

Once the child is in prison, their life takes a different turn as their freedom is gone. According to 10 mothers, the children are deprived of basic necessities such as clothing, education and recreational activities. Research has found that children in incarceration do suffer a risk of being deprived of the basic necessities⁵⁴.

For those children born in prison, the matter is different as their freedom is taken away upon birth without an opportunity to realize what a life outside barracks resembles. According to 6 mothers, 6 children were born in prison and 2 mothers admitted to facing post-delivery complications. For treatment, the 2 women who had faced complications stated

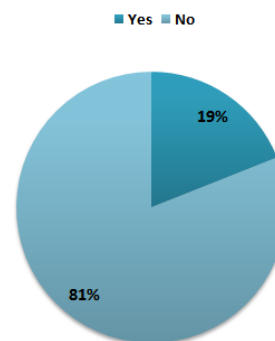
⁵² Section 382, Code of Criminal Procedure; Postponement of capital sentence on pregnant woman: "If a woman sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may, if it thinks fit, commute the sentence to [imprisonment] for life."

⁵³ Dawn News "Death penalty moratorium lifted completely in Pakistan: Officials" [Online] Available at: <http://www.dawn.com/news/1168652/death-penalty-moratorium-lifted-completely-in-pakistan-officials> [Accessed 25 Apr, 2015]

⁵⁴ Prison Fellowship International Asian Commission; *Children of Incarcerated Parents*: They are in our midst and in need of our help. (Background Paper Exploring Issues Affecting Children of Incarcerated Parents) p.3 [Online] Available at: <http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2011/Submissions/ChildrenofIncarceratedParentsPFI.pdf> [Accessed 13 Apr, 2015]

that they were provided with proper diet and medicines in order to enable them to become healthy again. It is pertinent to note that one female had given birth inside the custody vehicle while on her way to the hospital, however, she was brought back to the prison instead of being checked by the Hospital for any post-delivery complications⁵⁵. Moreover, a Jail Official in Hyderabad claimed that there were no proper facilities in Women Prison, Hyderabad, for childbirth and that an ultra-sound machine was required⁵⁶.

Was The Mother Informed Of The Maximum Age Till Which She Could Keep Her Child



For a mother whose child remains in incarceration with her, it is important to know the maximum age till which she can keep her child with her in prison. Unfortunately, only 5 mothers were aware of the maximum age, one of which had to ask the senior warden for the exact age during the interview. This indicates a lack of awareness amongst prisoners with regards to the rights and safeguards they are entitled to under the PPR. Also, 22 mothers stated that they were not aware of the age which perhaps

⁵⁵ LAO Research Team was informed during an interview conducted with the mother of a one year daughter incarcerated at Women Prison, Karachi on 27th March, 2015

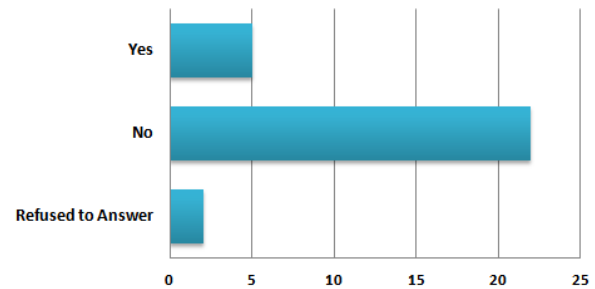
⁵⁶ LAO Research Team was informed during an interview conducted with the Jail Superintendent of Women Prison, Hyderabad on 31st March, 2015

adds to their stress of not being aware when their child will be taken away from them. Additionally, if the mother is informed well in time she would be able to make an informed decision on placing her child in the care of another.

Interestingly, the actual age when a child will be removed from incarceration remains doubtful as the PPR provides that the maximum age is 6 years, whereas, jail officials state that the age is 10 years for girls and 8 years for boys. It is perhaps interesting that unofficially, the I.G. Prisons of Sindh has allowed the child to stay till the age of 7 years⁵⁷. However, as has been stated by a Senior Jail Official that the “Jail Officials are not so cruel that they will forcibly separate the mother and child”⁵⁸ where the mother has no other alternative and will slack the age limit in such scenarios.

Perhaps the two most impactful moments in incarceration of a child is the safeguarding of the child from abuse and helping the child feel secure. 4 mothers stated explicitly that room for abuse exists when her child is separated from her whilst she is sleeping or is in the lavatory or otherwise occupied whereas, 18 mothers claimed that they felt no such fear of abuse. Interestingly, 5 mothers remained silent when asked the question perhaps due to the fear of the prison warden’s presence during the questioning.

Does The Mother Believe That Room For Abuse Exists In Her Absence?



Remarkably, none of the mothers felt comfortable enough to leave their child behind in prison while they had to attend court hearings as they all chose to take their children with them. Additionally, when queried on whether they feared for the safety of the child during the transport to the Court, 3 mothers stated that they did, whereas 5 once again chose to not answer. 19 mothers however, stated that they felt no fear for the safety of their off-springs. From the 3 mothers who feared the safety of their child, only 1 mentioned that there were male prisoners present inside the custody van. It is pertinent to note that this lady⁵⁹ had her case hearings scheduled in an out of city Court and perhaps due to the lack of custody vehicles, male and female prisoners are taken in one custody vehicle when the Court is out of the particular jurisdiction. Irrespective of logistical constraints this is in violation of the PPR and risks the safety of children and female prisoners.

To understand whether a child has ever been the cause of an argument between the mother and other prisoners or the Jail Staff members, the mothers were asked whether they had ever been

⁵⁷ Legislative Background: *Supra Footnote 67*

⁵⁸ LAO Research Team interview with Mr. Ashfaq Kalwar, PSO to I.G. on 1st April, 2015

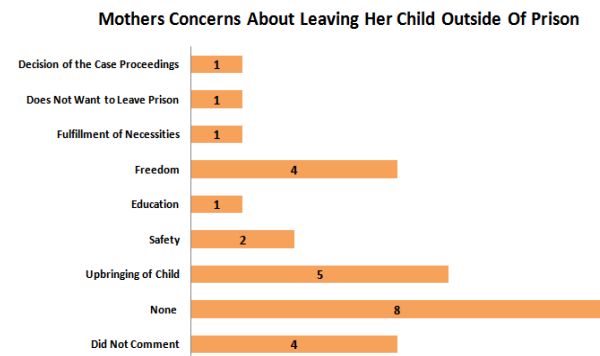
⁵⁹ LAO Research Team interviewed the Female Accused who is incarcerated with young daughter aged 1.5 years at Women Prison, Hyderabad on 31st March, 2015. Currently, the female accused is transported to the District of Matiyari which is 1 hour away from Women Prison, Hyderabad

notified of any abuse against the child inside prison. 3 mothers affirmed this query whereas, 1 mother refused to comment and 23 mothers stated they had never been notified of any such abuse. Interestingly, when asked whether the mother had ever argued or fought with any prisoner or a Jail Staff member due to the safety of her child, only 1 mother stated that she had argued with a Jail Staff member after the child had been hit by the Jail Staff member whereas, 2 mothers remained quiet and 24 stated that they had never had such arguments.

Despite the existence of adverse influences, 19 mothers stated that they would prefer to keep their child with them inside prison as one inmate from Women Prison, Karachi summed it up perfectly “He is my whole world and my only reason to live. There is no one else for him or me. God forbid if I am convicted, I do not know what will happen to him”⁶⁰. 8 mothers however, stated that they do not wish to keep their children incarcerated with them as most were concerned about the lack of educational opportunities for the children inside prisons.

It was interesting to note the concerns of the mothers with regard to leaving their child outside of prison. Approximately 30% of mothers did not have any concerns about leaving their child outside of prison. This could be due to many reasons, which may include misunderstanding of the question. However, the second most common response was about the upbringing of the child. 18.5% of the women did not feel comfortable leaving their

children with anyone outside of prison due to fears of misguidance or infliction of hurt.



Punishment Without A Crime

These children, culpable for their mothers’ crimes, in some cases for unknown reasons, are languishing inside prisons for months and years at a time. These children are sometimes referred to as “hidden victims” as they are incarcerated for crimes they did not commit⁶¹. Out of the three prisons researched, Women Prison, Karachi has the highest population with 14 mothers, 2 of whom are expecting, and 18 children. Women Prison, Hyderabad follows closely with 2 expecting females, 8 mothers and 10 children. The population at Women Prison, Larkana is less, with 5 mothers, including one who is pregnant and 5 children.

There is a certain age limit, existing in theory, for children to remain in incarceration with their mothers however, sometimes, as has been observed in some jurisdictions, a child may be incarcerated for a prolonged period of time as they have no other

⁶⁰ LAO Research Team was informed during an interview conducted with the mother of a seven year son incarcerated at Women Prison, Karachi on 27th March, 2015. The mother is under-trial for an attempt to commit murder and may remain incarcerated for up to 10 years if convicted

⁶¹ Smyth, Julie. “Dual Punishment: Incarcerated Mothers and Their Children” Columbia Social Work Review, Volume III p.33 [Online] Available at: http://cswr.columbia.edu/wp-content/uploads/2012/10/2012_vol3_pg33_smyth.pdf [Accessed 12 Apr, 2015]

option or alternative. One such incident was the recorded case of a 15 year old remaining in incarceration with their mother in an Indian Prison⁶². The Legal Aid Office's team has observed a child at the age of 9 years who continues to live with her mother for a lack of a better alternative⁶³.

Realities Of Being Incarcerated In Prison

The reality of being incarcerated in prison as a child is nothing but grim. According to a Save the Children report written by Sarah Javeed,⁶⁴ children in the Peshawar jail are provided with "no concept of leisure or recreational activities." Similarly, the prisons visited for this research did not seem to have the basic amenities of life required for the healthy development of children.

Children in incarceration face tremendous risks that must be addressed in order for them to have an opportunity to lead a normal life once they are rehabilitated. These risks include depersonalization and becoming secondary victims, distance from the incarcerated parent and a risk of descending into antisocial behavior⁶⁵. Although, the conditions of prison are not favorable for child-rearing, what is often overlooked is the fact that prison environments may be safer for children than the

callous streets of Pakistan. This is not to say that the children are better off in prison, but it is to exemplify the adverse effects of what happens when a child is incarcerated in prison and then put back into society.

According to a 2012 Dawn newspaper article featuring the experiences of women with children in Peshawar's Central Jail, some women believed that their children, "who had to face the stigma of being child of a convict, were the only force, which forced them to begin a new and reformed life once they completed their term"⁶⁶. This brief but insightful article also asserts that a lack of caretakers as a reason for children residing in prisons with their incarcerated mothers. It is interesting to note here that these children are being used by their mothers as a motivational force for good behavior, but whether this is healthy for the child is an important development issue to be explored. Keeping a child in prison during their formative years has negative consequences for the future of the child. Conversely, several research articles explain that early separation of children from their mothers is not beneficial for child development. Therefore a dilemma is created: keeping a child in a perilous environment during their formative years, be it with his/her mother, and forcibly separating them both have detrimental effects on a child's mental, emotional and physical growth and development. This dilemma has been aptly summarized in a report

⁶² IANS "No Takers for Children of Jailed Parents" at Px PG news website/ [2007] Available at: http://www.rxpgnews.com/india/No-takers-for-children-of-jailed-parents_11779.shtml [Accessed 12 Apr, 2015]

⁶³ *Supra*; Legislative Background: Footnote 35

⁶⁴ Javeed, Sarah. *Children Accompanying Mothers in Jail: A Research Study*. Islamabad: Save the Children Sweden, 2011. [Online] Available at <http://resourcecentre.savethechildren.se/library/children-accompanying-mothers-jail-research-study> [Accessed 24 Mar. 2015].

⁶⁵ Prison Fellowship International Asian Commission; *Children of Incarcerated Parents: They are in our midst and in need of our help*. (Background Paper Exploring Issues Affecting Children of Incarcerated Parents) p.3 [Online] Available at: <http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2011/Submissions/ChildrenofIncarceratedParentsPFI.pdf> [Accessed 13 Apr, 2015]

⁶⁶ Shah, Sadia Qasim. 'Children Learn Bitter Lessons In Peshawar Jail'. *DAWN* 2012: 1. [Online] Available at: <http://www.dawn.com/news/695414/children-learn-bitter-lessons-in-peshawar-jail-2> [Accessed 24 Mar, 2015].

by Rudolf Vis⁶⁷, “Prisons do not provide an appropriate environment for babies and young children, often causing long term developmental retardation. Yet, if babies and children are forcibly separated from their mothers they suffer permanent emotional and social damage”⁶⁸.

In order to understand the realities of being incarcerated in prison it is vital to view the background and the circumstances of the 33 children incarcerated across Sindh. To obtain this information, a profile was prepared which enquired the name and age of the child, the education of the child, the awareness of the child regarding the father and any adverse impacts made on them during the circumstances they faced before and after being incarcerated in prison.

Profiling Exercise: Age Demographics

Age Demographics	Karachi	Hyderabad	Larkana	Total No. Of Children in all 3 Prisons	Percentage Of Children
0-1 years	5	2	1	8	24.24
1-3 years	6	3	2	11	33.33
3-5 years	2	2	2	6	18.18
5-7 years	1	2	0	3	9.09
7 years and Above	4	1	0	5	15.15
Total	18	10	5	33	100.00

Majority of the children, belonged to an age group between “1-3 years” at 33.33% whereas, the second highest majority consisted of children between the ages of “0-1 years”. The age of the child here is relevant as the older children incarcerated are more

⁶⁷ Vis, Rudolf. “Mothers and Babies in Prison”; Social, Health and Family Committee to the Council of Europe. [Online] Available at: <http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=8953&Language=EN> [Accessed 13 Apr, 2015]

⁶⁸ Ibid; Realities of being Incarcerated in Prison; Footnote 104

susceptible to be adversely affected by the environment of prison.

It was further observed, that there was a noticeable difference between the children incarcerated and a child brought up outside of prison as the majority of the children up until the age of 5 years were unable to communicate in coherent sentences even when questioned in their respective languages. When their mothers were asked, they responded that they have not developed their speech skills. This is rather unfortunate as a child at the age of 5 begins his year at Nursery School where the alphabet and basics are taught to the child. Unfortunately, the most a 5 year old child was able to say was “Mama” and “Papa”⁶⁹.

When this was pointed out to the mothers, one interestingly stated that a child cannot possibly be expected to speak at such an early age (before 5 years).

Profiling Exercise: Education

Education	Karachi	Hyderabad	Larkana	Total no. of children in all 3 prisons	Percentage of children
Basic Words	2	0	0	2	6.06%
KG	1	0	0	1	3.03%
Class 2	1	1	0	2	6.06%
Class 3	1	0	0	1	3.03%
None	13	9	5	27	81.82%
Total	18	10	5	33	100%

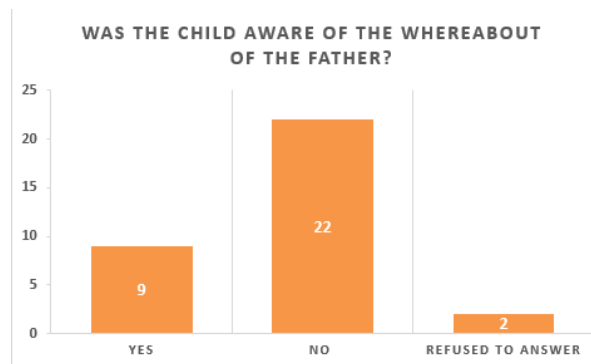
As was expected, nearly 80% of the children claimed to have no or little education. Linking this to the uneducated mothers at 77.78% and expecting

⁶⁹ This observation was made on 8 children between the ages of “1-3 years” and 3 children between the ages of “3-5 years” at Women Prisons in Karachi and Hyderabad between 26th March to 31st March, 2015

females at 60%⁷⁰, it is of little or no surprise that the majority of these children suffer from a lack of proper education. Fortunately, 6.06% of the children claimed to have been schooled till Class 2 whereas, only 3.03% claimed to be educated till Class 3.

Profiling Exercise: Awareness Of Father's Whereabouts

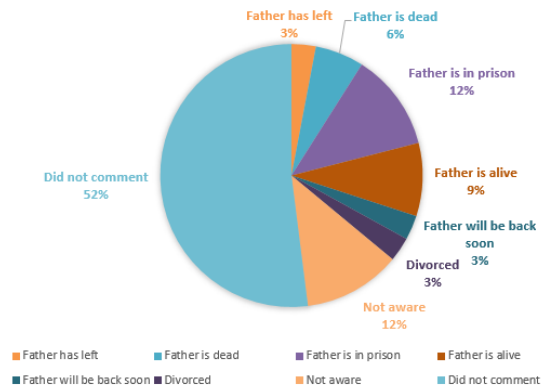
As has been stated previously, a child needs both parents for a healthy and normal upbringing. In order to decipher whether the child was aware of both the parents, the children were individually questioned on whether they were aware if their father was alive and if yes, where he is.



67% of the children stated that they were aware of the whereabouts of their father, whereas, 6% refused to answer the question. Interestingly, 27% of the children surveyed were unaware of where the father was or whether the father was alive. Perhaps the most heart breaking aspect of this questionnaire came when a 3 year old child, whose father had been murdered, claimed that his father was gone and will be back soon.

⁷⁰ Supra; Profile of Women with Babies in Prison; Profiling Exercise: Education Breakdown

WHEREABOUTS OF THE FATHER, ACCORDING TO THE CHILD

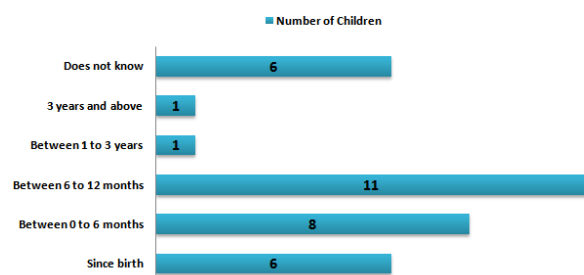


12% of the children were unaware of their father whereas, 52% did not comment on the whereabouts of the father. This helps discern the fact approximately 64% children may grow up feeling neglected and may develop complexes on their abilities as a result of their lack of connection with their father. Interestingly, a further 12% stated that their father was also incarcerated, whereas 9% claimed that their father is alive. It is rather stoic that the children considered imprisonment different from being alive, and when asked whether their father was alive innocently responded that their "father is in jail".

Profiling Exercise: Time Spent In Incarceration

In order to understand the extent of the impact confinement has, it is important to evaluate the amount of time spent behind bars.

Child's View On The Incarceration Length



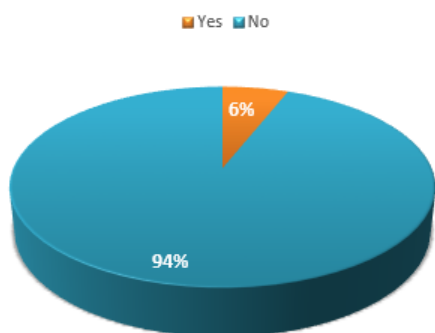
33% of the children responded that they had spent between “6 to 12 months” in incarceration, whereas, 24% stated that they had spent between “0 to 6 months” in incarceration. Perhaps, the most unfortunate answer was where a hefty 18% of the children claimed to not knowing the period of time since when they had been living in incarceration.

Unfulfilled Needs Of Babies In Prison

Majority of the children interviewed reported having received adequate meals and nutrition under the PPR except for a few cases. Although, expecting mothers were less likely to get the kind of nutrition they required, some were able to purchase fruits and vegetables from outside.

The importance of protecting a child from drug abuse has been mentioned previously. Therefore, it is rather unfortunate that 6% of the children claimed there was access to drugs inside prison whereas, the majority claimed otherwise.

DOES THE CHILD HAVE ACCESS TO DRUGS



A UNODC ⁷¹ report points out the necessary separation of babies and small children from

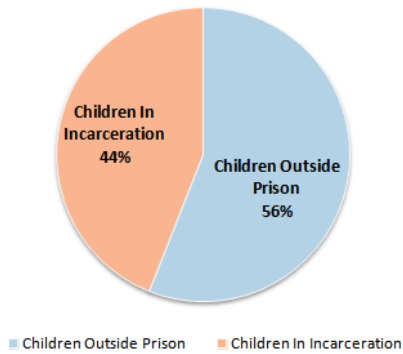
⁷¹ United Nations Office on Drugs and Crime; “Handbook for prison managers and policymakers on Women and Imprisonment” [2008]

prisoner with infectious diseases; whereas this practice is unheard of by the female prisoners and their children in Sindh. Hygienic conditions for babies and small children are a must, but incarcerated children were observed to be amongst flies and unkempt conditions despite their ability to shower as many times as they pleased or on a daily basis.

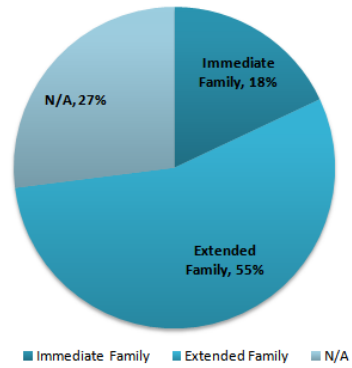
What is often forgotten is the fact that not only are those children who are incarcerated with mothers suffering but those children who remain outside of prison without being able to meet their siblings and mother regularly, inadvertently suffer. There are currently 75 children suffering the consequences of the incarceration of 27 mothers. That is, 42 children regardless of their age have been separated from their mothers and siblings, and are currently living outside of prison with their respective guardians. This is pertinent to note to understand the frustration of both the children incarcerated with mothers and the mothers who have been separated from their other children. This frustration adds to the stress of the child and may perhaps lead to complexes on why they were not allowed to remain with their siblings who were with guardians outside of prison.

Available at: <http://www.unodc.org/documents/justice-and-prison-reform/women-and-imprisonment.pdf> [Accessed 13 Apr,2015]

Figure Of Children In Total Affected By The Incarceration Of The Mother



By Who Were Children Visited In Prison By Their Families?

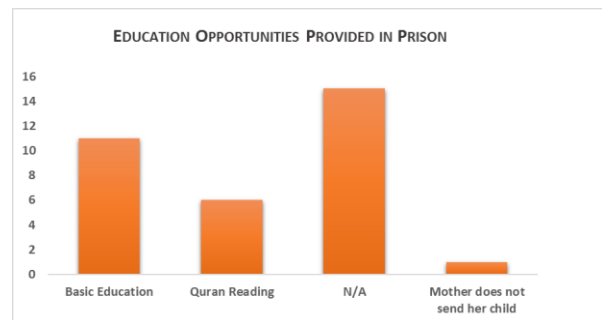


Adding to the separation of siblings is the dearth of contact between the families perhaps due to lack of visitation opportunities. When asked, only 2 children claimed to have been able to meet their siblings, whereas, the others stated that they had not been able to meet them at all. This would make subsequent relationships with siblings difficult as the child after being released would not be finding any bonding feeling towards the siblings.

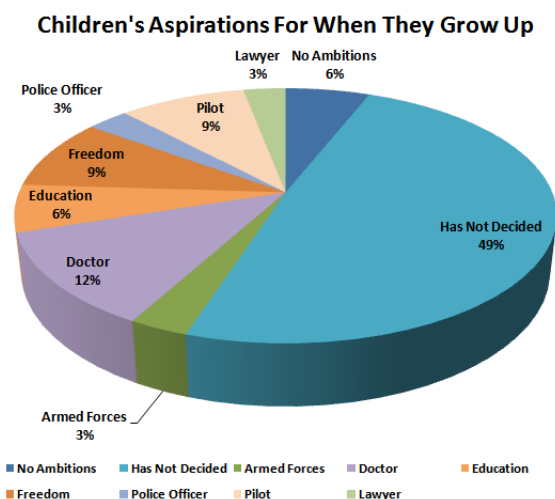
It was further noticed that 9 children claimed to have had no visitors during their incarceration, whereas 22 stated that they had been visited by family. 64% of the children claimed that these visits happened once every month. Interestingly, the children added that some of these visits were made in the Courts, as the Jail Officials extorted family members for money for facilitation of such extra visits.

Educational, Health and Vocational Gaps

There is a serious lack of education opportunities for children incarcerated in prisons in Sindh. In Larkana, there is a religious teacher who comes in to teach the mothers, but not the children. On the other hand, there are no teachers in Karachi and Hyderabad, but there are prisoners who have voluntarily started teaching children in prison. Some mothers also mentioned teaching their children themselves, however, when questioned what they teach, responded that they mostly teach religious text. This lack of a set curriculum is a serious concern and concentrating on religion as the curriculum may not be as beneficial as it would be if taught in conjunction with formal education.

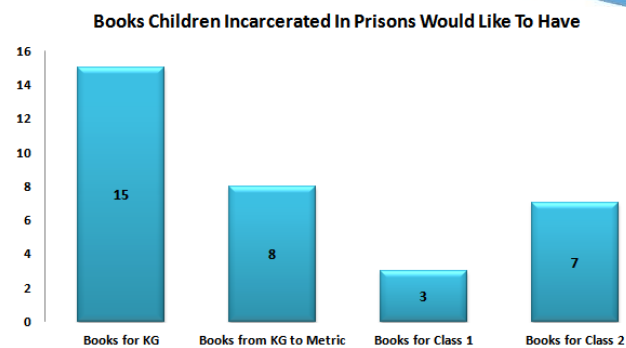


Despite the abovementioned education opportunities, a significant 73% of children said they had learnt nothing in prison, whereas 15% learnt basics and 12% learnt how to say 'mama and papa.' This shows the poor quality of education provision for these children. A school like routine that nears a simulation of a normal life would contribute to the proper growth of these children and help them attempt to fulfill their aspirations as shown below.



When questioned on their aspirations, 12% of the children revealed they wished to become doctors whereas, 49% stated they had not decided yet. Interestingly, 9% aimed for freedom in their future and another 3% wished to become lawyers. What was most disheartening was to see a child aged 7, feeling as if there was no hope left for him and stating that he had no ambition⁷².

A mere 24% of children mentioned have access to books, whereas 91% of children said they would like to have books. An illustration of the range of books requested is provided below.



Psycho-Social Developmental Issues

Despite reassurance from jail officials, it was observed that there were no adequate teaching provisions or psychologists available to track the growth and development of incarcerated mothers and their children.

According to several studies, a baby who grows up in a secure environment at an early age is more likely to develop into an emotionally capable adult. Whereas, a baby who does not receive this kind of security at an early age would tend to become anxious, depressive, thereby reducing their ability to deal with life's ups and downs resultantly making them more vulnerable to substance abuse and criminality⁷³.

Since children learn from observation, a prison environment has dire effects on their socialization. Therefore, it is pertinent to realize that in the presence of babies and small children, violent and aggressive behavior should be kept to a minimum. Although, a general observation of the jail environments in Karachi and Hyderabad was that

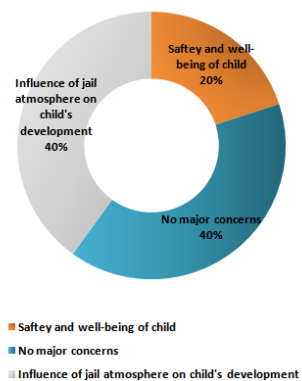
⁷² LAO Research Team interviewed a 7 year old boy at Women Prison, Hyderabad on 31st March, 2015

⁷³ Leadsom, Andrea. 'Why Secure Early Bonding Is Essential For Babies'. *The Guardian* 2012: 1. [Online] Available at <http://www.theguardian.com/social-care-network/2012/sep/12/secure-early-bonding-essential-babies> [Accessed. 24 Mar. 2015].

they carried a somewhat friendly and family-like atmosphere. What is more, jail officials were given credit for providing special care by 80% of the expecting females, 55.5% of the mothers and 70% of the children; however, it is possible that these responses were influenced by the presence of jail officials during the interviews.

Moving on, the major concerns of expecting females about child-rearing in prison are shown below, but it was interesting to note that mothers seemed less visibly disturbed about the rearing of their children in prison than upon mention of their separation. Nonetheless, one mother remarked that she worries she will not see her child grow in prison. What is more is that 9 out of 33 children i.e. 27% feel fear in prison mostly at night or when other prisoners fight.

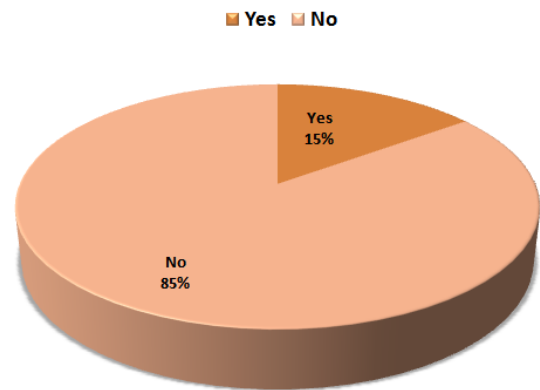
Concerns Of Expecting Women In Prison



A mere 15% of the children residing in prison feel they have someone to discuss their problems with in prison, whereas 51% of the children said they had friends inside the prison. A psyche evaluation is necessary to understand the influence their surrounding conditions is having on their development. Regular therapy sessions are lacking, despite jail officials reassurance of regular visits, and

these are pertinent to reducing or controlling the influence of prison environment on the development of these children.

Does The Child Have Access To Psychologists, Counselors Or People They Can Talk To?



In an article published in the Guardian, Andrea Leadsom reveals that “the earliest experiences of the human baby have a lifelong impact on their mental and emotional health.”⁷⁴ Having a psychological record of these children would help their mental development in the future. Furthermore, according to the article, *Why Secure Early Bonding is Essential For Babies*, “Research shows that more than 80% of long-term prison inmates have attachment problems that stem from babyhood; there is now evidence to suggest you can predict two thirds of future chronic criminals by behavior seen at the age of two. If we want to change our society for the better, we must focus on the crucial period between conception and the age of two.”⁷⁵

⁷⁴ Leadsom, Andrea. 'Why Secure Early Bonding Is Essential For Babies'. *The Guardian* 2012: 1. [Online] Available at <http://www.theguardian.com/social-care-network/2012/sep/12/secure-early-bonding-essential-babies> [Accessed. 24 Mar. 2015].

⁷⁵ Ibid

Practicalities Of Life In Prison

Having discussed the realities of life in incarceration, it is important to focus on the best possible means to provide these children with a nurturing and positive atmosphere, thus enabling to remain hopeful and become productive and law abiding citizens of Pakistan.

Implementation Of International Standards And Local Laws

There are two main issues regarding the implementation of local laws; one concerns enhancement of legal awareness and the second revolves around adherence to the law by prison staff. The majority of mothers were not aware of the prison rules or of the maximum age they could keep their children inside prison with them. Whilst none of the children claimed any sort of awareness about the PPR, there was only one child who thought the age limit to be 10. This misperception needs to be clarified and awareness built around the legal age of 7 years. Additionally, some jail officials were also not aware of such regulations. The issue that arises is that jail officials become lenient towards mothers with children, allowing their children to stay past the legal age limit, since they have no other alternatives.

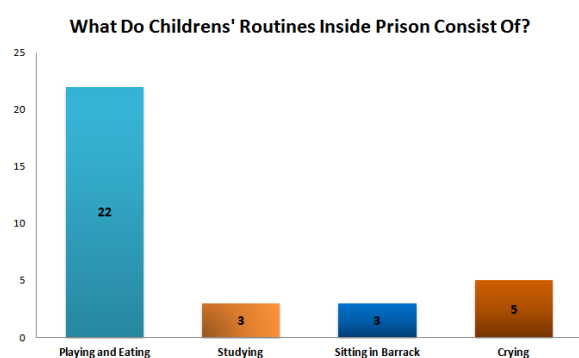
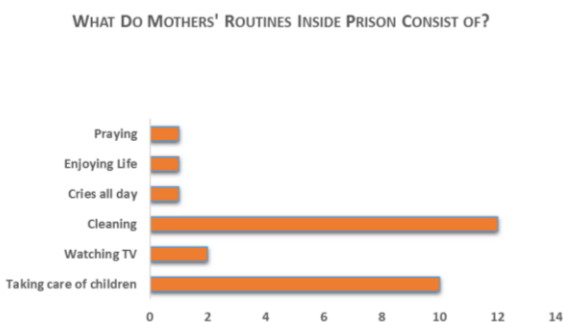
The implementation of the Bangkok Rules is of utmost importance as they provide for a safe and nurturing environment for the growth of a child. It is feasible to adapt to the Tokyo Rules in order to decide alternative punishments to incarceration such as parole, probation, house arrest or perhaps community service.

In an interview with the Hyderabad jail superintendent, the research team found that the practice was not focused on strict adherence to the PPR. Children were seen as short term admissions that came in and left every few months and there appeared to be a lack of interest in investing in these children during their prison stay. Additionally, it was noted that Hyderabad prison also receives less attention than the Karachi prison perhaps to the extent of fewer welfare organizations being present to assist with special needs of incarcerated children. When speaking to the Karachi jail superintendent, some discrepancies were discovered between what the official was aware of and what the research team had observed first hand from interviews with mothers and children. The Larkana jail superintendent, like the rest of the superintendents, also believed that children did not belong in prison, but that they could not be separated from their mothers and so was concerned about their proper development. There appears to be an immediate need for sensitization of staff that is posted in these prisons and that is tasked with the day to day superintendence of mothers and their children so as to reorient their attitude to some extent so that they can become more attuned to the risks involved.

Provision And Quality Of Developmental And Recreational Facilities

Despite reassuring messages from jail officials about the provision of activities on holidays; there is a lack of regular recreational activities for children, expecting females and mothers. When the research team asked them to describe their daily routines, the majority of the mothers said they spent their time

cleaning and taking care of their children whereas others said they did nothing besides watching TV.



In this regard, expecting females note the lack of special activities for them and claim they either do nothing, rest or roam around all day. Jail officials also responded by saying that expecting females are not made to do any physically laborious work.

Rehabilitation and Social Reintegration

On rehabilitation, the research team questioned mothers, expecting women, and children whether they thought their lives were better inside prison or outside. The table below depicts the results.

	Total No.	Life is better/safer inside prison	Percentage	Life is better/safer outside prison	Percentage
Mothers	27	3	11%	24	89%
Expecting Females	5	2	40%	3	60%
Children	33	1	3%	32	97%

Although, majority of those incarcerated believed their lives were better outside of prison, a few believed they were safer inside prison and had access to basic amenities which they were grateful for. Given such circumstances, it would be useful to look into implementing a guiding principle that is mentioned in a Quaker United Nations Office report titled *Collateral Convicts: Children of Incarcerated Parents*⁷⁶; it states that, "Decisions about when children should live in or leave prison should be based on an individualized, case-by-case analysis of their best interests." Following such a principle would require individualized attention being given to the programmatic needs of the mother and child and at minimum an assessment on their development during their period of incarceration by a dedicated or appointed social worker.

The concept behind rehabilitation and social reintegration is to make prisoners a useful part of society. This can be attempted through the development of a probation program. Although, there are some risks involved in the materialization of such a program given the prevailing context of violence against women in Pakistan, such as the abuse of power and misuse of authority by police

⁷⁶ Robertson, Oliver. *Collateral Convicts: Children Of Incarcerated Parents*. Quaker United Nations Office, Human Rights & Refugees Publications, 2012. [Online]. Available at http://www.quno.org/sites/default/files/resources/ENGLISH_Collateral%20Convicts_Recommendations%20and%20good%20practice.pdf [Accessed 13 Apr, 2015].

officers in carrying out their duties as probation officers; there are methods to surpass them. In order to mitigate such risks, probation officers should be trained as social workers with different job descriptions from police officers, and should preferably be female.

Recommendations

- Prison Staff assigned in women prison facilities needs to attend pre service and in service sensitization training sessions which cover international best practices and requirements for mothers and children inside prisons.
- The Home Department must take action to expedite the nomination of teachers in all women prison facilities. Budgetary provisions must be made for provision of education kits for children (school bags, books, uniforms) so as to try and emulate a school environment inside prisons.
- Books should be added in a properly furnished library so that future incarcerated children may be able to benefit from the education.
- Budget must be allocated for regular provision of health kits for children (variety of nutritional items, not limited to Anti-lice kits, soaps, shampoos, minerals and vitamins for growth. Formula Powder for Nursing Children)
- Childcare facilities such as soft play areas should be created as friendly spaces to encourage development of gross motor skills for infants and toddlers. Play areas for toddlers and older children should also be developed including swing sets, monkey bars and slides which would encourage children to obtain their required physical exercise.
- Welfare workers from the social welfare department should make visits to review the cases of children and their mothers and should act as family liaison officers where required so as to help develop a plan for post release and rehabilitation and reintegration.
- Prison Department should facilitate volunteer work in prisons such as free therapy sessions and mother-toddler programs and yoga classes for expecting women and should appoint psychologists for regular visits and assessment of children especially.
- Construct a mentor program for incarcerated children in order to track their growth and development.
- Probation program for mothers should be developed where they are placed under house arrest instead of confinement.
- Use of the term ‘shelter home’ as a concept rather than ‘orphanage’ to change perception of outside care for children. Prison Department must liaise with respective shelter homes and assist in placing children in them with the consent of mothers where necessary.
- Development of an awareness campaign to allow for more funding and CSO involvement in delivering provisional services or seeking volunteers for teaching.

Way Forward

In principle, a child living in prison should not be treated like a prisoner and should instead be protected from psychological and physical abuse. Children incarcerated should be provided with an upbringing similar to that of a child outside prison. In some prisons of the world it is often recommended that quality health care along with adequate vocational and recreational facilities be provided to children incarcerated with mothers. In an ideal prison environment, a child incarcerated ought to be provided with psychological support whereby, a specialist is available to monitor the development of the child and help maintain a balanced and normal upbringing.

As a nation of many problems, 33 children out of a population of over 22 million, does not seem like a concern worthy of a separate budget. Put into context, this count is only valid for the months of March and April in 2015. This number may easily reach into the hundreds if measured longitudinally over time.

However, as stated best by a Hyderabad jail official, these children keep coming and going in and out of prison, but what they witness here stays with them for life⁷⁷. The perverse effects of experiencing life in prison for a child may cause them to lean towards violent behavior in the future causing them to be re-incarcerated, this time for a crime they have committed. Although, there were no such cases reported, it is doubtful that any such data has been collected either since all jail officials interviewed

drew a blank when this was enquired about. The way forward for these children would be to first provide them with educational support to try and create a positive atmosphere for them. However, it should be noted that there is a budget already allocated for the education of these children, according to some jail officials, yet there is no teacher who comes in to prison to teach them. Such claims need to be verified and consequent misallocations rectified in order to fulfill already made promises to these innocent children.

Since these children are languishing in prison through no fault of their own, they must be made to feel that they are not being punished, but simply put in a confined environment for their safety for the time being. Allowing their thinking to grow in this direction may be better than having resentful children with aggressive tendencies. These children must also be protected from abuse and geared towards education. Furthermore, it is essential to educate the mothers as well as to sensitize the prison staff by exposing the extent of damage witnessing or being subjected to abuse can have on children. There is also a need for a rehabilitation program for children who leave their mothers behind in prison to make sure they do not end up following criminal paths.

⁷⁷ LAO Research Team was informed during an interview conducted with the Jail Superintendent of Women Prison, Hyderabad on 31st March, 2015

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