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## Women Prisoners Right to Health in Bangladesh from Human Rights Perspectives

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*Even after committing a crime, if the person is in prison it doesn't mean that their all human rights will be curtailed and they will not be looked after the way they used to be. Though they are imprisoned still they are part of society, and this major point cannot be overlooked. Their right to health is as important as it used to be before being a prisoner. In a true sense, the prisoners need the most attention regarding their right to health since prison is a place where different kinds of people gather together for confinement, which increases the high risks of disease, etc. During their confinement, it is the responsibility of the government and prison authorities to ensure that prisoners' right to health is successfully implemented. Among prisoners, the group of women is mostly out of the limelight and in conversation. In comparison to male prisoners, women prisoners are neglected and suffer most but this issue has been mostly ignored. Women prisoners should be treated as equally important as men and sometimes they should have some more privileges because of their special needs and conditions. Among all the women prisoners, there might have been a great number who will be released sooner or later but if their health is not taken care of then they will not be able to contribute to society. This research paper will discuss the national and international documents regarding one of the crucial parts of human rights, the right to health. Also, the attention will be drawn towards the factors that are responsible for the incontinent circumstances of women prisoners. Additionally, the research will focus on the recommendations on how the women prisoners' right to health can be developed.*

**Keywords:** *prison, women prisoners, confinement*

## **INTRODUCTION: STATEMENT OF THE PROBLEM**

Women are typically seen as being a vulnerable community due to their gender during the difficult period of excruciating imprisonment. Even though a prisoner's rights are sometimes restricted, this does not affect their particular unalienable rights, which are protected by international human rights law. Given that the right to health is one of the most crucial human rights, different national and international documents guarantee women prisoners the right to health during the period of their confinement. As in different national and international enquiries, the horrible situations of women prisons have come out so it's a question of worry to what extent women prisoners in Bangladesh can practice their rights. It has only lately come to light that just giving the status of a minority does not excuse the widespread incomprehension of women's fundamental rights and the evident gender insensitivity that continues to rule criminal justice systems.

## **RESEARCH OBJECTIVES**

The main objective of my research is to know the practical and present conditions of the women prisoners' right to health, along with identifying the major challenges behind the situations of women prisoners. Subsequent objectives are to analyze national and international instruments regarding the protection of women prisoners' right to health. Finally, recommends the probable solutions and regulatory reform.

## **LITERATURE REVIEW**

In the article named as 'Rights of Prisoners', the writer Shuaib Oladimeji Muhammed, emphasizes that the derogation of prisoners is not total, therefore statutory need to guarantee the rights of prisoners which have mainly been violated although important rights of prisoners are derogated from for the safety of the state and its citizens.<sup>1</sup>

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<sup>1</sup> Shuaib Oladimeji Muhammed, 'Rights of prisoners' (2021) ResearchGate  
<[https://www.researchgate.net/publication/352693615\\_Rights\\_of\\_Prisoners](https://www.researchgate.net/publication/352693615_Rights_of_Prisoners)> accessed 05 October 2023

The book 'The Legal Rights of Prisoners' was written focusing mostly on the legal rights of prisoners and on their most important rights which is to continue to have unrestricted access to the courts but the author has not made any discussion about the health of the female prisoners.<sup>2</sup>

The writer Dr Mizan Rahman focuses on the human rights that have to be guaranteed to every person in his book 'Human Rights Theory, Law and Practice'. However, this research is particularly based on the human rights of female prisoners.

Author S. Srinivasan, in the article titled as 'The Rights of Prisoners: An Overview' involves taking into account basic medical care standards that are acceptable, including services for preventative care and mental health.<sup>3</sup> Along with that, the author mentions in the article that, the government's responsibility is to uphold human rights standards as outlined in international case law.

In the book named as 'Theory and Practice of Criminology: Bangladesh Perspective' the writer Rizvi Ahmad, tried to portray the criminal justice system of Bangladesh he especially focused on the different theories and concepts of criminology.<sup>4</sup> In the book, the administration and model of the justice system of Bangladesh had great concern and were precisely discussed.

## RESEARCH METHODOLOGY

In this research, the qualitative research method has been used to describe conceptions of rights, human rights in accordance with the UDHR (Universal Declaration of Human Rights), and basic rights in accordance with the Constitution of Bangladesh. For this research, both primary and secondary data have been used. In the interview, open-ended questions were asked verbally to respondents for primary data collection. A semi-structured interview was conducted face-to-face and over the phone. The books, statutes, journals, online resources, newspapers, etc. that

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<sup>2</sup> Geoffrey P. Alpert, *The legal rights of prisoners* (1st edn, Saga Publication 1980) 89

<sup>3</sup> S. Srinivasan, 'The Rights of Prisoners: An Overview' (2014) 2(9) JRED

<[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2704761](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2704761)> accessed 05 October 2023

<sup>4</sup> Rizvi Ahman, *Theory and practice of Criminology: Bangladesh Perspective* (2nd edn, University Publications 2017)

have been written about the health of women in prison in the United States are examples of secondary sources.

Interviews with inmates on their time spent in jail will be investigated to ascertain their viability, conditions, and availability. Between March and June of 2023, we conducted one interview with each participant. Inmates from two separate facilities were enlisted. Preliminary themes are outlined in various sections of a report written immediately following interviews based on detailed field notes that were evaluated utilizing thematic narrative analysis methods. This work will substantiate the experiences and support to development and implementation of policies and programs to address unique needs.

## CONCEPTUAL ANALYSIS AND BACKGROUND OF THE STUDY

### WHAT IS PRISON?

**Definition of prisoners:** According to Black Law Dictionary, 'A prisoner means a person, who is deprived of his liberty; one who is against his will kept in confinement or custody. A person restrained of his liberty upon any action, civil or criminal, or upon a person or trial for crime'. People who have been found guilty of committing a crime, or who have been kept in custody by a court authority, and who have been deprived of their liberty or freedom as a result of this act, are the individuals who are confined within an institution or location known as a prison.

Section 3(1) states that, 'Prison refers to any facility or location used for the permanent or temporary confinement of convicts pursuant to general or special instructions of the government, as well as the grounds and buildings associated therewith.'<sup>5</sup> As per data, the overall number of women prisoners increased from 2003 to 2014, peaking at 414, but from 2014 to 2019, it increased to 1416.<sup>6</sup> Therefore, the rising number of imprisoned women demonstrates

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<sup>5</sup> The Prison Act 1894, s 3(1)

<sup>6</sup> Helen Fair and Roy Walmsley, 'Prisons and the use of imprisonment' (*Institute for Crime & Justice Policy Research*) <<https://www.icpr.org.uk/theme/prisons-and-use-imprisonment/world-prison-brief>> accessed 07 October 2023

an approach that looks out of the norm and it is a major concern in Bangladesh. It is evident that, today girls are more likely than ever to be involved in crimes than they were in the past.<sup>7</sup>

## **PRISONS IN BANGLADESH**

There are thirty central and fifty-five district jails in Bangladesh. People who have been detained by the police for various reasons, such as vagrancy or alleged juvenile offenses, are kept at those facilities until their legal guardians are identified, until their terms of imprisonment are up, or until their situations are 'properly rectified'.

**Central Jail:** There are a total of thirteen maximum security prisons in the country. Prisoners awaiting trial, those subject to administrative detention, and those convicted and sentenced to a term of imprisonment, or the death penalty are all housed in central jails. In central jail, mostly prisoners undergoing trial, people placed in administrative detention, people convicted of a crime and sentenced to a period of imprisonment, including life in prison, and people who have been given the death penalty are all housed in the central jail. A senior jail super, who is assisted by a jailer as well as a number of Deputy jailers and other staff, supervises the central jails.

**District Jail:** All kinds of prisoners from the district are admitted to a district jail. When a prisoner receives a lengthy sentence such as a life sentence or a death sentence they are often sent to the major jail in the area. A district jail's chief is a jail Super, who is supported by a jailer, a deputy jailer, and other employees. Additionally, an assistant surgeon is employed by each district jail to provide medical care for the prisoners.

## **DOCUMENTS REGARDING RIGHT TO HEALTH**

**In Bangladesh, perspective prisoners are entitled to get rights in three manners:**

- Through Constitutional Law (Fundamental Law);
- Through Domestic Special Law.
- Through International instruments (Human Rights)

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<sup>7</sup> Meda Chesney-Lind and Lisa Pasko, *The Female Offender: Girls, Women, and Crime* (SAGE 2004)

**1. Constitutional Law:** Article 27<sup>8</sup> of the Constitution of Bangladesh guarantees that, ‘all citizens are equal before the law and are entitled to equal protection of law’. The meaning of equality before the law is that the law shall be equal and shall be equally administered to all citizens of Bangladesh. There shall not be discrimination based on birth, race, religion, color etc. When we talk about ‘equal protection of the law’, we are referring to the principle that all people, in all situations, should be treated the same way, and that there should be no discrimination in the bestowing of advantages or the imposing of liabilities. In addition, the Fundamental Rights for a human enumerated in Part III of the Constitution are applicable to prisoners.<sup>9</sup>

**2. Domestic Special Law:** The Prisons Act 1894 this law is accompanying rules and a range of internally issued circulars, notices and orders. In this present age, the prison system of Bangladesh follows the regulation that was created in the 19th century, through the British government. The requirements of this statute regarding the provision of food, clothing, and bedding to civilly charged and non-convicted criminals continue to be applicable to both male and female inmates.<sup>10</sup> Section 13<sup>11</sup> deals with medical services and, the duty of a medical officer. The Medical Officer is in charge of keeping the jail sanitary administration of the prison under the supervision of superintendent and shall perform such duties as may be prescribed following the rules made by the government.<sup>12</sup>

The Prisoners Right Act also dealt with the total health matter of a prisoner where the treatment of sick prisoners, the procedure for keeping a record of directions of medical officers and establishing a proper reception of sick prisoners have been mentioned.<sup>13</sup>

The Ministry of Social Welfare published ‘The Special Privileges for Jailed Women Convict Regulations-2020’ in a gazette. It is a new rule that gives female prisoners extra rights after the relevant law has been passed by parliament and has been in effect for 13 years. Under the rules,

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<sup>8</sup> The Constitution of Bangladesh 1972, art 27

<sup>9</sup> The Constitution of Bangladesh 1972, arts 26-47

<sup>10</sup> The Prisons Act 1894, s 37

<sup>11</sup> The Prisons Act 1894, s 13

<sup>12</sup> The Prisons Act 1894, s 59

<sup>13</sup> The Prisons Act 1894, ch VIII

female prisoners would have special rights, like being able to get out of jail on parole under certain conditions. Along with that, The Prisoners Act 1900, and Jail Code 1920 (amendment 2006) are the governing laws in Bangladesh.

**3. International Instruments:** Under Article 5 of the Universal Declaration of Human Rights for the first time it appeared that no one may be subjected to torture or to behaviour or punishment that is cruel, inhuman, or humiliating.<sup>14</sup> This provision applies to all forms of such treatment. Every individual possesses the entitlement to a level of living that is sufficient to ensure their own and their family's health and well-being. This encompasses the entitlement to adequate provisions of nourishment, attire, and shelter, alongside the availability of medical assistance and other crucial social amenities. Additionally, individuals have the right to financial security in the event of unemployment, illness, disability, widowhood, old age or any other lack of livelihood caused by circumstances that are beyond their control.

Under the obligation of the UN Standard Minimum Rules for Treatment of Prisoners, states are needed to uphold the fundamental values of security of life, health, and personal integrity, non-discrimination in the treatment of prisoners and to create conditions that facilitate the adjustment and integration of prisoners into regular community life.<sup>15</sup>

U.N. Minimum Standards on the Treatment of Prisoners requires states to ensure inmates' safety, health, and dignity, prohibits discrimination in prisoner treatment, and fosters an environment conducive to re-entry into society upon release. United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders known as the Bangkok Rules define some guidelines, especially for the women prisoners. The regulation outlines certain standards for how prisoners should be treated, including the Standard Minimum Rules for the Treatment of Prisoners and the steps to ensure that they are implemented correctly.<sup>16</sup> **Those are:**

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<sup>14</sup> Universal Declaration of Human Rights (1948), art 5

<sup>15</sup> Universal Declaration of Human Rights 1948

<sup>16</sup> United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) 2010, r 64

**1. Personal Hygiene:** In the accommodation women prisoners shall have the facilities for women's specific hygiene including sanitary towels and a supply of water for the personal care of women, particularly women involved in cooking and those who are pregnant, breastfeeding or menstruating.

**2. Medical Screening on Entry:** The health screening of women prisoners must involve a thorough examination to identify their need for basic medical treatment as well as to:

- Medical screening is necessary to identify the presence of sexually transmitted diseases or blood-borne diseases; and Women in jail may also be offered HIV testing, as well as pre-and post-test counseling.
- Mental health-care needs also include post-traumatic stress disorder and the risk of suicide and self-harm.
- The woman's reproductive health history must be known. This includes current or recent pregnancies, childbirth, and any related reproductive health problems.
- Whether or not she is a drug addict.
- Whether or not she has been sexually abused or experienced any other kind of violence before being admitted.

**3. Gender-Specific Health Care:** The authority should meet the demand if any prisoner demands a female Doctor or Nurse because of her gender-specific diseases. Even except medical staff, no one shall be present during the examination.

**4. Mental Health and Care:** Mental health care and rehabilitation programs shall be available for women prisoners; prison staff shall be made aware to support women prisoners if they feel particular distress.

**5. HIV Prevention, Treatment, Care and Support:** The women in jail should have access to HIV-related services and programs if they need them. Correctional facilities must actively promote and lend their support to HIV prevention programs.



**6. Substance Abuse Treatment Programmers:** Substance abuse treatment programs are also available to women substance abusers, taking into account prior victimization, and the special needs of pregnant women and women with children.

**7. Suicide and Self-Harm Prevention:** A comprehensive policy of mental health care in women's prisons should be developed and implemented in consultation with mental health care and social welfare services to reduce the rates of suicide and self-harm among inmates.

**8. Preventive Health-Care Services:** Education and information about preventative health care measures, including those to protect against HIV, other blood-borne diseases, and sexually transmitted diseases, as well as gender-specific health issues, must be provided to female inmates. There are also preventative healthcare measures that are of particular relevance to women, including different testing and screening for breast and gynecological cancer. These tests and screenings are required to be provided to female inmates on an equal footing with community women of the same age.

## PRESENT SITUATION OF WOMEN IN THE BANGLADESH PRISON

The Bangladesh government has passed a special law titled Special Facilities for Women Prisoners Act, 2006 but it also imposes restrictions on certain kinds of prisoners. The women's standard of living will rise if they have access to food, shelter, clean water, and air. Therefore, it is essential to have an idea regarding the conditions of women prisoners. It also should have been a concern and talked about issue in the perspective of the Bangladesh prison system.

**1. Accommodation:** When compared to the rest of the globe, Bangladesh has one of the highest incarceration rates. The country's 68 prisons are currently hosting more convicts than they were built to hold. According to data compiled by the World Prison Brief (WPB), only Libya (90%) and San Marino (83%), out of all countries with a prison population, have a higher percentage of their inmates incarcerated prior to trial or on remand.<sup>17</sup>

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<sup>17</sup> Roy Walmsley, *World Pre-trial/Remand Imprisonment List fourth edition (World Prison Brief)* <[https://www.prisonstudies.org/sites/default/files/resources/downloads/world\\_pre-trial\\_list\\_4th\\_edn\\_final.pdf](https://www.prisonstudies.org/sites/default/files/resources/downloads/world_pre-trial_list_4th_edn_final.pdf)> accessed 07 October 2023

The floor area allocation serves as evidence of the substandard conditions in which incarcerated individuals are housed. According to the regulations governing dormitories in Bangladesh, each incarcerated individual is allocated a floor area measuring 36 square feet. However, due to the issue of overcrowding, more than twofold have diminished the available space per prisoner to 15 square feet, since the current population exceeds the facility's capacity.<sup>18</sup> Because the Bangladeshi prisons are overpopulated, also, the conditions of accommodation are so unhealthy and suffocating that it is very difficult for a person to stay there for a long time. However, in reality, prisoners are spending their whole lives there. There is no private space, bed or corner and because of that, the matter of women's privacy is threatened. The accommodation encompasses more than just the capacity of having a place to live rather than ensuring a safe and dignified environment.

Overcrowding can have negative effects on a person's quality of life, such as increased physical contact, inadequate hygiene, lack of sleep, and isolation. Overcrowding is the psychological response of humans to population density, whereas population density is an objective measure of the number of people residing per unit area. Messy and disorganized environments have long been associated with mental distress and anxiety.

**2. Sanitation and Water Facilities:** According to the human rights to water and sanitation, everyone, without exception, must have access to clean drinking water, water for domestic and personal use, as well as facilities for sanitation and hygiene. By nature in comparison to males, females have distinct physical demands on those grounds that they need privacy more when using the bathroom and taking a shower. Though they are in prisons, to live in dignity and protect human rights, it is essential to have access to clean water to drink and sanitary facilities. Since one of the major health issues facing people today is unclean water, consuming contaminated water in humans can be sick and perhaps die from diseases like cholera, hepatitis, and typhoid. Bathrooms and toilets are not just for relieving themselves; moreover, women require much more care and respect during menstruation. The washrooms are used by a huge portion of women along with those that are not cleaned up as they should be, as a result, most

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<sup>18</sup> The Prisons Act 1894; The Prisoners Act 1900

of the washrooms are dirty, with bad odors and putrid. When women are using the water, especially for sanitation, the water must be safe otherwise; they might get sick and be affected with many diseases that might be deadly. In most prisons, the supply of water is just for a minimum hour as a result, they cannot use the washroom when they need to. However, the prisons of Bangladesh still do not have access to these basic rights for women; those kinds of treatments are a grave violation of human rights.

In prison, the daily lives of women are affected in a number of ways by a lack of cleanliness or sanitization. Lack of personal hygiene leads to skin infections, which are unpleasant and spread to other members. Because of their close ties, physical and mental health is interdependent and always affects one another, so for their emotional health maintaining good sanitation and hygiene is also crucial.

**3. Menstruation:** When women are menstruating, they have unique sanitary needs that are rarely recognized or taken into account in the Bangladesh prison system. The ability to care for the body during menstruation is an important part of this fundamental freedom. This basic freedom is only possible if one has the freedom to take care of their body while they are menstruating. Menstrual hygiene for women is essential because it reduces the incidence of reproductive tract infections.

The doctors always advise to maintain vaginal cleanliness by changing tampons or sanitary napkins every 4-6 hours since the organisms expelled from bodies proliferate in the warm blood and cause discomfort, rashes, or urinary tract infections. Regular tampon or sanitary napkin changes slow the growth of these germs and guard against infections.<sup>19</sup> However, most of the washrooms in prisons have long queues and even if they want to change the napkins or tampons they do not have that opportunity. One of the former prisoners named Asma Akter shared that there were so many menstrual cycles where she used the same napkins for a long 10-11 hours. Along with that mentioned, they have encountered problems with changing, drying, or

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<sup>19</sup> Shivani Chhabra, '5 things to keep in mind for your menstrual hygiene' *India Today* (28 May 2017) <<https://www.indiatoday.in/lifestyle/wellness/story/5-tips-menstrual-hygiene-day-care-sanitation-lifest-979651-2017-05-28>> accessed 10 October 2023

discarding. Furthermore, they are using dirty clothes, even tissue paper hence lack access to proper facilities for menstruation health and menstrual products. Inside the prison, there is the inability to menstrual products and if some are available, those are very expensive. These are very common scenes of women in the prison.

The awareness regarding menstrual safety is very poor among the women prisoners as most of the prisoners belong to the backward family where menstruation is considered as taboo. Being ignorant, they do not have any idea how they can be affected by different kinds of diseases.

Irritation of the skin not only causes discomfort, but also has the potential to lead to dermatitis, which is a medical condition in which the skin swells, goes red, and at times becomes raw and blistered. Women should practice good hygiene throughout their periods to reduce their risk of developing reproductive tract infections. Along with that, Urinary tract infections (UTIs) may be brought on by the introduction of germs into the urethra. It can occur anywhere throughout the urinary tract which is extremely harmful. It is also possible for the pH of the vaginal flora to change which may result in an altered environment and a higher risk of developing bacterial vaginosis. The most severe effects occur especially when a woman is trying to get pregnant. Frequent flare-ups of these infections can have long-term effects, including trouble getting pregnant, an increased chance of abortion, and preterm delivery. Consequently, poor menstrual hygiene can have an impact on a woman's reproductive career as a whole.<sup>20</sup>

**4. Pregnancy:** A woman's body undergoes numerous changes throughout pregnancy. During pregnancy, a woman has to look after both the life inside her and herself. This period is also a crucial stage for both the mother and the child where minor negligence can have a dangerous consequence. To prepare the body for the baby's implantation and endanger the pregnancy parental care is very important. In parental care, doctors need to check for anemia and dangerous infections that might endanger pregnancy, health, and the health of an unborn child. Hence, miscarriage is also one of the common incidents that occurs in many women. They must

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<sup>20</sup> Dr. Astha Dayal, 'Why is it important to maintain menstrual hygiene' (*CKB Hospital*, 24 September 2019) <<https://www.ckbhospital.com/blogs/why-is-it-important-to-maintain-menstrual-hygiene/#:~:text=Menstrual%20blood%2C%20when%20released%20from,these%20organisms%20and%20prevents%20infections.>> accessed 10 October 2023

maintain a healthy diet, get regular exercise, and stay away from dangerous toxins like radiation and lead. This improves the health of the fetus and lowers the chance of pregnancy problems. In addition to a physical examination, the doctor will also examine blood pressure, weight, and urine for lab testing.

Postpartum care is equally essential; the phase lasts for 6–8 weeks following the baby's delivery. The mother is going through a lot of physical and emotional transformation as she learns how to care for the baby. A woman requires diet, relaxation, and proper vaginal care throughout the postpartum period. However, in reality, the conditions of pregnant prisoners are very opposite in most of the Bangladeshi prisons. Cause, there are no strict rules and regulations regarding the conditions of a woman's livelihood. Mostly, pregnant prisoners do not get any special treatment or care that a woman needs to have for a healthy mother and child. Especially the women who are pregnant for the first time, they suffer the most, as they do not have much idea regarding the care and precaution. It also has been reported that women give birth alone in prison cells without any professional assistance. Therefore, a number of cases involving the death of infants in prison have triggered the concern.

Marufa Khanom, who has been staying for the longest period of the interview, stated that, in her journey, she has experienced 2 pregnant cases in her block. Where one was expecting the first child and the other one was with the third child. For some physical conditions, the newly expecting mother has to go through a lot of hardship. When she just could not even get up from the bed, on other days she had to do her assigned job so many days. She added that both of the mothers did not go through with any kind of scanning or ultra-sonogram. They both had given birth in prison, during the delivery one of the mothers had lost lots of blood therefore she had been so weak that she was admitted to the hospital.

Every woman deserves to have a safe pregnancy and delivery, irrespective of any conditions since this kind of ill-treatment is a violation of human rights. These types of horrible events not only affect physical harm but also cause long-term psychological suffering.

**5. Menopause:** When a woman has gone 12 months without a menstrual cycle, this is the time when she has reached menopause. Menopause, which signals the end of your reproductive years, is a normal aspect of aging. After menopause, women may be more susceptible to a number of illnesses, numerous variables, including family history, health prior to menopause, and lifestyle choices affect the likelihood of developing any ailment. During this period, hot flashes are sudden, strong feelings of heat that can start in the face, neck, or chest and spread to other parts of the body. They often only last a few minutes and the skin gets red and sweaty, the heart rate may rise, and mood may change in addition to the heat.<sup>21</sup>

A number of menopause-related reasons can bring on depression. Menopause causes several physical changes in the body. Hormone levels are drastically changing and mood swings are possible. Fear and anxiety could also be present at this time. Depression can be caused by a variety of menopausal factors. Menopause involves a number of physiological changes in your body. Hormone levels fluctuate dramatically, and mood swings are possible. Anxiety and fear may also be present at this time.

Murshida Begum is now 49 years old and was in prison from the age of 41 to 47. When she was asked to talk about her experiences, she said that, in her time she often used to get angry and would almost be in a fight, cussing people out, and then just crying without any major issues. She always used to be sad, quiet and depressed even though there was no event of being so. She also recalled that there were so many days she just kept awake since she had a lot of sleeping trouble. However, she never identified that menopause might be the key factor behind those troubles.

The government of the United Kingdom has established standards for the care of women in custody, which include appropriate treatment and support for transitioning through menopause, as well as access to the same level of care as in the community. If a woman suffers from night sweats, she is given access to hormone replacement therapy as well as the option of often changing her sheets. In the US, a third of older women prisoners say they are concerned

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<sup>21</sup> 'When does menopause start? Understanding the symptoms by age' (*Health Partners*)  
<<https://www.healthpartners.com/blog/menopause-symptoms-by-age/>> accessed 10 October 2023

about it. That's why, the necessity for establishing treatment standards in correctional facilities, such as jails and prisons, has been acknowledged by the National Commission on Correctional Health Treatment.<sup>22</sup>

**6. Nutrition:** Women must consume the proper nourishment and eat healthily for that a balanced diet is necessary for adequate nutrition. In every phase of a woman's life, whether it is menstruation, pregnancy, post-pregnancy or menopause- nutrition is the core demand for the body. This is not only for physical needs but also for mental well-being. They might often face difficulties with some mental and behavioral problems due to malnutrition; the most common issues are continuous sadness, aggressive behavior or fatigue. Because of the inherent nature of the prison, a significant number of women prisoners suffer from illnesses including cancer, diabetes, heart disease, high blood pressure, and renal issues. The calorie requirement must correspond to the lifestyle and activities of the prisoners.

All women prisoners need to have their daily calories as carbs, protein, and fats. The amount of grains in each meal should include vegetables, fish, meat and fruit. They should have received larger quantities of salt and sugar, but lower amounts of fiber, vitamin D, and vitamin E, as compared to recommended amounts. This also has a future threatened hence there are numerous events where women have been suffering from malnutrition for a long time and when they are finally released from prison they become unfit for any job. Sometimes nutrition is also responsible for being affected with many diseases as immune cell and antibody development and function can be hampered by malnutrition or a diet deficient in one or more nutrients.

Even though prisoners' nutritional needs have been identified in Bangladesh, they are still not strictly observed despite being told to prepare their meals according to calories and necessities. Most often, they get the least portion of food and that too on exceeding schedule time. The quality is occasionally compromised along with the quantity. Since the food and drinks that

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<sup>22</sup> Angela M. Moe and Kathleen J. Ferraro, 'Malign Neglect or Benign Respect: Women's Health Care in a Carceral Setting' (2003) (14)4 Women & Criminal Justice

people eat significantly influence personal well-being and general health. This is high time; Bangladesh needs to impose strict rules on these important issues.

## **FACTOR RESPONSIBLE FOR THE INCONTINENT SITUATIONS**

In terms of menstruation, pregnancy, mental health, and menopause, prison provides a complicated combination of inequality elements. Women's health issues may be overlooked in countries where prisons are privatized.<sup>23</sup> Several reasons are highly accountable for the impoverished status of women in the prisons of Bangladesh. Some of the major causes have been:

- Conditions in prisons that are less than ideal, including the potential for physical or sexual abuse, solitary confinement, intimidation, and harassment by corrections staff, are a major contributing cause.
- Bangladesh acquired the present prison structure and framework from the British as frontier heritage. Because of this, it still follows the old rules of the British pioneer masters, who lost power in the 1800s. The main goal of the prison system was to keep the inmates in place and keep them under control by using force and rules. The law says that prisoners have certain rights and privileges, but those rights and privileges have not been given to them.
- Since there is inadequate trauma care, restricted access to counseling services and social support conditions. That, in the long run, exaggerated the mental health conditions and it also exacerbated negative health outcomes for female inmates.
- Though some international standards have been provided to improve the right to health of the women imprisoned, Bangladesh's laws regarding women prisoners' rights are not compliant with those standards. The policymakers don't work on embracing the standard of international instruments in our laws to make sure to protect their rights.

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<sup>23</sup> Jessica Bostock, 'Period poverty in prison: an intersectional commentary on the lived experiences of incarcerated women in US prison facilities' (2020) 1(1) ROUTES 2-11  
<<https://routesjournal.org/2020/08/15/r2009/#:~:text=Though%20moreover%20period%20poverty%20is,%20exposure%20stigma%20and%20shame.>> accessed 15 October 2023



- Corruption has become a common incident in all the prisons of Bangladesh. However, there are arrangements and supplies of different kinds of food, clothing, medicine etc. but in reality; those are not reached in their hands due to the misuse of the prison authority.<sup>24</sup> They create artificial insufficiency and turn prisoners' rights and basic needs into rare commodities, which one can buy with cash payment.
- For the current conditions of Bangladeshi prisons, gender demand is also a crucial fact. These guidelines, restrictions, and amenities are not based on gender. Consequently, women are suffering for their natural features and needs. Before implementing any restrictions, the gender factor needs to have been considered. The function should have been avoided if the outcome is not gender-inclusive.

## FINDINGS

Although the Jail Code requires gender-separate medical facilities (Rule 94), this is not the practice case. The hospital at Comilla Central Jail, for instance, offers 73 beds for male inmates but only two for female inmates who have been convicted or are awaiting trial. This is a matter of concern and regret. There is a claim that pregnant women are not receiving the frequent medical checkups that are recommended for them at least twice a month, despite the fact that they are required to do so.<sup>25</sup>

A focus on physical and psychological care, rehabilitation, comprehensive health-related planning and effective case management may positively influence health outcomes and ultimately lead to a decrease in the sufferer of female prison populations and lower rates of recidivism. Moreover, as this confinement is a legal punishment that may be imposed by the judicial authority for the commission of a crime, going through this procedure is very hard to carry out, especially mentally.

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<sup>24</sup> Nelufer Yesmen, 'The State of Prison in Bangladesh: Disparities Between Law and Practices' (2022) 6(1) Science, Technology & Public Policy 23-28

<sup>25</sup> Pushpa Fariya, 'Prison System Of Bangladesh' ACADEMIA

<[https://www.academia.edu/11653887/Prison\\_System\\_Of\\_Bangladesh](https://www.academia.edu/11653887/Prison_System_Of_Bangladesh)> accessed 17 October 2023

The vast majority of inmates are economically disadvantaged and lack adequate work experience and formal education. For some inmates, entering prison marks the beginning of a stable, well-nourished life that offers them a chance to lessen their risk of future health problems and social exclusion. Inequalities in health status can be mitigated with the use of prison health services.

The most important internal reasons continue to be overcrowding and the associated difficulties with health and sanitation that come along with it. In the vast majority of Bangladesh's jails, the number of inmates far exceeds the facility's real capability for housing that population. This overpopulation contributes to other human rights concerns, such as the unsanitary climate within the prison, the absence of medical facilities, and inadequate ventilation. Almost all prisoners suffer from malnutrition the inadequate quantity of food being the reason. The overall condition harms the health and hygiene of the prisoners.<sup>26</sup>

There needs to be a permanent person who will be responsible for providing information to pregnant women who are expected to give birth in custody. In a program all the expecting mothers will receive services as a result they will have better knowledge of mothers and childcare.

## RECOMMENDATIONS

The treatment of women convicts has to improve right now since no prison system should be harsh, cruel, or violent. This is the place for rehabilitation so that they can be an asset to society and productively contribute more. That's why there is a need to be extra cautious regarding the environment and the treatment.

**1. Hygienic Food and Water Facilities:** The food should be maintained at a hygienic level that will serve the prisoners also the manner of serving food as well as the atmosphere of having meals should be better. Along with that, the quality of drinking water should be improved, as

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<sup>26</sup> 'Vol. 5 Num 17 Sports' (*The Daily Star*, 13 June 2004)  
<<https://archive.thedailystar.net/2004/06/13/d40613040134.htm>> accessed 17 October 2023

safe water is crucial to human health and well-being. Unhygienic water also might be responsible for various diseases such as cholera, diarrhea, dysentery, hepatitis A and typhoid.

**2. Available Medical Treatment:** The medical facilities at Bangladesh's correctional institutions need to be upgraded and there should be a greater number of doctors available. Additionally, there should always be at least one female doctor on duty in each and every female facility. There should always be one doctor trained to treat emergencies on duty in the emergency room. It is necessary to have both male and female nurses working in the male and female sectors of the healthcare industry, respectively. Additionally, people and facilities for pathological, radiological, and cardiovascular medicine should be made available in prison hospitals for providing emergency care.

**3. Involvement of Psychiatrists:** The sector of psychiatrists should be prioritized in each prison hospital. There is an immediate need for an epidemiological investigation to determine the level of mental illness that is prevalent in Bangladesh's correctional facilities. This should make use of screening tools that are both suitable for use in a cultural context and clinically shown to be effective in penal institutions. The Health Service may take over responsibility for providing mental healthcare if the Department of Corrections decides to pursue this option. Improvements must be made to guarantee that the human rights of incarcerated individuals suffering from mental illness are appropriately protected. Because of this, it may be necessary to make changes to the existing mental health and criminal legislation to conform to applicable international standards. Some examples of these standards include those established by the World Psychiatric Association and the 'Nelson Mandela Rules' established by the United Nations.<sup>27</sup>

**4. Upgrade Sanitation:** It is recommended that the number of people using a single toilet should be reduced, unless it is necessary for women to easily get several illnesses, particularly urinary tract infections (UTIs), salmonella, and nor viruses. The provision of sanitation facilities and services, including the safe disposal of human urine and feces, as well as the maintenance of hygienic conditions through the provision of services such as rubbish collection and the disposal

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<sup>27</sup> Andrew Forrester and Mary Piper, 'The WPA's prison health position statement and curriculum' (2020) 19(1) World Psychiatry 125 <<https://doi.org/10.1002%2Fwps.20711>> accessed 20 October 2023

of wastewater. When people pee or defecate, people should be able to do so in a setting that is safe, secure and maintains their dignity. The overarching goal of proper sanitation is to provide a healthy living environment for everyone, to safeguard natural resources such as surface water, groundwater, and soil, and to do it with dignity. Women in jail should be provided with all of the necessary amenities during their menstrual cycles so that they can maintain their comfort. For good menstrual health practices sanitary pads, tampons, and menstrual cups should be provided free and in particular a good diet chart should be included so that they can fight against deficiency and stay fit.

**5. Health Awareness Programs:** A large number of women prisoners are unaware of the concept of human rights, healthy life and basic hygiene until they are conscious a healthy environment will not be created. To fulfill a healthy environment women need to know about hygiene, nutrition, and diet during the menstruation and pregnancy period that's why various kinds of seminars, workshops and meetings should be arranged by the authorities. To prevent the serious diseases of STDs, HIV, and breast cancer is highly required. Along with the women prisoners, all the staff relating to prison should have an idea regarding those basic health issues, so that they can give their best performance in the development of a healthy life for women prisoners.

**6. Strong Implementation Mechanism:** Having international and national documents will not improve the quality of life of women prisoners; there should be proper implementation which is very poor in Bangladesh. Though there are domestic laws relating to the rights of prisoners, those laws are not gender friendly at all as they do not prioritize the special needs of women. In accordance with the applicable rules, the entity in charge of running the prisons shall ensure that women are afforded the same level of special protection as men. In addition, the government should take some bold steps to create an efficient and speedy framework for execution in order to guarantee women's rights while they are incarcerated. This would allow for the establishment of specialized provisions or committees.

**7. Legal Aid Service:** The legal aid service should be increased for prisoners, especially for women prisoners, who are not well educated and don't have knowledge about their legal rights.

Some more NGOs and organizations who provide legal aid services in order to defend and promote the rights of prisoners. Moreover, women prisoners should be allowed to send their complaints directly to the Ministry of Home Affairs against the prison officials, in order to stop security violations inside prisons.

## **CONCLUSION**

It is evident that, in Bangladesh prisons violence is common where the poor supervisory authority is the main reason for this violence. By not neglecting the needs of the women they should have provided the facilities and acted immediately in response to the incidents of deprivation and violence. Women have unique needs, different strengths and roles, those special features complete a woman and make them special. When women are already passing a vulnerable period in prison, no women should go through these types of uncomfortable and difficulties. Since they are in prison it does not mean that human rights will be taken away, even in these situations it has to be ensured that they can properly enjoy their womanhood. In the end, a woman should have all the opportunities based on their demand and convenience, not by any common rules and regulations.