The human cost

BY R A B IYA J A V E R I A G H A | 2/2/2020

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| THE way a country treats its prisoners says a lot about its values. Nelson Mandela, who was incarcerated for 27 years for opposing apartheid, once said: `A nation should not be judged by how it treats its highest citizens, but its lowest ones.` A prison sentence constitutes only the deprivation of a person`s right to liberty, not the restriction of other inherent rights. So, how does Pakistan f are with regards to its prisoners? Pursuant to the directions of the Islamabad High Court in the case of Khadim Hussain vs the Federation of Pakistan, the Commission on Jail Reforms was notified last year under the Ministry of Human Rights to investigate prison conditions and suggest reforms. Hussain, currently imprisoned at Adiala Jail, had filed the writ petition after his vision became impaired allegedly due to the negligence of prison authorities.  The commission`s report, based on extensive research and data of all prisons solicited through its members, paints a dismal picture dominated by issues of overcrowding.  Seventy-seven thousand inmates are forced to live in prisons built to house only 56,000 individuals. Khyber Pakhtunkhwa has it worst: 9,900 inmates are housed against a maximum capacity of 4,500 persons.  Overcrowding leads to massive challenges in prison management. Instead of prisoners being screened and separated, they are simply placed where space is available. They are often not divided into highor low-risk categories, and do not have sufficient access to purposeful activity or healthcare. Overcrowding also results in shortage of resources such as medical staff and equipment, or transport for the sick.  Moreover, overcrowding exacerbates the scourge of disease and chronic illnesses, with around 5,200 inmates suf fering serious ailments. Of these, 35 per cent are hepatitis patients while 425 have HIV. In many instances, they have to suffer for months before receiving medical relief. In Balochistan, for example, prison authorities said there are only four ambulances for the whole province. In Sindh, 200 prisoners are unable to receive medical assistance due to lack of ambulances in prisons across the province. In Punjab, four inmates sent for medical check-ups to Adiala have been languishing there for six months because there are insufficient arrangements to take them back to their own prisons.  For those who are disabled, whether prior to or during incarceration, thereislittle provision for assistive aid and support. Abdul Basit, a former college administrator, contracted tubercular meningitis in Faisalabad jail and, as a result, has been paralysed from the waist down since 2010. He lies onthe floor of the jail with a colostomy bag awaiting execution, which has thrice been put off because it is near impossible to hang a man who cannot even stand. Hanging Basit would not only be a violation of his dignity but also of Articles 7 and 14 of the International Covenant on Civil and Political Rights that condemns inhumane and degrading treatment of any prisoner.  Mental health is another pressing concern, with 2,786 prisoners suffering from some sort of mental illness. Access to mental healthcare and psychiatric staff, however, is generally unavailable. Sindh and Balochistan have no psychiatrists, while 56 posts of psychologists lie vacant in Punjab.  Of the sanctioned posts of medical officers, 45 lie vacant in Punjab, 37 in Sindh, 19 in KP, and seven in Balochistan.  For a prison system to be f air and humane, international standards need to be developed to protect the rights of prisoners. And the end goal of jail time must be to prepare individuals for life after release. At the global level, the international standard fortreatment of prisoners is called the Mandela Rules.  For this purpose, the report includes a comparison between Mandela Rules and the Pakistan Prison Rules in order to identify gaps and proposechanges. These recommendations include immediate filling of vacant posts, reduction in overcrowding by releasing model prisoners on probation, parole and remissions, external audits of prisons, digitisation of data, creating SOPs to quicken the approval process for transfer of ill prisoners, and encouraging judicial visits for granting bail and other relief to deserving prisoners.  The commission has now been re-notified as the Commission for Implementation of Jail Reform. A strong commitment by all stakeholders, national and provincial, is now essential to ensure that Pakistan honours its Constitution and international obligations.  When not directly affected, it is easy to forget what life must be like behind bars: the sweltering heat, the biting cold, the excruciatingly cramped prison cells. Our humanity and faith, however, dictate the need to empathise that another`s misfortune may well be one`s own. As an example, we have only to look at our Prophet (PBUH), who always treated prisoners with kindness and compassion.  The writer is secretary, Ministry of Human Rights. |  |