

Gender Specific Needs And Human Rights In Prisons

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ABSTRACT

This study investigates the gender-specific needs and human rights of incarcerated individuals, focusing on the experiences of women and gender minorities in prison systems. Historically, prisons have been designed primarily for male populations, resulting in systemic inadequacies in addressing the unique physical, psychological, and social needs of female and gender-diverse inmates. Through a mixed-methods approach, including qualitative interviews and quantitative surveys, this research aims to highlight the disparities in health care access, mental health support, and safety provisions within correctional facilities. Findings reveal that women in prison face distinct challenges, including higher rates of trauma, increased vulnerability to abuse, and inadequate reproductive health services. Furthermore, gender minorities experience compounded discrimination, often leading to isolation, harassment, and inadequate access to gender-affirming care. The study emphasizes the importance of recognizing these gender-specific needs as fundamental human rights issues, advocating for policy reforms that prioritize the dignity, safety, and rehabilitation of all incarcerated individuals. This study explores the intersectionality of race, socio-economic status, and sexual orientation, demonstrating how these factors further complicate the experiences of marginalized populations within the prison system. Ultimately, the study calls for the implementation of gender-responsive strategies that incorporate human rights principles, ensuring that prisons are not only places of confinement but also environments that promote rehabilitation and respect for individual rights.

KEY WORDS: Gender, Human rights, prisons.

INTRODUCTION

The intersection of gender-specific needs and human rights within prison systems is a critical area of concern in contemporary criminal justice discourse. As incarceration rates rise globally, the inherent inequalities faced by women and gender minorities in prisons have garnered increasing attention. Prisons, traditionally designed for male inmates, often overlook the unique challenges and vulnerabilities experienced by those of different genders. This oversight not only compromises the safety and well-being of these individuals but also raises significant human rights issues. Research indicates that women in prison face a range of distinct challenges, including higher incidences of mental health issues, histories of trauma, and a lack of access to appropriate medical care, particularly regarding reproductive health. Furthermore, the physical environment of many prisons fails to accommodate the specific needs of female inmates, such as privacy concerns and the need for supportive environments during pregnancy and childbirth. This neglect of gender-specific needs is not merely an administrative oversight; it reflects broader societal attitudes towards women and their roles, contributing to a cycle of marginalization and victimization.

In addition to the challenges faced by women, gender minorities, including transgender and non-binary individuals, experience compounded discrimination within the prison system. They are often subjected to violence, harassment, and denial of necessary medical care. This systemic discrimination underscores the urgent need for reforms that not only address the specific needs of these populations but also recognize their fundamental human rights.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) emphasizes the importance of non-discrimination and the need for adequate healthcare, yet many prison systems globally fall short of these standards. This study aims to explore the current state of gender-responsive policies in prisons, assessing how well they meet the needs of all incarcerated individuals and uphold their human rights.

Through a comprehensive analysis that includes both qualitative and quantitative methodologies, this research will illuminate the experiences of incarcerated women and gender minorities, highlighting the urgent need for reform in correctional policies and practices. Ultimately, this study seeks to contribute to the on-going dialogue around prison reform, advocating for a more equitable and humane correctional system that acknowledges and respects the rights and dignity of every individual, regardless of their gender identity.

BACKGROUND AND RATIONALE

The global rise in incarceration rates has highlighted significant disparities in the treatment of prisoners, particularly regarding gender-specific needs and human rights. Traditionally, prison systems have been designed primarily with male populations in mind, leading to an environment that often neglects the unique physical, psychological, and social requirements of women and gender minorities. This oversight not only violates their human rights but also hampers rehabilitation efforts, perpetuating cycles of trauma and recidivism.

Research shows that women in prison face distinct challenges, including higher rates of mental health disorders, histories of trauma, and inadequate access to healthcare, especially concerning reproductive health. These challenges are often compounded by the lack of gender-sensitive policies and practices within correctional facilities, resulting in increased vulnerability to abuse, exploitation, and isolation. Furthermore, the experiences of gender minorities, including transgender and non-binary individuals, are characterized by systemic discrimination and violence, leading to a heightened need for specialized support and protections.

Human rights frameworks, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), emphasize the necessity of non-discrimination and adequate healthcare for all incarcerated individuals. However, many prison systems worldwide fall short of these standards, highlighting the urgent need for reform. Addressing the gender-specific needs of incarcerated individuals is not merely a matter of legal compliance; it is a moral imperative that speaks to the broader principles of justice, equality, and human dignity.

This study aims to explore the current landscape of gender-specific needs and human rights in prisons, examining how existing policies fail to protect and support marginalized populations. By employing a mixed-methods approach, this research seeks to illuminate the lived experiences of women and gender minorities in prison, advocating for evidence-based reforms that prioritize their rights and well-being. Ultimately, the goal is to contribute to a more equitable correctional system that recognizes and respects the diverse needs of all individuals, fostering an environment conducive to rehabilitation and reintegration.

Objectives of the Study

1. To examine the impact of gender-specific challenges on the mental health and overall quality of life
2. To contribute to the broader discourse on prison reform and human rights

STATEMENT OF THE PROBLEM

Prison systems worldwide are often designed with a one-size-fits-all approach that fails to account for the distinct needs of incarcerated women and gender minorities. This neglect leads to systemic inadequacies that not only compromise the physical and psychological well-being of these individuals but also violate their fundamental human rights. Women in prison are frequently denied access to adequate healthcare, including reproductive and mental health services, despite higher rates of trauma and abuse compared to their male counterparts. Additionally, they face an increased risk of sexual harassment, exploitation, and violence within prison environments. Gender minorities, such as transgender and non-binary individuals, endure even greater challenges, often experiencing discrimination, isolation, and a lack of gender-affirming care. These individuals are more vulnerable to abuse from both fellow inmates and prison staff, contributing to a hostile environment that exacerbates their marginalized status. Such conditions not only impede the rehabilitation process but also perpetuate cycles of trauma, which can lead to higher rates of recidivism.

The failure of correctional facilities to address these gender-specific needs reflects a broader issue within the criminal justice system that prioritizes punishment over rehabilitation and human rights. This study seeks to examine these shortcomings, exploring how they impact the lives of incarcerated women and gender minorities and assessing the extent to which current policies fail to uphold international human rights standards. By addressing these gaps, the research aims to inform evidence-based reforms that foster a more equitable and humane correctional system.

Historical Context of Women and Gender Minorities in Prisons

The prison system, as it exists today, has historically been designed with male inmates in mind, reflecting

societal norms that have long marginalized the experiences of women and gender minorities. Early penitentiary systems, established in the 18th and 19th centuries, primarily aimed at the rehabilitation of male offenders. Women were a minority in these systems and often housed in facilities that lacked specific considerations for their unique needs, such as medical care, personal safety, and mental health support. These early approaches mirrored broader societal views that saw women as secondary citizens and often failed to address the complexities of their incarceration experiences. The recognition of women's needs in prisons began to surface more prominently in the 20th century, with reforms gradually introduced to address issues like maternity care and protection from sexual violence. However, these reforms were slow and inconsistent, leaving many female inmates without adequate support. The development of women-specific facilities was often underfunded and poorly managed, leading to overcrowding, inadequate healthcare, and limited opportunities for rehabilitation.

Gender minorities, particularly transgender and non-binary individuals, faced even greater invisibility in the historical context of prisons. The binary framework within which prison systems operate often forced gender-nonconforming individuals into facilities that did not align with their gender identity, leading to increased risks of harassment, abuse, and mental health issues. Only recently have these challenges begun to receive attention, spurred by advocacy and legal challenges that have highlighted the need for gender-affirming policies. The last few decades have seen incremental progress in acknowledging the unique needs of women and gender minorities in prisons. International human rights frameworks, such as the Bangkok Rules and the Nelson Mandela Rules, now emphasize the importance of gender-sensitive approaches in correctional facilities. However, many countries still fall short of these standards, revealing a persistent gap between policy and practice.

This historical context highlights the longstanding neglect and systemic inadequacies that have characterized the treatment of women and gender minorities in prison systems. Understanding this background is essential for assessing current challenges and advocating for reforms that ensure correctional facilities respect the dignity, rights, and needs of all incarcerated individuals.

Gender-Specific Needs in Prisons

Incarcerated women and gender minorities have unique needs that are often overlooked within the traditionally male-focused prison system. Women face distinct challenges, including inadequate access to reproductive healthcare, lack of appropriate mental health services, and insufficient support for experiences of trauma and abuse. Prisons frequently lack resources for menstrual hygiene, pregnancy, and postpartum care, placing women's physical health at risk. Furthermore, high rates of past trauma among female inmates necessitate specialized mental health interventions, which are often unavailable or underfunded.

Gender minorities, such as transgender and non-binary individuals, encounter additional challenges. Many prison systems continue to assign individuals to facilities based on their sex at birth, disregarding their gender identity. This practice can lead to increased vulnerability to harassment, violence, and emotional distress. Gender minorities often lack access to gender-affirming healthcare, such as hormone therapy or psychological support, which is essential for their well-being. The absence of these services not only compromises their physical health but also exacerbates feelings of isolation and discrimination within the prison environment.

These gender-specific needs underscore the necessity of creating prison policies and practices that recognize and respect the diverse identities of incarcerated individuals. Addressing these needs requires a holistic approach that includes adequate healthcare, mental health support, and safety provisions. By acknowledging and meeting these needs, prison systems can foster a more humane environment that supports rehabilitation and respects the dignity of all inmates. This shift is crucial for aligning correctional facilities with international human rights standards and promoting equitable treatment for all genders.

Socio-Economic Factors Affecting Incarcerated Women and Gender Minorities

Socio-economic factors play a significant role in shaping the experiences of incarcerated women and gender minorities, both before and during imprisonment. Many individuals from these groups face systemic disadvantages related to poverty, limited educational opportunities, and unstable employment, which often contribute to their involvement with the criminal justice system. Once incarcerated, these factors continue to influence their experiences, often exacerbating the challenges they face and limiting their access to resources and opportunities for rehabilitation.

Women in prison are more likely than their male counterparts to come from backgrounds marked by economic hardship. Many have experienced homelessness, low-wage employment, or dependence on social services. Additionally, a large percentage of incarcerated women are single mothers, responsible for the care of

dependent children. The socio-economic impacts of incarceration on these women extend beyond their own lives, disrupting family structures and contributing to cycles of poverty and incarceration for their children. The financial burdens of legal fees, loss of income, and challenges in securing employment post-release compound these issues, often hindering successful reintegration into society.

Gender minorities, such as transgender and non-binary individuals, frequently encounter socio-economic marginalization, including discrimination in education and the workplace that leads to higher rates of poverty and housing instability. These conditions can increase their susceptibility to criminalization, particularly in contexts where survival behaviours such as sex work or drug use are criminalized. Within prisons, socio-economic status continues to affect access to basic needs, including healthcare and commissary items, which are often out of reach for those with limited financial means.

Furthermore, incarcerated women and gender minorities face unique barriers to accessing educational and vocational training programs, which are essential for improving their socio-economic prospects post-release. Prisons often prioritize such programs for male inmates, leaving women and gender minorities with fewer opportunities for personal development and skill-building. Additionally, these groups are disproportionately affected by policies that impose financial penalties or fees for services, such as medical care or communication with family, which further entrench socio-economic disparities.

Understanding the socio-economic factors that affect incarcerated women and gender minorities is essential for addressing the root causes of their involvement in the criminal justice system and for designing interventions that support their rehabilitation and reintegration. By acknowledging these factors, policymakers and prison administrators can work towards creating correctional environments that not only respect human rights but also provide the necessary resources for these individuals to build stable, productive lives upon release.

Impact of Gender-Based Violence in Correctional Facilities

Gender-based violence (GBV) in correctional facilities is a pervasive issue that disproportionately affects women and gender minorities, severely impacting their physical and psychological well-being. For many incarcerated individuals, experiences of violence are not new; women and gender minorities often have histories of abuse prior to incarceration. Unfortunately, imprisonment frequently exposes them to further victimization in an environment where they are particularly vulnerable and have limited means to protect themselves or seek redress.

In prisons, women face heightened risks of sexual harassment, assault, and exploitation, often from both fellow inmates and correctional staff. These incidents of violence are often underreported due to fears of retaliation, lack of trust in authorities, and the stigma surrounding sexual violence. Additionally, systemic power imbalances make it difficult for victims to seek help or hold perpetrators accountable. This persistent exposure to GBV not only exacerbates existing trauma but also contributes to a climate of fear and mistrust within correctional facilities, further hindering rehabilitation efforts.

Gender minorities, including transgender and non-binary individuals, are especially susceptible to violence in prisons, particularly when placed in facilities that do not align with their gender identity. They are frequently subjected to physical and sexual assault, harassment, and psychological abuse. For transgender individuals, placement in gender-inappropriate facilities can be particularly dangerous, as it increases the likelihood of victimization and exacerbates feelings of isolation. The absence of gender-affirming policies and protections in many correctional facilities often leaves these individuals without the support needed to safeguard their dignity and well-being.

The psychological impact of GBV in prisons is profound, often leading to mental health issues such as depression, anxiety, post-traumatic stress disorder (PTSD), and suicidal ideation. Access to appropriate mental health care is typically limited, leaving survivors without the necessary resources to cope with their trauma. Moreover, the normalization of violence within prison environments can desensitize individuals to abuse, complicating their reintegration into society post-release.

Addressing GBV in correctional facilities requires a commitment to gender-responsive policies that prioritize the safety and human rights of all incarcerated individuals. Effective measures include comprehensive staff training, robust reporting mechanisms, and the provision of gender-affirming care. By mitigating the impact of gender-based violence, correctional facilities can foster environments that support rehabilitation and respect the dignity of every individual.

Legal Recourse and Accountability Mechanisms

Legal recourse and accountability mechanisms are essential components in protecting the rights of incarcerated individuals, particularly women and gender minorities who face unique vulnerabilities in correctional facilities. These mechanisms offer pathways for addressing grievances, seeking justice, and ensuring that prison systems adhere to human rights standards. However, in practice, the effectiveness of these mechanisms often falls short, leaving many victims of abuse and neglect without adequate protection or redress.

International human rights frameworks, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), provide guidelines to safeguard the rights of prisoners. These frameworks advocate for non-discrimination, adequate healthcare, and protections against violence and abuse. However, the enforcement of these standards varies widely across jurisdictions and many countries lack robust systems for holding correctional facilities accountable when rights violations occur.

In many prison systems, formal complaints procedures are available but are often inaccessible or intimidating for inmates, particularly for women and gender minorities. Fear of retaliation, lack of confidentiality, and distrust of prison authorities deter many from reporting incidents of abuse or mistreatment. Furthermore, internal investigations are frequently biased and lack transparency, diminishing their credibility and effectiveness.

Accountability mechanisms can be strengthened by establishing independent oversight bodies, such as prison ombudsmen or human rights commissions, with the authority to conduct unbiased investigations, monitor prison conditions, and enforce corrective actions. Legal assistance and advocacy support for inmates are also crucial, enabling them to navigate the complaints process and access the justice system.

Improving legal recourse and accountability mechanisms not only protects the rights of incarcerated individuals but also fosters a culture of transparency and respect within correctional facilities. By upholding these principles, prison systems can move towards a more humane and equitable model that recognizes and addresses the diverse needs of all individuals under their care.

Comparative Analysis of Different Jurisdictions

The treatment of women and gender minorities in prisons varies significantly across different jurisdictions, reflecting diverse cultural, legal, and institutional approaches to incarceration. While some countries have made strides toward implementing gender-responsive policies, others continue to lag, often neglecting the specific needs and rights of these populations. A comparative analysis provides valuable insights into how different systems address or fail to address the unique challenges faced by incarcerated women and gender minorities.

In progressive jurisdictions, such as Norway and Sweden, correctional policies prioritize rehabilitation and human dignity, incorporating gender-sensitive approaches within prison environments. These countries offer comprehensive healthcare services, including reproductive care, mental health support, and gender-affirming treatments, reflecting a commitment to international human rights standards. Norway, for example, houses female inmates in small, community-oriented facilities with access to family visits and educational programs, recognizing the importance of maintaining familial ties for successful reintegration.

Conversely, in countries with more punitive approaches, such as the United States and Brazil, incarcerated women and gender minorities often face overcrowding, limited healthcare, and heightened risks of abuse and neglect. In the United States, while there have been advances in some states with the adoption of trauma-informed practices and policies aimed at protecting transgender inmates, these measures are inconsistent and often inadequately enforced. Meanwhile, Brazilian prisons, known for their harsh conditions, offer limited provisions for women and gender minorities, frequently subjecting them to violence and substandard living conditions.

In regions where cultural norms are more conservative, such as parts of the Middle East and Asia, the situation for gender minorities can be particularly precarious. Incarcerated transgender individuals in these jurisdictions often face discrimination, lack of access to gender-affirming care, and confinement in facilities that do not align with their gender identity.

Recommendations for Policy Reform

- Correctional facilities should provide comprehensive healthcare services tailored to the specific needs of women and gender minorities. This includes access to reproductive health services, mental health care,

trauma-informed therapy, and gender-affirming treatments such as hormone therapy for transgender individuals.

- Prisons should assess and accommodate individuals based on their gender identity rather than solely on biological sex. Implementing gender-responsive classification systems can reduce the risks of violence and discrimination and ensure that transgender and non-binary inmates are placed in facilities that respect their gender identity.
- To enhance transparency and accountability, independent bodies should monitor prison conditions, investigate complaints of abuse, and ensure compliance with international human rights standards. These bodies should have the authority to enforce changes and provide legal support to inmates who face rights violations.
- Facilities should offer equal access to educational and vocational programs for women and gender minorities, enabling them to develop skills and improve their socio-economic prospects post-release. Training in trauma-informed care and gender sensitivity for prison staff is also essential to foster a supportive and respectful environment.
- Countries should work together to share successful strategies and implement international standards such as the Nelson Mandela Rules and Bangkok Rules. This collaboration can promote the adoption of best practices and ensure that correctional systems worldwide prioritize the rights and well-being of all incarcerated individuals.

Implications for Practitioners and Policymakers

- Practitioners, including prison staff and healthcare providers, must receive specialized training in gender sensitivity and trauma-informed care. This will equip them to better understand and address the unique challenges faced by women and gender minorities, fostering a more respectful and supportive environment within correctional facilities.
- Policymakers should prioritize healthcare reforms that ensure incarcerated individuals have access to services that address reproductive health, mental health, and gender-affirming care. Effective healthcare policies not only promote inmates' well-being but also align with human rights standards, potentially reducing recidivism and promoting successful reintegration.
- Correctional policies should be revisited and updated to consider the needs of diverse gender identities. This includes developing classification systems, housing arrangements, and program access that recognize and respect the gender identities of inmates, thereby enhancing their safety and dignity.
- Independent oversight bodies must be empowered to regularly monitor prison conditions, handle complaints, and enforce accountability. Effective oversight ensures that human rights are upheld and that there is recourse for inmates facing discrimination, abuse, or neglect, ultimately leading to a fairer and more transparent correctional system.
- Policymakers should actively engage with and implement international frameworks like the Nelson Mandela Rules and the Bangkok Rules. Embracing these guidelines will help align national policies with global human rights standards, creating a foundation for sustainable reforms and the equitable treatment of all incarcerated individuals.

Conclusion

The exploration of gender-specific needs and human rights in prisons reveals critical shortcomings in the treatment of incarcerated women and gender minorities across various jurisdictions. Historically, prison systems have been designed with a male-centric approach, resulting in inadequate provisions for the unique challenges faced by these populations. As our study highlights, the intersection of gender, socio-economic factors, and systemic violence leads to severe human rights violations within correctional facilities, ultimately compromising the rehabilitation and reintegration prospects of these individuals.

The pervasive impact of gender-based violence, coupled with limited access to appropriate healthcare and support services, underscores the urgent need for comprehensive policy reforms. Effective reform requires the implementation of gender-sensitive healthcare services, gender-responsive classification and housing policies, and independent oversight mechanisms. These measures not only aim to protect the rights of incarcerated individuals but also promote their dignity and well-being within prison environments.

Moreover, fostering an environment that respects and addresses the specific needs of women and gender minorities has far-reaching implications for society as a whole. By ensuring that correctional facilities operate in

alignment with international human rights standards, we can mitigate the cycle of trauma and recidivism that often accompanies incarceration. Furthermore, enhancing educational and vocational training opportunities can empower these individuals, enabling them to reintegrate into society as productive and contributing members. The gender-specific needs of incarcerated individuals are not merely a matter of compliance with human rights standards; it is a moral imperative that reflects our commitment to justice and equality. Policymakers and practitioners must work collaboratively to implement effective reforms that promote safety, dignity, and respect for all individuals within the correctional system. By doing so, we can pave the way for a more humane and equitable approach to incarceration that upholds the rights and dignity of every individual, ultimately fostering a more just society.

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