
Constitution Watchdog

Accountability Watch Series

Children Living in Bangladesh's Prisons: What the State Knows, What the Public Doesn't, and Why That Gap Matters

Prepared by

Research Division,
Constitution Watchdog (CW)

Reference: CW/AW/2026/004

Report Period: June 2026 | Publication Date: 29 June 2026

Classification: Public Policy Document

Authorised by:

Md. Ibrahim Khalilullah
President, Constitution Watchdog (CW)
president@constitutionwatchdog.org

CONSTITUTION WATCHDOG | ACCOUNTABILITY WATCH SERIES

Published by:

Research Division, Constitution Watchdog (CW)

www.constitutionwatchdog.org | team@constitutionwatchdog.org

DOI: 10.5281/zenodo.21011433

Suggested Citation: Research Division, Constitution Watchdog. (2026). Children Living in Bangladesh's Prisons: What the State Knows, What the Public Doesn't, and Why That Gap Matters. (Report no: CW/AW/2026/004). doi: 10.5281/zenodo.21011433

© 2026 Constitution Watchdog. All rights reserved.

REPRODUCTION AND DISTRIBUTION

No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means - electronic, mechanical, photocopying, recording, or otherwise - without the prior written permission of the publisher, except for brief quotations embodied in critical reviews and certain other noncommercial uses permitted by copyright law.

DISCLAIMER

This report has been prepared by Constitution Watchdog (CW) as an independent legal-policy document for research, advocacy, and public policy discussion. The findings, analysis, and recommendations are based on laws, official data, institutional materials, and published research available and verifiable as of 29 June 2026.

This report does not constitute case-specific legal advice, judicial opinion, or government policy. It is intended to support informed discussion on child protection in Bangladesh.

Large language model systems were used as editorial and drafting-support tools for language refinement, structural organisation, and consistency review. All legal analysis, source selection, factual verification, recommendations, and final editorial decisions remain the responsibility of Constitution Watchdog.

This report has been internally reviewed by Constitution Watchdog editorial and research team prior to publication.

Contents

Executive Summary.....	4
Background.....	4
Publicly Verifiable Facts and Reported Official Data.....	5
What Is Known, and How.....	6
What Remains Unknown.....	6
Constitutional and Legal Context.....	6
International Standards.....	7
Institutional Accountability Assessment.....	7
Key Accountability Questions.....	7
Conclusion.....	7

Executive Summary

On 15 June 2026, the High Court directed prison authorities to submit, within two months, a detailed report on the number and ages of children living with their mothers in prisons nationwide, and issued a parallel rule asking why directions should not be given to ensure their welfare, security and living conditions.¹

The accountability failure here is not that no data exists. A fairly detailed figure, including a national total, a sex breakdown, and a division-wise breakdown, has been reported from Department of Prisons records. The accountability gap is that this figure appears in public through news reporting, not through a routinely published, citable, official dataset maintained by the Department of Prisons. That distinction, not the existence or non-existence of numbers, is this report's central finding.

Background

The petition was filed on 9 June 2026 by Supreme Court lawyer Quamrun Nahar Mahmud Deepa, attaching a national newspaper report titled "Endangered Childhood in Prisons."² A bench comprising Justice Khizir Ahmed Choudhury and Justice Md Ziaul Haque heard Writ Petition No. 7367 of 2026, Quamrun Nahar Mahmud v. Government of Bangladesh and others, and directed the home secretary, law secretary, social welfare secretary and Inspector General of Prisons to respond to the rule.³

A narrower, related case reached the courts in December 2023, after media reports of a baby living in a condemned cell at Habiganj District Jail with a death-row mother, prompting a child-rights coalition to seek regulation of that specific category of confinement.⁴ The 2026 petition is distinct in seeking a nationwide accounting rather than a response to one incident.

1. *The Business Standard*, "High Court seeks data on children staying with mothers in prisons," 15 June 2026. <https://www.tbsnews.net/bangladesh/court/high-court-seeks-data-children-staying-mothers-prisons-1463721>

2. *ibid*

3. *Supreme Court of Bangladesh, High Court Division Cause List, Bijoy 71 Building, Court No. 14, 15 June 2026, Item No. 7, In re: Writ Petition No. 7367 of 2026, Quamrun Nahar Mahmud v. Government of Bangladesh and others, result recorded as "Rule and direction,"* https://www.supremecourt.gov.bd/web/?page=cause_list.php&menu=00&div_id=2&court_id=99&date1=15/06/2026&bench_id=10067

4. *Dhaka Tribune*, "CRAC highlights plight of children in prisons with their mothers, urges action," January 2024. <https://www.dhakatribune.com/bangladesh/337425/crac-highlights-plight-of-children-in-prisons-with>

Publicly Verifiable Facts and Reported Official Data

The 2026 court order: Confirmed above; the IGP's report is due by mid-August 2026.

The legal basis for children staying with mothers: Court papers cited in the petition reference Rule 957 of the Bangladesh Jail Code, under which women in custody may keep children with them until age four, extendable to six at the prison authority's discretion, after which children are handed to relatives or, failing that, to government childcare institutions through the Department of Social Services.⁵

The reported 2026 Department of Prisons figure: The reported 2026 Department of Prisons figure: As of 26 April 2026, 299 children, 153 girls and 146 boys, were living with mothers across 74 central and district jails. The reported child-specific figure refers to 74 central and district jails as of 26 April 2026. A later parliamentary statement on 17 June 2026 referred to 75 prisons nationally as of 7 June 2026. This report treats the two figures separately because they refer to different reporting dates and contexts. The reported division-wise breakdown was Dhaka 100, Chattogram 90, Rajshahi 25, Rangpur 25, Khulna 20, Sylhet 19, Mymensingh 13 and Barishal 4, which together total 296, three short of the cited national figure, a minor discrepancy this report could not resolve from the original reporting. The single largest concentration was Kashimpur Central Female Jail in Gazipur, with 51 children, 27 girls and 24 boys, as of 4 May. This is the most current and detailed figure located for this report, but it remains available in the public record through news reporting rather than through a standalone official publication, press release, or dataset.⁶

The 2023 CRAC figure: A child-rights coalition separately reported approximately 304 children across 68 prisons in December 2023, an older, non-government estimate broadly consistent in scale with the 2026 figure.⁷

5. *Bangladesh Jail Code, Rule 957, archived copy hosted by Constitution Watchdog, accessed 29 June 2026.*

6. *The Business Standard, "High Court seeks data on children staying with mothers in prisons," 15 June 2026. <https://www.tbsnews.net/bangladesh/court/high-court-seeks-data-children-staying-mothers-prisons-1463721>*

7. *The Daily Star, "304 children living with mothers in jails," 19 December 2023. <https://www.thedailystar.net/news/bangladesh/rights/news/304-children-living-mothers-jails-3498836>*

Existing infrastructure: Dhaka Central Jail has run a 100-seat daycare centre since 2004 for children up to age six, staffed with a doctor, medical assistants and teachers.⁸

System overcrowding (general context only): On 17 June 2026, the Home Minister informed Parliament that, according to data available as of 7 June 2026, Bangladesh's 75 prisons had an approved capacity of 45,136 inmates and were holding 77,040 inmates, approximately 1.7 times approved capacity.⁹ No source reviewed connects this general overcrowding figure directly to conditions for children living with mothers in prison, and this report draws no such inference.

What Is Known, and How

What is known rests on a court order, a single detailed news report citing internal prison records, and a two-year-old civil society estimate. No source reviewed shows a Department of Prisons figure on this subject published as a standalone, dated, citable official document independent of news coverage. Publicly available sources reviewed for this report do not show a routinely updated, prison-wise public dataset of any kind on this subject.

What Remains Unknown

What current sources do not establish: whether the post-six handover to relatives or state institutions is reviewed on an individual best-interest basis or applied as a routine cutoff; what health, nutrition and psychological support children actually receive day to day, as distinct from policy descriptions; whether births, deaths, illnesses or injuries among these children are formally recorded; whether independent inspections of conditions for children occur and whether findings are published; and what budget, if any, is specifically allocated for their care.

Constitutional and Legal Context

Bangladesh's constitution addresses children's welfare through provisions of different legal weight. Basic necessities, free education and nutrition fall under directive principles of state policy, which guide governance but are not directly enforceable, while fundamental rights under Articles 27, 28, 31, 32 and 39 are justiciable.¹⁰

8. *Banglapedia*, "Jail." <https://en.banglapedia.org/index.php/Jail>

9. *Bangladesh Sangbad Sangstha (BSS)*, "Prisons holding 1.7 times more inmates than capacity: Home Minister," 17 June 2026. <https://www.bssnews.net/js-session/396915>

10. *Constitution of the People's Republic of Bangladesh, Part III*.
<http://bdlaws.minlaw.gov.bd/act-367/part-details-200.html>

The absence of a routinely published dataset raises serious questions about whether the administrative framework is sufficient to support meaningful protection of children in state custody. Whether this rises to a constitutional violation cannot be established before the IGP's report is filed and reviewed.

International Standards

The UN Bangkok Rules require registration of a child's details at a mother's admission, ongoing health monitoring by specialists, and individualised, best-interest decisions when a child is separated from its mother, rather than a blanket cutoff.¹¹ Without a published dataset, compliance with these standards cannot be assessed from outside the prison system.

Institutional Accountability Assessment

That a detailed figure exists somewhere inside the Department of Prisons, yet reached the public only through a single news report rather than routine disclosure, is the sharpest accountability signal in this research. A court order may now produce, within two months, a level of visibility that routine administrative disclosure has not provided.

Key Accountability Questions

1. Will the IGP's report be published in full, not only filed with the court?
2. Will the Department of Prisons commit to publishing this dataset, division-wise, on a recurring basis, rather than through periodic news disclosure?
3. Can the three-child discrepancy between the reported national total and the division-wise breakdown be resolved?
4. Is the handover of children at age six reviewed individually, as international standards require?

Conclusion

The available evidence does not establish that children living in Bangladeshi prisons are being failed by the system; it establishes that the public, and possibly the state itself in usable aggregated form, cannot presently say either way with confidence. Closing that gap, not any single number, is the measure of accountability that matters here.

11. OHCHR, *United Nations Rules for the Treatment of Women Prisoners (the Bangkok Rules)*.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-treatment-women-prisoners-and-non-custodial>