



AL-Raidida

Lebanese American University

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The Pioneer الرائدة

للنساء حقوق أينما كن

Incarcerated Arab Women

أوقفوا الاعتداء على النساء في السجون

ABOUT IWSAW

The Institute for Women's Studies in the Arab World (IWSAW) was established in 1973 at the Lebanese American University (formerly Beirut University College). Initial funding for the Institute was provided by the Ford Foundation.

OBJECTIVES: The Institute strives to serve as a data bank and resource center to advance a better understanding of issues pertaining to Arab women and children; to promote communication among individuals, groups and institutions throughout the world concerned with Arab women; to improve the quality of life of Arab women and children through educational and development projects; and to enhance the educational and outreach efforts of the Lebanese American University.

PROJECTS: IWSAW activities include academic research on women, local, regional and international conferences; seminars, lectures and films; and educational projects which improve the lives of women and children from all sectors of Lebanese society. The Institute houses the Women's

Documentation Center in the Stoltzfus Library at LAU. The Center holds books and periodicals. The Institute also publishes a variety of books and pamphlets on the status, development and conditions of Arab women, in addition to *Al-Raida*. Eight children's books with illustrations, and two guides, one of which specifies how to set up children's libraries, and the other which contains information about producing children's books, have also been published by IWSAW. In addition, the Institute has also created income generating projects which provide employment training and assistance to women from war-stricken families in Lebanon. The Institute has also devised a "Basic Living Skills Project" which provides a non-formal, integrated educational program for semi-literate women involved in development projects. Additional IWSAW projects include The Rehabilitation Program for Children's Mental Health; Teaching for Peace; and the Portable Library Project. The latter project was awarded the Asahi Reading Promotion Award in 1994. For more information about these or any other projects, write to the Institute at the address provided above.

ABOUT AL-RAIDA

Al-Raida is published quarterly by the Institute for Women's Studies in the Arab World (IWSAW) of the Lebanese American University (LAU), formerly Beirut University College, P.O. Box 13-5053, Chouran Beirut, 1102 2801 Lebanon; Telephone: 961 1 867618, ext. 1288; Fax: 961 1 791645. The American address of LAU is 475 Riverside Drive, Room 1846, New York, NY 10115, U.S.A.; Telephone: (212) 870-2592; Fax: (212) 870-2762.

PURPOSE AND CONTENT: *Al-Raida's* mission is to enhance networking between Arab women and women all over the world; to promote objective research of the conditions of women in the Arab world, especially conditions related to social change and development; and to report on the activities of the IWSAW and the Lebanese American University.

Each issue of *Al-Raida* features a File which focuses on a particular theme, in addition to articles, conference reports, interviews, book reviews and art news.

REPRINT RIGHTS: No unsigned articles may be reprinted without proper reference to *Al-Raida*. Permission to reprint signed articles must be obtained from the IWSAW.

SUBMISSION OF ARTICLES: We seek contributions from those engaged in research, analysis and study of women in the Arab world. Contributions should not exceed ten double-spaced typed pages. Please send a hard copy and a diskette. We reserve the right to edit in accordance with our space limitations and editorial guidelines. Submissions will not be published if they have been previously published elsewhere.



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Picture Credit: Poster Amnesty International
Translation: Women have rights wherever they are. Stop violence against women in prisons

Al-Raida

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SUBSCRIPTION

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Building People not Building Prisons

By Adele Khudr

Project Officer, UNICEF, Lebanon

In the popular point of view, prisons are thought of as crime fighting-devices. Hence, in the 18th century, exile, execution and exposing offenders to various forms of corporal punishment were the most common penalties for criminal acts. Although jails were commonplace, imprisonment was viewed as a temporary restriction rather than the prescribed penalty for crime. Retribution was considered as the prime motivation for official punishment.

Under the influence of the Enlightenment however, deterrence rather than retribution became the leading principle for imprisonment. It was thought that fitting the severity of the punishment to the severity of the crime would act as a deterrent. Towards the end of the 19th century, belief in punishment and deterrence as the main objects of imprisonment came increasingly under question. The idea of the prison as a reformatory process came up in the 20th century. This rehabilitation model treats the offender as a unit of analysis. Under this model, the walls of the prison stand symbolically as a black box into which citizens disappear for a time to emerge later, changed.

Nevertheless, this perspective suffers from at least two main

drawbacks. The first is that it ignores the potential impact of incarceration upon families, communities, and economies. Second, it looks only at the tip of the iceberg, by addressing the offence itself and overlooking the causes that triggered it.

Indeed, the incarceration of a parent is often a predicament that the child will have difficulties. The direct material effects include problems that result from the loss of care and financial support. The emotional consequences of having an imprisoned parent are less obvious but potentially more significant. Children may feel shame, humiliation, and a loss of social status. The future criminality by children of incarcerated parents is evident in some cases. The case of women prisoners stands out even more strongly. The articles presented in this issue of *Al-Raida* show the great sufferings that families of women prisoners endure. Those families may even break down as a result of imprisonment, especially when the mother, who is sometimes the family's bread winner is the one at stake. The imprisonment of the mother causes psychological damage to the whole family, as the latter is treated with contempt by the community and may be ostracized. The negative impact on

children of having an imprisoned parent is strongly evidenced by experts who estimate that by the next decade, one half of all prisoners in the US will be from a family which had a parent in prison. Other statistics indicate that children with parents in prison are five times more likely than the average child to commit crimes and be imprisoned.

On the other hand, some would argue that expanding the prison system aggravates socio-economic inequalities because imprisonment narrows the life chances of persons exposed to it. Each prisoner represents an economic asset that has been removed from that community and placed elsewhere, hence causing an economic loss.

Inquiries into the reasons that lead offenders to commit their acts represent the first step of the so-called human rights perspective to prisons and prisoners. Indeed, the basic criterion of the human rights based approach is to look at the structural causes of a phenomenon. In this specific context, it means situating the individual offender within their societies and adopting a more holistic perception of the potential offender as a person who lives in places, interacts with fellow citizens, and responds to various life circumstances which choices

based on a grounded understanding of the consequences of those choices. If the numbers of prisoners are continue to grow, and as a consequence, conditions of detention are deteriorating, then action needs to be made to limit the number of prisoners. This can be made only by addressing the reasons that lead individuals to commit offences, and by preventing the presence of such conditions. It also means that dealing with offences needs to be done by involving the perpetrators and the victims and by restoring an order that was disrupted. This can be done only within a community setting and not within an artificial context like that of prisons. Alternatives to the deprivation of liberty consist mostly of restorative measures at the level of the community; those alternatives need to be seriously considered as a means of dealing with many offences. They embody the belief in the worthiness of human beings and in their right to participate in setting their fate; they are also a humanitarian way of dealing with offenders and offences; and they will definitely lead to lower recidivism levels.

A human rights based approach means also that particular attention be given to discrimination, equality, equity and to vulnerable groups, among them women, minorities, indigenous peoples, prisoners and others. The human rights based approaches focus on raising levels of accountability by identifying claim-holders (and their entitlements) and corresponding duty-holders (and their obligations).

This special issue of *Al-Raida* is devoted to the theme of incarcerated women. The articles presented promote a human rights based approach to imprisonment. In short, our driving motto in this issue is building people, not building prisons.



A Gossip of Pen and Paper!

By **Abir Hamdar**

Graduate Student, AUB

My aunt has warned me against writing the story of Tante Amira. She says the lady is her friend and I shouldn't start gossiping with my pen and paper. I try to convince her ... I speak to her about the history of women's oppression, the coming of the feminist movement, some human rights' achievements ... I tell her certain things would not have been possible were it not for what she calls the gossip of pen and paper ... I tell her changes would not have been conceivable had we all kept silent ...

The argument drags on and on ... When I knew that *Al-Raida* would have an issue on the theme of women and prisons, I could not leave Tante Amira's story untold ... When it comes to the gossip of pen and paper, you simply have no choice. You've got to become a participant ...

So here I am, recalling the day I met the lady ... beautiful, elegant and sophisticated ... yes, and terribly rich. She had the presence of a queen ... not that I've ever met a queen. But when you see a woman like Tante Amira, you wonder if you've actually met a queen ...

I wasn't planning on sitting with the guests ... some things seem to happen for a reason. I also wasn't eavesdropping ... the voices were simply too loud, you couldn't but hear. I tried to keep my attention on the talk show I was watching ... honestly I tried, but the talk show in the next room was more interesting.

Nothing made sense in the beginning. One woman was talking about Tante Amira being a mother of four and a grandmother of six...the fifty years she had spent with the man... the love he felt for her...the gifts, the money, the servants...couldn't understand everything...

There was also the voice of Tante Amira...aggressive and angry...so out of tune with her image. She was saying something about the huge apartment on Raouche street...the door that was locked everyday for seven years ... the days she sat on her balcony and wished she could go for a walk on the Corniche ... the brother who came to visit but couldn't come in because she didn't have the keys to the door...

She also said something about the cars she couldn't drive... the chauffeur who never took her anywhere ... the kids who came one after the other ... the schools they studied in ... the many times she felt like roaming the streets ... and the waiting ... waiting for the door to unlock... for the permission to go out ...

Soon, I found myself sitting among my aunt's friends ... I think no one noticed that there was a foreigner among them. Everyone was caught up with Tante Amira. One rebuked her for constantly fighting with her husband, for constantly speaking of a divorce. Another friend said she shouldn't be so childish ... after all, this had happened a long time ago. "Now you can go wherever you want," the woman asserted ... "Perhaps he was possessive. But you must not forget Amira, you were and still are extremely beautiful. Maybe we shouldn't blame him," another added. Tante Amira didn't answer. It was as if she couldn't see the brighter side of things ... Like her, I couldn't see that side ...

Tante Amira was still trying to explain. She said that sometimes she would wake up in the middle of the night and feel like opening all the doors and windows of the apartment. She said she never did that ... didn't like anyone seeing her do that. Sometimes she opened one or two windows ... even when it was very cold outside. She claimed the cold didn't matter...it stopped the heaviness and the suffocation ... Suddenly, I found myself telling Tante Amira that this was so because she carried a prison inside of her. All of my aunt's friends looked at me strangely. My aunt bit her lips to keep me silent...Tante Amira suddenly became relaxed. "Yes! Yes! that's definitely it... I've been trying to find the right word. I've simply been trying to explain this idea to them," I remember her saying with relief.

The conversation turned to something else. There was no talk of a divorce anymore. I was amazed at how calm Tante Amira looked. I wondered if she really wanted a divorce or just an acknowledgment that the first seven years or so of her life were spent in a prison ... a prison created by a man she had married and a prison which she was still carrying inside her.

As Tante Amira was leaving, she insisted I should come and visit her one day. I assured her I would ... In fact I have been planning on going ... Now, I wonder if I can ever dare to do that. I wonder if Tante Amira speaks English, and I wonder if she'll ever feel humiliated because I have told her story ...

At least I know one thing ... my gossip on pen and paper is my way of acknowledging that Tante Amira has once been a prisoner ... and that she still carries the effects of that inside her.

Recent Publications

Cooke, Miriam. *Hayati, my Life: A Novel*. New York: Syracuse University Press, 2000.

Guthrie, Shirley. *Arab Women in the Middle Ages: Private Lives and Public Roles*. London: Saqi, 2001

Lessa, Christina. *A New Plan for Success and Well Being from Today's most Celebrated Women*. New York: Universe, 2000.

O'Brien, Patricia. *Making it in the "Free World": Women in Transition from Prison*. New York: State University of New York Press, 2001.

Unger, RhodaK. *Handbook of the Psychology of Women and Gender*. New York: Wiley, 2001.

Wosk, Julie. *Women and the Machine: Representations from the Spinning Wheel to the Electronic Age*. Baltimore: Johns Hopkins University Press, 2001.

Call for Papers

The School of Historical Studies, Monash University (Australia) is organizing a conference entitled "Frontlines: Gender, Identity and War" on the 12th - 13th of July 2002. The multi-disciplinary conference will bring together researchers with an interest in the social and cultural aspects of war. Among the areas to be addressed are: literary representations of war; war in film; indigenous experiences of war; outsiders at home: migrants and the war experience; women and war; war and masculinity; war commemoration; war, peace treaties and enforced national identity; clinical war-contagious diseases, army hospitals, psychoanalysis and war neuroses, as well as war as metaphor.

Papers from all disciplines are welcomed including Humanities, Law, Science, Medicine and Nursing. Moreover, postgraduate students who wish to present their research

in an international forum are also encouraged to participate.

Abstracts of no more than 200 words should be sent to:
The Organizing Committee,
Frontlines: Gender, Identity and War
School of Historical Studies,
Monash University,
Clayton Vic 3800
Australia
Or by email to
genidwar@arts.monash.edu.au
Website:
<http://www.arts.monash.edu.au/history/events/genidwar.html>

Films

Days of Democracy
Directed by Ateyyat El-Abnoudy
1996, 60 minutes

In this landmark documentary, filmmaker Ateyyat El-Abnoudy records the successes and failures of the female candidates in the 1995 elections of the People's Assembly in Egypt. Because of the lack of coverage for female politicians and the difficulties encountered contacting them, El-Abnoudy was forced to shoot for 20 consecutive days, crisscrossing the entire country in her search for interviews. Despite the disappointing election results, this documentary is optimistic in the way it portrays Egyptian women and the role they are struggling to play in shaping their nation's future.

A Door to the Sky
Directed by Farida Ben Lyzaid
1989, 107 minutes

Nadia, a young Moroccan emigre, returns from Paris to Fez to visit her dying father. At his funeral, she is overcome by the voice of Karina chanting the Koran. A powerful friendship develops between the two women as they decide to turn the father's palace into a Muslim women's shelter. A Door to the Sky

is a Sufi tale told in a metaphorical language. It is also the first North African film to address the social and economic changes as proposed by a spiritual Muslim woman on a quest to preserve her cultural and religious identity.

The Perfumed Garden
Directed by Yamina Benguigui
2000, 52 minutes

The Perfumed Garden, winner of three International Awards, is a documentary about sensuality and sexuality in Arab society. It discusses the theme of pre-marital sex, courtship, marriage, familial pressures, social taboos and the desire to break them, as well as private/public spaces. Through interviews with men and women of all ages, classes, and sexual orientation, the film lifts part of the veil that usually shrouds discussion of this subject in the Arab world. It examines the personal issues raised by the desire for pleasure, amidst societal pressures for chastity and virginity.

Iraqi Women: Voices from Exile
Directed by Maysoun Pachachi
1994, 54 minutes

Iraqi Women - Voices from Exile provides a fascinating and rare look at the recent history of Iraq through the eyes and experiences of Iraqi women living in exile in Britain. The Arab world usually speaks to the outside with a male voice and Arab women's voices are rarely heard. This documentary features moving interviews with women about life in Iraq before Saddam Hussein came to power, during the years of repression under his regime and throughout the Gulf War in 1991. As well as providing a forum for Iraqis to tell their own stories to a western audience, Iraqi Women - Voices from Exile also contributes to a process of Iraqi self-criticism.

“Three men inmates entered her cell, apparently given access to the isolation unit by guards. They dragged her from the cot, punching and pulling her. One pinned her down on the floor and clamped her with handcuffs; another forced open her legs; the third penetrated her. Repeatedly she was beaten, raped and cursed. She blacked out and lost track of time. Her only memory was of the grotesque pain of being sodomized for what seemed like an eternity. In a parting shot, one of the inmates turned on his way out the door and urinated on her. At that moment, Robin, although semiconscious recognized this inmate as the lone assailant who launched the initial attack. For days after the assault, Robin’s body was weak and wracked with pain. She bled continuously from her rectum. Repeated requests for medical services were denied. Approximately two weeks later she was relocated to the women’s facility. Thirty-five days after the initial attack, she finally received a medical examination.”

(<http://www.amnestyusa.org/rightsforall/women/stories/robin.html>)

“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity it does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.” (International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment).

“I was put on eyeball status, stripped of belongings, clothing, placed in a room with nothing but a plastic mattress on the floor. Watched 24 hours a day by a man or a woman... I was very humiliated, degraded. Being on eyeball status with male officers, my depression intensified. I didn’t want to be violated any more than I already was, so I put the mattress up against the window. When I did that I was in violation because they couldn’t see me. The door was forced open, I was physically restrained in four-point restraints - arms, legs spreadeagled, tied to the floor, naked, helmet on head, men and women in the room.”

(<http://www.amnestyusa.org/rightsforall/women/stories/elizabeth.html>)

“Women in prison are perhaps the world’s weakest constituency, virtually deprived of all rights and guarded by men who often abuse their power. Since 1979, the number of women in prison in Pakistan has increased

sharply. Most have been imprisoned under Pakistan’s extremely punitive interpretation of Sharia, or Islamic law, ... , which criminalize sex outside marriage. The laws also criminalize rape but the burden of proof is very heavy. To obtain the maximum punishment, women must have four male witnesses and they may not testify on their own behalf. Typically, lesser punishments are sought and women may testify, although their testimony carries minimal weight. Rape victims who fail to prove they have been sexually assaulted are subsequently accused of fornication and are often imprisoned or publicly flogged. According to human rights lawyers in Pakistan, more than 70 per cent of incarcerated women reported being abused by their guards. Reported abuses include slapping, beating, suspension in the air by hands tied behind the victim’s back and gang rape.” (Panos Briefing: *The Intimate Enemy*, p.7)

“The number of people incarcerated in prisons, jails and other places of detention around the world continued to rise during 2001, with few countries reporting decreases in their inmate populations. The resulting high levels of overcrowding - since rarely did new construction keep pace with the growth in inmate numbers - encouraged a range of chronic abuses. In some countries, mass killings, large-scale prisoner protests, or scathing official reports on prison deficiencies drew media attention to these abuses. More commonly, however, human rights violations against prisoners drew little public notice. Particularly in countries plagued by high rates of violent crime, too often reports of violence against prisoners, inhuman prison conditions, and egregious levels of overcrowding met with apathy and indifference. With the public primarily concerned about keeping prisoners locked up rather than about the conditions in which prisoners were confined, little progress was made toward remedying these problems.”

“During the first few days, I had not shut my eyes at all. From the very first day, I’d been liberated from the geckos, cockroaches and mice - everything except those little creatures which bite the skin of the head or crawl during the night below one’s underclothes to disappear between folds of skin. Many nights passed before I could free myself of these as well - but then my presence triumphed over theirs and I became capable of sleeping as if they were not there. I couldn’t sleep deeply at all, though. On that bed, I could never get my backbone into a straight position. some part of my body would always sink between the slats, nearly touching the floor. Sleeping on the ground would have been preferable if it had not been for those creatures who crawled by night from the enclosure into the cell. Small animals and insects entering through the bars .. chirping, whistling, squeaking, biting, overturning tins and plates.” (Naval El-Saadawi, *Memoirs from the Women’s Prison*, p. 86)

From Lebanon

The Tenth Asia-Pacific Workshop on Regional Cooperation For the Promotion and Protection of Human Rights

The Tenth Asia-Pacific Workshop on Regional Cooperation for the Promotion and Protection of Human rights was held in Beirut, Lebanon from 4-6 March 2002. The Workshop is held on an annual basis and represents a forum for sharing initiatives in the field of human rights. In her opening statement, Mrs. Mary Robinson (High Commissioner for Human Rights) emphasized the need to ratify international human rights treaties. “The obligation of states parties under some of the treaties to prepare reports for a treaty body is time consuming”, said Mrs. Robinson, “but it can also be a rich experience that brings together government and civil society in understanding human rights problems and potential solutions. One particular human rights convention that Mrs. Robinson underlined is the International Convention on the Protection of the Rights of Migrant Workers and their families. This Convention was adopted in 1990. Now only one more ratification is necessary for it to come into force. Mrs. Robinson called upon participating countries “to give life to a convention that protects a group so especially vulnerable in this globalized world”.

The Workshop was an occasion for announcing the appointment of two regional representatives of the Office of the High Commissioner for Human Rights in Beirut. These advisors will work for the region of South West Asia. The Office of the High Commissioner is in the process of appointing such representatives in all regions, in an effort to enhance the capacity of the Office to be of service to UN member states and to assist them in concrete steps to promote and protect human rights.

From Iran

Dara and Sara, Iran’s Answer to Ken and Barbie

The Institute for the Intellectual Development of Children and Young Adults, an Iranian government agency affiliated with the Ministry of Education has developed its version of Barbie and Ken — twin toy dolls named Sara, a female, and Dara, a male. Sara and Dara possess an oriental appearance and come in different models wearing various traditional clothes. They advocate traditional values and unlike their Western counterparts, who wear revealing clothes, the dolls are modestly clothed and cannot be undressed.

Barbie was banned in Iran since 1996 for fear that young girls who play with the doll are bound to be affected by the model she presents and hence may grow to reject Iranian values. Iran first announced it would produce Sara and Dara in 1996, but technical problems delayed production until now. Sales of Sara and Dara have so far been slow. A shop owner after displaying the new dolls in his window recounts: “A lot of people have come to look at the dolls, but they just laugh and leave, ... We haven’t sold any yet.”

Eleven Things you Should Know About Women in Prison in the United States:

1. There are over 90,000 women in prison in the US today. The majority are in prison for economic crimes. The most typical convictions resulting in imprisonment for women are property crimes, such as check forgery and illegal credit card use. Eighty percent of women in prison report incomes of less than \$2,000 per year in the year before their arrest, and 92% report incomes under \$10,000.
2. Of the women convicted of violent crimes, the vast majority were convicted for defending themselves or their children from abuse. In California alone there are 600 women in prison for killing their abusers in self-defense. Average prison terms are twice as long for killing husbands as for killing wives.
3. Fifty four percent of women in prison are women of color.
4. Ninety percent of women in prison are single mothers. They lose contact with their children, sometimes forever. There are 167,000 children in the US whose mothers are incarcerated.
5. The average age of women in prison is 29 years, and 58% have not finished high school.
6. Racism and economic discrimination are inextricably linked to sexism in our culture, creating severe inequalities in the court system and the prison system. For example, black women are twice as likely to be convicted of killing their abusive husbands than are white women. Black women, on average, receive longer jail time and higher fines than do white women for the same crimes.
7. Twenty five percent of political prisoners in the US are women.
8. The number of women in prison has increased 138% in the last ten years. This is partly due to the worsening of economic conditions for women, but also to the increase in arrest rates due to the “war on crime” and “war on drugs”.
9. Women prisoners spend on average 17 hours a day in their cells, with one hour outside for exercise, compared to men prisoners, who spend on average 15 hours a day in their cells, with 1.5 hours outside.
10. The Women’s High Security Unit at Lexington, KY, was closed in 1988 because of a national and international human rights campaign. The prison kept the women in years of isolation in subterranean cells, conducted daily strip searches, allowed extreme sleep deprivation practices, and as policy, condoned a complete denial of privacy, including male guards watching the showers, and an intense campaign of sexual abuse.
11. The late Senator Hart estimated that the annual cost of corporate crime was between \$174-231 billion dollars, while the economic cost of “street crimes” (e.g. burglary and robbery) was \$3-4 billion. We must look at why the state focuses on enforcing laws which penalize the types of actions taken by poor and working class men and women while systematically ignoring the more destructive white-collar crimes. (<http://www.prisonactivist.org/women/women-in-prison.html>)

Women and Political Violence

The Institute for Women's Studies in the Arab World (IWSAW), along with the Association des Chercheuses Arabes (ACAF) organized a workshop on "Women and Political Violence" from July 10 - 11, 2001. Twelve workshop participants coming from various Arab countries namely Algeria, Palestine, Iraq, Tunisia, and Lebanon discussed the situation of women in times of political turbulence in their countries.



Workshop participants

Women and Gender in the Middle East

IWSAW Director, Mona Chemali Khalaf presented a paper on "Employment, Breadwinning and Decision-Making: The Lebanese Case" at the international conference entitled "Women and Gender in the Middle East: A Multidisciplinary Assessment of the State of Theory and Research" that took place at the Bellagio Study and Conference Center, in Italy. The conference was organized by the Association of Middle Eastern Women's Studies and funded by the Rockefeller Foundation.



Mona C. Khalaf presenting her paper during the conference



Workshop participants

Gender: A Pillar of Development

IWSAW Director, Mona Chemali Khalaf, attended the World Bank's regional workshop entitled "Gender: A Pillar of Development," that took place in Tunisia from June 14 - 15, 2001. The aim of the workshop was to update participants on the World Bank's work on gender issues and to familiarize them with the gender strategies adopted by civil society, decision makers, and donor organizations in the MNA region. The workshop also served as a forum to discuss a recent study prepared by the World Bank which offers valuable lessons and tools for integrating gender into development work.



Soukaina Bouraoui, CAWTAR Director and IWSAW Director Mona C. Khalaf

Incarcerated Arab Women

The year 2001 continued to witness a rise in the number of prisoners in countries all over the world. Detention conditions remain below the set standards and are even life-threatening in many instances. Shocking reports of torture inflicted on incarcerated persons are abundant. The fate of women prisoners is often the most horrific, because they are especially vulnerable to custodial sexual abuse. Indeed, in most prisons of the world, male guards outnumber women guards, and the consequence is higher levels of abuse. Other violations include the detention of juvenile inmates with adults and the absence of separation between prisoners held in pre-trial detention and sentenced prisoners.

This special double issue of *Al-Raida* is devoted to the theme of Incarcerated Women. It represents a contribution to the efforts exerted by many human rights organizations to disclose the conditions under which women prisoners are living, especially in the Arab World, and to learn about the standards and the instruments meant to protect this vulnerable category of persons.

The first article of *Al-Raida* sets the human rights perspective on prisoners, with a special focus on women prisoners. This is done by a review of the international human rights instruments pertaining to the administration of justice and by examining the degree to which they are gender sensitive. In the following section, articles look at the situation and conditions of women's prisons in a number of Arab countries. Mervat Rismahwi, legal advisor at the International Secretariat of Amnesty International, presents a human rights perspective to women in detention in the Middle East, including the reasons why women end up in detention, the conditions they face during incarceration, and the obligation of the state towards them. Rishmawi recommends that all work towards the full implementation of the concluding observations given by the human rights treaty bodies regarding detention and imprisonment.

The article written by Mona Khalaf, Director of the Institute of Women's Studies in the Arab World, is at once a presentation of the results of a survey undertaken in four women prisons in Lebanon, and an analysis of the detention conditions from a human rights perspective, by comparing them with the standards set in the related international human rights instruments. Rana Hussein, a journalist and human rights activist who spearheaded the campaign to eliminate honor crimes in Jordan, recounts how imprisonment may be an instrument to protect "innocent" women against "crimes of honor", hence leading to a dual violation of their civil rights: once by being guilty in the eyes of their family and their society and once by having to endure imprisonment. Shaza Nasser is a member of the Arab Intellectual Forum and a human rights activist. Her article presents the results of a field research on the conditions under which women live in Yemeni prisons that ends with a plea to provide assistance to those women.

A case study on the conditions of women prisons in Egypt is presented by the Human Rights Center for the Assistance of Prisoners. The article urges for the implementation of the Standard Minimum Rules for the Treatment of Prisoners in Egyptian prisons. The article includes an analysis of the concept of punishment, its effectiveness and its relation to prison conditions. Abir Hamdar summarizes the very important report published in 2001 by Amnesty International entitled "Lebanon Torture and Ill-treatment of Women in Pre-Trial Detention: A Culture of Acquiescence". The report describes the widespread ill-treatment of women detainees; in particular political prisoners, common law offenders and migrant workers are looked at very closely. Finally, in this section, Dania Sinno's article is a synopsis of her Masters Thesis on "Patterns of Crimes among Lebanese Women". The article describes the attributes and determinants of female criminality, with special reference to variables such as age, marital status, socio-economic background, place of residence, and nature of women's offences.

Three books reviews, written by Arab women, are presented in this special issue of *Al-Raida*. Malika Oufkir's "La Prisonniere" is a story of the rise to power of a Moroccan family, its downfall into 20 years of exile in prison and its journey back to freedom. Fatna El-Beh's "Discourse of Darkness" (*Hadeeth El-Atmah*) recounts also the years spent by Fatna and her comrades in the Moroccan prisons during the 1970s, presenting a feminist view of imprisonment. The book of Mona Fayyad "Prison is a Wild Society" (*Al-Sujn Mujtama Barri*) presents the first sociological study of crime and criminals, and a review of the prisons and the prisoners' profile in Lebanon.

A substantial part of this issue is devoted to a review of the organizations that are involved in defending the human rights of prisoners and in promoting their protection against unfair trial and torture. Myriam Sfeir presents an extensive review of these organizations in the Arab countries and Lynn Maalouf describes the work done by L'Observatoire International des Prisons.

This issue of *Al-Raida* includes also the testimony of Khawla Daoud El-Azrak, a Palestinian woman about her imprisonment in Israeli prisons; the testimony is particularly important because of the unconventional and non-traditional relationship that El-Azrak refers to when she talks about her relationship with her husband.

Al-Raida includes also a presentation by Myriam Sfeir on a workshop organized by Omar Nashabe, instructor of human rights and sociology, on two symposiums organized on the topic of human rights and its particular relevance to police officers who handle prisoners cases. Last, Abir Hamdar presents a very interesting opinion on "the prison within".

Adele Khudr

International Human Rights Instruments and Laws

Adele Khudr

Summary

The second half of the twentieth century has witnessed a strive of the international community to promote respect for human rights and fundamental freedoms everywhere in the world. Within this context, the greatest achievement of the United Nations (UN) system is considered to be the creation of a body of international human rights instruments and laws, amongst them those pertaining to the administration of justice and the protection of prisoners. The present article reviews the concept of international human rights law, the instruments relating to the protection of prisoners and the way these instruments address the issue of women prisoners.

a. Human rights are understood as being those rights which are inherent to the human being, i.e. they come to every person as a consequence of being human. Among the most important characteristics of human rights are the following:

- they are founded on respect for the dignity and worth of each person;
- they are universal, i.e. they are applied equally and without discrimination to all people;
- human rights are indivisible, interrelated and interdependent, for the reason that it is insufficient to respect some human rights and not others;
- human rights are inalienable, in that no one can have their right taken away except in very specific situations.

There are three categories of human rights. The first are the civil and political rights that work to protect the individual from abuses and arbitrary actions committed by those who hold political power (e.g. voting and elections, justice system, basic civic freedoms). The second are the economic, social and cultural rights that include the right to decent and the right to enjoy an

adequate standard of living. Finally, there are the collective rights that groups of people would be able to claim such as the right to self-determination, the right to development and so on.

Human rights are legally guaranteed by human rights law, which serve to protect individuals and groups against actions which interfere with fundamental freedoms and human dignity.

In the second half of the twentieth century, the United Nations (UN) embarked on the process of articulating human rights in order to translate them from morality and principles into international law. The adoption of the Universal Declaration of Human Rights, in 1948, was the first step towards the progressive codification of international human rights. The principles of the Declaration have inspired more than 100 human rights instruments which, taken together, constitute international human rights standards.

International human rights law consists mainly of treaties and customs as well as declarations, guidelines and principles. A treaty is an agreement by States to be bound by particular rules. International treaties have different designations such as covenants, charters, protocols, conventions, accords and agreements. A treaty becomes legally binding on the state, once that state agrees to become party to the treaty. Customary international law (or "custom") is a general and consistent practice followed by States deriving from a sense of legal obligation. Thus, while the Universal Declaration of Human Rights is not in itself a binding treaty, some of its provisions have the character of customary international law.

On the other hand declarations, proclamations, standard rules, guidelines, recommendations and prin-

ciples represent general norms of international law principles and practices that most States would agree on. While they do not imply any binding legal obligations, they nevertheless represent a broad consensus on the part of the international community; therefore, they have a strong and undeniable moral force on the practice of states in their conduct of international relations. State responsibility for human rights includes the obligation to take pro-active measures to ensure that human rights are protected by providing effective remedies for persons whose rights are violated, as well as measures against violating the rights of persons within its territory.

A number of conventional mechanisms and extra-conventional mechanisms are in place to monitor the implementation of international human rights standards and to deal with complaints of human rights violations. The conventional mechanisms include the various committees of independent experts established to monitor the implementation of international human rights treaties by States Parties. In contrast, extra-conventional mechanisms have been created by the Commission on Human Rights to examine, monitor and publicly report on major phenomena of human rights' violations. These mechanisms have been

entrusted to working groups of experts acting in their individual capacity or individuals designated as Special Rapporteurs, Special Representatives or independent experts.

There are about 100 treaties, declarations, guidelines, recommendations and principles that set out international human rights standards. Among those instruments are those pertaining to the administration of justice, including the protection of persons subject to detention or imprisonment. What follows is a brief overview of some of the major human rights in the administration of justice, and an analysis of their degree of sensitivity to the issue of women prisoners.

The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Adopted by the General Assembly in 1984)

This convention embodies all the universal applicable standards against torture which were developed over the years by the UN. Article 1 of the Convention defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession,

Human Rights in the Administration of Justice

- Standard Minimum Rules for the Treatment of Prisoners
- Basic Principles for the Treatment of Prisoners
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- United Nations Rules for the Protection of Juveniles Deprived of the Liberty
- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment *
- Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty
- Code of Conduct for Law Enforcement Officials
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- Basic Principles on the Role of Lawyers
- Guidelines on the Role of Prosecutors
- United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)
- United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")
- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- Basic Principles on the Independence of the Judiciary
- Model Treaty on the Transfer of Proceedings in Criminal Matters
- Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released
- Declaration on the Protection of All Persons from Enforced Disappearances
- Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions



of the human person. This instrument includes also reference to the systems that should be put in place to guarantee the observation of those principles. It also refers to the right of reporting to superior levels of authority about the violations taking place against these principles.

Basic Principles for the Treatment of Prisoners (Adopted by the General Assembly in 1990)

These include 11 principles that need to be adopted in the treatment of prisoners. They make special reference to respect of the human dignity of prisoners; their right to full development; their right to meaningful remunerated employment; the rights to health and to education, and; the attention needed to ensure their full reintegration into society.

United Nations Standard Minimum Rules for the Administration of Juvenile

Justice (The Beijing Rules) (Adopted by the General Assembly in 1985)

These rules refer to the measures that need to be taken by Member States to further the well-being of the juvenile (that has committed an offense against the law) and their family. The rules are broad and refer to comprehensive social policy that aims at promoting the welfare of juveniles to the greatest possible extent. The rules included in this document are comprehensive and detailed. They are the most classical ones that still apply today, especially in terms of their reference to deprivation of liberty as a last resort for dealing with those young persons who have committed offenses against the law.

United Nations Guidelines for the Prevention of Delinquency (The Riyadh Guidelines) (Adopted by the General Assembly in 1990)

The Guidelines are built on the assumption that the prevention of juvenile delinquency is an essential part of crime prevention in society. The Guidelines include

interventions that need to be made at various levels and by the entire society to ensure the harmonious development of adolescents. The Guidelines make reference to general prevention and to the various constituents of the socialization process and their role in prevention of delinquency; these include the family, the community and the mass media. It also includes guidelines regarding the social policy and the legislation to be adopted in the administration of juvenile justice.

United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Adopted by the General Assembly in 1990)

These rules include the minimum standards that need to be adopted for the protection of young prisoners who are deprived of their liberty; these standards serve to ensure that human rights and fundamental freedoms are protected. The rules make specific reference to the fact that deprivation of liberty should be a measure of last resort for juveniles. They include measures pertaining to juveniles under arrest or awaiting trial, management of juvenile facilities, and to personnel dealing with those juveniles.

How Gender Sensitive are those International Instruments?

A review of the international human rights instruments

relating to the administration of justice from the perspective of their sensitivity to women's issues reveals a rather timid and conventional picture. Hence, reference to women is made under three main headings:

First, within the framework of highlighting non-discrimination in the treatment of prisoners: in almost all the texts of those instruments, clear reference is made to the principle of non-discrimination, whereby it is clearly stated that the "Standards and rules included shall be applied impartially, without discrimination of any kind as to race, color, age, sex,"

Second, within the framework of specifying the place and the conditions of detention. Separation between prisoners on the basis of their sex is mentioned in almost all of the instruments reviewed. Some of those instruments specify that a responsible woman officer shall be the custodian of the institution for women; further specification goes as far as saying that no male staff member will have the right to enter the women's side of the prison. This is a very important mechanism of protection, since women prisoners are particularly vulnerable to custodial sexual abuse, especially when male guards outnumber women guards, as in the case in many women's prisons. The representation of women in the personnel dealing with prisoners is also noted under the need for professionalism and training,

punishing him for an act he has committed or is suspected of having committed ..."

Standard Minimum Rules for the Treatment of Prisoners (Approved by the Economic and Social Council in 1977)

These rules do not refer to a model penal system that can be readily applied; rather, they are a series of principles and practices that need to be adopted in the treatment of prisoners and in the management of penitentiary institutions. These standard rules apply to all categories of prisoners, criminal or civil, untried or convicted, including those subject to security measures or to special corrective measures.

Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment (Adopted by the General Assembly in 1988)

These principles call for the treatment of all persons under detention or imprisonment in a humane manner and with due respect to the dignity

	International Covenant on Civil and Political Rights	Optional Protocol to the International Covenant on Civil and Political Rights	Second Optional Protocol to the International Covenant on Civil and Political Rights, Aimed at the Abolition of the Death Penalty	Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
Algeria	1989	1989	-	1989
Bahrain	-	-	-	1998
Egypt	1982	-	-	1986
Iraq	1971	-	-	-
Jordan	1975	-	-	1991
Kuwait	1996	-	-	1996
Lebanon	1972	-	-	2000
Libya	1970	1989	-	1989
Morocco	1979	-	-	1993
Oman	-	-	-	-
Qatar	-	-	-	2000
Saudi Arabia	-	-	-	1997
Sudan	1976	-	-	1986
Syria	1969	-	-	-
Tunisia	1969	-	-	1988
United Arab Emirates	-	-	-	-
Yemen	1987	-	-	1991

wherein it is recommended that there shall be fair representation of women and minorities in the juvenile justice systems.

Third, within the framework of medical care, where special attention is given to protecting the rights and the special status of women, especially pregnant women and nursing mothers. Provisions are to be made at the prisons for prenatal and postnatal care and treatment. On care during childbirth, the rules stipulate that childbirth is to take place outside prisons as much as possible. Another provision is also made for nursing infants to remain in the institution with their mothers.

Few observations are worth making about certain areas that are very important/relevant for women and that are not mentioned in these instruments. These include:

- The physical environment and accommodation within prisons, especially for girls that need special protection measures
- Health components besides maternal case, including personal hygiene (which has definitely peculiar aspects in the case of women) and other medical services relevant to adolescent girls.
- Confidentiality of information, which is more

relevant in the case of women because they are more vulnerable to labeling and stigmatization.

In conclusion, while it may be stated that a body of international human rights law has been created to deal with the rights of prisoners, these instruments have not addressed adequately the special needs of women and their vulnerable status. Most of those instruments look at the issues related to women prisoners in a highly traditional form. In general, women continue to be held in smaller prisons with fewer programs and recreational opportunities, and the programs that are offered reflect stereotyped female roles, with emphasis on housekeeping, sewing, clerical and typing skills. International sources indicate that because female prison populations are growing at a faster pace than are male populations, however, even those programs once available to women inmates are becoming more difficult to enter. Living conditions for women's prisoners, both in women's prisons and in the women's wings of men's prisons, have grown even more burdensome than conditions for men.

A dynamic body of international human rights law that responds to the needs of the target group becomes therefore highly necessary to deal with the challenges posed in today's prison conditions for women.



Women in Detention in the Middle East A Human Rights Perspective

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1. Introduction

Women in the Middle East² are systematically subjected to discrimination, prejudice, stereotypical treatment, and lack of protection by the law, customs and practice. Nowhere is this more evident than upon arrest or detention where they often find themselves subject to double discrimination: firstly, as “criminals”, or offenders, and secondly as women. The protective Arab culture of the “honor” and “interest” of the woman suddenly vanishes, and what is normally seen as the unacceptable, suddenly becomes acceptable.

Women in detention are even more invisible than their free counterparts. A simple search for literature about detention of women in the Middle East reveals very limited material compared to materials on men found in a similar position. One can only find few reports on certain high profile cases, or some thematic reports by human rights organizations discussing the subject mainly from a legal or human rights’ angle.

This article will attempt to highlight why women end up in detention; what they face while there; and, the obligation of the state regarding these women. It will end with some conclusions. Arguments will be supported by cases taken from different parts of the Middle East and are based on the records of Amnesty International. International human rights law and standards related to detention of women will not be discussed in detail as these will be explored in other parts of this issue of *Al-Raida*. Reference to human rights law will be made only in some instances, together with some references to relevant reports and conclusions by UN human rights bodies and experts.

The cases chosen for this article tend to steer away from the few high profile cases of women in detention who gained a lot of media and other attention because of who they are. Instead, it relies on cases that demonstrate some of the common practices and the daily suffering that many ordinary women face in detention. Some of the cases illustrate that the suffering of detained women does not end with their release, but haunts them and their families for a long time after release. It should be noted that many of the problems here are not unique to women in detention in the Middle East, but are faced by detained women in many other parts of the world.

Governments in the Middle East have taken some important steps during the last few years towards better protection of women’s rights. These include the ratification of relevant international human rights treaties, passing necessary amendments to national laws, human rights education and programs for raising awareness on women’s rights in the wider society. However, such initiatives are inconsistent with the pattern of violations that women continue to face while in detention in most parts of the Middle East. Accordingly, states must be more resolute in their efforts to combat the discrimination and other violations that women face both in general terms, and particularly during detention.

2. Who is Detained?

Women find themselves in detention for a variety of reasons. They are detained for their own activities, or in association with other male members of their families. Often, they are detained for their political activities, or sometimes for defying certain discriminatory social or legal norms. These cases tend to gain

more media interest, together with support from activist groups. However, many women are detained and charged with criminal activities resulting in abandonment by their families and society. Another group of invisible women in detention is migrant workers. Many of the prisons and detention centers in the Middle East host large groups of such workers, who find themselves in a particularly vulnerable position, as illustrated below. Finally, there is a small group of women who end up being detained "for their protection". However, once in detention, they are treated as any other prisoners. These are the victims of attempted cases of "honor killings".

Often, children are detained with their mothers, or girls are detained due to very low ages of criminal responsibility. They also must not be forgotten. This group of children in detention is beyond the scope of this article.

The following illustrate some of the typical cases under each of those categories. They are included here to show what these women face, and therefore help the reader think what needs to be done. The section is followed by a summary of what women face in detention, together with conclusions and recommendations.

A. Political Detainees

A large number of women are detained for what they believe in, even where their beliefs are not violent or when they do not advocate violence. Amnesty International normally adopts these women as "prisoners of conscience". Many such cases often get the support of women and human rights activists, and campaigns are conducted on their behalf, although often without much success.

There are also many cases where wives, mothers and other members of the family are detained and subjected to torture or ill-treatment in order to put pressure on male members of the family to turn themselves in or to cooperate during investigation. This technique has been used often in Tunisia during the last few years. The Tunisian authorities repress political opposition of any kind. Active members of political movements, suspected sympathizers and even family members of suspected critics all find themselves targeted. Lawyers who speak out on behalf of victims of human rights violations have also been imprisoned and intimidated. Torture and other cruel and degrading treatment is routinely used by Tunisian police and security forces on both the targeted person and members of their family.

An important group of "forgotten" or "invisible" political detainees is the "disappeared".³ Disappearances occur or have occurred in several Middle Eastern countries including Morocco, Algeria,

and Syria. Possibly some of the most notorious cases were at the hands of the Moroccan authorities. Since Morocco took control of Western Sahara at the end of 1975, hundreds of Sahrawi men and women known or suspected of pro-independence activities and support for the Polisario Front, have disappeared after having been arrested by Moroccan security forces. More than 300 of these disappeared men and women were released in June 1991 after up to 16 years in secret detention centers in Morocco and in Western Sahara, where they were held in cruel and inhuman conditions, and where scores of them died as a result. For years, and right up to the time of their release, the Moroccan Government not only denied any knowledge of them and of their whereabouts, but even their existence. When those "disappeared" were freed in 1991, the Moroccan Government stated they were released by royal pardon. Many of the "disappearance" cases are still relevant today because families of the "disappeared" are still tormented by the agony of not knowing the fate of their loved ones and because both the former "disappeared" and families of those who died in secret detention have until now obtained no redress. Moreover, those responsible for these grave human rights violations have been afforded total impunity.



Although a process of compensation for some "disappeared" started in Morocco in 1999, it covered no more than tens of cases. Hundreds are still pending, and their fate is still not known. Further, the cases of several hundred people, the majority of whom are Sahrawis, and who had "disappeared" between the mid-1960s and early 1990s, have not been officially clarified. The deaths between 1976 and 1991 of some 70 Sahrawi who "disappeared" in the secret detention centers of Agdz, Qal'at M'gouna and Laayoune have still not been acknowledged by the authorities, and their families had not received the remains for burial or have not been told where they are. Women are among those who are still "disappeared".⁴

In Algeria, demonstrations by families of "disappeared" have been dealt with forcibly and demonstrators were detained. For example, on 15 March 2000, the Security Forces on their way to a planned demonstration arrested around 40 relatives of the "disappeared" in Algeria. They were released after a few hours, after being interrogated and warned that they should not demonstrate again, despite their plans to do so every week. Among those arrested on the following day were about 30 women, two of whom were pregnant. There is no indication that the Algerian authorities have taken any concrete action regarding the fate of about 4,000 men and women who "disappeared" after arrest in 1993.⁵

One can not discuss women political prisoners in the Middle East without mentioning the situation of Palestinian women detained in Israeli prisons and detention centers. Palestinian women continue to suffer daily in the notorious Neve Tirza prison inside Israel. Methods of torture and ill-treatment they face include their cells being sprayed with tear gas, held with tight hand-cuffs to their beds for long periods of time causing severe pain to the wrists and ankles, being severely beaten all over their bodies, and held in solitary confinement for long periods of time. Girls under 18 are also held in this prison under the same conditions. No thorough investigation is carried out regularly into claims of torture, despite continuous complaints by prisoners, their lawyers and human rights organizations.

B. Criminal Detainees

Women detained on criminal charges face the cruelest treatment in prisons, both during interrogation and after trial. It is as if the assumption that they are criminals makes them sub-human and therefore not deserving of the same treatment and standards as everybody else. It should be noted strongly here that human rights law, especially those provisions on fair trial, detention conditions, prohibition of torture and other forms of ill-treatment, apply to political and

criminal prisoners alike. There is no excuse for treating detainees on criminal charges any worse than other prisoners or detainees, especially political prisoners. Accordingly, we, as women's rights and human rights activists are not excused at all from allowing this to be perpetrated without protest. We are also responsible for the lives of those detainees.

According to information received by Amnesty International, the following summarizes the ordeal of Heba Ma'sarani from Lebanon, which can be considered as a representative case of many of those women held on criminal charges in different parts of the Middle East:

Heba Ma'sarani was arrested on 14 June 1997, when she was 39 years old, shortly after the death of her husband, allegedly by suicide, and accused of his murder. She was taken to the Makhfar al-Mina (Tripoli port police station) where she was interrogated for two days. There she says she suffered from verbal abuse. Police officers prepared to rape her, stripping off their clothes and undressing her, but the head of the police station heard them and ordered her transfer. She was then moved to Bab al-Ramla police station in Tripoli. However, there she stated that she was tortured for seven days without being interrogated while she remained in the police station after being brought before the examining magistrate. After the head of the police station left at night she said she was raped by members of the Dabita al-'adliyya. She was also subjected to the farruj and to the method of torture known as the dullab or hanging from a suspended tyre and beating. She said the police station was infested with cockroaches, rats, mosquitoes and other insects. After this period she was brought before an examining magistrate who ordered her transfer to prison. She was brought to trial after nine months of detention.

In September 2001, when Amnesty International reported her case, she weighed only 36 kilograms, and was still being held in prison hospital. No steps have been taken to investigate her allegations of rape or to provide counseling or address the other serious allegations.⁶

The following is another case from Egypt, which is also representative of the kind of treatment, meted out to women detainees. On 3 March 2000 Salha Sayid Qasim, a 37-year old housemaid and mother of four, was taken from the house of one of her employers to Giza Police Headquarters by two plainclothes security officers on suspicion of burgling her employer's house. In November 2000 Salha, still traumatized, described her ordeal to Amnesty International delegates:

The officer...took off my headscarf, blindfolded me, tied my hands and told me to take off my sandals and go in. When I went in, I didn't know where I was or what was

happening to me. I realized that people were beating me. ... They were beating me with a stick, slapping my face, whipping me, and swearing very badly at me. ... They took me outside and after less than five minutes brought me in again. The same swearing and verbal abuse continued. They made me lie down with my legs raised and started on me with the stick. An officer held me down and stood over my legs. Of course my thighs and body were showing. He beat me very hard.... All this happened while I was blindfolded. He took me outside and...told me to dab my feet in some water, which I did. Then, he made me go back inside and asked me to take off my clothes. He made me stand in, if you'll excuse me, my bra and pants. He then asked me to turn around in front of them. I said, 'Shame on you! Why are you doing this to me?' I bent down to kiss his feet and he hit me and pushed me away with his shoe so that I fell over. I kept asking him to take mercy on me. He took the whip, hit me on the back and then told me to dress.

The officer then reportedly threatened Salha Sayid Qasim with further sexual abuse, including gang rape by police officers. She was then told to remove her blindfold and leave the room only to be summoned again minutes later to face further torture. The same torture was again repeated the next day, this time including electric shocks. All through Salha denied having stolen anything from her employers. Salha Sayid Qasim was released on 4 March 2000 without charge. She received a medical examination and treatment at the Cairo-based El Nadim Center for the Management and Rehabilitation of Victims of Violence. Doctors there examined the bruising, predominantly on her legs and back, and found that they were consistent with the results of beating and whipping. On 13 March 2000 the Egyptian Organization for Human Rights filed a complaint with the Public Prosecution regarding Salha Sayid Qasim's torture. By the end of 2000, Salha Sayid Qasim, who still had visible marks of torture on her body in November 2000, had still not been referred for a forensic examination.

In 1999 the UN Committee against Torture expressed concern regarding the "treatment of female detainees which sometimes involves sexual abuse or threat of such abuse", following its examination of Egypt's third periodic report. The Committee recommended "that effective steps be taken to protect women from threats of sexual abuse by police and officers of the State Security Intelligence as a means of obtaining information from them".⁷

The UN Committee on Elimination of Discrimination against Women (CEDAW) has also expressed its concern on Egypt that:

*although efforts have been made, there is no holistic approach to the prevention and elimination of violence against women, including domestic violence, marital rape, violence against women in detention.... The Committee urged the Government to conduct a national survey of the extent of violence against women ...[and] to assess the impact of existing measures to address the various forms of violence against women.*⁸

C. Detained "to be Protected", Honor Killings, and Adultery

Some countries in the region have now developed the practice of detaining women in order to protect them from what is known as honor killing. Human Rights Watch has reported that:

*In Jordan, if a woman seeks protection from the police because she fears that her family wants to kill her, she will be held in indefinite detention in a local prison. It is important to note that once a woman has sought protection from the government and has been placed in prison, she is prohibited according to the government's policy from leaving the prison even though she has committed no crime. Ironically, women can only be released into the custody of a family member — perhaps the very persons trying to kill them. If these women are killed, they are buried in unmarked graves and their very existence denied.*⁹

The case of Jordan is representative of the situation that exists in many other Arab countries. One has to understand the size of this problem in the region in order to appreciate the serious attention that needs to be given to solve it.

There were at least 21 family or "honor" killings in Jordan reported in Amnesty International's Annual Report for 2001. The Upper House voted to repeal Article 340 of the Penal Code (which exempts males from any penalty for murdering wives or female relatives on grounds of adultery or reduces the penalty if the victim is found in an "adulterous situation"). However, the repeal was later rejected by the Lower House.

The UN Committee on Elimination of Discrimination against Women has expressed its clear dissatisfaction with the Jordanian law and practice in this regard. The Committee stated that:

The Committee expresses its concern that several provisions of the Penal Code continue to discriminate against women. In particular, the Committee is concerned that article 340 of the Penal Code excuses a man who kills or injures his wife or his female kin caught in the act of adultery.

*The Committee urges the Government to provide all possible support for the speedy repeal of article 340 and to undertake awareness-raising activities that make "honor killings" socially and morally unacceptable. It also urges the Government to take steps that ensure the replacement of protective custody with other types of protection for women.*¹⁰

The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Ms. Asma Jahangir, discussed the issue in her report to the UN Commission on Human Rights in 2001.¹¹ She stressed that she has received a considerable amount of information regarding traditional practices, particularly so-called "honor killings", targeting women in many parts of the world. She stressed that:

... it is the right of every individual to enjoy the rights to life, liberty and security. Governments are obliged to protect these rights by law and to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which are in violation of the human rights of women.

She clarified that she does not take up all cases of such killings, but has limited herself to act where the State either approves of or supports these acts, or extends impunity to the perpetrators by giving tacit support to the practice. She noted that the General Assembly at its fifty-fifth session adopted resolution 55/66 entitled "Elimination of crimes against women committed in the name of honor". She particularly suggested that "states should abolish "protective custody" and should assist non-governmental organizations, in particular by providing financial resources, to create alternatives for women in need of shelter."¹²

In its General Comment on Violence against Women, the Committee on Elimination of Discrimination against Women recommended that states should amend their legislation "to remove the defense of honor in regard to the assault or murder of a female family member."¹³

Although the practice of the so called "honor killings" is not the subject of this article, it is essential to make the following few observations about it as it relates to the detention of women. Crimes of "honor killings" are either condoned through government inaction or defended as legitimate cultural practices in many countries. As a result, police fail to investigate and prosecute these crimes. In the rare cases where a man is prosecuted, it is the woman's behavior that becomes the focus of the trial, not the culpability of the defendant. In the even rarer case that a man is found guilty, the man's claim that it was a crime committed

to restore family honor allows the courts to reduce the sentence. This is often based on legal provisions that provide for mitigating factors for the male in such cases. Conversely, such considerations are not provided for the woman if she commits a crime against her husband when she claims to find him in an adulterous situation. In such cases, she ends up with a harsh sentence.

D. Migrant Workers

Migrant workers, particularly domestic workers, tend to be among the most invisible, particularly when they are detained. They are stripped of many of the rights that are guaranteed to other detainees. For example, they often do not understand the language of the country and the legal system, and thus become vulnerable as they do not understand the charges brought against them, or how to defend themselves. As they often do not have family in the country, they are kept in isolation without access to the outside world. Often, they do not have access to their consulates or to lawyers.¹⁴ They are kept in separate cells and thus do not have the benefit of having another detainee who might help them to explain the process. While in interrogation, they are often subjected to severe torture, facilitated by their isolation from the outside world.

According to Amnesty International, in Saudi Arabia, a secret and arbitrary criminal justice system confronts everyone who comes into contact with the law. Women continued to be particularly subject to human rights abuses by the state, including arbitrary arrest and detention, torture and the death penalty, which is imposed for a wide variety of offenses. At least 145 people were executed between January 2000 and February 2001, most of them foreign nationals. Foreign workers from developing countries have much less chance of escaping gross abuses than Saudi Arabian nationals. Saudi Arabia has a strict moral code that is not translated only in customs, but also in legislation that prohibit or criminalizes certain behaviors. Many of such codes are related to women, for example the requirement to wear a certain dress and covering her head all the time, and not being allowed to be walking in the streets alone without a close male relative of the family (brother or husband). Many cases show that the "crimes" of immoral conduct, although appearing gender-neutral, can be invoked against women in more circumstances than they can be invoked against men — mainly as a result of the many injunctions and limitations in respect of women's behavior.¹⁵ The following is a clear example that shows the plight of not only women in general in Saudi Arabia, but particularly that of migrant domestic workers.

Amnesty International reported the case of Tess dos Reyes, a 41-year-old domestic worker from the

Philippines, who received a sentence of lashes after she was accused of having kissed a man who visited her employer's compound. She refuted the accusation, but was denied legal representation and was unable to cross-examine the witnesses who had made accusations against her. Tess at no stage confessed, but the court accepted the written accusations as evidence against her. Her employers, who had made the accusation, were not present in court. She was not given the assistance of a lawyer. She was also unable to send letters when she was in prison. Tess was never given clear information about the precise nature of the charges against her, although it seems likely that she was convicted of immoral conduct.

She told Amnesty International:

What led to my going to prison was that at 9 pm or 10 pm one evening, the Filipino driver who lived in the compound received a visit from another Filipino man... The first thing that I knew about this was that my employer came to me and said that the man was my boyfriend. I said that I had no idea who this man was. My employer immediately called the police and the two Filipino men and I were all arrested. At 3 am I was taken straight to the Malaz women's prison. I was never interviewed by the police prior to being imprisoned. There was a subsequent occasion when I was interviewed in the prison. I simply told the truth, and signed the statement. I felt helpless. I never saw a lawyer. I was in jail from 6 April 1998 to 6 November 1998. There was only one visit from the Philippines Embassy. This was more than two months after my imprisonment. I went to court once only. There was me, the judge and an interpreter in court and a female prison guard. The judge read out my statement, and then read out a statement from my employer in which he said that he had seen me embracing the Filipino visitor. The employer was not in court and was not required to "speak to" his statement. Even if I had felt capable of doing it, I did not have the chance to challenge the statement of my employer. I was simply told by the judge that I was to be given 75 lashes in one session, and eight months in jail. I am not sure exactly the crime I was sentenced for. I am not sure whether it was immoral conduct. I am not sure whether an inference was drawn from my supposed embrace that I had had sex with the man in question. I was given the lashes before I left, about a week before.¹⁶

3. What do Women Face While in Detention: Relevant Human Rights Standards

It is clear from the cases cited above that torture is often practiced against women, and it seems to be most frequently related to her gender. Women are often

subjected to rape by state officials, acting individually or collectively, or to threat of rape. What increases this risk is that, contrary to clear international standards, women are often interrogated by male officers in the absence of female officers. Their isolation from the outside world, particularly from their family, legal counseling, and independent medical doctors increases the risk of their being subjected to such forms of torture and suffering in silence without quick possibility of salvation. According to Rule 53 of the UN Standard Minimum Rules for the Treatment of Prisoners, the presence of women officers is required in detention centers where women are held. In line with this Rule, female security officers should be present during the interrogation of a woman, and should solely be responsible for conducting body searches. Women wearing a head-scarf are often stripped of it as soon as interrogation starts as a form of humiliation and as a means of putting pressure on them to confess or cooperate with the interrogation.

Women are also subjected to the other forms of torture or ill-treatment or punishment that men are regularly subjected to. This includes being tortured with electric shock, sleep deprivation, position abuse including being put in awkward positions tied with ropes or to pipes which lead to pain, or being forced to sit on a chair with hands and legs tied, sometimes to the back, for a long time. They are also beaten or whipped regularly all over their bodies.

International law clearly prohibits torture in any circumstances. This prohibition is now customary international law and the obligations related to it are reflected in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and Article 7 of the International Covenant of Civil and Political Rights. State obligations include the prohibition of torture, investigation of cases of torture and redress for victims of torture (see below).

Concerning the connection between torture or ill-treatment and access to the outside world, the Special Rapporteur on Torture has stated that "torture is most frequently practiced during incommunicado detention. Incommunicado detention should be made illegal and persons held in incommunicado detention should be released without delay. Legal provisions should ensure that detainees be given access to legal counsel within 24 hours of detention."¹⁷

International standards recognize many rights and protections for detained persons. These include that no one shall be arbitrarily detained or arrested. A person shall be informed promptly of the reasons of her arrest and any charges against her, be brought

promptly before a judge and be brought to trial within reasonable time, shall have the right to challenge the lawfulness of her detention, and, if she is subjected to unlawful detention, she shall have the right to compensation. All persons are entitled to fair and public hearings by a competent, impartial and independent tribunal. They shall have the right to be presumed innocent unless proven guilty by a court of law, to have adequate time and facility for the preparation of defense and to communicate with legal counsel without delay. In case of foreign nationals, they have the right to free assistance of an interpreter if she does not understand or speak the language used in the court.¹⁸

Women, who are detained with other male family members, are often tortured in front of the male member to put pressure on him to cooperate. In fact, in many cases women are detained and tortured just to put pressure on male members of the family or force women to confess information about such members of the family although the woman herself might have nothing to do with the case in question.

Women who were subjected to acts of torture or ill-treatment or punishment have often filed complaints against their torturers. However, in most cases, such complaints are not investigated properly, or when they are, often result in punishment disproportionate to the offenses: i.e. the officer is simply moved from one police station to another, or cautioned.

The Convention against Torture requires that the state "shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction." (Article 12). It should be noted here that such investigation is not dependent on whether the victims or their representatives launched an official complaint. Article 15 requires that any statement which is established to have been extracted under torture should not be used as evidence in any proceedings against the accused. The Convention further requires that states should ensure that "the victim of an act of torture obtains redress and has the enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of

victim as a result of torture, ... [the] dependents shall be entitled to compensation." (Article 14 (1))

Finally, it should be noted that although the Convention on Elimination of All Forms of Discrimination against Women does not include provisions directly on violence against women, the Committee on Elimination of Discrimination Against Women has clarified that "gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men."¹⁹ The Committee further added that:

The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.²⁰

4. Why Does this Happen?

It is very important to identify where the problem lies in order to find the proper redress. In some cases, the problem starts with the legislation, in others, it is in the implementation. In the parts below, some of these reasons are explored, with reference to the UN system when possible.

A. Ratification of International Treaties

At the first instance, one should examine the ratification of international human rights treaties by states of the region. A quick examination of the ratification of international treaties shows that the problem is actually not in ratification. For example, all the following states have ratified the International Covenant on Civil and Political Rights, which includes important provisions on non-discrimination and standards related to arrest, detention, and fair trials: Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Somalia, Sudan, Syria,

Tunisia, and Yemen.

The following have ratified the International Convention on Elimination of All Forms of Discrimination against Women: Algeria, Comoros,

I bent down to
kiss his feet and
he hit me and
pushed me away
with his shoe so
that I fell over.
I kept asking
him to take
mercy on me.

Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Saudi Arabia, Tunisia, and Yemen.

And finally, the following has ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Algeria, Bahrain, Egypt, Jordan, Kuwait, Lebanon, Libya, Morocco, Qatar, Saudi Arabia, Somalia, Tunisia, and Yemen.

So it is clear from the above that the problem for many states is not at the level of ratification of international treaties. However, the problem in relation with international law and standards lies on another level:

1. The repeated reservations that states have entered to many provisions of these international treaties. The various human rights treaty bodies have often called on states to lift their reservations stating that such reservations are often inconsistent with the purpose and spirit of the treaty;
2. It is often that national legislation is still in violation with obligations under these international treaties as will be shown below; and
3. Even in the rare occasions where the law is consistent with international law, or even when it is not, the problems most often remains that the practice by state officials, including the police and judges, are in violation of these standards.

It should be stressed that ratification of international standards should not be only a demonstration of will by the state to the international community. It rather carries with it immediate obligations including guaranteeing the rights included in the treaties to all persons without discrimination; harmonizing national law with these international standards, and training of government officials on these standards so that they become a reality in practice.

B. National Legislation

The problem often lies in national legislation, including cases where there is lack of constitutional guarantees for non-discrimination against women; or cases where there is conflict between the constitution and other national legislation.

Concerning conflict between constitutions and national legislation, this is often evident in family status legislation and penal codes. As shown above in the case

of adultery and "honor killings", women are treated much harsher than men, even when caught under similar circumstances and charged with similar charges. The Committee on Elimination of Discrimination against Women have said in the case of Algeria, that although the Committee is satisfied that "the Constitution guarantees the equality of men and women and provides that the Convention prevails over national legislation, the numerous discriminatory provisions of the Family Code and the persistence of prejudice and patriarchal practices conflict de facto with the principles of the Convention." The Committee recommended that the Algerian authorities review its legislation in view of harmonizing it with the Convention and the Constitution.²¹

On Jordan, the Committee on Elimination of Discrimination against Women was concerned that "although article 6 of the Jordanian Constitution contains the principle of equality of all Jordanians before the law, it does not contain a specific provision stating that there shall be no discrimination either de jure or de facto on the ground of sex."

The Committee called on the Jordanian government "to encourage a constitutional amendment to incorporate equality on the basis of sex in article 6 of the Constitution and to reflect fully article 1 of the Convention in the Constitution." The Committee further expressed its concern that several provisions of the Penal Code continue to discriminate against women. In particular, the Committee is concerned that article 340 of the Penal Code excuses a man who kills or injures his wife or his female kin caught in the act of adultery."²²

In the case of Iraq, the Committee drew attention to the importance of not only having provisions of non-discrimination in the Constitution, but also that such guarantees do not have the purpose and effect to discriminate on the basis of sex.²³ In that sense, it is common in legislation or practice that there are no provisions that discriminate on the basis of sex directly, but in practice, the effect of certain legislations, or lack of additional protection provisions is to discriminate against women. This is evident in the case of lack of protection provisions and the lack of special training for law enforcement officers to deal with women during detention. In view of the lack of such additional protection, women suffer from violations of

their physical and psychological integrity that could amount to torture.

C. Practice

Finally, even when international human rights treaties have been ratified, and the national law does in fact include the necessary provisions to protect the rights in question, there still remains the problem of implementation in practice. This is most obvious in the lack of adherence to provisions of international treaties or provisions in national legislation by law enforcement officers. In many cases this is due to lack of training provided to these officials on their obligations under international and national law. However, what complicates the problem is that more than often, violations of human rights by law enforcement officials go with total impunity. No investigations are carried out regularly in cases of torture, death in detention, or other forms of abuse of power. In the rare case when such investigations take place, the officials involved are let to go with a punishment that is totally disproportionate to the violation committed. Such impunity for violations is a perfect atmosphere for their repeat and has to be addressed promptly.

5. Recommendations

The following are some recommendations that are directed towards state authorities, NGOs and other activists. The recommendations for the state could be used as basis for programs by human rights and women's rights activists in addressing the plight of women in detention.

A. To States

States should amend provisions in constitutions and other laws that still discriminate against women, or do not allow for proper redress for violations against them, including during detention. Other specific amendments in laws include the abolishing of discriminatory laws and evidentiary rules that lead to disproportionate levels of incarceration of women for crimes like adultery. Also upon arrest or detention women should be guaranteed immediate access to the outside world, including to their families and to legal counsel.

Further, there should be human rights mechanisms to investigate violence against women in custody, and such mechanisms should give such violations the same priority as violence against men in custody. In their reporting, such mechanisms should consistently incorporate a gender analysis.

States should carry out training of law enforcement officers on international human rights law, particularly the standards related to the detention of women and conditions under which their interrogation can take

place; and states should provide ongoing gender-sensitization training for police and prison personnel; States should work towards the full implementation of concluding observations and remarks by the different human rights treaty bodies, including the Committee against Torture, the Committee on Elimination of Discrimination against Women, and the Human Rights Committee (supervising the implementation of the International Covenant on Civil and Political Rights). Also implementation of comments and recommendations by other UN experts, including the Special Rapporteur on Torture, and the Special Rapporteur on Violence Against Women. These experts and expert bodies have made general recommendations, but also specific recommendations related to law and practice in many of the countries of the region. Little effort has been made by states to implement these. Steps in this direction are essential to address the specific problems faced by women in detention.

B. To NGOs and Other Activists

Women's rights and human rights non-governmental organizations need to create and strengthen their programs of monitoring the situation of women in detention. More documentation of detention conditions, including during interrogation, needs to be available.

To achieve this, NGOs need to train more specialized staff to speak with women who have been raped, and subjected to other severe forms of physical and psychological violations.

Interviewing those survivors of torture can be very emotional and devastating to them. Interviewers, field workers, and others involved in such cases, including lawyers who deal with these cases, need to be specially trained on how to carry out the interviews and research without subjecting women to further trauma.

NGOs and other activists, including lawyers and academics, need to identify in each country the priorities for legislative reform and start lobbying for that. Campaigns to create allies in the parliament and the community are essential for this.

Women, who are detained with other male family members, are often tortured in front of the male member to put pressure on him to cooperate

The presence of women officers is required in detention centers where women are held

Endnotes

1. Mervat Rishmawi is a legal advisor at the International Secretariat of Amnesty International, based in London – UK. This article is written in personal capacity.
2. The term Middle East here refers to the country members of the League of Arab States in the region of the East Mediterranean, the Gulf, and North Africa.
3. According to the Declaration on the Protection of All Persons from Enforced Disappearance, proclaimed by the General Assembly in its resolution 47/133 of 18 December 1992, an enforced disappearance occurs when “persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups, or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law.”
4. For further documentation of disappearances, see various Amnesty International’s reports including: MOROCCO / WESTERN SAHARA: “Turning the page: achievements and obstacles”, Amnesty International (AI Index: MDE 29/001/1999), 04 August 1999; and “Addendum to “Turning the page: achievements and obstacles”, Amnesty International (AI Index: MDE 29/005/1999), 04 August 1999.
5. For further information, see for example Amnesty International Annual Report 2001: Algeria, p. 29; and “Algeria: Mothers and other relatives of the “disappeared” arrested and threatened”, Amnesty International (AI Index: MDE 28/02/00), 15 March 2000.
6. For further information about this case and a general discussion of detention of women in Lebanon see: “Lebanon: Torture and ill-treatment of women in pre-trial detention: a culture of acquiescence”, Amnesty International (AI Index: 18/009/2001), August 2001.
7. Concluding Observations of the Committee Against Torture: Egypt, UN Doc. A/54/44, paras. 209-212.
8. Concluding Observations of the Committee on the Elimination of Discrimination Against Women : Egypt, UN Doc. A/56/38, 02 February 2001, paras. 344-345.
9. See: Human Rights Watch Oral Intervention at the 57th Session of the UN Commission on Human Rights: Item 12 - Integration of the human rights of women and the gender perspective: Violence Against Women and “Honor” Crimes, April 2001.
10. Concluding Observations of the Committee on the Elimination of Discrimination Against Women : Jordan, UN Doc. A/55/38, paras 178-179, (27/01/2000).
11. See Report of the UN Special Rapporteur on Extrajudicial, summary or arbitrary executions, UN Doc. E/CN.4/2001/9, (11 January 2001).
12. Ibid.
13. “Violence against women”, CEDAW General recommendation. 19, (UN Doc. A/47/38), 30 January 92, para. 24 (r-ii).
14. According to Article 36 of the UN Vienna Convention on Consular Relations and Principle 16(2) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment: if the detained person is a foreign national, he or she shall be informed promptly of the right to communicate with consular post or diplomatic mission of his state.
15. See: “Amnesty International, 57th UN Commission on Human Rights (2001):background briefing” (AI Index: IOR 42/002/200); and “Racism and the Administration of Justice : Media Briefing” , Amnesty International (AI Index ACT 40/028/2001) - News Service Nr. 124, 25 July 2001. On 28 March 2000, Amnesty International launched a world-wide campaign concerning the human rights violations in Saudi Arabia, issuing several thematic reports and documents, including on violations against women.
- 16 “Saudi Arabia: Gross Human Rights Abuses against Women”, Amnesty International (AI Index: MDE 23/057/2000), 27 September 2000. Also on a general discussion on human rights violations in Saudi Arabia, see Human Rights Watch: “Human Rights in Saudi Arabia: A Deafening Silence”, December 2001.
- 17 Report of the UN Special Rapporteur on torture, UN Doc. E/CN.4/1995, para. 926 d.
- 18 These standards and others are included in many international human rights law and standards including: the Convention against Torture; the International Covenant on Civil and Political Rights (particularly Articles 7,9,10 and 14); the Standard Minimum Rules for the Treatment of Prisoners; the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; and the Safeguards guaranteeing protection for those facing the death penalty.
- 19 “Violence against women”, CEDAW General recommendation. 19, (UN Doc. A/47/38), 30 January 92, para. 1.
- 20 Ibid, para. 6.
- 21 Concluding Observations of the Committee on the Elimination of Discrimination Against Women : Algeria, UN Doc A/54/38, paras. 68, 92, (27 January 99).
- 22 Concluding Observations of the Committee on the Elimination of Discrimination Against Women : Jordan, UN Doc A/55/38, paras. 168, 169, 178, 179, (27 January 2000).
- 23 Concluding Observations of the Committee on the Elimination of Discrimination Against Women : Jordan, UN Doc A/55/38, para. 168, (14 June 2000).

Women in Lebanese Prisons: Facts and Perspectives*

“Punir ni plus qu’il n’est juste, ni plus qu’il n’est utile”**

By Mona Chemali Khalaf

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This old and famous French adage seems to have become the motto adopted in relation to penalty sanction. In fact, “the basic aim of the sanction is not only any more to dissuade criminals from recidivism, but to rehabilitate them and prepare them to face society again and be reintegrated in it among the righteous and virtuous” (Becheraoui, n.d., in Arabic).

This gradual and positive development in the perception of sanctions could be attributed - at least partly - to the United Nations concern about ensuring a humane treatment to all individuals, including the incarcerated ones and its adoption of various declarations and conventions to ensure this process (see A. Khodr’s paper, pp. 10-14). The Council of Europe, in turn, adopted in 1950 the European Convention on Human Rights and Fundamental Freedoms, in 1973 the Standard Minimum Rules for the Treatment of prisoners and in 1987, the European Convention against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment.

All these international instruments emphasize essentially:

- non-discrimination;
- non-arbitrary arrest or detention;
- presumption of innocence, “unless found guilty by due process of law”;
- prohibition of torture, inhuman or degrading treatment or punishment;
- right to humane treatment and adequate physical conditions;
- right to adequate health care (Machover, July 28, 2000).

Where does Lebanon stand as far as these international human rights instruments are concerned? Despite the fact that Lebanon has ratified some of the related conventions, the situation prevailing in Lebanese prisons runs counter the seven points mentioned above. This is clearly evidenced in the survey undertaken -

with a Mercy Corps International grant - in the four Lebanese women prisons located in Baabda, Beirut (at Barbar Al-Khazen), Tripoli and Zahleh.

This survey is actually the outcome of a joint venture between an academic institution - (the Institute for Women’s Studies in the Arab World at the Lebanese American University) - a non-governmental organization (Dar Al Amal), and a governmental office in charge of Lebanese prisons, the Lebanese Gendarmerie. The close cooperation between these three bodies made the task possible and contributed definitely to the successful completion of the research.

The survey extended over a period of four months (February to May 1999) and covered 161 out of the 167 incarcerated women at that time, who accepted to cooperate. They were interviewed on the basis of a well-structured questionnaire and an open - ended one. The structured questionnaire focused essentially on five areas:

- information on the incarcerated women (nationality, religion, age, level of education, marital status, number of children);
- information on their family (parents, brothers and sisters, income level, educational level...);
- information on their status in prison (sentenced or detained), length of the sanction, reasons for incarceration...;
- judicial information, related to availability of lawyer, appearance in front of the court...;
- other information related to visits from family members, basic needs not provided in the prison (medication, cloth).

The findings of the survey made it possible to:

- draw a profile of the incarcerated woman;
- describe the conditions prevailing in the prisons;
- present a suggested plan of action both at the preventive and curative levels.

I- Profile of the Incarcerated Lebanese Women

It is important to start by pointing out that the profile presented below is representative of the women interviewed at the time of the survey; and is affected – no doubt – by the turnover in the inmates and their number. As a result, the figures presented are only indicative of trends.

a. Nationality

Almost 80% of the women in Lebanese prisons are Arabs. The majority of them are Lebanese (60.9%), followed by Syrians (11.8%); while the Srilankes constitute the largest group among the non-Arabs (9.9% out of a total of 20.5%).

Table 1. Distribution of Incarcerated Women by Nationality

Nationality	Number	Percentage
Arab Countries		
Egypt	3	1.9
Lebanon	98	60.9
Palestine	6	3.7
Somalia	1	0.6
Syria	19	11.8
Tunisia	1	0.6
Total	128	79.5
Other		
Ethiopia	6	3.7
Ghana	3	1.9
Japan	1	0.6
Nigeria	1	0.6
Philippine	3	1.9
Russia	1	0.6
Srilanka	16	9.9
No Answer	2	1.2
Total	33	20.5
Grand Total	161	100.0

Table 2. Distribution of Incarcerated Women by Level of Education and Age Group

Age Group	Illiterate		Read & Write		Elementary		Intermediate		Secondary		University		No Answer		# of Women	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
<22	10	20.0	1	4.0	2	13.3	6	18.8	4	13.8	-	-	-	-	23	14.3
22-30	9	18.0	9	36.0	6	40.0	13	40.6	14	48.4	3	37.5	2	100.0	56	34.8
31-40	16	32.0	12	48.0	3	20.0	7	17.2	5	37.5	3	37.5	-	-	46	28.6
41-50	7	14.0	2	8.0	1	6.7	5	15.6	3	10.3	1	12.5	-	-	19	11.8
>50	8	16.0	1	4.0	3	20.0	1	3.1	3	10.3	1	12.5	-	-	17	10.5
Total	50	100.0	25	100.0	15	100.0	32	100.0	29	100.0	8	100.0	2	100.0	161	100.0
%		31.1		15.5		9.3		19.9		18.0		5.0		1.2		100.0

b. Religion

Slightly more than two thirds (67.7%) of the incarcerated women are Muslim while 26.1% are Christian, 3.7% are Buddhist, and 2.5% failed to answer this question.

c. Age

A.H. (16 years old at the time of the interview) was pregnant and traumatized when interviewed. Her husband was also convicted and served a sentence at the Roumieh prison. She claimed she did not know why she and her husband were arrested.

Women prisoners are relatively young. Almost half of them are 30 years old and younger, with the highest concentration (slightly more than one third) falling in the age group 22-30 years followed by the 31-40 year age group.

d. Level of Education

A relatively high level of illiteracy (slightly less than one third) prevails among incarcerated women, with the highest percentage of illiterates falling in the age group 31-40 years (32.0%), followed by those below 20 years of age (20.0%). Almost one fifth of them have reached the intermediate and secondary level of education (19.9% and 18.0% respectively), while 5.0% are of a university level.

L.S.M. (30 years) is a university graduate who had been arrested under the claim that she had killed her husband. "I have married my husband against his parents' wishes. I was in the adjacent room feeding my daughter when my husband committed suicide. He was a drug addict. My in-laws, who hated me, accused me of having killed their son".

Babies are allowed to remain with their mothers as long as they are breast fed

e. Family Background

Incarcerated women belong to large families: 31.7% of them have between 4 to 6 siblings; while almost the same percentage (31.1%) have more than seven.

Although no statistical information was provided by the prisoners on the economic status of their families, anecdotal evidence seems to indicate that they belong to the lower socio-economic strata in the country.

In addition, the educational level of the incarcerated women's family is quite low, particularly that of their mothers, with an illiteracy rate almost double that of their fathers.

Table 3. Educational Level of the Incarcerated Women's Family

	Mothers		Fathers		Siblings	
	No.	%	No.	%	No.	%
Illiterate	74	46.0	38	23.6	107	14.8
Read & write	29	18.0	41	25.5	141	19.5
Elementary	4	2.5	6	3.7	99	13.7
Intermediate	9	5.6	9	5.6	135	18.7
Secondary	6	3.7	9	5.6	83	6.7
University	-	-	3	1.8	48	6.7
No answer	39	24.2	55	34.2	109	15.1
Total	161	100	161	100	722	100

f. Marital Status

"My mother forced me to marry a mentally-retarded man, when I was 13... I was sexually abused by my father-in-law more than once. I got pregnant and I think the child was his. I delivered on my own, and killed my new-born daughter, because I did not want her to live the way I have been living" (L.F., 17 years, at the time of the interview).

48.4% of the incarcerated women are married, almost one fourth (23.6%) are single, while the percentage of widowed and divorced is 13.7% and 11.2% respectively. More than one third of the divorced prisoners (37.5%) reported that their husbands left them to marry another woman; 18.7% left their spouses because they were abused.

The bulk of the ever-married women (58.4%) have less than three children, followed by those who have between 4 and 6 children (35.6%), while 6.0% of them have more than seven children. Slightly over one third (34.8%) of their children are aged between 4 and 10 years, while one fifth falls in the 11-15 years age group and around 17% in the 16-20 years and above groups. Three of the detained women were pregnant at the time the survey was conducted. It is important to note; in this respect that the babies are allowed to remain with their mothers as long as they are breast fed. If there is no one to claim them, they are sent to the SOS village and the mother is made to sign a paper giving

them up. The mother of one of these babies had to organize a night watch team to ensure his safety because of the presence of two psychologically unstable women in the same room.

The large majority of the incarcerated women's children (86.4%) do not work. Those who do, however, are involved in jobs which require simple skills, if any. They work as peddlers, or in groceries, shoe shops, garages.... The range of income they earn per month varies between LL.100,000 and LL.300,000 (\$66 to \$200).

It is disheartening to report that one fifth of the incarcerated women do not know the current residence of their children and that more than half of them do not want or cannot get their children back once released, because of the uncertainty of the future. This is aggravated further by the fact that 21.2% of these children live on their own.

I have not sat on a chair for the last eight years"

Table 4. Current Residence of the Incarcerated Women's Children

	No.	%
Do not know	64	20.3
Step father	4	1.3
Husband	73	23.1
Her parents	51	16.1
In Laws	41	13.0
Orphanage	16	5.0
Living alone	67	21.2
Total	316	100

g. Husbands' Profile

Slightly more than half (50.8%) of the incarcerated women's husbands are Lebanese, while 20.8% are Syrian. Two thirds of them (66.6%) are Moslem; while 21.7% are Christian. Almost one third of them (32.5%) falls in the 31-40 year age group, followed by 27.5% in the 22-30 year group.

As for their educational level, when compared to that of their wives, it is lower at the illiteracy level (20.0%), higher at the "read and write" (19.2%) and at



Joseph Donato, President of Dar Al-Amal and women inmates during the graduation ceremony at Baabda prison

the elementary levels (12.5%), lower at both the intermediate and secondary levels (14.2% and 10.8% respectively) and higher at the university level (7.5%).

It is significant to note that 44% of the husbands of the incarcerated women have a criminal record and 35% of them are presently detained. This holds true also for the “fiancés” of the two engaged prisoners.

At the time of the survey, 37.5% of the husbands did not work and those who did (56.7%) had very unstable incomes. A very small percentage of them (18.0%) provided financial support to their families.

h. Economic Status of Incarcerated Women

It is evident from the above evidence that, prior to their incarceration, women had to join the labor market because of economic need. In fact, almost 70% of them worked in jobs that did not require specific skills or high levels of education: 43.8% of them were house-helps with a high concentration of those in the age groups below 40 years; while 41.1% were employees at the lowest echelons with a higher concentration for those whose age is 40 years and above.

Table 5. Distribution of Incarcerated Women by Age Bracket and Nature of Work

Age Bracket	Work	Number	Percentage
< 21	Agriculture	2	8.7
	Employee	9	39.1
	House-help	10	43.5
	Teacher	-	-
	Other	2	8.7
21-30	Agriculture	1	2.9
	Employee	9	26.7
	House-help	19	55.9
	Teacher	2	5.9
	Other	3	8.8
31-40	Agriculture	-	-
	Employee	15	42.8
	House-help	18	51.4
	Teacher	-	-
	Other	2	5.7
41-50	Agriculture	-	-
	Employee	8	72.7
	House-help	1	9.1
	Teacher	-	-
	Other	2	18.2
> 50	Agriculture	-	-
	Employee	5	55.6
	House-help	1	11.1
	Teacher	-	-
	Other	3	33.3
Total Employed		112	69.6
Unemployed		49	30.4
Grand Total		161	100

The income they earned spread over a range that varied between LL.50,000 and LL.2,000,000 (\$33 and \$1333) per month, with the highest concentration in the LL.150,000 – LL.300,000 (\$100-\$200) income bracket (64.6%); and the lowest in the LL.1,000,000 – 2,000,000 (\$666-\$1333) bracket (3.7%). It should be noted here that the minimum salary in Lebanon is LL.300,000 (\$200) per month.

The highest income (at times LL.150,000 (\$100) / day) was earned by an illiterate 48-year bar dancer who had been arrested for drug trafficking and prostitution, while the lowest (LL.15,000/day) was earned by a young woman who worked sporadically as a house-help.

i. Nature of Crime and Sentence

Only 14.3% of the women had been arrested before. The major crimes for their incarceration are, by order of frequency: man slaughter (24.2%), prostitution (21.2%), theft (16.1%), drug use and trafficking (14.9%) and forgery (11.8%).

Prostitution is the most recurrent among those aged less than 22 years and in the 22-30 years age group, while man slaughter is most prevalent in the 22-30 years and 31-40 years age groups and is equally split between them (11 cases in each of these brackets out of total of 39).

A.K. is 46 years old and is married to a much older man. She is serving a 20 year sentence for having killed with the help of her lover- who was also her daughter's lover – her husband.

M.H. (38 years old) is the mother of four children. The eldest is 14 years old, while the youngest – a girl – is 11 months old and lives with her in prison. Her husband is also incarcerated. She has already served a first sentence (7 years), but was arrested again because she went back to prostitution and drugs.

A relatively small percentage (28.6%) of the incarcerated women have been sentenced; with the 3-4 year period of detention, being the most common one (table 6); while 71.4% are detained (21.7% of them have been in jail for one year or more) waiting to be sentenced (table 7).

Table 6. Sentenced Women by Duration of Sentence

Duration	No.	Percentage
5- 10 months	4	8.7
1 year	6	13.0
2 years	2	4.35
3 – 4 years	17	37.0
5 – 9 years	5	10.9
10 – 15 years	7	15.2
20 years	1	2.2
Life imprisonment	4	8.7
Total	46	100.0

Table 7. Detained Women by Period of Detention

Period	No.	Percentage
< 1 month - 1 month	39	33.9
2 – 3 months	21	18.3
3 – 4 months	10	8.7
5 – 6 months	5	4.4
More than 6 months	15	13.0
1 year or more	25	21.7
Total	115	100.0

It is evident from what has been said above that women in Lebanese prisons come from large families and belong to the low socio-economic strata. They are relatively young, not highly educated or skilled. The married ones among them have had a hard time taking care of their families, their husbands having often a criminal record and unstable sources of income. Despite the fact that most of them were employed prior to their incarceration, their incomes were minimal and their working status quite low. In addition, they are detained for a very long time before being sentenced.

II- Conditions Prevailing in the Women Prisons

• Living Conditions

All the prison premises are not meant to accommodate prisoners. They are located either on ground floor flats in residential buildings or in parts of governmental buildings. It should be indicated here that the Tripoli prison has been moved recently into a new locale, specifically built for that purpose.

The prison cells are very small and, on average, twenty women live in each one of them. They are not equipped with adequate lighting, proper ventilation or hygienic bathrooms. Minors and adults share the same cells, which is a serious violation of the standards set in international instruments.

In the Baabda prison, A.C. who was arrested on grounds of man slaughter and was later on released with no charges – took the initiative of protecting the detained adolescents. Having passed through this phase during her incarceration, she did not want them to have the same experience. She acted like a mother to them and managed to keep them from mingling with detained women having committed such crimes.

It is important to note also in this respect, that the same holds true for detained and convicted women; i.e. they share the same living area. This goes against the presumption of innocence until proven guilty which is a

“fundamental and well-established due process right” (Article 11 of the UN Universal Declaration of Human Rights and Article 14 of the International Covenant of Civil and Political Rights). “In the context of prisoners’ rights, it implies that un-convicted prisoners benefit from a special régime which, inter alia, protects their right to due process and requires them to be accommodated separately from sentenced prisoners and in special conditions, e.g. own clothes, doctor ...” (Machover, D. July 2000).

Having no beds to sleep on, and in most cases, no chairs to sit on, each prisoner is provided with a ragged 90 centimeter sponge mat, to use as a bed at night and as a chair during the day. It is worth reporting that when the Institute for Women’s Studies in the Arab World started the implementation of training sessions for income generating activities in the Baabda prison in 1994-1995, and brought in some plastic chairs, M.N. roamed around carrying hers. When asked why she was doing it, she answered with tears in her eyes: “I am afraid to lose it, I have not sat on a chair for the last eight years”.

To make these miserable living conditions even worse, the prisoners do not have recreational facilities. There is no room for them to move around and no access to open space.... They either sit or lay in their cells all day in their nightgowns, smoke excessively, take tranquilizers, fight or cry their worries away. With the exception of the Baabda prison – and occasionally that of Barbar Al-Khazen – they do not engage in activities that would help them serve their sentence productively and prepare them for reintegration into their social milieu, once released. It is important to note, however, that whenever they get involved in such activities (join a literacy program, a sequin embroidery training...), they become less apathetic, get dressed and ready for their lessons, acquire an “esprit de corps”...

S.K., who was incarcerated for theft, was a first rate professional sequin embroiderer. She was asked to be the sequin embroidery trainer at the Baabda prison and was paid the salary that had been earmarked for that purpose to an outside trainer. At the end of the first month, she donated her first salary to buy basic stuff needed badly by her and her fellow inmates (toilet paper, soap, toothpaste, medication, underwear...). It is worth noting that the quantity of goods bought exceeded by far that which could have normally been acquired with the money available; and this because the wholesalers – who were very impressed by her story – gave the representatives of the prison very high rebates.

Incarcerated women are also very poorly fed. One meal, often of poor quality, is served per day and there

is no adequate storage place for the food to be kept fresh and adequate for consumption. Medical care is practically nonexistent, not to mention the scarcity of medication. Women are sent to hospitals or attended to by a general practitioner only in case of emergency.

• Judicial Assistance

Despite the fact that the majority of the incarcerated women (64.6%) have attorneys, these are rarely dedicated ones. In fact, few of the detained women are helped financially by their families, and hence cannot afford attorneys able to follow up their cases and work towards their release. Those who are abandoned by their families are sometimes assigned attorneys by the government, who are often not consistent in their work, and do not, most of the time, attend the hearings.

It is important to note in this respect that the Beirut Bar Association has established in 1993 the Legal Aid Commission, whose main task is to provide legal advice to any individual whether Lebanese, foreigner or stateless – in any field, civil, criminal ... - in case he/she cannot afford to hire an attorney. Claim forms are put at the disposal of the prisoners and are filled by the social workers at the prisons. This lack of or inadequate judicial assistance contributes to the extension of the detention period. As a result, innocent women are detained and are not attended to by anyone. There are cases where they serve a prison sentence of two years or more to be finally released with no charges whatsoever.

In addition, although almost 2/3 (63.4%) of the incarcerated women have appeared before the court, this does not necessarily mean that their case will be quickly settled. Very often, either the witnesses, or the attorney or the judge do not show up.

• Visits

Women prisoners are entitled to visits twice a week. Many of them have, however, been abandoned by their families. This is particularly true in the case of women detained because of prostitution (73.1%), drug addiction (27.3%), and manslaughter 22.5%.

I delivered on my own,
and killed my new-born
daughter, because
I did not want her
to live the way
I have been living

Table 8 - Frequency of Visits by Type of Crime Committed and Relation to the Detained Woman

	Type of Crime				
	Theft	Drug Use & Trafficking	Prostitution	Manslaughter	Forgery
Visitors					
No one	4	6	19	9	3
Husband		1	3	1	1
Family	2	3		7	4
Son	1				
Daughter		1	1	1	
Parents	5	1		2	
Father			2		
Mother	1	2		3	1
Mother and sister		2	1	1	
Brother		1		6	
Sister		1		7	
Mother in law		1			
Sister in law		2			
Friend			1	1	
Aunt					
Cousin			1		
Intervals between visits					
Once a week	1	6	2	7	
Twice a week		1	2	2	
Three times a week	2			2	2
Once in a month	5	4		6	
Once in two months				1	
Twice a year	1	1		2	

Prisons’ Management

The number of personnel managing these prisons is relatively low in comparison to the number of detainees. This personnel consists of a woman warden assisted by three or four female guards. The prisons’ premises are under the jurisdiction of the internal security forces.

Women in Lebanese prisons are obviously deprived of their basic human rights and measures have to be taken to improve their lot within the prisons and prepare them to reintegrate society after their release.

III. Suggested Plan of Action

Action could be envisaged at the curative and preventive levels.

• At the Curative Level

One of the most imperative issues to be addressed relates to the location of the prisons and the living conditions prevailing in them. Women prisons cannot be located in regular buildings or in army barracks – as is the case in the Barbar El-Khazen prison – and be guarded by men. In addition the rights of every detainee should be pro-

tected by law. In Lebanon, the absence of adequate legislation coupled with the lack of and enforcement of laws, when available, have been very detrimental and harmful to the detainees. It is imperative to separate the juveniles from adults and the detained from convicted.

Furthermore, one of the most important problems faced by women prisoners is the lack of activities that would enable them to use their incarceration time in a productive manner and prepare them to join the labor force once released. Thus, a training program in skills that would enable them to produce marketable goods could partly solve this problem.

For that purpose, a small market survey was undertaken along with the survey in the four prisons. It covered twenty five businesses in the Beirut area to which some sample items, prepared by prisoners, who had previous training in sewing, were proposed. Twenty two of the interviewees showed interest in the idea, while the remaining three refused to participate in such a venture either because they had their own factories or because they imported their products.

The majority of those who indicated their willingness to buy the products emphasized the following criteria for their participation:

- good quality items;
- high standard of finish;
- originality of design.

In addition, more than half of them expressed the desire to have specific items designed to suit their needs and tastes.

It is important to note here that the social acceptance of the program varies among business concerns. The ones who demonstrated clear support for the program were the “artisanat” stores that are already involved with similar development and social programs. They insisted however, on developing new items that are not generally available on the market at relatively lower prices. No problem would be encountered regarding the latter, given the fact that there are almost no fixed costs and that the incarcerated women will be receiving only part of the selling price of the items.

The implementation of such a program would obviously help improve the self-image of the prisoners and will enable them to earn some money for which they are in



A woman inmate reciting a poem during the graduation ceremony at Baabda prison

dire need while incarcerated and upon their release. Initial funding for this project should, however, be secured until the program becomes self-supporting.

In addition the following suggestions, among many others, could be implemented:

- the introduction of a literacy program;
- the organization of guidance sessions on health issues, civil rights...
- the improvement of the living conditions within the prisons.

It is also recommended that a coalition of NGOs be formed for the referral of women prisoners, once they are released. Such a coalition would be in charge of developing a community – based rehabilitation program that would lead to their smooth reintegration in their social milieu.

• At the Preventive Level

Action should not be limited to the curative level. It is important to extend it to the preventive level through:

- increasing the awareness of people regarding the problems faced by women prisoners;
- advocating for the issues raised;
- creating a coalition with NGOs who work at the level of prevention among the high risk groups.

In fact, our challenge is to create a justice system that is sensitive to the special needs of incarcerated women. "A female's sense of self is better developed in female-specific groups; the environment must be safe, trusting and supportive; whenever possible, the

environment should be as non-restrictive as possible; and cultural awareness and sensitivity should be promoted" (James A. Gondles Jr., February 2001).

Endnotes

* I would like to express my deep gratitude to two pioneers who have been very instrumental in improving the status of incarcerated Lebanese women, namely Anita Nassar, Program Officer at IWSAW and Hoda Kara, General Coordinator of Dar Al-Amal. Without their dedication and relentless efforts, the survey on "Women in Lebanese Prisons" would have never seen the light.

** "Punish not more than is fair and not more than is useful."

References

- Amnesty International, August (2001). Lebanon, Torture and Ill-Treatment of Women in Pre-Trial Detention: A Culture of Acquiescence .
- Becheraoui, D. (n.d.) Regulations, Governing Prisons and Detention Centers in Lebanon and France (inArabic).
- Gondles Jr. J.A (February 2001). "Female Offenders: The Major Issues." *Connections Today*. Retrieved from <http://infotrac.london.galegroup.com/itw/> on Thursday March 21, 2002.
- Machover, D. (July 28, 2000), International Standards. Prisoners and UK Practice. Conference held at Hotel Alexandre, Beirut.
- Penal Reform International in cooperation with the Human Rights' Institute of the Beirut Bar Association, the Swiss Ministry of Foreign Affairs, and the Ministry of Justice and Prison Management in Finland (1997). *Guide, Implementation of the Basic Regulations for the Treatment of Prisoners* (in Arabic).

Status of Female Prisoners

in Yemen

Summary

The present article is concerned with the status of women prisoners in Yemen. It presents the results of a field research undertaken by Shaza Nasser¹, a lawyer interested in human rights and the rights of women and children¹. The study reflects the tragic conditions under which women live in Yemeni prisons. The article presents also short case studies on some of the women prisoners, and ends with a plea to provide judicial assistance to those women.

Physical Description of the Prison

The women's prison in question inhabits about 80 prisoners with their 25 children; they fall in the age group 15-60 years, and they are of Yemeni, Indian and various African nationalities. The prison consists of nine cells, six toilets and one kitchen. The cells are very small in size (3.95m x 4.5m), without any ventilation system; about 12-14 inmates live in each cell. Amidst these very small cells, women cannot have any space for keeping their private belongings; those are usually kept in a bag placed under or beside the bed. The bags contain food, clothes, medicines and other personal items.

Hygienic conditions are very poor. There is no net that prevents mosquitoes or flies from entering the cell. Cells are not equipped with a heating system, and the flooring is made from cement. Lighting is restricted to one or two fluorescent lamps, and the cell walls are painted with a fading yellow and brown color. Toilets are very dirty, old and need repair. Hot water is available only occasionally and without any fixed schedule.

The prison kitchen is gloomy and does not have any lighting. Women inmates prepare food while sitting on the floor, using very elementary utensils. Food is shared among women inmates on an alternate basis. A limited number of prisoners receive food from outside the prison, with the exception of those of non-Yemeni nationality, who rely solely on prison food, which is often inadequate and barely meets their need.

The internal yard of the prison overlooks the cells; it is full of sand. The yard is a curse and a blessing at the same time. It is a blessing because children can play in it and get some fresh air outside the cells' walls. But it is also a curse, because when there is rain, the yard is transformed into a vicious pool filled with mosquitoes posing the danger of disease spreading.

It is also worth noting that no arrangements are made for controlling the spread of infectious diseases, as one of the prison cells is occupied by two prisoners who are infected with HIV/AIDS, without any special measures.

Health Services

The prison suffers from a serious shortage of medicines to treat the diseases that are widely spread, including skin diseases, gynecological problems, and diarrhea among children. These had been reported by the physicians who work at the prison, but are strongly denied by the prison administration. Physicians complained about the lack of first aid materials, the absence of suitable equipment for emergency transfer of sick inmates, the spread of scabies, eczema and diarrhea, and the shortage of cleaning materials. The majority of pregnant inmates deliver in prison.

The director of the prison noted that he had put a request for obtaining medicines, but to no avail, the main reason given being that the cost of the medicines should be borne by the prison itself. Requests had been put to charity organizations, businessmen and others, but no response was obtained.

Visits

There is no schedule followed for visits to prisoners; it is left without any organization, principally because of the inability of the prison administration to meet the needs of the prison inmates. Hence, families and parents are allowed to visit prisoners daily, in the mornings and the afternoons.

Activities

Recreational activities for women prisoners are almost absent. Prisoners are not allowed to make any sport; there are no televisions, except in one of the prison cells, and which was brought in by one of the inmates. The absence of books, coupled with the high proportion of illiterates among women prisoners make reading a very grim activity inside the prison.

Chewing qat and cigarette smoking are the only means available for release. Nearly all women prisoners chew qat and smoke in the cells, without any special attention to the children found with some of the women. Inmates

rise at 6.00 a.m. and they have to sleep compulsorily at around 9.00 or 10.00 p.m.

Prison Personnel

Most of the supervisors who work at the prison were at one time prisoners themselves, and this is how they were recruited. None of the supervisors holds a degree that qualifies her to work in prison; in fact most of them are illiterate or have received only primary education. Those who were not in prison are generally given an overall orientation on work in the prison setting.

The main reason for not recruiting qualified and experienced women as prison personnel is related to the conservative and traditional character of Yemeni society, which rejects the idea of women working in prisons.

Women wardens do not wear any uniform and it is difficult to distinguish between a warden and an inmate. The director of the prison is a man; his major complaint is that the Yemeni authorities have not provided him with qualified personnel who are able to organize activities and recreational or educational programs for the women prisoners.

Case Studies

Zeinab, Charged with Murdering her One Week Old Baby

Zeinab does not know her age; she said that she may be 25 years old or even 50 years old. She is illiterate, married and has 11 children, the youngest being 8 years old. Her husband is an employee. Zeinab was charged with murdering her one week old baby. She has no lawyer. Zeinab stated that she had been to the court three times, and that she was asked to provide a guarantor. She is very depressed and her condition in the prison is weary; she spends her day reading the Quran and praying. Zeinab believes strongly in her innocence; her only plea is to find a guarantor, which will release her from prison and make her go back to her children, whom she misses so badly.

Fatima, Charged with Stealing Gold

Fatima is 50 years old, but she looks younger. She is married and has seven sons: four of them live in the village and two in Sana'a. Her 6 years old child lives with a school gateman and her 5 years old girl lives with a family. Fatima's husband is sick and no one from her family visits her. Fatima was charged with stealing gold.

Amina, A Teacher

Amina is the only teacher in the women's prison. She teaches arithmetic, theology, traditions, Arabic and English. Amina has forty students; she teaches daily from 8.30 a.m. until 12.30 pm. Amina has been asking for a school uniform for the female prisoners who attend

her classes, along with shoes, textbooks, exercise books, stationary and educational aids. She also reported that she needs other teachers to help her in the big task she had at hand.

Amina reported that many women prisoners are eager to learn and study. The obstacle however is that most of them have children and there is no one to look after them. Therefore, it is very important to have a nursery for child care.

Recommendations for Action

A number of recommendations are put forward for the Yemeni Government to consider. These are the following:

- Construction of a special prison for women, in which a separate section will be devoted to girls under 18 years of age.
- Accommodation facilities for the women who leave the prison after finishing their sentences and who do not have any place to go to.
- Hiring of qualified female staff to work at the prison and work towards improving their professional skills through continued training.
- Increasing the number of health and education professionals working with women prisoners.
- Establishment of a nursery to allow prisoners who are mothers to have access to learning and education opportunities and to keep their children under safe and proper conditions and .
- Ensuring the availability of the necessary health services and the required medications.
- Introduction of cultural and recreational programs into the prison.
- Establishment of permanent education programs for prison inmates.
- Provision of legal assistance to women prisoners in coordination with the Ministry of Justice.
- Encouragement of charity associations and businessmen to provide assistance to women prisoners through all possible means.

Edited by Adele Khudr

Endnote

1. Shaza Nasser is graduate of Charles Karlova University, class 1960. She holds a post-graduate diploma in law and worked at the Legal Affairs Department of Sana'a University. With her colleagues she founded the First Advocacy and legal Consultations Office for pioneering women in March 1990. She participated in monitoring the elections of April 1997 as the assistant secretary general for technical affairs. At present, she has a law office and is a member of the Arab Intellectual Forum. She is interested in human rights and the rights of women and children. She is married and has a daughter.

EGYPT

Violation of Women's Rights in Places of Detention

Kanater Women's Prison A Case Study

Study prepared by the Human Rights Center for the Assistance of Prisoners (HRCAP), Egypt*

Introduction

This report presents a general picture of the conditions of women in prisons in Egypt, using the Kanater Women's Prison, the main women's prison in the country, as a case study.

The report sheds light on the status of women prisoners in Egyptian legislation, and reviews the rights to which they are entitled, especially pregnant women or mothers of young children. The aim of this report is to urge for the implementation of the Standard Minimum Rules for the Treatment of Prisoners in Egyptian prisons. Moreover, it demands that the gap between the national Egyptian laws on prisons and the Standard Minimum Rules for the Treatment of Prisoners be filled, and that these Rules be integrated into domestic law. It also calls for the implementation of modern penal policies and the rejection of the idea that prisons are places for punishment. The Center considers that punishment is already achieved through restriction of the freedom of prisoners; therefore prison conditions should not be used as an additional punishment.

I. The Rights of Women Prisoners in General

All criminal statistics indicate that criminal behavior is less frequent among women than among men. Studies conducted in France and Egypt concluded that the ratio is of 1:5. This applies to women all over the world. Consequently, the number of women prisoners is significantly lower than that of men. Nevertheless, women prisoners do not enjoy sufficient protection.

In principle, imprisoned women are entitled to the same legal and constitutional rights and safeguards given to men, such as the right to physical safety, the right to know the reasons of the arrest, the right to be treated humanly, the right to proper food, clothing,

personal hygiene, recreation, and the right to a fair and impartial trial before the competent judge, and other rights. In addition, women are given special rights related to their nature as women, such as medical care for pregnant prisoners and mothers, as well as for the children with them in prison.

These Standard Minimum Rules establish a special status for women and give women prisoners, particularly mothers and pregnant women, a number of rights. In this regard, Rule 23 states that: "(1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate. (2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers."

2. The Rights of Imprisoned Women in the Egyptian Prisons Law

The Egyptian Law on prisons provides special rights for imprisoned women. Article 19 of this Law states that: "A pregnant prisoner, starting from the sixth month, shall be treated kindly, particularly concerning food, work and sleep, until the elapse of forty days after giving birth. The mother and the child shall receive the necessary medical care as well as appropriate food, clothing and rest. Pregnant prisoners or those with children shall by no means be deprived of their ration."

Article 20 of the Egyptian Prisons' Law deals with the protection of the mother and child in prisons. It

stipulates that "the infant of a prisoner shall remain with her until it is two years of age. In case she does not want to keep it with her, or when it reaches two years of age, the infant shall be handed over to the father or to a relative of the mother's choice. In case the infant has no relative who can take care of him/her, the prison chief must inform the governor and arrangements should be made to place the infant in an orphanage. The mother shall be informed of the place, and arrangements shall be made for her to see the child on a regular basis as explained by the internal regulations."

In addition, article 43 of the Egyptian Prisons' Law stipulates that: "Women shall not receive the punishment of flogging or be placed in disciplinary cells," and article 68 states that: "The death sentence shall not be executed on pregnant women before two months after they give birth."

The internal regulations of prisons, issued by the Minister of the Interior's Decision no. 79 of 1961, state in article 4 that: "Convicted women shall only work in jobs that suit their feminine nature." Article 51 states that: "In case a woman prisoner is placed in a mental hospital, her child shall not be sent with her. The child shall be handed over to the father, one of the father's relatives, or sent by the competent governor to an orphanage."

3. An Assessment of Women's Prisons in Egypt

Despite the fact that the Egyptian law on prisons includes many provisions on women, it overlooks the important points included in article 23 of the Standard Minimum Rules, such as not mentioning on the child's birth certificate that they were born in prison; not requiring that nurseries inside women's prisons be staffed with qualified persons; or not stating that execution of the death sentence on pregnant women shall not take place except two months after the birth of the child.

On the other hand, while there is a firmly established rule which asserts that punishment is personal, which means that it should be inflicted only on those who are proven guilty, there is evidence that punishment is often extended, directly or indirectly, to family members of those sentenced women. The problems they face are varied and include contempt from the people, loss of the bread-winner, or psychological problems for newborns.

a. Are Prisons a Reformatory Place?

The peculiar social environment of prisons as a factor that may lead to further criminal behavior has not received proper attention from researchers. Legislatures all over the world consider that putting those accused or convicted in prisons is enough to control and limit crime. The prevailing idea is that the administration of the penal institution shall do its full duty during the execution of the sentence to rehabilitate the prisoner and ensure their reintegration into society. However, most of those concerned with penal policies agree that prisons, in their current form, have failed in the rehabilitation of prisoners in general, and women prisoners in particular.

The failure of the rehabilitation of convicts in prisons is due to many reasons, including:

- overcrowded cells,
- the serious and life long effects of short-term imprisonment on first-time offenders,
- the unsuitability of the prison environment in general for the rehabilitation of prisoners.

The HRCAP has listened to a number of women inmates who made serious complaints about these conditions. Hence, some said that they sleep in the toilet because the cells are overcrowded; others noted that prisoners with long term sentences 'hire' their beds to those with shorter term sentences; some prisoners traffic with drugs, and; lesbianism spreads among prisoners. In such an environment, it becomes virtually impossible to achieve any reformation of these groups. Also, the carelessness of the administration turns prisons into schools for criminals who are

more professional and more dangerous. Therefore, the HRCAP wishes to raise the alarm and appeals to the legislature and to all those concerned with penal policies to promptly intervene to review and amend the current penal policy in order to invigorate it with modern principles.

b. How Effective is Short-Term Imprisonment and What Does it Do to a Woman's Life?

The problems caused by short-term imprisonment have been a major concern to those working in the penal field. The

HRCAP has followed these problems through its monitoring of prisons in general and women's prisons in particular. There is no specific definition of short-term imprisonment; some consider it to be less than one month, some say it is less than three months, and others say it is less than one year.

Short-term imprisonment has many disadvantages; this lead some modern experts in jurisprudence to call for the annulment of this punishment. The disadvantages are first that short-term imprisonment does not allow for the intended reformation of the convicted person to take place; second, it removes the fear of prison because of its short duration, hence rendering imprisonment in the future ineffective, and third, short-term imprisonment may cause the prisoners to become more corrupt, as they interact with persons who are often knowledgeable of more serious criminal methods. Women who spend short-terms in prison feel that they now belong to the group of criminals; they become excluded from society and are branded criminals. Therefore, when they come out of prison they are more dangerous than when they entered; instead of being beginners, they are turned into professional criminals. The families of women prisoners undergo great suffering and may even break down as a result of the imprisonment, especially when the mother, who is sometimes the family's bread winner is the one at stake. This leads other members of the family to become criminals in their turn in an attempt to earn their living. In addition, the imprisonment of the mother causes psychological damage to the whole family, as the latter is treated with contempt by the community and may be ostracized.

In view of the various disadvantages found in short-term imprisonment, the HRCAP asks that its use be limited and that it be substituted with financial punishments, or deprivation of rights or benefits, or work in public service.

II. Kanater Prison for Women, A Case Study

In Egypt, the decision to place prisoners in one of different prisons is based on a number of considerations such as the place of the offense, the court which handed down the sentence, the form and term of the ruling and the medical condition of the prisoner. However, more than half of female prisoners are held in Kanater Prison which, besides being the largest women's prison in Egypt, is the only penal institution for women located in the southern part of Egypt. Other women's prisons are nothing but separate sections within men's prisons.

1. A Physical Description of the Prison

Kanater Prison is located in Al-Kanater Al-Khayreyya city, in Kalyoubeyya governorate, 25 km

far from Cairo. The prison consists of ten large blocks including:

- The newcomers block in which prisoners stay for 11 days until they are sent to the 'pending-investigations' blocks. Despite the lack of sleeping facilities in this block, prisoners are reported to prefer it because it is less crowded. On one side of the block, there is a separate section for pregnant women and mothers.

- The pending-investigations' block which consists of a one-story building; no separation of women prisoners is observed in this building in terms of the type of offenses committed.

- The hospital is a two-story building, which contains on the first floor two cells for political prisoners, who are separated on the basis of their cases.

The other rooms are used for hospitalization purposes.

- The morality block is a one-story building in which cases of prostitution, incest, etc. ... are held..

- The convicted blocks, a two-story building, is assigned to women sentenced in connection

with cases of theft, murder, or altercations, while the other part is for those sentenced in connection to drug crimes.

A number of physical renovations took place recently in the prison, e.g. increasing the number of bathrooms in each block and creating a recreational area; yet, these are far from what is required.

2. Types of Violations in Kanater Women's Prison

a. Placement of Prisoners by Type of Offense Committed

In its article 13, the Egyptian Prisons' Law no. 396 of 1956 states: "Those sentenced must be classified into at least three categories. The treatment and accommodation of each category shall be decided by the Minister of the Interior upon the suggestion of the General Director of Prisons and with the approval of the public prosecutor. The internal regulations of prisons shall be observed in the categorization of prisoners and when moving them from one category to another, with due consideration to their age." Article 14 of the same law stipulates: "Prisoners in preventive detention shall be placed separately and may be permitted to stay in furnished rooms in return for a sum of no more than PT15 per day, according to

The Standard Minimum Rules establish a special status for women and give women prisoners, particularly mothers and pregnant women, a number of rights.

All criminal statistics indicate that criminal behavior is less frequent among women than among men.

the space and furniture available in the prison and in accordance with the internal regulations.”

An observation of practices at the Kanater Prison for Women shows a clear violation of these laws.

b. Poor Living Conditions

• Insufficiency and Inadequacy of Food

Although the policies stipulate that each prisoner should receive a weekly ration of fourteen meals, the HRCAP reports a different situation. Inmates of the Kanater prison are given food once daily, consisting of two loaves of bread, some beans, rice and one kind of vegetable often badly cooked and contaminated. Meat is given once a week only, often not well-cooked. Prisoners have to depend in most cases on the food they receive from their families. A case of collective food poisoning took place in the first week of June 1998. Political prisoners, as affirmed by Jihan Ibrahim, are reported to never eat the prison food and rely entirely on the food they receive during the visits or that bought from the canteen.

• Overcrowded Cells

Article 19 of the Standard Minimum Rules for the Treatment of Prisoners states that: “Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, be kept in good order and changed often enough to ensure its cleanliness.” However, as stated by inmates Sanaa Ali Abdel-Latif and Reem Ahmed Maher to the HRCAP on 17 June 1996, cells are overcrowded and the number of beds is less than that of inmates. As a consequence, it is often reported that prisoners with long-term sentences rent their beds to those with short-term ones in return for e.g. two boxes of cigarettes per week. Prisoners, in addition, sleep on the floor or in the bathrooms.

• Personal Hygiene

The HRCAP representative observed signs of lack of personal cleanliness on inmates and on their clothes. They have to walk a distance of two hundred meters to get to the water tap to fill the pails; prisoners sentenced for crimes do not have running water in the bathrooms except at bath times. Inmates affirm that they rely on their families to provide them with cleaning and personal hygiene supplies.

• Recreation

Contrary to Rule 21 of the Standard Minimum Rules for the Treatment of Prisoners, which states that: “Every

prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits”, political prisoners in Al Kanater are not allowed to go out for recreation.

• Poor Health Conditions

Inmates of the Kanater Prison assert that there is lack of medical care in the prison. In case a prisoner is sick, she is left untreated and could die. There is insufficiency of medicines, lack of medical care for pregnant prisoners and nursing mothers, and the milk necessary for infants is not available.

• Visits

Although the Kanater Prison is open for visits, these take place in a very small and dirty area, insufficient to hold all the visitors. Political prisoners receive visits in a separate place within the prison yard. Often, they are not seated, and the visit is watched by a female guard.

• Ill-Treatment in Prison (beatings)

Prisoners of Kanater Prison affirm to be subjected to collective ill-treatment. In case any squabble erupts, all prisoners are beaten with a rubber hose, whether they have participated or not in the squabble. Anyone who protests is placed in a disciplinary cell for one day or more.

3. Care of Mothers and Newborn Infants

Care of mothers and newborn infants is almost nil in Al Kanater prison. There is no prenatal care. Newborn infants do not have access to milk, medications, or clothes. Hence, mothers rely on what they receive from their families during the visits.

III. Violations of the Rights of Women in Prisons and in Other Detention Places

Severe cases of violation of prisoners’ rights are reported from Al Kanater prison and from other detention places. The Human Rights Center for the Assistance of Prisoners expresses its grave concern regarding those violations, which include placement of minors in women’s prisons and torture.

1. Minors in Women’s Prisons

Numerous cases of minors kept with adults in the Women’s Prisons and Detention Centers were reported. Among those, a 17 years girl arrested for misdemeanors, and placed in prison without checking her age; and a 15 year old second year student of middle school accused of stealing gold and sentenced to three months in prison. She is placed in Kanater Prison without the prison officials checking her age. In both cases, the authorities concerned have been notified, but with no reply .

2. Torture of Women in Places of Detention

The HRCAP monitored cases of violations of women’s rights during detention and interrogation including frequent torture until they confess to having committed the crimes they are accused of. Among these cases are:

Ayda Nour Al-Din ... Tortured to Confession

Ayda had been arrested following rumors that she had been behind a case of negligence at one Alexandria University Hospital that resulted in the death of a number of patients. Ayda was subjected to severe torture by the criminal investigation officers with the aim of coercing her into confessing. This torture caused her to throw herself from the second floor window of the police station, which caused her a fracture of the right leg, a semi-fracture of the pelvis and other injuries on the head and right arm. She could not be operated on because the head of the Prosecution Department insisted on questioning her. The questioning lasted ten hours, and ended in Ayda’s confession as a result of the physical and psychological pain she was enduring. Based on this untrue confession, the Alexandria Criminal Court sentenced Ayda to death. She appealed the ruling and, on 9 July 1998, in a stormy session, the Court of Cassation revoked the ruling and ordered a retrial before another judicial venue.

Sabah Mohammed Abdel-Rahman, ... Tortured to Miscarriage

Married, aged 29, and mother of a child kept with her in the prison. She was arrested to give information about her husband Hassan Saleh, who was killed in an operation with the police. She was tried before a military court, and received five years imprisonment. Following her arrest, Sabah was exposed to severe torture by beating and kicking on the face and abdomen, which caused her a miscarriage at two months pregnancy. She was bleeding continuously for 15 days without receiving any treatment. The torture caused her also the loss of hearing in the left ear.

Amal Farouk Mohammed Almassi, ... Tortured to Give Up her Right for Complaint

Housewife, aged 28, mother of three. She was arrested twice, in 1993 and 1996, and was severely tortured both times. The first time, she was arrested because her husband was the main suspect in the attempt on the life of the Minister of Information. She was tortured, and even sexually abused until she made her confession. On the second time she was arrested, she was again tortured to confess on the weapons allegedly hidden by her husband. Her arms, back and legs were slashed, her clothes removed, and she was given electric shocks in sensitive parts of the body. She was also hanged from one arm and left in that position for a long period. Following her release, she made a com-

plaint to the Public Prosecutor. However, Amal was exposed to severe pressures until she eventually withdrew her complaint in order to protect herself.

Recommendations

In conclusion, the HRCAP forwards the following recommendations to all Egyptian authorities concerned, hoping that they will help to improve the conditions of women’s prisons and to rehabilitate the prisoners so that they are reintegrated into their communities. These recommendations are:

1. To revise the penal policies applied in Egypt since two centuries, and to introduce the necessary amendments based on practices adopted in modern countries, focusing on the protection and rehabilitation of prisoners.
2. To reconsider the system and buildings of Egyptian prisons, and to establish special prisons for women that meet their specific demands.
3. To extend the period of stay of execution for pregnant woman sentenced to death to two years, i.e. the period of breast-feeding, rather than the current forty days.
4. To incorporate the provisions relating to women prisoners and stated in the Standard Minimum Rules for the Treatment of Prisoners into the Egyptian laws.
5. To improve the living conditions of prisoners.
6. To ensure the services of a gynecologist in prisons and to provide the necessary medications, sanitary towels, and children’s milk.
7. To affiliate prisons to the Ministry of Justice rather than to the Ministry of Interior, and to apply the system of the criminal enforcement judge.
8. To categorize the inmates of the Kanater Prison according to the type of offenses committed.
9. To amend the laws that promote short-term imprisonment and to seek alternatives.
10. To investigate into the detention of the minors in the Kanater Prison for Women, and to place them instead in a juvenile institution.

In addition, the Center calls for the establishment of a fact-finding committee to investigate the conditions inside the Kanater Prison. This committee should include judges, chief prosecutors, lawyers and human rights’ activists, and its tasks would be to recommend ways to improve the situation in prisons, to ensure application of the laws, and to provide protection for all prisoners.

Endnote

* The Center would like to point out that the violations mentioned in this report are only those which the Center was able to discover in the light of the smoke screen policy adopted by the prison officials and the harassment of lawyers.

Women who spend short-terms in prison are excluded from society and are branded criminals.

JORDAN

Imprisonment to Protect Women Against "Crimes of Honor"

A Dual Violation of Civil Rights

By Rana Hussein

Journalist and Human Rights Activists

Some Jordanian women commit a crime, serve their sentence and then walk free. Others — some of them guilty only in the eyes of their family and the society — end up in prison and never leave. This is the story of one of these women, Kifah, who is destined to probably spend the rest of her life in prison, because government authorities cannot release her out of fear she might be killed by her family.

Kifah (and that is not her real name) was 18 when she was first admitted to the Women's Correctional and Rehabilitation Center located in Jewideh, south of the capital Amman. She had been shot at 22 times by her enraged uncle. Her only fault was rejecting her family's arranged marriage to her cousin, and instead eloping with her lover to a neighboring country. Her uncle caught up with both of them just before crossing the Jordanian border. He fired 22 times towards her direction, but only four bullets struck her and she survived the shooting incident. She was treated at a government hospital and then transferred to the Women's Correctional and Rehabilitation Center. That was in 1989. She is one of around 40 women who were spending indefinite time at this Center, most of them without any charges except alleged or suspected involvement in immoral behaviors, becoming pregnant out of wedlock or having been a victim of rape or incest.

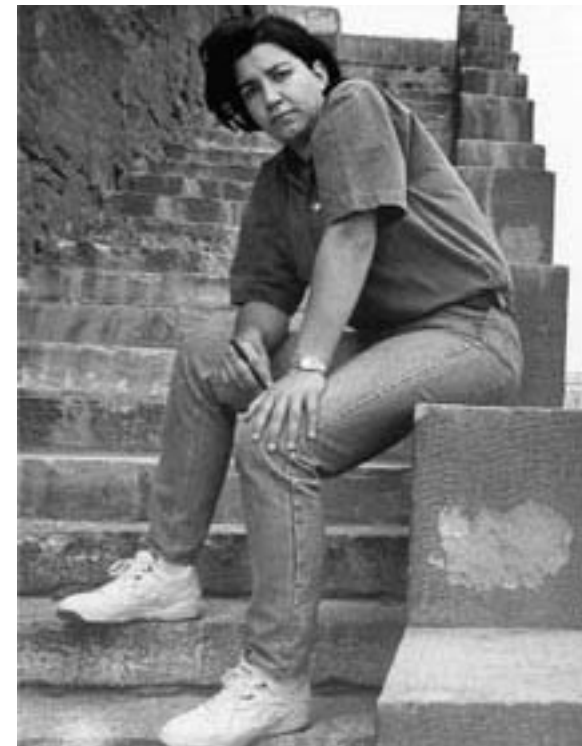
But Kifah, who has wasted 12 years of her life in the women's detention center, is optimistic and wants to leave her detention place to start a new life. "I want to leave this place and be reunited with my family. I want to ask them for forgiveness. I am sure they will forgive me," says Kifah with big confidence. However, the prison officials had a different opinion. They are almost certain that her family will never forgive her and instead would kill her as soon as they lay their eyes on her. Knowing that her fate would be bleak if she

was ever released, Kifah still has high hopes that one day she will be released from prison to fulfill many of her stalled dreams. "I am certain one of these days I will be out of here. Then I will continue my education and eventually work to earn a decent living," she says. The Jordanian local press has reported many cases of families actually bailing out their daughters with the intent of killing them to cleanse the family's honor. These women cannot leave the prison after serving their sentences even if they want to. The Government has the authority to keep these women in prison if it feels that releasing them would place them in grave danger of being killed.

Between 20 to 25 women are reportedly killed in Jordan every year in crimes of honor, a practice condemned by many officials and human rights activists in the Kingdom and abroad. Male relatives take the lives of their female relatives for either their actual or their suspected involvement in an affair with a man — largely a taboo in Jordan's conservative society which links family honor to the behavior of women. One 24-year-old woman, who has been in the Center since 1996, after being caught in a brothel says, "I am dead either way. Inside the prison I am dead, and if I leave the prison, I am dead."

Conditions at the Prison

One prison official said, in describing the mental state of some of these women: "We feel that some of them are destroyed...we do not see them smiling—instead, we sense distress and sadness in their hearts...everyday is the same to them." Realizing the mental status of these inmates and the fact that most of them do not, in reality, belong behind the bars, prison officials designated a special section of the building for them. Here, they are somewhat isolated so that they would not mix with the convicted women. They have their own



kitchen and enjoy more freedom of mobility. "Unfortunately, there is not much we can do here other than encourage them to go on, because we are only an executive authority and we apply the law," says the prison official. In addition, the official says that the Center never looks at those women as prisoners. Instead, "we look at them as victims of their own circumstances and we try to compensate them for what they have gone through in the past."

The rest of the inmates who are spending time for crimes including murder, drug possession, forgery, theft, complicity in rape and molestation, adultery, prostitution and embezzlement, are distributed in the remaining three floors of the building.

The Center stretches over an 11-dunum land and can hold over 900 inmates, if necessary. For the first time in the Kingdom's history, the Center is operated and managed by women, which is viewed as an advantage by prison officials. They say women are closer to each other and can better understand each others' needs and demands.

The prison's management adopted in the new premises the concept of classification and separation of inmates according to their offense and conditions, a practice that was lacking to a great extent in old prisons. The goals of the Center include providing vocational training and academic education to help women to become productive and to enable them to earn a living after serving their prison sentence.

Inmates can also obtain training on dressmaking, embroidery, knitting, ceramics, sewing, flower arrangement, typing, computer work, hair dressing, tailoring, house decoration, literacy and religious courses. In addition, the facility is equipped with a health center, which includes several clinics for specialists who

deliver health, physical, psychological, dental and gynecological services. There is also a unit that provides social care, a nursery for the inmates' children, a supermarket and a canteen, as well as offices for lawyers and a visitors' hall. The prison houses also a public library and classrooms to educate women. "We aim at implementing the concept of order and commitment among inmates, as well as filling their time with beneficial programs that will earn them self-confidence and respect, cooperation with others and an honorable profession to depend on once they are released," the prison official said.

When inmates are first admitted, they undertake a medical checkup before being placed for one week in a special section during which they come into contact with social workers. The latter examine each inmate's case, her background and the circumstances of her imprisonment, then they attempt to place her in a group of inmates convicted of similar offenses or displaying similar characteristics. The Jordanian Government provides social workers and psychiatrists for follow up on the inmates' cases and well being.

Prisoners are allowed three visits per week and they have access to health services, food, clothes, newspapers, television, radio and a library. However, prison officials and lawyers say women inmates are neglected by their families, who do not visit them, largely because of the feeling of shame from having a convicted female criminal in their family. "Even though women inmates have visiting privileges, their families are reluctant to visit them in jail or to even appoint for them good lawyers," Attorney Zahra Sharabati says.

On the other hand, male inmates are visited regularly by their families. They bring for them food, cigarettes and money, and appoint for them the best lawyers. As one prison official puts it: "When a woman is convicted, she pays for it her entire life and she can never be reintegrated into normal social life, while men released from jail reintegrate easily into society because of their family's support." Their families do not consider them criminals, and they seem to forget that their sons committed shameful crimes such as murder, embezzlement or theft.

Endnote

* Rana Hussein's report in the Jordan English language newspaper, the Jordan Times, raised wide public awareness of honor crimes and planted the initial seeds of the campaign to eliminate honor crimes in Jordan. When she began her job at the newspaper on the crime beat in 1994, honor crimes were not considered worth reporting in any paper. Yet, Hussein was perseverant and continued to report on these murders. By 1998, she was awarded the Reebok Award for Human Rights for her dedication to human and women's rights.

Amnesty International Report

In August 2001, Amnesty International issued a report entitled "LEBANON Torture and Ill-treatment of Women in Pre-Trial Detention: A Culture of Acquiescence," which focused on the suffering and gender-based violations that many Lebanese women experienced during pre-trial detention, specifically political prisoners, common law offenders and migrant workers. The report is based on extensive research and interviews undertaken – over a number of years - with victims and their families and with individuals from various walks of life and professions. It is also based on the visit of Amnesty International to women prisons and on several case studies. What follows is a summary of this report.

Amnesty International's report states that torture and ill-treatment of women detainees are widespread in Lebanese police stations. Although the Lebanese Constitution prohibits these acts and despite the efforts of some non-governmental organizations (NGOs) to address and highlight this issue, little notable improvement has been achieved so far. Thus, women detainees, who represent around 4.7% of the total prison population in Lebanon, continue to endure various forms of gender-based violations by some members of the law. Moreover, the failure to investigate these allegations by justice administrators has, in a way, fostered such acts and behavior. But, the fight against such forms of the discrimination has not ended and Amnesty International's research is part of the ongoing campaign for the promotion and protection of human rights, specifically women's rights in Lebanon.

Forms of Torture and Ill-Treatment of Women in Custody

According to the report, there are two kinds of violations that occur against women detainees, notably those that are gender-specific and those which are not. Some forms of gender-specific techniques include: Rape and attempted rape, insertion of objects into the body, beating by solid objects and exposure of female sensitive parts of the body to male guards, use of sexually abusive language, torture of relatives in front of or during the hearing of the detainees, invasion of female privacy by male guards, as well as lack of access to female-designated toilets, medication and facilities for pregnant women. The non-gender specific techniques include a method called *farruj* (chicken), whereby the victim is strapped to a revolving wooden bar resembling a roasting wooden spit and beaten with



sticks; *dullab* (tyre), which involves hanging the victim from a suspended tyre and beating her; *falaqa* which refers to a beating on the soles of the feet. Also, sometimes the detainees are beaten by solid objects, deprived of sleep and food, forced to sit still in one place for hours, and burned with cigarettes on various parts of the body.

It is worth noting nevertheless that, gender specific torture or ill-treatment is frequently under reported by women who do not want to expose the shame they may have suffered to the outside world or even to their families, on whom they are afraid to bestow shame ... it is a culture of silent endurance where women have to suffer from both ill-treatment and torture during detention and from feelings of shame and marginalization once they are out.

Although many victims do not report these inhuman acts for fear of "shame," Amnesty's extensive research has succeeded in highlighting the violations that occur against three categories of women detainees: political prisoners, common law offenders and migrant workers. Also, the report presents some case studies of women detainees who have opted to speak in public about their ordeal, or have testified to human rights activists or simply to their lawyers.

Women Political Detainees: Violations During Interrogation Producers

Women detainees who are accused of major crimes are more liable to receive ill-treatment. Those held on political charges, such as "collaboration" with Israel,

endure dire methods of torture. They are brought before military courts and are given trials that do not meet international standards. According to Amnesty, women civilians should not be brought before military courts. Although the organization made several attempts to raise the issue, Lebanese officials insist procedures in military courts are governed by the Code of Criminal Procedures (CCP), and that detainees receive the same rights as those brought before civil courts. Yet, interviews with female political detainees show violations are even more brutal. Those held on charges of "collaboration" with Israel can be detained incommunicado for weeks. They are taken to the Ministry of Defence Center where they face – among other things - inhumane conditions and live under constant threat of rape. Sometimes detainees are held for longer periods to obtain a "confession" and to guarantee scars heal. This has led to a situation whereby judges do not allow the investigation of alleged violations or the medical examinations to be conducted.

Women Accused of Common Law Offences: Break Down of Family Support

Women accused of common law offences are also under risk of torture. In September 2000, delegates from Amnesty International visited female common law detainees in Ba'abda and Tripoli Women's Prisons. After a series of interviews conducted with the detainees themselves and with their lawyers (the interview did not specifically focus on their ill-treatment), the delegates found that around half of the women claimed they had been tortured or ill-treated. Moreover, because they are often abandoned by their families, they end up not being able to pay for a lawyer. This leads to an extension of their pre-trial detention. It is the detainees who are held on serious charges such as murder and drug dealing offences who face a higher risk of harm to make them confess guilt or testify against themselves.

One case study which highlights the inhuman acts forced upon many law-offender detainees is the case of Fatima Yunes. Born in 1966 and mother of three, Yunes was arrested by State Security (Amn al Dawlah) officers on 26 October, 1998 for the killing of her husband. Held in the state security office of Tyre for four days, Yunes says she was denied access to the outside world, adding that she was tortured by about eight people wearing civilian clothes. She claims they beat her using the *farruj* method. Interrogators also lifted her skirt as she bled and stubbed out cigarettes on her legs. Later, the accused found no outlet but to sign a confession. When brought before the examining magistrate she reported the torture, revealing the marks on the various parts of her body. Although the magistrate asked for a new investigation of her case, no medical examination was conducted. It is reported

that Yunes described her ordeal to the Lebanese President's wife when the latter visited the prison.

Another case that Amnesty's report sheds lights on is that of Heba Ma'sarani. On June 14, 1997, the woman was arrested on charges of killing her husband. Ma'sarani, who was thirty-nine at the time - was taken to the Makhfar al-Mina (Tripoli port police station) where she was interrogated for two days. There, she says, officers intended to rape her. They ripped her clothes but stopped short when the head of the police realized what was going to happen and ordered her transfer to Bab al-Ramla police station in Tripoli. She stayed there for seven days. During that time, she claims she was raped at night. She was also subjected to the *Farruj* and *dullab* method. The woman describes her prison surroundings as being full of cockroaches, rats and mosquitoes. After nine months of detention, Ma'sarani was brought to trial, which had been going on intermittently for around 18 months. In September 2000, Amnesty visited her in Tripoli's prison hospital and they found her in dire health conditions. Delegates report she weighed 36 kg and no measures had been taken to investigate her torture allegations. The woman was quoted as saying: "I am ready for you to put my name, as my life is over now. I have nothing left to live for. I only hope that the publication of my experience may prevent others from suffering as I have."

Women Migrant Workers: The Most Vulnerable and the Most Abused

Recent years have witnessed the publication of reports of ill-treatment of many female migrant workers, who are mainly from Sri Lanka, Philippines and Ethiopia. These migrants - statistics by the Lebanese Ministry of Labour for the year 2000 reveal there are around 54,272, although others claim there are more - are mainly domestic female workers and are held separately from Lebanese women. They are particularly vulnerable because they do not speak the language, nor is there anyone to help them. Amnesty's report notes that migrant workers are basically held for two charges: prostitution and drug dealing and illegal residence. Those detained on the former charges have a higher risk of torture than the latter. They also find it difficult to appoint lawyers because they do not have the fees and are unaware of provisions which allow them a lawyer appointed by the Bar Association. They are usually held for months after which they are brought before a judge. Sometimes they may not be released after serving their sentences or after being acquitted by a court. Amnesty states that this may be due to the broad discretionary powers accorded to the General Security in interpreting the law governing the presence of the foreigners in Lebanon, especially when authorities regard them as a "threat to public

security.” On the other hand, those detained for illegal residence are held for longer periods until contact is made with the relevant foreign country to secure proper documents for their return home. Sometimes, these detainees may stay because they simply cannot afford the price of the ticket home. Amnesty states that it has the names of over 20 women detainees, representing about one fifth of the total number of foreign nationals currently held at the General Security Prison for Foreigners in Beirut. These detainees are mainly Sri Lankan and Ethiopian migrant workers.

Main Violations of Prisoners’ Rights

All the ill-treatments endured by women prisoners in Lebanon are apparently facilitated by the fact that police stations are staffed by male personnel who lack proper training and awareness of gender-sensitive issues, as well as the absence of female interrogators. In addition, women in pre-trial detention are kept in the same prisons with those who have received their sentence, which contradicts international standards.

Poor Physical Conditions Inside the Prisons

Amnesty International’s report describes the degrading prison conditions, which reflect frequent cruel treatment. Amnesty’s visit to these institutions - located in Ba’abda, Tripoli, Zahle (Beqa’a) and Barbar al-Khazen (Beirut) - show that dormitories are overcrowded, that sick prisoners do not receive sufficient attention and that general health issues related to hygiene, sanitation, and ventilation are lacking to a large extent. For instance, the report mentions that in Ba’abda prison more than 40 detainees are held in four rooms. Detainees are reportedly locked up most of the time and sleep on the floor using sponge mattresses. Also, women of various age groups, including children, are placed together while pregnant women and those who have just given birth do not receive the rights they are entitled to. Their treatment falls short of Lebanon’s obligations to respect the dignity of the human person as provided by the International Covenant on Civil and Political Rights (ICCPR) and the Standard Minimum Rules (Rule 23). Also, minors are kept in the same prisons with adult women.

Lack of Legal Safeguards

International treaties require states to protect the rights of every detainee while he/she is deprived of liberty. Yet, although the Lebanese Constitution, the CCP and other laws which govern pre-trial detention offer some major protection rules, failure to enforce in practice these existing rules and to install further ones has fostered the harm inflicted on detainees. For instance, one basic safe-guard rule is the right of the detainee to have access to the outside world, i.e access to families, lawyers, doctors, consular staff etc.. However, the

report states that when the detainee is held, she is usually detained for more than the permitted 24 hours and without having access to the outside world. Also, there are no provisions in the law to ensure that the family of the accused is informed of the detention. Although detainees must be brought before an examining magistrate within twenty-four hours, Amnesty’s research reveals that this has not been the case in many instances. It also states that the examining magistrate fails to investigate allegations of torture and many trial judges convict on the basis of “uncorroborated evidence extracted under duress.” Much more seriously, many detainees are accompanied in front of the magistrate with the same persons who had mistreated or tortured them during the arrest and the pre-trial detention phases. They are often threatened that further torture would occur if they were to mention to the examining magistrate the ill-treatment they had endured earlier. Furthermore, the examining magistrate has no obligation to investigate the allegations by ordering an inquiry or even a medical examination of the women who report torture or ill-treatment.

Limited Involvement of the NGO Sector in Defending the Rights of Women Prisoners

Finally, Amnesty International reports that in spite of the vibrant and outspoken Lebanese civil society and the big number of NGOs concerned with human rights, there are very few of them that work for the rights of women in detention. Reasons behind this may include the preference of NGOs to focus on areas of discrimination that affect larger groups of women or the difficulty involved in having access to the women in detention.

Recommendations

In conclusion, Amnesty’s report presents recommendations that may help protect women against all forms of torture and harm. These include: the investigation of all allegations of torture by an independent body which should announce the findings publicly; the need to provide medical, social and financial help to the victims; the need to bring perpetrators to justice; the proper training related to gender-sensitive issues for all staff in law enforcement institutions, and, segregation of female detainees from male prisoners; appropriate facilities that cater to the needs of women detainees; the introduction of a legislation that protects women migrant workers to ensure that they are not subjected to any abuse; the improvement of prison conditions; the prompt access of detainees to a lawyer; the revision of all discriminatory laws, and; the amendment of the Code of Criminal Procedures to ensure its compliance with international laws and standards.

Edited by Abir Hamdar

Attributes and Determinants of Female Criminality¹

By Dania Sinno

Training Coordinator, Institute of Finance, Lebanon

Neglect of the Field

In the past, gender was often disregarded by male researchers as a variable that needs to be considered in most domains of inquiry. Hence, women represented a minor concern in the writings on criminality prior to the 1950s and the 1960s. They were studied less, appeared less often as subjects of attention and thus remained, on the whole, marginal, secondary and almost invisible. Even when they were studied, they were portrayed in distorted ways.

Many reasons could be put forward for this neglect. The first is that statistically, within the population of offenders, women constitute a much smaller proportion than male offenders. Their relatively small numbers means that complications in data collection and statistics are bound to arise because fewer subjects are available for study (Smart, 1977: 89). Second, the lack of interest in female criminality could be based on the belief that it was not dangerous to other persons, especially when compared to male criminality. Prostitution, which is the most common form of female offense, did not affect others the way that male crimes, often involving destructive behavior directed toward property and other persons, would. Third, women themselves have not been regarded as important or appropriate topics of research for male researchers. In fact, the bulk of scientific data on female offenders, to date, has been initiated, conducted and reported by female researchers, and until very recently, there have been only very few of them (Rasche, 1975: 10-15).

This lack of interest and research on women criminality has given rise to the present unsatisfactory understanding of female offenders and the offenses they commit. It has led to a situation in which women criminals are portrayed as wild and passionately possessed, an exotic image which appeals to the media, without engaging in any empirical research.

Rise of Interest in Female Criminality

The bias in the study of deviance and crime began to be subject to criticism with the rise of feminism as a social movement. Researchers became convinced that female criminality deserved more attention than it had received. In fact, from the late 1970s to date, the most notable development in theorizing about deviance has been the establishment of the foundations of what has been termed “Feminist Criminology”. This comprises a diverse body of work united by the critical view that the understanding of female criminality and the role of gender in theories of deviance in general, have been ill served by both traditional and new criminologists. Reasons that lead to change in the amount and nature of attention given to female criminality included the fast increase in the number of women in prison, and the redefinition of criminological research as pertaining to both females and males.

Towards a better understanding of female criminality in order to have a better understanding of female criminality, it is necessary to know the crimes in which women engage and the extent to which women appear to be involved in criminal careers. Extensive research has been done concerning the patterns of crimes among women. Various criminologists attempted to understand certain trends in female criminality by comparing them to the patterns prevailing among males. Interesting, though diametrically opposed conclusions were reached. In what follows, the main attributes of female criminality will be reviewed.

1. In terms of the proportion of women found in the overall population of criminals, it is worth noting that in both the US and Canada, women constitute 15 percent of people arrested by the police (Belknap, 1996:54). Although males still account for the greater number of absolute offenses, the female rate of increase between 1969 and 1978 surpasses the male rate for almost every crime listed in the Federal Bureau of Investigation’s Uniform Crime Reports.

2. With respect to the types of offences committed, statistics in the United States indicate that during the ten-year period (1969-1978), the number of women arrested for robbery increased by 62 percent, while the proportion of men arrested for the same crime rose by 32 percent; that of larceny went up by 95 percent for women and by 47 percent for men, and; that of fraud by 219 percent for women and by 63 percent for men (Adler, 1981: 3-5). Moreover, according to the arrest statistics of the Uniform Crime Report for the years 1965 and 1977, female rates rose in the majority of offense categories, with large increases occurring in the categories of larceny, liquor law violation, narcotic drug laws, and runaways. Female rates, however, declined in the categories of gambling, curfew, sex offenses and vagrancy (Steffensmeier, 1980:67-75).

Studies and research have also focused on the attributes and characteristics of the female offender. These have made reference to the age, marital status, socio-economic background and place of residence. A portrait of the typical female offender would depict her as a young (usually under age 30) undereducated poor single mother (Sarri, 1987:379). She would also be a first offender charged with shoplifting. A review of each of those attributes will be presented here below.

1. Age: Age is an important correlate because most people who break the law do so roughly between the ages of 15 and 24 years. In the case of females, while statistics for adult females show minor or no increases in criminality when compared to males, the criminality of younger females increases more rapidly than that of their male counterparts (Adler, 1981:2). In fact, among women, the young female has considerably greater powers of deception than the young male. Wolfe, Cullen and Cullen (1984) who used police records on 2507 female arrested in a southern city in the US for the years 1969-1975, to portray the female offender, reported different findings. They recorded that only about 15 percent of the females arrested were under 18 years of age. On the other hand, while women under the age of 18 were most often involved in petty property offenses, older women were most often involved in violent offenses and in the use of alcohol and drugs. Other writers have suggested that the peak age for female criminality is higher than that for males (Smith, 1962:9). Hence, official statistics for Wales and

England show that the age distribution of known female offenders is slightly different from that for males, with a rather higher proportion in the older age groups (Mawby, 1980: 530).

2. Marital Status: Where marital status is concerned, divorced women, as one would expect, seem generally to show higher crime rates than those who are either married or single (Smith, 1962:9). It could be maintained that married life may decrease the inclination of married women to commit major crimes. Single women are faced with greater financial stresses and anxieties. The study by Wolfe, Cullen and Cullen (1984) has shown that female offenders were much less likely to be married than women in the general population. Married women contribute very little to offenses. They have financial and social stresses of a different nature; those may lead them into petty thieving and into insulting behavior and assaults against their neighbors, but not into fraud. The fact that a married woman has to compete with other women to keep her husband's affection and that she has also to take care of her children are all indications that she will not commit serious offences. Indeed, the crimes committed as a result of these stresses involve mostly stealing and disputing with neighbors. It is a common pattern among women, caught in unsatisfactory marriages to be often drawn to drink, or to resort to prostitution or to theft in an attempt to sustain married life (Heidensohn, 1985:19-20).

3. Socio-economic Background: Socio-economic background is important because it affects one's opportunities and treatment in society. Class also affects the likelihood that one will turn to crime for survival (Belknap, 1996:47). Some researchers suggested that women who break the law come from different backgrounds, though, as with male lawbreakers, those women who end

up in prison are much more likely to come from the lower socio-economic groups than from the higher ones (1985:10).

In addition, researchers discovered that female offenders are as likely as males to be motivated by economic needs. The poverty of women and their children's poverty lead them to commit property crimes and offenses connected with prostitution. Other researchers linked women crimes to their family responsibilities and their exploitation by men (Heidensohn, 1989:109).

4. Place of Residence: A number of writers have drawn attention to the higher crime rate in urban areas due mainly to the temptations and opportunities for delinquency offered by city life. Female crimes of petty theft tend to be concentrated in cities, especially those crimes performed outside the woman's place of work or residence. Living in huge tenement blocks, where no privacy is possible compounded by quarreling children, unfaithful husbands and shared water-taps are never-failing causes of friction. In addition, prostitution is also an essentially urban form of delinquency (Smith, 1962:10).

Nature of Women's Offences

Regarding the nature of women's offenses, it has been generally acknowledged that women can be found in all criminal categories. Criminologists found that women commit a small share of all crimes: they fight, steal and kill. However, the crimes for which females are most strongly represented are prostitution, running away, larceny/theft, fraud, and forgery/counterfeiting (Belknap, 1996:49). Today, more females are being arrested for a traditionally female crime, rather than for committing a new type of crime. Heidensohn (1985) in her studies suggested that murderers or big time gangsters are scarcely found amongst the ranks of women offenders. In fact, some women can and do commit offenses of the same kind as men, but they do so in much smaller numbers, at less serious levels and far less often. Women's crimes are less serious and more rarely professional than men's. Men sometimes murder strangers, while women almost never do.

From another perspective, It has often been acknowledged that women's offenses constitute purposive and rational action. Their choices to offend and their type of offense were often made on the basis of carefully weighted considerations. For example, women commit property crimes because certain types of thefts such as shoplifting and check fraud seemed to be very easy. Even if prostitution is a distressing choice, it seems to be a reasonable decision for women whose other options are very circumscribed. It is often maintained that homicide is considered to be women's last option, and especially when no other options exist, e.g. in situations where women are battered.

Successive studies indicated that young women are continuing their involvement in gang activity (Heidensohn, 1985). Some reported that women criminals within the gang can be seen to play the subordinate and supportive female role. These roles reflect their role in the wider society. In Egypt, for example, women continue to assume a dependent and subordinate role; this situation is obvious in certain cases of prostitution where the husband directs the activities of his wife. The woman's subordination, in

complying with her man's instructions and orders in the narcotics business, is another vivid example of her dependence upon him (Ashmawi, 1981:176-187).

Women's Route into Criminality

The routes into crime have a distinct pattern among women. Hence, it has been reported that women may become criminals through a relationship with a violent man. Connections with friends and partners who use or sell drugs can be another path toward criminality for women (Heidensohn, 1994:997-1040). Women killers are far more often provoked by abuse at the hands of a male partner. It is often argued that most homicides committed by women take place within the home, the kitchen being the room most often used for such killings. A large proportion of female offenders kill as a result of domestic quarrels, which frequently occur in the kitchen while women are preparing meals. The victims of women who commit crimes of violence are usually to be found in their immediate circle: husbands, lovers or members of her family (Smith, 1962:23). Moreover, women do not seem to pose a recidivist problem and, with the exception of prostitutes, most appearances by women in court are for first offenses (Smart, 1977: 90).

Profile of The Lebanese Female Offender

The post-war period in Lebanon has witnessed a significant deterioration in the social, economic as well as in the familial domains. Strains on the family and on other forms of conventional support, exacerbated by chronic population shifts, displacement, uprootedness, unemployment and other associated tensions, have rendered groups within Lebanese society more vulnerable to forms of social disorganization and deviance. One can easily notice that Lebanon is gripped by features of ambivalence, uncertainty, risk, as well as contingency which are symptomatic of the so-called post-modern conditions. The increase in marriage breakups, the rising suicide rate among adolescents, the mounting use of drugs among university students are, to a considerable extent, symptomatic of this breakdown. However, in such discussions, the changing patterns and forms that criminality is beginning to assume are often disregarded. A brief look at the crime rate in Lebanon would be enough to obtain a reflection of the breakdown in the social fabric and the decline in normative restraints.

Among the studies concerning criminality in Lebanon during the pre and post-war era, few have shed light on the changing incidence of criminality among women. A cursory and preliminary examination reveals an increase in the general incidence of criminality among women. More revealing however is the fact that the forms and the involvement of women in crime also appear to be changing. The data from the Internal

What is required is ... a theory that delineates the structural and cultural factors that account for crimes among both males and females

Security Forces (Information Department), doubtful as they may be, suggest that the crime rate among women has remarkably changed over the last twenty years. A brief comparison may clarify this Issue. To begin with, the number of female criminals increased from 1074 in 1975 to 3590 women in 1995. Moreover, the criminal offenses of women have followed a distinctive pattern. While in 1974, 68 women were charged with burglary, in 1995 this figure rose to 340 women. In 1975, 47 women were arrested for embezzlement and forgery; their number increased to 337 in 1995. A relatively similar increase was noticed in other crimes such as drug trafficking, verbal and bodily assaults, and in other violations such as threatening acts. The rise in property offenses and drug trafficking among female criminals indicates that some common features exist between female criminality in Lebanon and the global trends.

It is necessary and relevant, in this regard, to mention the study conducted by Mona Fayyad pertaining to Lebanese female offenders. In a conference on "Gender and Citizenship in Lebanon" held in March 1997 at the American University of Beirut, Mona Fayyad presented her work on Gender and Punishment. In her study, she surveyed a sample of 88 female prisoners referring in particular to their educational level, marital status, age, occupation and other social correlates.

Concerning the age distribution of these female offenders, the survey showed a concentration in the older age groups. In fact, only 4.2 percent of women were in the age group 18-21 years, 31.9 percent in the age group 21-30 years, 21.2 percent in the age group 40-50 years and 4.5 percent 50 years and above. The same survey indicated that the peak age for female criminality in Lebanon is between 30 and 40 years old, where it reaches a rate of 38.3 percent.

With respect to marital status, only 8.5 percent of the prisoners are single. According to Mona Fayyad, one can assume that single females in Lebanon are less prone to be involved in crime. In fact, the survey indicated that the highest proportion of crimes among females are committed by married women; 63.8 percent of female criminals are married. It could be maintained that married women, faced with greater financial and social stresses resort to crimes in an attempt to sustain their married life. In addition, divorced women seem generally to show a relatively high crime rate reaching 17.02 percent. Finally, only 10.6 percent of female criminals are widows.

Among married women, 12.7 percent had only one child; the majority of female offenders (38.2 percent) have two children. The larger the family, the greater the responsibilities and the less likely would women

be to commit a criminal offense. One can assume that married women with only two children may find it easier to commit a criminal act than married women with four or five children do. This is confirmed by the fact that only 6.3 percent of women included in the sample have four children.

As to the educational status of incarcerated females, findings indicate that a high level of illiteracy (31.9 percent), is present among incarcerated women; 27.7 percent of the sample have received basic education; 25.6 percent reached the complementary level, and; 8.5 percent had some university education.

Concerning their previous occupation, about one third of the offenders are unemployed women playing the role of housewives. Of those who are employed, about 30 percent work as housemaids and 14.8 percent as tailors. The rest had occupations such as cooks, saleswomen and employees.

The size of the house was used by Fayyad as an indicator of the socio-economic background of women. Inmates were asked to report the number of rooms in their houses. Results revealed that about 20 percent of them lived in one-room houses. The same rate (20 percent) was consistently indicated for those living in houses with two or three rooms. In addition, a relatively higher proportion of the sample 21.3 lived in houses with four rooms, whereas only 8.5 percent had no lodging.

Conclusion

In conclusion, major advancements in the field of female criminality have been introduced by feminists. The new feminist criminology is poised to challenge the discipline's most fundamental and rigid categories. In its refusal to accept the values, experiences and behavior of the male as the standard natural order, it promises to transform the entire field of scholarship. The agenda for feminist criminology is to demonstrate to the more traditional members of the discipline that the conventional views of female deviance are inaccurate. What is required is a more nuanced approach, a theory that delineates the structural and cultural factors that account for crimes among both males and females.

Endnote

1 This article represents a synopsis of a Masters Thesis entitled "Patterns of Crimes among Lebanese Women" prepared by the author in 1998 in partial fulfillment of the requirements for the degree of Masters of Arts to the Department of Social and Behavioral Sciences at the American University of Beirut.

Observatoire International des Prisons An International Organization for Human Rights in Prisons

Lynn Maalouf

Journalist

When lovers of the 'Arab nation' proudly hail the 'glorious' common denominators bringing together the Middle Eastern and North African countries, they obliterate another number of less glorious facets, one of which is the appalling conditions prevailing in prisons. Indeed, a quick look at the state of prisons in those countries reveals practices of torture, arbitrary and illegal detention, disregard of the detainees' right to defense and sometimes even death. In some countries, arbitrary arrests have even been legalized, mainly to target certain groups; in others, physical punishment is prescribed by law.

Torture has become a systematic practice in most of the Arab countries, and is pervasive even during the pre-trial period, sometimes leading to the death of the detainees before they even appear before the court. It usually takes place in police stations and in certain secret detention places controlled by the military security services. During this time, the detainees can neither contact their family nor their lawyer. The nature of the offense committed is often the determinant of the treatment that prisoners get, and it is often political prisoners who are the worst treated.

On January 30th, 1996, Algerian security forces arrested a 17-year-old boy. His family remained without any news of him until February 14, when his father identified his body at the morgue. The body presented several traces of bullets in the chest. The family was not allowed to take the body to bury it, and failed to obtain any information about his death's circumstances¹. This boy's case is no exception in Algeria even though torture is illegal and prohibited in the country's constitution.

Mahmoud Jamal Jumyal, 26-years old, died on July 30th, 1995, at the hospital in Nablus, in the Palestinian Territories. He had been suspended to the ceiling and severely beaten, and had also been subjected to electroshocks. Arrested a few months earlier by the coastal police, he had never appeared before a judge and the reasons for his detention have never been revealed. However, the three policemen found guilty of this case were tried and sentenced to 15 years in prison. Rima Issa

Eid was arrested in Nablus and detained for five days before being sentenced to three years. During these five days, she was severely beaten on her abdomen and chest, and taken three times to the Nablus hospital – only to find out that she had contracted breast cancer, in addition to internal hemorrhage. Yahia Salhi died at the police station in Oudjda. He had been arrested two days earlier for theft. The authorities claimed that he had committed suicide. One month later, Bateha Laahssen died at the police station in Khemisset. A few days after his arrest, his family was told that he had committed suicide. The court rejected the family's request for an autopsy.

The situation in Sudan is most alarming, as the ruling regime is still thriving to establish its rule, and has to face many contending factions. This state of affairs heightens even further the rule of terror and fear, which translates into frequent flagellation sentences (legalized by the 1991 penal law) and hasty capital punishment, resulting in mass executions. Dozens of officers were executed after being sentenced by special courts during secret trials. Their right to defense and appeal are completely disregarded. Prisoners of war who refuse to change camps are tortured and then executed. Such instances mainly involve local chiefs, soldiers of various rebel factions and civilians suspected of actively collaborating with rival factions.

In 1997, the International Prison Watch reported that about one to two thousand women were imprisoned in Sudan at Omdurman prison. The prison is equipped to receive about 100 women, but most of the time, there are more than 600 detained in miserable conditions and sexual abuses are reported often.

For over 30 years, the Moroccan regime has dealt with its opponents (Islamic activists, communists and socialists) by resorting to forced disappearances. In Algeria several individuals accused of terrorist activities have been detained without trial since 1992. Almost half² of the Algerian detainees are prisoners of conscience³. Women are also victims of arbitrary arrests, and are sometimes detained simply on the grounds that they are

the sisters or wives of political detainees, and a number of them have suffered from torture and sexual abuse.

The Palestinian Authorities fare no better when it comes to illegal and arbitrary detention. In 1999, the number of political detainees without trial within Palestinian Authority prisons was 140¹. The state security court issued tens of verdicts, four death penalty verdicts - one was carried out - in addition to arresting tens of people without trial. Hundreds of "prisoners of conscience" were imprisoned without trial. Some instances testify for cases of detention prompted by criticism of the Authority; Palestinian journalist Mahir Al Dasuki was arrested along with other journalists and the editor in chief of Al Risala newspaper. Nine other individuals were arrested, including a woman, for signing a manifesto known as the 'Manifesto of Twenty', which condemns the corruption of the Palestinian Authority.

The Palestinian Legislative Council has discussed the issue of political prisoners many times. In 1999, the Committee for General Supervision of Human Rights and Freedom produced a report calling for the abolishment of the state security court, releasing all prisoners of conscience and enforcing the previous resolutions of the Council that call for forbidding political arrests and considering them illegal and halting all forms of torture. Despite all of this, the executive body has failed to enforce the resolutions of the Legislative Council.

In Sudan, members of the security forces use what are called ghost houses, which are illegal or secret detention centers. Victims of such arrests are kept in the secret for several months, and the authorities refuse to give any information to their families. Some areas in the Kober prison are used to hide detainees during visits of human rights organizations.

Nevertheless, and in spite of the atrocities committed in prisons of the Middle Eastern and North African countries, it would be misleading not to say that there are cases of human rights abuses inside the prisons and detention centers of the developed countries in the West. Hence, in the United States, women prisoners are victims of physical torture or put in individual cells without justification. They are also subject to sexual abuse, rape and other acts of indecency. The majority of prison guards are men; custodial sexual abuse is consequently reported all the time in women's prisons. In some prisons, it has been reported that detained women had to strip in front of male guards to obtain sanitary napkins, cigarettes or shampoo.

In the United Kingdom, the conditions of women's detention are very poor; most of the prisons are very far from the main cities and cannot be reached easily. Consequently, prisoners receive a small number of

visitors. Pregnant women do not receive any special treatment; only three prisoners are equipped with gynecological services.

Getting a glimpse of these violations of human rights among prisoners and in detention centers in all those countries would not have been possible without the existence of organizations and individuals who believe in the plight of human rights. One of these organizations is the International Prison Watch (Observatoire International des Prisons) created in France in November 1990. It is an international non-profit association, that brings together people working on promoting the rights of persons deprived of their liberty. Its mission falls under three headings: observe, warn and protect.

More specifically, International Prison Watch observes the conditions under which incarcerated people are detained and warns against the violations and abuses of the rights of those people. Its mission is founded on the instruments of international law that prohibit torture and cruel treatment and that set standards and rules for the treatment of prisoners.

The Observatoire does not have any political affiliation; hence, it considers that it has the right to question any public authority about these violations observed in the treatment of prisoners. A network of partners has been developed by the Observatoire; partners are in the majority human rights organizations, but there are also individuals and human rights militants who take upon themselves the responsibility of protecting respect of human rights. These associations and individuals act as observers and correspondents for the Observatoire. Every year, they prepare a report on the conditions of detention in their country. These correspondents are a focal point for collection of information and verification of data received from other sources. They also contribute to the dissemination of the annual report published by the Observatoire. In addition to the correspondents and the observers, national groups that represent local branches of the Observatoire were formed in a number of countries.

Endnotes

1 Refer to the 1996 report of the Observatoire International des Prisons (OIP).

2 According to OIP, the official total number of prisoners stood at 35,737, out of which over 16,000 were prisoners of conscience.

3 According to Amnesty International, prisoner of conscience refers to "people imprisoned, detained or otherwise physically restricted on account of their political, religious, or other conscientiously held beliefs, or because of their ethnic origin, sex, color, language, national or social origin, economic status, birth or other status, provided that they have not used or advocated violence."

4 According to Addameer 1999 report.

Write up

By Myriam Sfeir

IWSAW Staffer

The Human Rights Center for the Assistance of Prisoners (HRCAP) Egypt

The Human Rights Center for the Assistance of Prisoners is the first Arab center specialized in studying and monitoring prisons. It was founded in 1997 by Mohammed Zarei. The idea came about after Zarei, a student at Cairo University, was arrested, tortured and detained for two months because of his political views and activities.

The Center, a non-political, non-profit civil association, struggles to improve the living conditions of prisoners (social, medical, emotional, etc.). It provides legal aid to prisoners and attempts to raise awareness on the rights of prisoners, among lawyers, personnel of penal institutions and citizens. Moreover, it advocates (for) prison reform and strives to improve the Egyptian penal system, by ensuring its conformity with and its implementation of International Human Rights Instruments dealing with the administration of justice.

Through its program for the amelioration of prison conditions, the Center monitors, gathers, documents and analyzes information regarding Egyptian prisons for a number of purposes. First, to recommend to the Egyptian Government the actions required to improve the conditions of prison inmates. Second, to urge donor countries to allocate part of their aid to help the Egyptian Government for developing the prisons' infrastructure. Third, to call for the amendment of laws regulating prisons and to encourage researchers and scholars to conduct analytical and applied studies on prisons; in doing so the Center provides the necessary information to establish a database on prisons and prisoners in Egypt. Fourth, to attempt to mold prisons into places of true correction and rehabilitation that assist prisoners to reintegrate into society after having served their sentence.

To achieve these objectives, the Center conducts fact finding missions to prisons, and provides prisoners with legal aid and advice. Moreover it monitors violations of prisoners' rights and cases of torture, and provides legal aid, where necessary. Besides, it conducts workshops, intellectual forums and discussion sessions on the conditions of prisons and prisoners. The Center also issues regular reports on prisons and handles the production and distribution of information booklets on prisoners' rights. In its work, the Center collaborates with international organizations concerned with prisons and prisoners, notably the United Nations and its specialized committees. The most recent plan of the Center is to establish a legal library to help researchers working on prisons, specifically on the cases of prisoners of conscience.

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Addameer Palestine

Established in 1992 by a group of human rights activists, Addameer (conscious) is a Palestinian non-governmental, civil institution that promotes human rights issues. Addameer believes in the universality of human rights and prioritizes the respect of human dignity. It calls for building a free and democratic Palestinian society based on justice, equality, rule of law and respect for human rights within the larger framework of the right to self-determination. It strives to support Palestinian prisoners, advocates the rights of political prisoners, and works to end torture through monitoring, legal measures and solidarity campaigns.

The objectives of Addameer include:

1. To oppose torture, brutality, and inhumanity in the treatment of Palestinian prisoners.
2. To abolish the death penalty.

3. To object to arbitrary arrest and to guarantee fair and just trials.
4. To support prisoners of conscience through supporting the efforts of political prisoners and providing them with psychological, legal and mass media accessibility.
5. To lobby for the issuing of laws which guarantee human rights principles and basic freedom and their actual implementation.
6. To raise awareness regarding the issues of human rights, democracy and the rule of law.

Addameer runs several programs devised to assist prisoners. Thus, their legal support program has enabled prisoners and their families to receive legal services and consultations free of charge. Their regular visits to prison focus on ensuring that basic living conditions are met. Besides, Addameer is engaged in lobbying and organizing solidarity campaigns to oppose torture and arbitrary detention and to support and endorse the plight of Palestinian prisoners. Finally, Addameer has a documentation program in which all information concerning the numbers of detainees, dates and places of arrest, and any violations suffered by detainees are recorded and stored.

Address

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Dar Al-Amal Lebanon

Dar Al-Amal is a non-profit social service organization, founded in 1970 to address the needs of young girls and women at risk of delinquency and prostitution. Dar Al-Amal started off by opening a 24 hour shelter in the Zaytouni area to help women who wanted to quit prostitution. According to Huda Kara, general coordinator of the organization, "prostitutes are usually unwillingly dragged into this area (profession) at an early age. These girls and women have no choice because they are usually poor, uneducated, unemployed and often come from difficult circumstances and unsafe areas that encourage delinquency and prostitution. Therefore, taking to the streets and turning to prostitution becomes a way to earn a living."

Dar Al-Amal has three main centers: A Social Rehabilitation and Reintegration Center which com-

bats prostitution and aims to keep women off the streets; a Specialized Prevention Center that addresses itself to young girls at risk of delinquency, and; a Rehabilitation and Reintegration Center that is concerned with services to women prisoners in the Baabda prison (the main prison for women in the country).

Referring to the work of the Association in prison, Kara recalls that, in 1995, Dar Al-Amal along with the Institute for Women Studies in the Arab World started working in the Baabda prison. Kara explains that living conditions in the four women prisons in Lebanon are deplorable mainly because the prison locations and premises are not adapted to serve as prisons. "The rooms are tiny and accommodate for around 25 women each. There are no beds; mattresses are used instead. Moreover, there are no chairs and tables. The rooms are damp and the electricity is very feeble. Inmates rarely see the sun or exercise. Each cell has one bathroom that often serves as a kitchen where the dishes are washed. So inmates eat, drink, sleep and spend their whole day in these tiny cells."

According to Kara, the aim of their project was to improve the living conditions of women inmates. Kara recounts: "We realized that something should be done to make these women prisoners productive. Given that they had ample spare time, they used to spend most of it arguing with each other. Moreover, they had nothing to look forward to, so they were practically living on tranquilizers. When we first started working with these women they were skeptical and doubted the continuity of our programs. However, with time we were able to gain their trust and they started enjoying the training sessions and the workshops." Kara explains that most of the training workshops were tailored according to the women's needs. Kara asserts: "We organize vocational training workshops on skills that women request, namely sewing, sequin embroidery, fashion design, hair dressing and make up. Moreover, weekly meetings are held with the participants to discuss issues. There are also awareness sessions and literacy programs. The vocational training sessions are planned and organized in coordination with the National Office for Employment, a governmental organization that is under the umbrella of the Lebanese Ministry of Labor. This coordination enables prison inmates participating in the training sessions to receive a certificate issued by the National Office for Employment, once they successfully pass the exams; it is worth mentioning also that there is no indication on the certificate that it was taken in prison.

According to Kara, working with these women is not an easy endeavor because most of them have problems. However, the workshops and training sessions have given inmates a sense of worthiness, developed

for them friendships, secured jobs and income and taught them how to manage their own environment. Kara explains: "Their work makes them forget about their problems; it creates a sense of purpose and it poses a challenge. Moreover, it provides them with economic independence because most of the merchandise they produce is sold and the prisoners are paid for it. This money enables prisoners to meet some of their basic needs and gives them a sense of independence. Also, as a result of the training, most of the women find a job very easily after their release from prison, either by obtaining employment with their trainers or by commissioned with other employers.

Dar Al-Amal has employed a full time social worker who is based at the prison. She undertakes individual follow ups of adults inmates, especially minors, as well as family follow ups. Given that many women prisoners are neglected by their parents who often deny their existence, the social worker tries to encourage families to visit their daughters and forgive them for what they did. Kara notes that these family reactions are very unfortunate, as many women turn out to be innocent several years after their incarceration.¹

Dar Al-Amal is partly funded by the Ministry of Social Affairs. The rest of its funding comes through donations from private organizations abroad, domestic organizations, as well as from philanthropic individuals. Despite all the financial assistance it receives, Dar Al-Amal is still in dire need of help for it is one of the very few organizations that address the issue of women prisoners in Lebanon from a rights based perspective to development.

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Endnote

1. It is worth noting that another article in this magazine had referred to the long period of pre-trial detention in Lebanon.

Mouvement Social Lebanon

The Mouvement Social was founded in 1961. Since then, it has struggled to promote human and social development for individuals, regardless of their con-

profession, affiliation and geographic location. Among its primary objectives is the mobilization of volunteers. Those play a key role in the work of the Mouvement, particularly through what is known as peer education. Young volunteers are especially trained on nonviolent communication; this was very important in view of the war that struck Lebanon for about 20 years. Activities addressed to young people include also providing vocational training opportunities; these are mostly concentrated in the underserved areas of the country. The Mouvement Social has established since its foundation in 1961 a number of Social Development Centers in poor areas of Lebanon. Those Centers provide several services to the local population residing around them.

In 1998, the Mouvement Social started working on rehabilitation of prisoners by implementing vocational training courses and social animation in the women's prison of Beirut (Barbar El-Khazen detention Center) whose conditions are deplorable. The Mouvement Social is the only organization that works in that prison. According to the Mouvement Social "the prison conditions are outrageous for the nearly sixty women; those women do not see the sun and have no outdoors or corridor to walk in." Great efforts are needed to set up reading and writing classes, or to operate the two sewing workshops that already exist in the prison. In short, the Mouvement Social tries its best to improve the daily life for the inmates. In 2002, volunteers from the Mouvement Social will be helping out at Zahle women's prison. (located outside Beirut)". The Mouvement Social is run by an Executive Committee composed of nine members. The Committee holds monthly meetings to review progress, ensure proper direction and define priorities. The Committee is elected by the General Assembly which meets once a year. In collaboration with the Executive Director, the coordination with the Executive Committee is done by a General Secretariat consisting of four members who are responsible for the programs of the Mouvement Social. Sixty permanent workers and about thirty contracted instructors implement programs. Nearly 200 volunteers take part in the various activities.

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Institute for Women's Studies in the Arab World Lebanon

In 1985, the Institute for Women's Studies in the Arab World (IWSAW) administered and implemented a variety of income-generating workshops to teach displaced Lebanese women skills which will help them earn an income, with a special focus on the most needy areas. Through the work done with displaced women, IWSAW came to know about the distressing conditions of imprisoned women. After much investigation IWSAW felt the need to lend a helping hand to those women. According to Anita Nassar, IWSAW's program officer, "we were faced with a number of obstacles, yet, fortunately we were able to overcome them all. A study was prepared to investigate market needs and determine how to help these women inmates, taking into consideration the limitations of resources, space and time. The Institute offered the raw materials and paid for the training expenses. We started off in Baabda Prison for Women because we lacked the funds needed to implement similar programs in the three other women prisons. Moreover, we wanted to evaluate the work done to see if it is successful."

Nassar recounts: "The situation of incarcerated women was deplorable; they lacked basic living needs such as: beds, chairs, tables, proper lighting, proper ventilation, storage area for their food, etc. We tried to ameliorate their situation by providing them with some of the basic necessities they lacked. Our aim was to give those women an alternative, given that most of them were convinced that their lives had ended there and then. They had lost hope because they had nothing to look forward to, were looked down upon by society and were labeled as social outcasts. At first, they refused to cooperate. However, after some time they started to believe that they deserve another chance. We worked on strengthening their self esteem, they no longer judged themselves harshly and started admitting that it is natural to err and that everyone deserves another chance."

After much investigation, the skills requested by prisoners were mostly those that could provide them with a vocation to practice once released from prison. The Institute decided to implement training sessions in sequin embroidery, sewing as well as literacy programs, and it is in this framework that IWSAW's Basic Living Skills Project (BLSP) was incorporated. The BLSP is a non-formal, integrated educational program designed for illiterate and semi literate women. It

broaches upon eight different subjects namely health, environment, home management, sex education and family planning, nutrition, civic education, child care and legal rights in Lebanon.

According to Nassar, both the authorities and the women collaborated to make the training a success: "The authorities were very cooperative and flexible concerning the use of hazardous items used during the training sessions namely scissors, pins, needles, etc. Moreover, the women knew that implementing the program and its continuity depended on their self discipline, so they followed instructions." Nassar explains: "Several women were chosen from among the incarcerated because of their leadership skills. Besides, they appeared responsible and we felt we could depend on them to be in charge of the items that might prove dangerous and that were usually banned in prison. Yet, each one of these women was monitoring herself as well as others for the success of the program."

Nassar recounts that before the training sessions took place the candidates were screened and those who had potential were chosen as group leaders. Moreover, literate inmates were chosen to supervise their cell mates while revising the material given during literacy lessons. To support the literacy program the Institute provided a portable library containing reading materials that corresponded to their abilities and that contained books addressing various ethical themes. According to Nassar, the training sessions and the literacy program proved very beneficial for several reasons: "Inmates were able to acquire reading and writing abilities. It also provided them with financial independence. The goods produced were sold and the money earned was used to ameliorate their living conditions, and were used to provide for basic needs, pay legal fees, bail, and medication. Moreover, the training sessions created a team-work spirit, inmates started working together and helping each other. It also provided these women with a profession. Upon completing their sentence, some inmates could find a job."

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Caritas Lebanon

Caritas was established some 28 years ago. Ever since, it has been engaged in several humanitarian activities namely caring for the elderly, orphans, handicapped, widows, families, prisoners, as well as alcoholics. Moreover, it provides free health services that entail medical treatments and regular checkups. It also offers academic scholarships to needy secondary, technical and university students. Besides, it assists displaced families by providing them with housing facilities.

With respect to work at prisons, Caritas is engaged in implementing rehabilitation programs in the women prisons of Baabda, Tripoli and Zahle. Through its varied vocational training courses, literacy programs, and social animation programs, Caritas is providing women inmates with opportunities for work inside the prison and is helping them for reintegration into society. Through the social worker posted at the prison, Caritas undertakes regular follow up with prisoners and their families. She listens to these women who have no one to talk to, and tries to solve their problems. Moreover, she meets with parents who refuse to visit their incarcerated daughters and tries to encourage them to contact their daughters and forgive them.

Through its prison aid program at the Center for Migrants, Caritas carries out a number of activities to help detained migrant workers and to solve the problems they face in Lebanon. Migrants workers are often detained because they lack valid working documents, they are living in the country illegally or because their travel documents have been confiscated by their employers. A high fee is imposed on issuing replacement papers and new documents, so migrant workers spend most of their time in detention, waiting for deportation to their countries.

Even though Caritas's Migrant Center does not lodge migrant workers, however, it provides detained migrants with free medical care and legal aid. Moreover, through its mobile clinics, Caritas provides impoverished migrant workers with medications free of charge. Caritas also helps migrants return home either through the help of their embassies or by helping them pay for their ticket. Last but not least, Caritas' Center offers a number of non-formal educational activities and provides prisoner migrant workers with advice and with training for setting up of small businesses or in handicrafts.

The Jordanian Charitable Society for the Care of Inmates of Correction and Rehabilitation Centers Jordan

The Jordanian Charitable Society for the Care of Inmates of Correction and Rehabilitation Centers was established in 1996, thanks to the efforts of 25 volunteers. The Society aims to help inmates and their struggling families. Work undertaken at the Society entails fighting crime and delinquency and investigating the reasons behind them. The Society caters for the inmates' physical, psychological, social, educational, cultural, spiritual, and financial well being. It also provides them with free legal aid and assists their families financially. Moreover, the Society works on the rehabilitation of prisoners by providing them with vocational training that enables them to live decently upon their release from prison. Besides, the Society tries to find jobs for former inmates and calls upon them regularly to make sure that they are leading an honest life. Finally, the Society organizes awareness campaigns to encourage the public to accept former inmates and works on reintegrating them into society upon their release.

Health, financial, women, public relations/press, social/religious and legal committees make up the main centers of activity within the Society. These committees provide free medical and dental care, psychiatric help, educational materials, audiovisual and reading materials as well as religious books. Moreover, the committees appoint lawyers for inmates who can't afford to hire one and organize lectures and seminars on various subjects.

Among the future plans of the Society is to hold a pan-Arab conference aimed at improving the living conditions of inmates. Moreover, the president of the Society, Marwan Sultan, explains that in order to create job opportunities for the inmates, once they are released from prison, and their families, the Society is setting up carpentries, clothing factories and embroidery workshops.

According to Sultan, over 400 families and 5,000 inmates have benefited, so far, from the different services offered by the Society. He adds that special care is given to female inmates who are considered social outcasts and are rejected by their families. Sultan affirms that there are many women who refuse to leave prison after serving their sentence and he gives an example of a woman who completed her prison term ten years ago, but still refuses to leave for fear of her family.

A Political Prisoner Testifies

By Myriam Sfeir



Following the 1948 Arab-Israeli war, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), was established by United Nations General Assembly resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for Palestine refugees. The Agency began operations on 1 May 1950. In the absence of a solution to the Palestine refugee problem, the General Assembly has repeatedly renewed UNRWA's mandate, most recently extending it until 30 June 2002. Since its establishment, the Agency has delivered its services in times of relative calm in the Middle East, and in times of hostilities. It has fed, housed and clothed tens of thousands of fleeing refugees and at the same time educated and given health care to hundreds of thousands of young refugees.

UNRWA is unique in terms of its long-standing commitment to one group of refugees and its contributions to the welfare and human development of four generations of Palestine refugees. Originally envisaged as a temporary organization, the Agency has gradually adjusted its programmes to meet the changing needs of the refugees. Today, UNRWA is the main provider of basic services - education, health, relief and social services - to over 3.6 million registered Palestine refugees in its five fields of operations: Jordan, Lebanon, the Syrian Arab Republic, the West Bank and Gaza Strip. Some 1.1 million refugees live in 59 recognized camps, and UNRWA's services are located in or near these camps where there are large concentrations of refugees.

Unlike other United Nations organizations which work through local authorities or executing agencies, UNRWA provides its services directly to Palestine refugees. It plans and carries out its own activities and projects, and builds and administers facilities such as schools and clinics. The Agency currently operates or sponsors over 900 establishments with 22,000 staff throughout its area of operations. Because UNRWA services such as education and health care are the type of services normally provided within the public sector, the Agency cooperates closely with governmental authorities in the area of operations, who also provide some services to Palestine refugees. (<http://www.palestinehistory.com/refcamps.htm>)

I live, along with my family, in Camp Aida for Refugees in Bethlehem in the West Bank. It is a small camp built by UNRWA to accommodate the displaced refugees of 1948. I was brought up in a big family, I have eight brothers and three sisters. Our house was small given that we were extremely poor. My father was the main breadwinner in the family; however, all of us had to work hard when still young in order to earn our livelihood. Hence, from an early age we learned the importance of work. My family valued education tremendously and, despite the poverty surrounding us we all went to school. The displaced life we lead was a very difficult one because it meant being deprived of owning anything: a house, land, property, etc. Our life in the camp involved a lot of deprivation; we often felt uncertain about the future. Yet, all of this pushed us to try and struggle for change.

As early as the age of thirteen years, I became politically active. I was closely associated with a student society (body) that was part of the communist party. My tasks entailed distributing leaflets denouncing the

occupation and organizing demonstrations against the occupation, etc. During my first year at university I joined a military organization and took part in an armed operation that involved bombing an Israeli bus with settlers in it. I got caught, beaten by the settlers, tried and sentenced to three years imprisonment. By then I was 18 years old. I was held at an interrogation center and then sent to a central prison where I stayed the rest of my sentence. Even though my three year sentence was the longest and the only one that I served in a central prison, it was not my first imprisonment. In fact, I was captured and imprisoned in interrogation prisons three times, in 1979 at the age of 15 years, in 1982 at 18 years and in 1990 at the age of 26 years.

I was first jailed in January; the weather was very cold. We were forced to sit in an open space area in the middle of the winter, tied to a wooden chair in a very uncomfortable position. We were not allowed to sleep or eat for several days. During the first four days of my arrest I was not able to sleep. Whenever I dozed they would hit me to wake up. After four days, we were allowed to sleep for a limited number of hours. However, we still had to sit tied to a chair. Several days later I was moved to a tiny cell with a filthy bathroom; a mattress and a blanket were on the floor. The food offered to us was inedible and the portions were not balanced. I used to eat only to stay alive. All these techniques were meant to exhaust us physically and mentally and eventually force us to break down. But this did not work. Throughout my 22 days of imprisonment, I was occasionally dragged to an interrogating room and questioned. Yet, they were unable to obtain any confession, because I had nothing to tell them. Since they had nothing against me, at the end they were forced to let me go.

The interrogation period is very different from that of imprisonment. During the interrogation process suspects are detained in an interrogation prison where they are questioned before being either released or sent to a central prison. The interrogation process was very difficult and harsh because it forces prisoners to break down. I must admit, that I was not tortured physically; however, the interrogating officer concentrated on psychological torture that entailed solitary confinement, rape and sexual assault threats, invading my personal space, inappropriate fondling, forcing me to listen to tapes of people suffering, screaming, moaning, coughing, calling for help, etc. When I was first captured no one was

allowed to see me, not even a lawyer or the Red Cross. However, 14 days after my arrest I met with representatives from the Red Cross and, 18 days later I was able to meet with a Jewish lawyer.

In 1982, I was arrested again and this time I was sentenced to three years in jail. At that time, I was still unmarried and I was the second woman to be jailed from the camp where my family resided. I was very worried about my parents' reaction, because they are conservative. But they were very supportive and proud of me. In general Palestinian women who are active in the national struggle receive a lot of appreciation and respect. They are considered unique and there is no stigma attached to the fact of their being imprisoned. Being politically active, less restrictions are imposed on them and they have the freedom to attend university, work, travel, etc.

My imprisonment was a turning point in my life; it helped me grow and mature into an organized person capable of making informed choices in life. Prison life made me understand myself better and in turn, understand the world and the Israeli occupation. In prison, I was able to educate myself about the Palestinian/Israeli conflict by reading about it extensively. I also made friends with whom I am still in contact.

Our situation as political prisoners was very well organized. We had no time to loose because we had our daily routine. We were allowed three hours outside our cells, during which we exercised and walked in the sun. We also organized educational and literacy programs, reading sessions, as well as discussion groups on various topics such as the prevailing political situation, women's rights, and women's role in the national liberation struggle. The Red Cross along with the Prisoners Support Association (Gham'iyat Ansar Al-Sajeen) provided us with books, pens, and paper. Whenever our living conditions deteriorated we used to hold hunger strikes to force the prison administration to improve our status. Even though we were allowed two visits every 15 days, these visits would be discontinued when we were on hunger strikes.

I met my husband at university. We were colleagues and friends. Both of us were politically active and struggled together for national liberation. We were caught and imprisoned during the same period. We got

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married in 1987, six years after we met. We lived together only for three months after which my husband was imprisoned. At that time I was pregnant with our first child. My husband saw our son only six years later after being released from prison. My relationship with my husband is very unconventional, in fact it has nothing traditional about it. Our relationship is mature and solid because it is based on respect. However, this does not mean that we do not disagree, but my husband never imposes his opinions. He supports me on all counts, we share the responsibilities of housework and of raising the kids. My husband strongly supports the women's rights movement for he strongly believes that women should have an active role outside the household.

At present, I am working on a part time basis for the sake of my children, with whom I try to spend as much time as possible. I am also active in a women's organization called the Women's Committee for Social Work. I have always been interested in women's issues. One cannot deny the active role that Palestinian women play in the Intifada. They have a truly revolutionary spirit and were able to fill the gap created by men's absence when those were arrested, detained and imprisoned; then women had to take on family and community responsibilities. Therefore, society cannot expect women to return to their traditional roles once the political emergency would be over. We should actively participate in shaping the features of our society, and in molding it to respect more women's rights, gender equality, justice and true partnership. This can

only be realized if women work hard to amend the existing discriminatory laws and legislations.

Once the Palestinian state was declared and after signing the peace accord with Israel, a new role for women became evident. A large number of specialized feminist organizations mushroomed in Palestine. Their objective was to formulate a feminist agenda aiming at raising the marriage age to 18 years, and increase women's political participation. Women's organizations started forming pressure groups that focused on drafting a new personal status law to replace the discriminatory Jordanian and Egyptian laws. At present, the law is ready for review.

The political, economic, social, and health conditions of the Palestine population is deplorable. Poverty is on the rise as a consequence of the territorial closures imposed by the Israeli authorities. Most Palestinians working in Israel lost their jobs due to the escalation of the conflict. Moreover, a large number of Palestinians are suffering from psychological and emotional difficulties. Reduced economic activity, higher unemployment rates, movement restrictions, as well as absence of vital needs, have all affected the general well-being of the Palestinian population. We Palestinians are pessimistic. It is obvious that there is no chance to reach a peace agreement in the foreseeable future. The ongoing violent confrontations between Israel and the Palestinians might go on for years and hence we believe that the prospects of renewing the peace process are nil.

Forthcoming

*Arab Women and
Civil Society*

Workshop Report: Human Rights in Prison

By Myriam Sfeir

Omar Nashabe, an instructor of human rights at the Lebanese American University (LAU) and an instructor of Sociology at the American University of Beirut (AUB) and Haigazian University, is currently working on a voluntary basis, to improve the situation of human rights in Lebanese prisons. Nashabe earned his BA at the American University of Beirut and MA in Social Policy at the State University of New York (SUNY), and it is in those university years that he got interested in crime, deviance and rehabilitation.

In cooperation with the Goethe Institute, Nashabe organized two symposiums and a workshop on human rights in prison. The symposiums took place last year in Tripoli and Beirut and were attended by judges, lawyers, representatives from various NGOs working with correctional facilities, ex-detainees, ex-convicts, as well as a representative from the Attorney General's office, and LAU students. The aim of those symposiums was to orient Lebanese policy makers with respect to the importance of rehabilitation and the impact that rehabilitation programs would have if they were to be adopted in Lebanese prisons.

Given that the symposiums were very successful, a follow-up workshop was planned. However, the target audience of the workshop was confined to the prison authorities. A visit to the head of the Internal Security Forces, General Marwan Zein was pertinent. After the visit, a one day workshop (due to lack of funds) was organized in Roumieh prison. According to Nashabe: "General Zein appreciated the initiative and granted us his approval immediately. However, not everyone is as dynamic as General Zein. In fact there is, in general, minimal interest in improving the situation of human rights in prisons. This is mainly due to the predominance of the "less eligibility principle" regarding prisoners. The main argument according to this princi-



ple is that incarcerated persons should be treated and should have a standard of living that is less advantageous than the lowest classes of society. It is believed that incarcerated persons harmed society and that they should be treated accordingly. However, Nashabe argues that it is unfair to apply this principle in Lebanon because almost 50 percent of incarcerated persons are in pre-trial detention i.e., they are innocent until proven guilty by a fair court hearing where they have the right to appeal and the right to an attorney. The labeling theory applies here also: prisoners are labeled criminals regardless of their legal status; this complicates things and makes correction and rehabilitation almost impossible. It also encourages first time offenders to engage in career crime."

Nashabe explains that the workshop was divided into two parts: theoretical and practical. The German Law professor, Dr. Herald Preusker who served as a judge and as director of three prisons in Germany, conducted the training. He was chosen because of his extensive knowledge of human rights and of the treatment of prisoners. Preusker started off with a presentation on human rights in German prisons, listing and explaining regulations and methods used in German prisons in general, and more particularly, prisons in



Dresden. After that, an examination of case studies took place followed by a discussion. The case studies involved harsh treatment of incarcerated persons and ways to deal with escape attempts. The workshop lasted around 7 hours and was attended by around thirty Internal Security Forces officials who work in prisons all over Lebanon. Most officers were very cooperative and showed a lot of interest in the workshop.

According to Nashabe, when discussing human rights in prison it is not only incarcerated persons who are addressed. Nashabe asserts: "By attempting to ameliorate human rights conditions in prisons we hope to benefit not only the inmates but the entire body of staff working in prisons namely guards, officials, civilians working inside the prisons, civilians living around the prisons, as well as ordinary individuals in society."

Nashabe explains that in Lebanon, prisons are under the authority of the Ministry of Interior, and the Internal Security Forces (ISF) are in charge of the incarcerated. Nashabe believes that this ought to change and a specialized governmental division within the ISF should be created to deal with incarcerated persons and the security of prisons. According to Nashabe: "All police officers working in this special section should undergo extensive training in human rights issues, prison administration, controlling violent outbursts, etc. Hence, funding is needed for specialized human rights courses to be given within the Police Academy. The ISF officers sometimes revert to violence to mask their ignorance in handling situations (that have gone wrong)." However, Nashabe recognizes that the Internal Security Forces have a very difficult situation to deal with because of the limited

resources available. Lack of funding, excessive levels of overcrowding, inhuman prison conditions, as well as violent outbursts threaten the life of prison guards, staff and officials. Nashabe admits: "I am realistic and even though I am in favor of change, I don't expect it to happen over night."

According to Nashabe, while it is generally agreed that the crime rate is often higher among males than among females, there is no plausible explanation for that in Lebanon. Sociologists in Lebanon have failed in producing concrete evidence because of research limitations. Nashabe affirms: "Given that Lebanese society is a male dominated society, crime is usually seen as a male exclusivity. Moreover, it seems that judges are sometimes biased in favor of women since they receive more lenient sentences than their male counterparts."

Finally, Nashabe expressed his hope to be able to organize more workshops targeting the improvement of human rights conditions in prison. He adds: "If adequate funding is available, this workshop will pave the way for future work in this domain. I contacted the Ministry of Justice and the Ministry of Interior and received positive feedback from both. However, there are no concrete projects on the ground yet."

The Dresden Ministry of Justice in Germany recently sent an invitation to a number of ISF officers working in prisons to attend a one week workshop on human rights in prisons which will be held in Germany in May 2002, following Nashabe's request. Hopefully, this exchange of expertise will help in improving the difficult conditions of Lebanese prisons.

La Prisonniere*

By Malika Oufkir and Michele Fitousi

Reviewed by Lynn Maalouf

Malika Oufkir's phenomenal story is worthy of the best political thrillers - but sadly, it is no fiction. It is the account of one family's rise to power, its sudden downfall into a 20-year process of annihilation and then its incredible journey to freedom.

A well-established Moroccan family, the Oufkirs were very close to the royal court; so close in fact, that Malika, the eldest daughter, was "adopted" at the age of five by King Muhammad V to serve as companion to his daughter, Lalla Mina. This adoption, which conveyed the king's affection for Malika, was nevertheless a forced separation from the girl's family, bringing her into a life of utmost luxury and lavishness, but also into a knot of complex relations between her adoptive and her true family. Although she enjoyed a top-notch education, sternly dictated by a German governess, and was treated as family, she was secluded and deeply suffered from the separation with her mother. This, she insists, helped her gain a higher level of tolerance compared to the other members of her family, when their actual imprisonment came about.

On August 16, 1972, General Oufkir, Minister of Defense and General of the Royal Air Forces, attempted a coup on the life of King Hassan II of Morocco. That same evening, he is taken to the King's palace in Skhirat, and the official announcement comes out that General Oufkir had killed himself (regardless of the fact that his body had 5 bullets, including a deadly one in the neck). His wife and six children (the youngest hardly three years old) are immediately arrested

and imprisoned without trial, despite their having no prior knowledge of the coup d'etat attempt. This episode opened the way for the subsequent years of moral, emotional and physical affliction. But also, it marked Malika forever in the sense that it was her father, whom she had come to know and adore in her last years at home, who had tried to kill her adoptive father. And her subsequent "punishment" for her father's act had been perpetrated by the king, who had always shown her boundless affection.

I still respected the adoptive father he had once been, but now I hated the despot he had turned into the day he started persecuting us. I hated him for his hatred, I hated him for my shattered life, for my mother's sufferings, for my brothers and sisters' mutilated childhood. I hated him for the irrevocable crime he committed when he locked up, for so long and in such inhuman conditions, a woman and six children, the youngest of whom was not even three years old.

The ensuing account of the years in prison is really the heart of the book; Malika, her two brothers, her three sisters and her mother were first held in an abandoned fort, where the detention conditions were relatively lenient, as they immediately tried to resume a simulacrum of their former lives, helped by the presence of books and clothes, and where food and air were unrestricted. But as soon as they were transferred to the remote desert prison of Bir-Jdid, the worst torments began; the family members were immediately separated from each other (the young child with his mother, the three girls together, Raouf, the eldest son

alone, and the two faithful governesses together). They spent over 10 years separated by their prison walls, without being able to meet or to see each other - doomed to their cells, left to starvation, darkness, disease and rats. Only their incredible resilience, their humor and inventiveness allowed them to survive. To the point where, when they finally saw each other, they were hardly able to recognize each other ...

Another vital rescuer was a radio, which they had managed to keep and conceal from their guards ever since the time they were arrested; its programs were in fact their sole pledge to sanity, keeping them informed about the outside world, listening to "normal" topics, people, games. At one point during a talk show, the name of "Oufkir" would pop up; for Malika, this was enough to prove that they still existed, that "they could, one day, be reborn again."

At many times however, the Oufkir's hopes were harshly crushed. One of the book's strongest moments is when the author recounts the terrible night of March 3, 1986. This date marked the 25th anniversary of the King's coronation; the family firmly believed that the King would pardon them on this occasion. Nevertheless, his failure to do so threw the family into utter despair and concerted suicide attempts.

Finally, teetering on the edge of madness and aware that they had been left to die, Malika and her siblings managed to tunnel out using but their bare hands and teaspoons.

Endnote

* La prisonniere won the French Award of Maisons de la Presse in 1999 and has been published in the USA in 2001 under the title Stolen Lives. It is a remarkable book of unfathomable deprivation and the power of the human will to survive.

Prison is a Wild Society (Al Sujn Mujtama Barri)

By **Mona Fayyad**
Reviewed by Ranya Al-Abiad

On the 9th of April 1998, Lebanon witnessed a social uprising that was neither expected nor even thought of before. The inmates of the Roumieh prison, one of Beirut's three others, shocked society by bringing to light the reality of their status- a reality much imbedded in violence which engulfed every aspect of the prisoners' life. This uprising, not only turned attention to a once-neglected aspect of the Lebanese environment, it also raised several questions as to where prisons fit in society, and whether they actually figure there at all. This focused on the research of Mona Fayyad on the Beirut prison which came out in February of the following year.

Much influenced by the writings of Foucault, Durkheim and Besette on the sociology of crime and criminals, Fayyad sought to adapt these ideas to the Lebanese prison system. The prison is seen as an extension of society, probably the clearest, most honest and definitely "wild" aspect of it. She also wanted to discover the reality of the prisoners themselves and the reasons that brought on their imprisonment. Her work thus provides a sociological approach to prisons and their incumbents and presents a successful attempt at depicting the reality of the status of Lebanese prisons, through both figures and narrative.

Fayyad's work is divided into several chapters grouped in two parts portraying an image of the prison unknown to most readers.

In the first part the reader is familiarized with the researcher's fieldwork. This part is narrative in form and outlines the characteristics of the prison and the prisoners.

The researcher construes the prison as a "totalitarian institution" assigned with a "punishing role" where prisoners are dictated their mode of living (pp.45-76). The prison's authority figures, guards and warden, strive to confine their inmates' acts within the boundaries of their orders. When, for example, a prisoner is seen "smoking or standing in a casual manner, he is quickly reprimanded by the supervising official" (p. 26). In addition, through her many visits to the prison, Fayyad notices the presence of prison rituals that not only extort a prison's individuality, rendering him another number in the records, but also isolate the prison institution and hence remove it from the sphere of civil society (p.47).

In an attempt to relate the prison institution to society, Fayyad asserts that prisons, unlike popular beliefs are part and parcel of society and that prisoners are social and humane beings. Through fifteen personal interviews with a sample taken from the prison population, Fayyad brings out the interviewees as individuals with needs and aspirations. She describes them as "humans not different, that is they resemble us" (p. 100). She recounts that one appears to be "a nice young man, open and talkative" (p. 91), while another is "a very self-confident



narcissist acting as a women charmer" (p.101), and a third "calm, educated and logical" (p. 97). Notwithstanding, Fayyad does not seek to project a clean and humane image of the prisoners for she believes they should "be penalized for their crimes so long as they are guilty" (p. 50), but rather aims to bring out the human aspect of these "forgotten citizens".

In the second part of the book, one gets a tabulated version of the prison's reality. In this section, Fayyad provides data related to the who, why, when, how, and what for of the prisoners. She endeavors to reveal the effect of societal conditions on the behavior of the convict and to draw a correlation between the life led by the inmates prior to their indictment and the reason leading to their criminal offense.

The compilation of this part represents the apex of Fayyad's immense effort to gather first-hand original data and the long hours of data analysis and theorization. She advances a great number of independent variables forming an all-encompassing approach to the topic, sparing no possible combi-

nation of dependent-independent variables in the quest for the profile of the prisoner. This prisoner turns out to be incriminated with theft in the first degree (41 per cent of the cases); they are mostly Sunni Muslims (which is understandable because of the prison's location); they have all suffered residence change; they are mostly young and married and have occupied artisan occupations; finally, 47.8 percent of them are illiterate (pp. 244-5).

After that Fayyad portrays a clearer image of the person in prison, she transports the reader into the realm of gender. In chapter 14 of the book, Fayyad examines the issue of gender and the role that it has on deciding the punishment for the crime. Through her study, Fayyad learns that there exists a certain discrepancy between the status of men and women in prisons at the levels of both the crime committed and the punishment received. Her findings lead her to conclude that "the causes for delinquency are often affected by gender; that this effect can be sought both before and after imprisonment, and that this is related to the social values and the educational backgrounds prevalent in Lebanon" (p. 276).

Throughout the book of Fayyad the question remains, "what is it that leads one to prison and is there a sole reason responsible for opening this door to captivity?" (p. 195). In seeking an answer Fayyad remains faithful to her concern for the individual and for brushing a transparent and honest image of the prison, away from biases and misrepresentation. This work denotes a deep and sound study of one of several Lebanese prisons, and introduces the reader to an unknown, yet very real place. It remains till now the only thorough monograph published on this topic.

Discourse of Darkness

(Hadeeth El-'Atmah)

By **Fatna El-Beh**
Reviewed by Isis Nusair

"A sea of might is women's ability to confront, a sea that has no beginning and no end" (Hadeeth Al-'Atmah, p.3)

Fatna El-Beh's Hadeeth El-'Atmah is an eloquent and collective testimony to the years that Fatna and her comrades spent in prison during the reign of King Hassan II in Morocco in the 1970s. The book presents a feminist reading of what it means for women to be arrested, tortured, and imprisoned for their political ideas.

The language of the book is full of yearning where the collective and individual, and the personal and political intertwine. The poetic language of the book is full of love for life and stands in stark contradiction to the brutal and torturous reality of Fatna's five years of imprisonment. It is a reflection of the dynamic nature of life in prison, a life full of challenges, hopes and disappointments. It is a story of how those women worked

to improve their prison conditions, how they studied and dreamt of a better future and of the day where they would go back to their villages carrying gifts to the children.

The gendered nature of Fatna's imprisonment is reflected in the way she and her comrades were interrogated. In Fatna's account the feminist is an integral part of the national and vice versa. The two are interwoven to present a testimony as to what life under political and gender oppression means. Fatna and her comrades confronted their captures on more than one level. Their interrogators refused to believe that as women they were arrested for their political ideas. Is it the patriarchal mentality that subordinates women into this second-class position, or were their capturers

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afraid from this new form of feminist resistance?

The process of interrogation was gendered reflecting the strong division of labor along gender lines. Fatna and her comrades were asked by their captives whether they had a male genie. They were later accused of being prostitutes. During the seven-month interrogation period Fatna's identity was erased, and she was treated like a man and was called Rashid. Was this method a way of justifying the interrogator's belief that if these prisoners were "real" women they would not have been here? Or was calling the women political prisoners in masculine names a way to justify that a "true" man would not harm a "weak" woman and he would only interrogate and torture another man?

Fatna narrates in details how she was kidnapped and arbitrarily arrested. She describes how her capturers left her no time to look back and say goodbye to the world. Torture, she adds, has no time; it is constantly present in every shape and form. They are in total control of your life, and you are never left to feel secure. The minute you fall asleep they wake you up leaving you no time to think about yourself. Fatna asserts that they wanted to destroy the self and soul through destroying the body. Their bodies were searched and the interrogators' fingers played with it. "Your body becomes someone else's property, they do what they want with it and they bring it back to you in pieces so that you can pick it up and put it back together. They placed handcuffs on my wrist, you are in our tradition a man and what applies to a man applies to you".

Fatna and her comrades were flogged, electrified under the nails, and crucified in the Moroccan style until they would

lose consciousness. They were slapped, hit, insulted with sexual innuendos, and at times openly threatened to be raped. They were treated as if they were mere numbers, and were prevented from seeing, moving or speaking. Their eyes were covered and they were not allowed to stand up except for going to the bathroom. They were interrogated and tortured for seven months, and towards the end of that period Fatna had come to recognize the voices, features and smells of her interrogators.

For three years Fatna was without a trial. She was sentenced for five years in prison because she wanted a "better future, a better world where human rights are respected and women are not treated as second-class citizens." She was accused of wanting to change the world and the natural role of women and wipe the differences between men and women. This is what one of their men told her: "women should be harem only, their place is at home where they reproduce life, and anything beyond this role is totally abnormal."

The attempt to torture and break the will of Fatna and her comrades produced new forms of resistance and solidarity among the political and non-political prisoners. "Three years of arbitrary arrest, of imprisonment and struggle have taught us a lot about their practices, but have also provided us with tools to resist." Fatna says: "I held my head up in pride for this is all that I have at the moment since I was stripped of everything else... Dream in change is all that is left for those who have no authority". They protested against the sexual harassment of their friend, and sang for the death of Saida Al-Manbahi. "We were stripped of everything except our tears and tongues, so we cried and sang". After twenty days they were trans-

ferred to the prison in Miknas in order to prevent them from being "contaminated" with the disease of solidarity.

The peak of their resistance came when they were moved to the Qunitra prison. There, they had to fight all over again to have some of their demands which were met in the previous prison. They fought for their rights and not for a favor from the prison administration. It was then that they decided to start a hunger strike so that the prison authorities recognize their status as political prisoners. Fatna says: "I realized that I am entering into an experience that has serious consequences. I know though that I am betting on my life in taking this risk... All I wanted was only to defend my citizenship". "This was the start or the end of a road with no end, the road of daily struggle, and the road for continuity and survival have no end. They can no longer ignore a reality that went beyond their old rules and laws. The reality of the life and rights of the political prisoner is now in the open and cannot be easily ignored. Prison laws saw no change in Morocco since 1934. We had to face not only laws that go back to the stone-age, but we had to deal with the absolute mentalities of the officers... There are no rules in prison but strong traditions that know no limit" They held a hunger strike for days and achieved the majority of their demands.

The struggle of Fatna and her comrades is similar to the current struggles in the Arab World for freedom from gender and political oppression and attainment of full rights. Fatna's writing of this powerful book and her insistence that she will turn the world upside down so that the children will know a different world than this one should be a lesson for all of us.