

# 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.

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

Short-term imprisonment has many disadvantages; this leads 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.

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

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 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.

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

## **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.