

Who are women prisoners?

Survey results from Jordan
and Tunisia



Towards a gender-sensitive penal policy

Who are women prisoners? Survey results from Jordan and Tunisia

من هن النساء السجينات؟ نتائج استطلاع من الأردن وتونس

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Penal Reform International (PRI) is an independent non-governmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide.

We promote alternatives to prison which support the reintegration of offenders, and promote the right of detainees to fair and humane treatment. We campaign for the prevention of torture and the abolition of the death penalty, and we work to ensure just and appropriate responses to children and women who come into contact with the law.

We currently have programmes in the Middle East and North Africa, Central and Eastern Europe, Central Asia and the South Caucasus, and work with partners in East Africa and South Asia.

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Acronyms

CEDAW	UN Committee on the Elimination of Discrimination against Women
CRCs	Correction and Rehabilitation Centres (prison facilities in Jordan)
DGPAR	Directorate General for Prison Administration and Rehabilitation (Tunisia)
EU	European Union
ICRC	International Committee of the Red Cross
NCA	National Constituent Assembly (Tunisia)
NCCJ	National Committee for Criminal Justice (Jordan)
NCHR	National Centre for Human Rights (Jordan)
NGO	Non Governmental Organisation
NPM	National Preventive Mechanism, under OPCAT
OPCAT	Optional Protocol to the Convention against Torture
PRI	Penal Reform International
SIDA	Swedish International Development Cooperation Agency
SIGI	Sisterhood is Global Institute
SMR	UN Standard Minimum Rules for the Treatment of Prisoners
TD	Tunisian Dinars
UNESCO	United Nations Educational Scientific and Cultural Organization
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review

Introduction

Women and girls comprise the minority of prisoners¹ around the world, constituting an estimated two to nine per cent of national prison populations. Given that they are few in number, women offenders find themselves in criminal justice systems that are designed for men and do not address their specific needs. The little attention dedicated to women prisoners to date also means there is a lack of research and data available on their backgrounds and characteristics. While some research and statistical data on women in prison have been published in a few countries, information is relatively scarce about women who come into contact with the criminal justice system in the large majority of jurisdictions, especially in Asia, the Middle East, Africa and Latin America.

Who are the women held on remand or imprisoned following conviction? What offences have they been charged with or convicted of? What triggered their confrontation with the criminal justice system? What is their background? Do they have dependent children? Were they employed prior to arrest and what is their level of education? Have they experienced violence or do they have a history of drug or alcohol dependency? What are the consequences for them of conviction and imprisonment? And perhaps most importantly: what kind of support do these women feel would help them most in building new, self supporting lives following release?

Answers to these questions are of more than just academic interest. Increasing the knowledge about the background, characteristics and social reintegration needs of female offenders is an important first step for policy-makers and practitioners to review and adjust legislation and policies in a gender-sensitive way. It is worth emphasising that treating women offenders and prisoners differently from their male counterparts is not unfair or discriminatory. In fact the reverse is true. Women offenders and prisoners have distinctive needs that must be identified and addressed so that they receive equitable treatment.

With financial support from the UK Government, Penal Reform International is undertaking a multi regional research project which aims to fill some of the gaps in our knowledge about female offenders.² The first two reports have been published and focused on the South Caucasus (Armenia and Georgia) and Central Asia (Kazakhstan and Kyrgyzstan). This third report focuses on Jordan and Tunisia, and has been supported by the UK Government and the Swedish International Development Cooperation Agency (SIDA).³

While this research project does not assess how far states have progressed towards implementing the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), its objective is to support the implementation of the international standards set by the Bangkok Rules. By providing facts and figures, the report seeks to illustrate the need for gender specific policies that respond to the needs of women in prison, and to enable countries to identify the key areas which need to be addressed as a matter of priority. In this way, we hope the research project will be an important step towards ensuring a proportionate and sensitive response to offending by women.

1 The term "prisoner" is used to refer to all persons detained or imprisoned on the basis of, or allegation of, a criminal offence, including pre-trial, under-trial detainees and convicted and sentenced prisoners.

2 The scope of PRI's research project was inspired by Rule 67 of the Bangkok Rules, which explicitly encourages research into the aforementioned topics. For the full text of the Bangkok Rules see www.penalreform.org/priorities/women-in-the-criminal-justice-system/international-standards/

3 See other reports in multiple languages at www.penalreform.org/resource/women-prisoners-survey-results-armenia-georgia/ and www.penalreform.org/resource/women-prisoners-survey-results-kazakhstan-kyrgyzstan/

Jordan

1. Context

1. Prison system overview

There are 14 prisons in Jordan and they are known as Correction and Rehabilitation Centres (CRCs). There are also centres of temporary detention distributed among the northern, central and southern areas of the country. The Public Security Directorate has responsibility for prisons and sits within the Ministry of Interior. Recently there has been some discussion about moving responsibility for prisons to the Ministry of Justice.⁴

Women make up three per cent of the total prison population in Jordan.⁵ The number of women in prison slowly increased from 2000 to 2007 but has been relatively stable since.⁶ Nearly all women prisoners are held in the Women's Correction and Rehabilitation Centre in Juweida on the outskirts of the capital Amman. The Women's CRC has capacity for 350 prisoners but at the time of PRI's research visit it held 451 women.⁷ There is also a wing attached to the male prison of Al Umloulou which at the time of writing has just started to receive women prisoners in order to address the overcrowding in the Women's CRC.

The Women's CRC was built in 2000. The perimeter area is guarded by uniformed male police officers, but only women guards are employed inside the facility and the Director is also a woman.⁸ The prison has provision for women to acquire skills in dress-making and hair-dressing, some limited education opportunities, a library, a gym, a mosque and a unit where children up to the age of three can stay.⁹ At the time of PRI's visit, this unit was empty. A social services office is supposed to facilitate visits to the prison for those children placed in social welfare institutions.¹⁰

There are a number of bodies involved in monitoring the Women's CRC. CRCs are subject to judicial monitoring and inspection but their findings are not made public.¹¹ Civil society organisations and international human rights organisations including the International Committee of the Red Cross (ICRC) and Jordanian-based NGOs such as Tamkeen and Sisterhood is Global Institute (SIGI) make regular visits but these are always with prior permission. In addition, the National Centre for Human Rights (NCHR) has a mandate to monitor the conditions of detention centres. Jordan has signed the UN Convention against Torture but has not signed the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

2. Women in administrative detention

The Women's CRC differs from many other women's prisons around the world because it holds a high percentage of women who are under administrative detention¹² under the Crime Prevention Law of 1954.¹³ On the days of PRI's survey in the Women's CRC,¹⁴ 57 per cent of women were in judicial detention and 43 per cent in administrative detention. Of the women in administrative detention, 38 per cent were Jordanian nationals and 62 per cent were foreign nationals.¹⁵

The reasons behind the use of administrative detention are complex. NGOs who provide support to Jordanian women in administrative detention explained that they are detained because they are at risk of being harmed by their family because of a perceived moral transgression such as adultery, consensual sex outside of marriage (known as zina) or being seen in the presence of an unrelated male.

4 See 'Correctional centres to come under Justice Ministry's jurisdiction within 4 years', Jordan Times, 2 July 2014. Available at <http://jordantimes.com/article/correctional-centres-to-come-under-justice-ministrys-jurisdiction-within-4-years> <accessed 2 July 2014>

5 Figures provided to PRI by the International Centre for Prison Studies (ICPS), December 2013.

6 Over the course of 2012, 1,968 women were held in prison (figures provided to PRI by the Public Security Directorate, November 2013).

7 PRI conducted a survey in the Women's CRC on 9-10 December 2013.

8 Correction and Rehabilitation Centres Act, (No. 12 of 2009) (amended), Article 14 (a).

9 Correction and Rehabilitation Centres Act, Article 15 (c) and (d).

10 Article 5/C of the Guidelines on the Social Services for Inmates, issued in accordance to Article 30 of the Law on Correction and Rehabilitation Centres, No. 9 for 2004.

11 Under Article 8 of the Correction and Rehabilitation Centres Law, the right to enter correction and detention centres is vested in the Minister of Justice, the head of the Public Prosecution Department, any of the presidents of appeals, first instance and criminal courts, the Public Prosecutor and members of the Public Prosecution Department to monitor the conditions of detention.

12 This report relies on the most widely used definition of administrative detention provided by the UN: '[d]etention is considered administrative detention if, de jure and/or de facto, it has been ordered by the executive and the power of the decision rests solely with the administrative or ministerial authority, even if a remedy a posteriori (after the event) does exist in the courts against such a decision. The courts are responsible only for considering the lawfulness of this decision and/or its proper enforcement and not for taking the decision itself'. Source: Rapporteur of the Sub-Commission on the Fight against Discriminatory Measures and Protection of Minorities, Report on the Practice of Administrative Detention, U.N. Doc. E/CN.4/sub.2/1989/27, para.17.

13 Crime Prevention Law No. 7 of 1954.

14 See note 7 above.

15 The prison authorities informed PRI that on the first day of the survey (9 December 2013) there were 33 women from Sri Lanka, 31 from the Philippines, 29 from Bangladesh, 18 from Indonesia, 4 from Syria, one from Holland, two from Iraq, one from Egypt, one from Morocco and one from Lebanon held in the Women's CRC. Of the 41 foreign national women who participated in PRI's survey, 31 were from the Philippines and 10 from Bangladesh.

Jordanian women under administrative detention are detained following a decision by the local governor on the justification that it is for their own protection and using powers under the Crime Prevention Law, even though these powers are not explicitly stated in this law.¹⁶ Men too are frequently detained under the Crime Prevention Law; Human Rights Watch states that over 11,000 men were detained under this law in 2011.¹⁷

In 2009, the Ministry of Interior instructed all administrative governors to allow lawyers to attend interrogations when applying laws and regulations including the Crime Prevention Law. However, there is no state-funded legal aid available for these hearings. Since women have frequently been abandoned by their families, it can be hard for them to find financial assistance to pay for lawyers. The Crime Prevention Law allows for detention to be challenged in the Supreme Court but this requires representation by a highly qualified and often expensive lawyer.

Once women have been detained under the Crime Prevention Law, they can only be released if the governor signs an official release form upon receiving signed assurances from family members that the woman will not be harmed. There are a number of NGOs who work closely with governors, the prison authorities, women detainees and their families to try to mediate and seek a resolution so that the woman can either return home in safety or be re-located to another part of the country. In cases of zina it is sometimes possible for the woman to marry the man she had sexual relations with (who is likely to also be in detention). He can then give assurances to the governor of her protection and she can be released.

There are shelters in Jordan for women at risk of domestic violence. In 2007, the Ministry of Social Development established the Dar Al Wifaq shelter to provide lodging and protection for women victims of domestic violence and their children and at the time of writing there are plans to set up a second shelter in Irbid to accommodate refugee women primarily from Syria.¹⁸ The Women's Union NGO also has space in its shelter to accommodate up to ten women, many of whom are

foreign nationals. Yet, according to a NGO parallel report submitted to the UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2012, 'the shelter [Dar al Wifaq] has not provided shelter to the women for whom it had been established for.'¹⁹

The Bangkok Rules are explicit that protective custody should be temporary and 'only be applied when necessary and expressly requested by the woman concerned and shall in all cases be supervised by judicial or other competent authorities. Such protective measures shall not be continued against the will of the woman concerned'.²⁰ During the Universal Periodic Review (UPR) process in 2009, Jordan accepted a recommendation to 'review the practice of "protective custody", and increase the capacity of existing mechanisms, or establish other efficient protective mechanisms for women at risk of violence that do not victimize them, and ensure strict punishment of perpetrators of any such violence'.²¹ In 2014, Jordan accepted UPR recommendations that included strengthening 'measures to protect women who are victims of or are threatened with violence'.²²

There are also a number of foreign national women detained under the Crime Prevention Law almost all of whom are migrant domestic workers. It is estimated that there are currently 70,000 migrant women working as domestic workers in Jordan, of whom 40,000 are registered.²³ Most migrant domestic workers in Jordan come from Indonesia, Bangladesh, Sri Lanka or the Philippines and they usually arrive with the assistance of Jordanian recruitment agencies who sign agreements with agencies in their own countries.

The circumstances in which migrant domestic workers are administratively detained are complex and varied. NGOs informed PRI that they can be arrested if they leave their employer and their employer registers with the police that they have 'escaped' or reports a theft.

16 PRI interviews with SIGI and the Adalah Centre for Human Rights Studies, 11 December 2013.

17 Human Rights Watch, Jordan: UPR Submission September 2013. Available at www.hrw.org/news/2013/09/30/jordan-upr-submission-september-2013 <accessed 2 July 2014>

18 'Getting away with sexual abuse in Jordan', *IRIN News*, 27 January 2014, Available at www.irinnews.org/report/99544/getting-away-with-sexual-abuse-in-jordan <accessed 2 July 2014>

19 Jabiri, A and Jordanian Women's Union, *Jordan Shadow NGO Report Submitted to CEDAW Committee*, 2012, p8.

20 Bangkok Rules, Rule 59.

21 Report of the Working Group on the Universal Periodic Review: Jordan, 29 May 2009, A/HRC/11/29, p21.

22 Report of the Working Group on the Universal Periodic Review: Jordan, 6 January 2014, A/HRC/25/9, p20.

23 Rana Hussein (Jordan), in *Women's Rights in the Middle East and North Africa*: Sanja Kelly and Julia Breslin, eds, Freedom House, 2010, p203.

Table 1: Women in judicial detention in the Women's CRC on 10 December 2013²⁴

Reason for detention	Number of women	Proportion of total female prison population
Pre-trial	134	30%
Convicted	121	27%
Total	255	57%

Table 2: Women in administrative detention in the Women's CRC on 10 December 2013²⁵

Reason for detention	Number of women	Proportion of total female prison population
Foreign nationals awaiting deportation or charged with or convicted of criminal offences	121	27%
Jordanian women detained under the Crime Prevention Law 1954	75	16%
Total	196	43%

The police may also arrest migrant domestic workers if they do not have valid residency papers. The local governor can then issue a decision for detention pending deportation.²⁶ In these situations, if employers have refused to pay for their return air ticket to their country of origin and they cannot pay for a ticket themselves, their main hope of leaving detention lies with their embassies or with NGOs such as Tamkeen and Adalah who can pay for their return ticket to their home countries. PRI was informed by the prison authorities that all of the

foreign national women in the Women's CRC were under administrative detention although the survey indicated that one in ten were in pre-trial detention or serving sentences for theft from their employers.

3. Reforms

The National Committee for Criminal Justice (NCCJ) was established in 2013 in order to consider reforms of the justice system. Its members are from a range of different agencies and it is chaired by the Ministry of Justice. The NCCJ has now finalised a Criminal Justice Strategy which covers many aspects of reform ranging from crime prevention to post-release supervision and support. This strategy has been endorsed by the Minister of Justice and, at the time of writing, work on implementation is underway.²⁷ For example, there are plans to introduce alternatives to imprisonment for persons sentenced to relatively minor sentences with suggested alternatives including electronic monitoring, community service and treatment for drug and alcohol dependencies.

Probation is also being actively reformed. Currently there is no probation system in Jordan although prisoners may be eligible for early release at the discretion of the prison governor. There are plans to continue a pilot project implemented by PRI and funded by the European Union (EU) and SIDA on support for penal reform in Jordan in two prisons (Al Umloulou and the Women's CRC). This pilot is aimed at prisoners with less than six months before their release. They are provided with assistance in obtaining jobs, housing and reconciliation with families before their release and for one month afterwards.

There are also plans to strengthen legal representation immediately after arrest. Although legal assistance is not currently available when a suspect is detained at the police station, following workshops and discussions with the Bar Association, the Justice Centre for Legal Aid, the Ministry of Justice and the National Centre for Human Rights, pilot proposals have been drawn up for a duty lawyer service in selected police stations and for an advice call centre to be accessed from police stations by people under arrest.

²⁴ Figures provided to PRI by Director of the Women's RRC on 10 December 2014. The term 'judicial detention' is used here to mean detention ordered by a judge whether pre or post trial.

²⁵ Figures provided to PRI by Director of the Women's CRC on 10 December 2014. The term 'administrative detention' is used here to mean detention ordered by the executive (in this case a governor), not the judiciary.

²⁶ Tamkeen, *Between a rock and a hard place: Migrant workers caught between employer's abuse and poor implementation of the law*, 2012.

²⁷ Newsletter of EU Project, *Supporting Criminal Justice Improvement in Jordan*, January 2014.

2. Research methodology

Table 3: Participation by women prisoners in PRI's survey

Women in the Women's CRC	Total number (December 2013)	Number who participated in survey	Proportion who participated in survey
In judicial detention	255	62	24% of all women in judicial detention
In administrative detention	196	63	32% of all women in administrative detention
Total	451	125	28% of all women in detention in Jordan

A total of 125 women prisoners in the Women's CRC voluntarily and anonymously participated in PRI's survey which represents 28 per cent of all women in detention in Jordan in December 2013. In order to put the survey findings into context, the research also included interviews with key officials and NGOs with the aim of gathering information about current developments in the prison system in general and on the situation of women prisoners.

Given that women in judicial and administrative detention have very different backgrounds, characteristics and needs, the findings for each group were analysed separately. The survey used was designed for global application to allow for comparative analysis and was not specifically tailored to the Jordanian context. As a consequence, three of the 35 multiple choice questions in the survey were not relevant for most women in administrative detention, namely: 'what is the offence you are charged with or convicted of', 'which issues led to your offence' and 'are you in pre-trial detention or convicted'.

3. Survey Results

1. Age, marital status and children

Women in judicial detention

Forty-two per cent of women in judicial detention surveyed were aged between 18 and 30 years old, a third between 30 and 40 and just a quarter were over 40 years old. Nearly half were married and just ten per cent were single. Forty-four per cent were widowed, divorced or separated. No women were living with a partner at the time of their detention. Three quarters had children and 78 per cent of their children were under 18. Nearly half of these children lived with their father or their father's family. Two per cent of women did not know where their children were living.

Women in administrative detention

The vast majority of foreign national women in administration detention surveyed – 86 per cent – were aged between 21 and 40 – only nine per cent were over 40. Just over half were married, a quarter were single and 14 per cent divorced, separated or widowed. Sixty-seven per cent had children which is slightly lower than the proportion of women in judicial detention with children. Eighty-eight per cent of these children were under 18 and 67 per cent lived with their mother's family, their father or father's family.

Jordanian women in administrative detention were markedly younger than those in judicial detention: 38 per cent were aged between 18 and 21 (compared

to 15 per cent of those in judicial detention), 38 per cent were between 21 and 30 and just a quarter were over 30 years old. Half of them were married, ten per cent were single and a third were divorced, separated or widowed. Only one woman said she was living with her partner. Sixty-seven per cent of Jordanian women in administrative detention had children and 86 per cent of these children were under 18 years old. A third of these children lived with the woman's family and half with their father or father's family.

2. Educational level

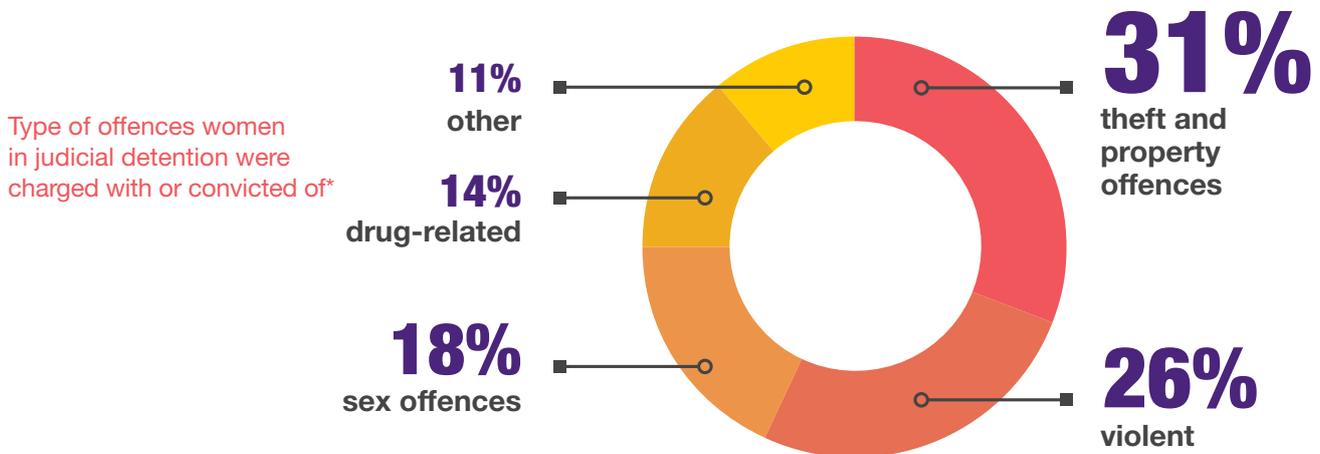
Women in judicial detention

Nearly a quarter of women in judicial detention were illiterate. This is higher than the rate of illiteracy amongst the general female population in Jordan which stands at 11 per cent.²⁸ Nine per cent of women were educated to degree level or above and just over half were educated to secondary or high school level.

Women in administrative detention

Nearly 20 per cent of foreign national women were illiterate whilst 60 per cent were educated to secondary or high school level and 14 per cent had a university degree. Overall Jordanian women in administrative detention had been educated to a higher level than those in judicial detention.





Of the Jordanian women in administrative detention, 14 per cent were illiterate, 62 per cent had been educated to secondary or high school level and ten per cent had a university degree.

3. Economic status and employment

Women in judicial detention

Half of women surveyed in judicial detention defined themselves as being poor or very poor, 44 per cent said they were of average income and just six per cent said they had above average income. According to the survey, 44 per cent of women in judicial detention were in paid employment at the time of their arrest – of these, 15 per cent were hairdressers, ten per cent were cleaners and five per cent owned their own business. Sixteen per cent ticked the box marked ‘other’ and their written answers included working in a nightclub and as a journalist, chef, canteen worker and clothes distributor. Although the proportion of women in paid employment appears to be low, this is perhaps not surprising given that in 2009, the World Economic Forum ranked Jordan as one of the worst performers in gender equality in economic participation and opportunity (122nd out of 134 ranked countries).²⁹

Women in administrative detention

Nearly three quarters of foreign national women defined themselves as being poor or very poor whilst a quarter stated that they were of average income. Nearly all – 93 per cent – were in paid employment at the time of their arrest and three quarters of these women were cleaners. The rest owned their own businesses or were in casual occupations such as working as a nail technician. Forty-three per cent of Jordanian women in administrative detention identified themselves as being poor or very poor, whilst over half were of average or above average income. A third were in paid employment at the time of their arrest with the most common occupations being hairdressers, cleaners and nurses. One woman explained that she ‘wasn’t allowed to work’.

4. Offences and charges

Women in judicial detention

Just over a quarter of women – 26 per cent – were charged with or convicted of violent offences (including murder, manslaughter and assault). The vast majority were charged with or convicted of offences which are presumed to be predominantly non-violent (for some types of offences the information provided by the survey is not sufficient to classify these offences as non-violent per se).

²⁹ World Economic Forum, *The Global Gender Gap Report*, 2009.

³⁰ The proportion of women charged with or convicted of the murder/ manslaughter of a male family member in Georgia was 4 per cent, in Armenia 6 per cent, in Kazakhstan 12 per cent and in Kyrgyzstan, 20 per cent.

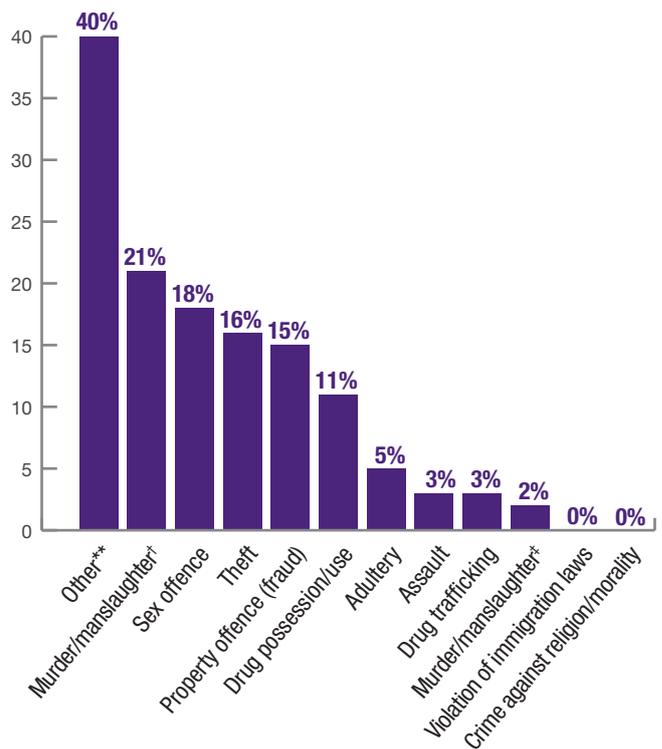
* Based on information from PRI’s surveys in December 2013. Offences have been grouped in the following way: **Violent**: murder, manslaughter and assault; **Theft and property offences**: including fraud; **Drug-related**: drug trafficking and drug possession/use; **Sex offences**: prostitution; **Other**: including including adultery, begging and lying under perjury.

A fifth of the women surveyed in judicial detention had been charged with or convicted of the **murder/manslaughter of a male family member** (just two per cent were charged with or convicted of murder/manslaughter of a non-male family member). This figure is high compared with most of the other countries where PRI has conducted this research.³⁰ Statistics from other countries suggest that there is a high correlation between women who commit such offences and women with previous experience of domestic violence or abuse, sometimes on a systematic basis.³¹ Although it is a very small sample of just 13 women, it is worth noting that five of these women (38 per cent) indicated in the survey that they had experienced frequent domestic abuse and sexual abuse at the hands of family members. The survey findings raise a number of areas for future research on this issue, including the extent to which experience of domestic violence is taken into account as a mitigating factor at the point of sentencing (as provided for in the Bangkok Rules³²). It would also be interesting to know the extent to which systematic domestic violence can be the basis for self-defence.

Eighteen per cent of women were charged with or had committed **sexual offences** including prostitution and five per cent of women were also charged with or had committed adultery which is a criminal offence for men and women punishable by up to three years in prison.³³

Sixteen per cent of women were charged with or had committed **theft** and 15 per cent **fraud**. Of those women who had committed fraud, half specified that this was a result of issuing a cheque knowing that they had insufficient funds to pay for it. The penalty for this offence is imprisonment of up to two years as well as a fine, but the sentence can be cumulative according to how many cheques were dishonoured meaning that sentences can exceed two years.³⁴ One NGO commented that this was a growing problem and argued that the law should be amended to abolish imprisonment for dishonoured cheques not least because imprisonment means that the offender is unable to work to raise the funds to pay the beneficiary the original sum owed.³⁵

Chart 1: Offences women in judicial detention were charged with or convicted of



Women in administrative detention

Just two per cent of foreign national women had been convicted of an offence and a further seven per cent were in pre-trial detention, almost all for theft offences – none had been charged with or convicted of violent offences. The remaining 89 per cent of foreign national women were held under administrative detention but several also said that they had been accused of theft. A third of women said that they were in detention because they had ‘run away’ from their employer whilst one woman said she was in administrative detention because of a ‘love case’.

31 For example, research conducted in the US found that more than 9 out of 10 women convicted of killing an intimate partner in New York State had been abused by an intimate partner in the past. See Kraft-Stolar, Tamar, Brundige, Elizabeth, Kalanry, Sital and Getgen, Jocelyn E., *From Protection to Punishment: Post-Conviction Barriers to Justice for Domestic Violence Survivor-Defendants in New York State*, Cornell Legal Studies Research Paper No 11-21, 7 June 2011, p3.

32 See Bangkok Rules, Rules 57, 58, 60, 61, 62, 64 and 65.

33 Criminal Code, Articles 282-284.

34 Act No. 11 of 1996 to amend Article 421 of the Criminal Code concerning penalties imposed on persons committing acts related to the issuance of cheques and their solvability.

35 PRI interview with Sisterhood is Global Institute (SIGI), 11 December 2013.

** Please note that women often ticked ‘other’ in addition to an offence defined in the survey which is why this category has such a high percentage.

† of a male family member ‡ of someone other than husband/partner/male family member

Since they have not committed any criminal offences, Jordanian women in administrative detention were instead invited to explain on the survey their reasons for being in the Women's CRC. They gave explanations such as being detained at the request of their families, because they were 'absent from home' or had left their home, 'protective detention' and 'protection for my life'. One woman wrote that she did not know why she was in prison.

5. Reasons for committing the offence

Women in judicial detention

A third of women in judicial detention who had been convicted said that they were innocent. A quarter said they acted because of financial issues and 18 per cent that they offended in order to support their families. One woman explained that 'I had to work in prostitution again because I have no income source'. Twenty-one per cent said they acted because of bad judgement. Eight per cent of women cited domestic violence or abuse as a reason for committing the offence and six per cent identified that they acted in self-defence or self-protection. NGOs working closely with women prisoners stated that women are often so habituated to domestic violence that they may not clearly identify it as a trigger to their offending.³⁶

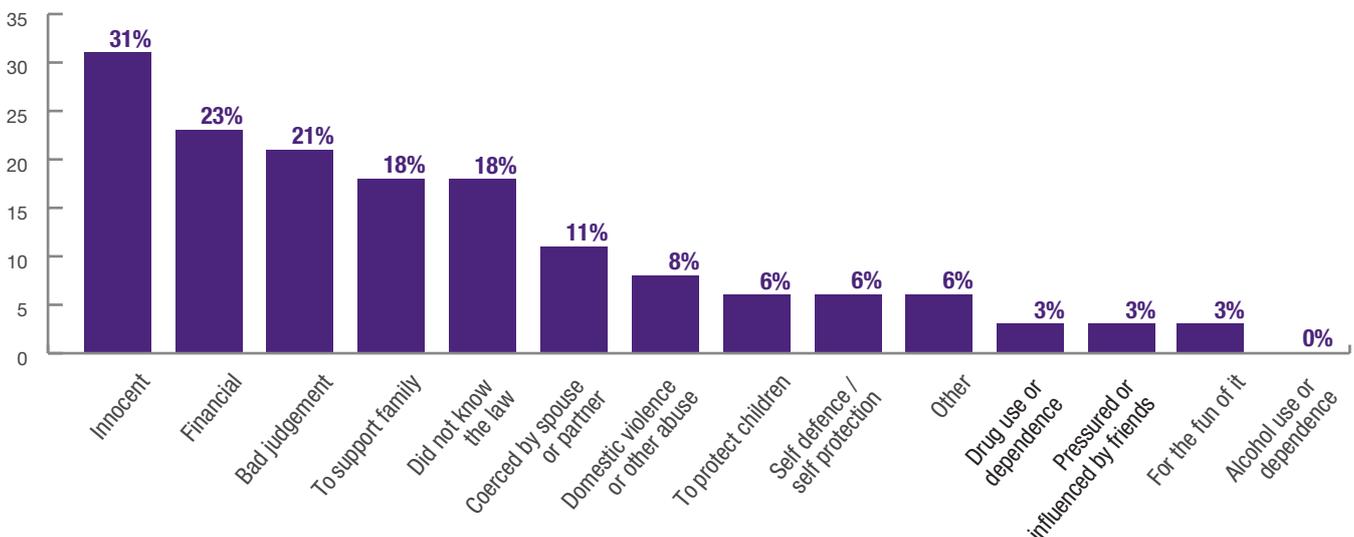
6. Practical consequences of conviction and imprisonment

Women in judicial detention

Forty-four per cent of women stated that they had been stigmatised by their family and community as a consequence of their conviction and imprisonment. One woman stated that she felt 'fear of facing society after I leave prison because of my reputation from being in prison'. Jordan has a much higher proportion of women who state they have experienced stigmatisation than in the other countries where PRI has conducted this research.³⁷

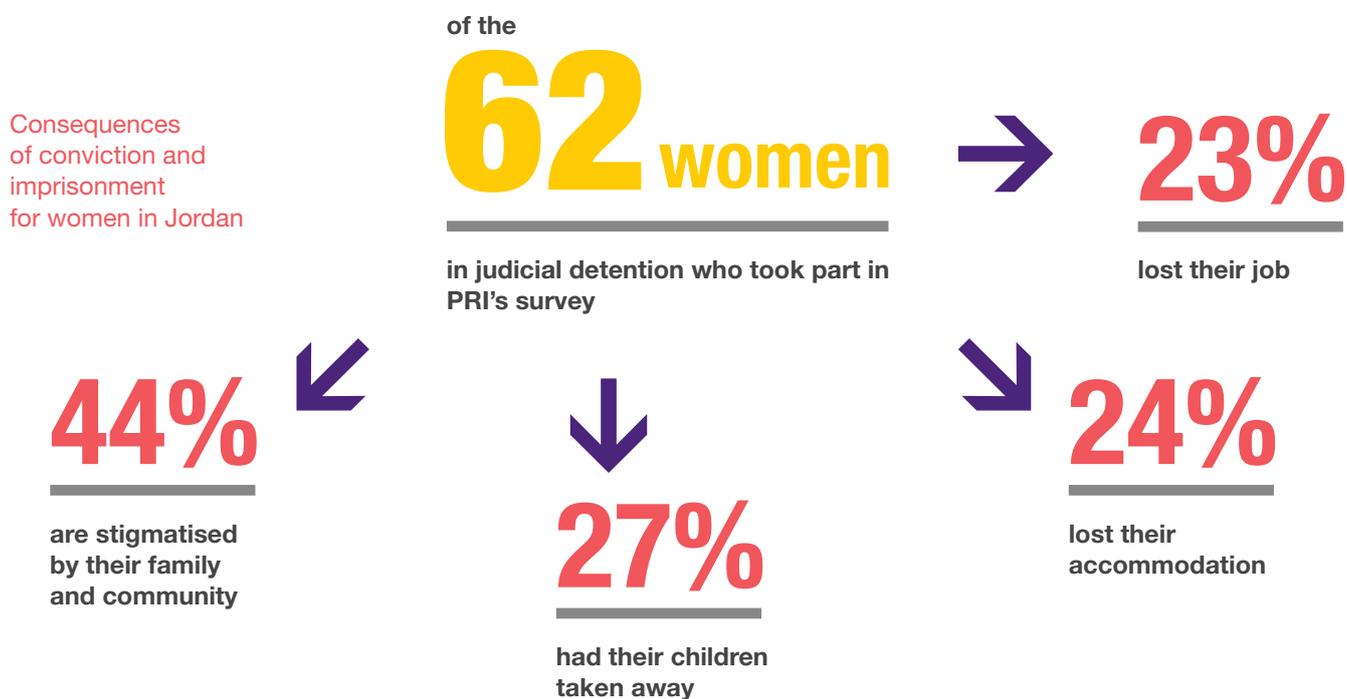
Around a quarter of women lost their job and accommodation as a result of their imprisonment. The impact of imprisonment on women's families is highlighted by the fact that 27 per cent had their children taken away, a quarter had their family break up and 11 per cent had children living on the street.

Chart 2: Reasons for committing the offence



³⁶ PRI interview with SIGI and Adalah Centre for Human Rights Studies, 11 December 2013.

³⁷ In Georgia, 12 per cent of women said that they were stigmatised by their families or communities, compared to five per cent in Armenia. In Kyrgyzstan, 24 per cent of women said that they experienced stigmatisation whilst this was noted by 17 per cent of women in Kazakhstan.



Women in administrative detention

The most significant consequence of imprisonment for foreign national women was loss of their job, whereas for Jordanian women in administrative detention the most common consequence of their imprisonment related to family breakdown and social isolation – a quarter said their children had been taken away, a quarter that their family had broken up and nearly twenty per cent that they were stigmatised by their family and community.

7. Drug and alcohol dependency

Women in judicial detention

Three per cent of women in judicial detention who participated in the survey said that they were dependent on drugs and one per cent on alcohol. No-one said that they had received treatment for a drug or alcohol problem. These figures are low given that 14 per cent of women were charged with or convicted of drug-related offences. However the prevalence of substance dependency amongst the general population in Jordan is relatively low.³⁸ There are no drug or alcohol treatment programmes available in the Women's CRC although under the Law on Narcotic Drugs and Psychotropic Substances, offenders may receive drug treatment at a clinic instead of a sentence of imprisonment.³⁹

Table 4: Practical consequences of imprisonment

Women in detention	Judicial		Administrative	
	Jordanian	Foreign nationals	Jordanian	Foreign nationals
Loss of a job	23%	14%	14%	43%
Loss of accomodation	24%	14%	14%	0%
Children taken away	27%	24%	24%	0%
Children on the street	11%	10%	10%	0%
Family broke up	24%	24%	24%	7%
Husband/partner left	11%	0%	0%	2%
Stigmatised by family/ community	44%	19%	19%	2%
Other	18%	19%	19%	5%

38 World Health Organization (WHO), Atlas of Substance Use Disorders, 2012. Available at http://www.who.int/substance_abuse/publications/atlas_report/profiles/jordan.pdf <accessed 10 July 2014>

39 Law on Narcotic Drugs and Psychotropic Substances, Article 14 (b).

Women in administrative detention

No foreign national women said that they had problems with drug and alcohol dependency. Five per cent of Jordanian women in administrative detention who were surveyed indicated that they were dependent on drugs and ten per cent on alcohol. None said they had received treatment.

8. Psychological consequences of imprisonment

Women in judicial detention

A large proportion of women in judicial detention reported that they were suffering from psychological problems as a consequence of their imprisonment. The most commonly identified problem was anxiety which was experienced by 63 per cent, followed by fear (58 per cent), depression (56 per cent) and loneliness (50 per cent). Twenty-seven per cent of women in judicial detention had received treatment for psychological/psychiatric problems – 17 women in total. Of these women, three (18 per cent) had this problem before imprisonment, five (30 per cent) developed it whilst in prison, and for 12 women (70 per cent) the situation worsened in prison. A third of women in judicial detention reported that they had harmed themselves and/or attempted suicide. Eight of these women did so before being in prison and 14 whilst imprisoned.

Women in administrative detention

Fewer foreign national women said that they had experienced psychological consequences because of their imprisonment although a third experienced fear, a fifth said they were lonely and 12 per cent were depressed. Their social isolation is compounded by the fact that they are not able to make international phone calls to their friends and families in their home countries although they can contact consular representatives from their country.⁴⁰ Of the 42 foreign national women who completed the survey, five had received psychological or psychiatric treatment. For three of these women this was for a problem before they were in prison, for one woman it started in prison, and for two the situation worsened whilst in prison. Six out of the 42 foreign national women had harmed themselves and/or attempted suicide.

Nearly two thirds of the 21 Jordanian women in administrative detention who completed the survey experienced psychological consequences as a result of their imprisonment: 13 women (62 per cent) said they were depressed and 13 experienced anxiety and fear. Nearly half experienced loneliness and insomnia. Three women had received treatment for psychological/psychiatric problems and all of them stated that their problem had worsened in prison. Six women (28 per cent) said they had harmed themselves and eight (38 per cent) that they had attempted suicide.

This was before they were in prison but for five it was whilst in prison and for four both before and during. An NGO working with women in administrative detention explained that they were frequently 'nervous, scared and stressed'.⁴¹

Table 5: Psychological and psychiatric problems among women prisoners

Women in detention	Judicial	Administrative	
		Jordanian	Foreign nationals
Depression	56%	62%	12%
Anxiety	63%	62%	0%
Aggression	16%	24%	0%
Fear	58%	62%	29%
Loneliness	50%	48%	21%
Self harm	13%	24%	0%
Suicidal thoughts	15%	24%	0%
Insomnia	39%	52%	5%
Started using drugs/ alcohol	3%	5%	0%
Other	6%	0%	5%

40 PRI interview with Director of the Women's CRC, 9 December 2013.

41 PRI interview with SIGI, 11 December 2013.

Experience of domestic violence for women in Administrative detention – Jordanian women



9. Experience of domestic violence

Women in judicial detention

Forty-two per cent of women surveyed in judicial detention indicated that they had experienced domestic violence and for 39 per cent of these women, this was a frequent occurrence.

Women in administrative detention

Nineteen per cent of foreign national women had experienced domestic violence and for seven per cent it was a frequent occurrence. In comparison, 62 per cent of Jordanian women in administrative detention had experienced domestic violence and for nearly all of these women this was a frequent occurrence.

According to the 2012 Jordan Population and Family Health Survey, a third of ever-married women aged 15-49 years old reported having experienced emotional, physical and/or sexual violence from their husband.⁴² This survey also found that it is not common for women in Jordan to seek assistance for violence they have experienced. Nearly one in two women (47 per cent) have never sought help and never told anyone about the violence they have experienced.⁴³ It is probable that the rate of domestic violence experienced by women prisoners is under-reported. There is no central coordinating agency collating data on the prevalence of domestic violence in Jordan and a report conducted by the National Council for Family Affairs in 2008 explained that women often did not report it because of fear of family fragmentation, losing custody of children in the case of divorce, and affecting the family's reputation.⁴⁴ CEDAW has also expressed concern at the lack of reporting and documentation of domestic violence in Jordan.⁴⁵

10. Experience of sexual abuse

Women in judicial detention

Nearly a third of women in judicial detention said they had been sexually abused. This represents 18 women in total, of whom 12 had been abused one or two times and six many times. Of these 18 women, 11 said that the perpetrator was a spouse or partner and seven women said that it was a family member.

Women in administrative detention

Twenty-eight per cent of foreign national women had been sexually abused – this represents 12 women in total. Eight had been abused one or two times and four many times. Seven of these women were harmed by someone they knew but who was not a family member. Thirty-eight per cent of Jordanian women in administrative detention said they had been sexually abused and 63 per cent of these women were abused by a spouse/partner or family member. As with reports of domestic violence, these figures may be under-reported due to stigma and other factors. Additional research should be conducted to collect data on this very sensitive subject and should include personal interviews, review of clinical files and other methodologies.

⁴² Department of Statistics [Jordan] and ICF International, *Jordan Population and Family Health Survey*, 2012, p204.

⁴³ Ibid.

⁴⁴ National Council for Family Affairs, *Status of Violence against Women in Jordan*, 2008, p20.

⁴⁵ Committee on the Elimination of Discrimination against women (CEDAW), *Concluding observations: Jordan*, 23 March 2012, CEDAW/C/JOR/CO/5, para.25.

11. Support requirements to build a new life – during imprisonment

Women in judicial detention

Over half of women in judicial detention reported that legal aid would be the most important support they could receive to help them with rehabilitation whilst in prison. A third of women identified that they needed vocational training in order to build a new life on release.

Vocational training, as well as paid employment, is available in the Women's CRC but it is limited in scope to hair-dressing, dry-cleaning and tailoring. Spaces for the training are also restricted in number.

Table 6: Support requirements needed during imprisonment to build a new life

Women in detention	Judicial	Administrative	
		Jordanian	Foreign nationals
Formal education / schooling	11%	12%	10%
Vocational skill training	32%	10%	19%
Access to legal aid	53%	38%	48%
Treatment for health problems	18%	12%	19%
Counselling / therapy for substance abuse	2%	0%	0%
Counselling / therapy for domestic violence	6%	0%	14%
Counselling / therapy for mental health	2%	0%	5%
Programmes to build confidence and life skills	23%	10%	24%
Transfer to prison closer to home	6%	19%	0%

Women in administrative detention

The most commonly identified support requirement needed during imprisonment for foreign national women was access to legal aid – 38 per cent of this group reported that this would be the most important support they could receive. This reflects the lack of legal assistance available for foreign national women – according to the survey, only a third of foreign national women had access to a lawyer at all. Most of these women had a lawyer provided for by their embassy (although this was the case for the women from the Philippines but not the case for women from Bangladesh), only five per cent had access to a public lawyer and two per cent paid for a lawyer themselves. After access to legal aid, the next most commonly identified support need was to be moved to a prison closer to their home.

Nearly half of Jordanian women in administrative detention who were surveyed also stated the need to have access to legal aid. The survey indicated that only four Jordanian women in administrative detention had access to a lawyer (19 per cent of those completing the survey), and this was mostly paid for by the family. The next most commonly identified support needed were programmes to build confidence and life skills (24 per cent), treatment for health problems (19 per cent), and vocational skills training (19 per cent).

12. Support requirements to build a new life – following release

Women in judicial detention

The most common support needed on release was help with finding housing – 37 per cent of women in judicial detention highlighted this as a priority. A third of women required support with employment and 27 per cent financial support for education and training. Several of the identified needs reflect the social isolation endured by women prisoners – a third of women wanted help with reunification with their children and 27 per cent reunification with their family or spouse. There are opportunities for prisoners to write letters to family or friends and to receive visits from lawyers, family or others three times a week. However, the director of the prison also has the power to impose a ban on visits as a disciplinary measure.⁴⁶

⁴⁶ Correction and Rehabilitation Centres Act, Article 38. It should be noted that this is not in line with Rule 23 of the Bangkok Rules which states that '[d]isciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children'.

Table 7: Support requirements to build a new life needed following release

Women in detention	Judicial	Administrative	
		Jordanian	Foreign nationals
Housing	37%	17%	33%
Employment	32%	48%	38%
Financial support for education / training	27%	14%	14%
Reunification with family / spouse	27%	5%	33%
Reunification with child / children	31%	7%	43%
Access to legal advice	19%	0%	19%
Treatment for health problems	6%	0%	14%
Counselling / therapy for substance abuse	2%	5%	0%
Counselling / therapy for trauma survival	5%	0%	10%
Counselling / therapy for mental health	0%	2%	5%
Child care support	15%	40%	5%
Assistance with return to home country	3%	12%	5%
Protection from violence	5%	2%	24%
Other support services	11%	2%	5%

Women in administrative detention

For foreign national women, the most common support required was help with finding employment – nearly 50 per cent of foreign national women highlighted this as a priority whilst 40 per cent of women required support with

childcare and 17 per cent assistance with housing. For Jordanian women in administrative detention, the most important support they needed to help them rebuild their lives was reunification with their children – 43 per cent of women identified this as a priority – whilst a third wanted assistance with reunification with their family/spouse. Nearly forty per cent said that they required help with employment, a third with housing and a quarter needed protection from violence.

13. Previous offences and obstacles to reintegration**Women in judicial detention**

Thirty-nine per cent of women in judicial detention had been convicted or imprisoned before (official estimates for men and women put the recidivism rate on release from prison at 56 per cent).⁴⁷ Of the 24 women who had been imprisoned before, a very large proportion (71 per cent or 17 women) said that stigmatisation was the biggest obstacle preventing their reintegration. This was followed by family abandonment (50 per cent) and their poor psychological state (50 per cent).

Women in administrative detention

Fourteen per cent of foreign national women had been convicted or imprisoned before but it is not known if this was in Jordan or a different country. Eight out of 21 Jordanian women in administrative detention who completed the survey had been convicted or imprisoned before. Five of these women said the main obstacle to reintegration was their poor psychological state.

14. Assistance following release

Just one woman in judicial detention out of 24 who had previously been convicted had received assistance following her release. The survey findings demonstrate that there are significant unmet needs for pre- and post-release support for women prisoners whether they are in judicial or administrative detention.

47 Figures provided to PRI by the Public Security Directorate, November 2013.

15. Pre-trial detainees

According to figures provided by the Public Security Directorate, 26 per cent of women prisoners were in pre-trial detention as of November 2013.⁴⁸ Defendants can be held in pre-trial detention for renewable periods of 15 days; in cases of serious crimes this is renewable for up to six months.⁴⁹ Of the 39 women in pre-trial detention who completed the survey, the vast majority had been in detention up to one year.

Currently, only defendants charged with offences that may be punishable by the death penalty or life imprisonment are entitled to publicly-funded legal assistance. The president of the Bar Association can ask any lawyer to defend any person who cannot pay the fees and they are required to provide pro bono professional services at least once a year.⁵⁰ However in practice this service is not provided.⁵¹ Forty-seven per cent of women in judicial detention who participated in the survey had access to a lawyer or legal counsel. Of those who had legal representation, 46 per cent paid for this themselves whilst for 43 per cent the family covered the cost.

The survey indicates a correlation between a woman's level of education and wealth and her ability to access a lawyer. Out of eleven women who were in pre-trial detention and who had little or no education, just two had access to a lawyer (18 per cent). By contrast out of 28 women in pre-trial detention with secondary or higher education, 19 had access to a lawyer (68 per cent). Out of 18 women in pre-trial detention who defined themselves as poor or very poor, none had access to a lawyer whilst out of 21 women of average or above average income, four had legal representation (19 per cent).

These figures correlate with research conducted by the Justice Centre for Legal Aid in 2012 which found that 83 per cent of defendants did not have a lawyer when appearing before the Prosecutor and only 32 per cent had a lawyer during trial. Representation increased with the severity of the charge.⁵² Unfortunately fewer than five per cent of cases concerned women and so conclusions could not be reached about whether women have more, less or the same access to lawyers as men. NGOs have commented that in practice women do not have access to lawyers unless they are wealthy or charged with a very serious offence. Participation of women in the labour market is low and unless women have incomes of their own, they are financially dependent upon their families to provide funding for lawyers which can be difficult if their families refuse assistance.

48 Figures provided to PRI by the Public Security Directorate, November 2013.

49 Code of Criminal Procedure, Article 114.

50 Law of the Jordanian Bar Association No.1 for the year 1972 and its amendment.

51 INSAN Coalition, Submission to Jordan's second UPR, 2013, p4.

52 Open Society Foundations and Justice Centre for Legal Aid, *Representation and Detention in Criminal Cases – Jordan*, 2012.

4. Recommendations: Jordan

This research does not provide an assessment of the extent to which the government of Jordan has implemented the Bangkok Rules nor an appraisal of the conditions in the Women's CRC so the recommendations set out below do not include measures to improve physical prison conditions. Instead they highlight the areas which should be addressed as a matter of priority in order to address the most urgent needs of women prisoners that have been raised in this research. Given the ongoing reforms of the prison and justice system in Jordan, it is hoped that these recommendations will inform current and future policies and programmes for all women prisoners.

- Urgent efforts must be made to end the practice of 'protective detention' and to move those women affected to dedicated shelters where they can be safe. Given that 62 per cent of women in administrative detention said they had experienced frequent domestic violence, it is vitally important that they be provided with physical and psychological rehabilitation as well as access to legal aid. (Bangkok Rules, Rule 59)
- Steps should be taken to reduce the imprisonment of women taking into account women's history of victimisation and caretaking responsibilities, by:
 - Using non-custodial measures instead of pre-trial detention wherever possible. (Bangkok Rules, Rule 57)
 - Giving courts the authority to consider mitigating and gender-specific factors when sentencing women offenders. (Bangkok Rules, Rules 57 to 59 and 61)
 - Developing alternative sentences to imprisonment that address the most common problems leading to women's contact with the criminal justice system including the provision of counselling for survivors of domestic and sexual abuse. (Bangkok Rules, Rule 60)
- Women should be provided with access to legal aid services that incorporate a gender perspective in line with the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (Guideline 9). Such initiatives should take into account that the survey revealed a high proportion of women prisoners who identified legal aid as the most important support they required to assist with or facilitate their rehabilitation and reintegration. Just under half of women in judicial detention, a third of foreign national women, and just 19 per cent of Jordanian women in administrative detention had access to a lawyer.
- Efforts should be increased to ensure effective implementation of the Labour Code, to investigate and where appropriate prosecute violence and abuse against migrant domestic workers and shelters should be open to those who are escaping abusive employers. For foreign national women who are undergoing prosecution, access to legal aid and to proficient interpretation in their mother tongue should be provided. (Bangkok Rules, Rules 2, 53 and 66)
- Despite the high level of mental healthcare needs reported by women in the survey, women's access to professional psychologists and psychiatrists is limited. High quality, individualised psycho social services should be provided as a matter of priority. These should take a multi disciplinary approach and not rely on medication alone. (Bangkok Rules, Rules 6, 12, 13 and 16)
- It is recommended that the current pilot programme for rehabilitation and reintegration of prisoners in the Women's CRC be continued and extended and that funding is allocated to ensure that the programme is sustainable and long-term. Future reform in this area should take into account that programmes to provide legal aid, vocational training and confidence and life skills were particularly high among the support requirements listed by women who participated in the survey. (Bangkok Rules, Rule 42)
- Very few women who had been imprisoned before, received any support on their release. Building on the ongoing pilot programme for rehabilitation and reintegration mentioned above, the Ministry of Interior and the Ministry of Social Development should urgently develop and implement pre- and post-release reintegration strategies in cooperation with civil society organisations. These should focus on the risks facing women following release, of returning to domestic violence; they should also focus on finding housing and employment to enable them to build a new life. (Bangkok Rules, Rules 43-47).

Tunisia

1. Context

1. Prison system overview

Tunisia is undergoing a process of transition to democracy and the criminal justice and prison system is in a state of flux and change reflecting the enormous ongoing social and political changes.

Police stations and temporary detention centres are under the control of the Ministry of Interior whilst the Ministry of Justice and the Directorate General for Prison Administration and Rehabilitation (DGPAR) manage the prison system which encompasses 26 prisons. Since January 2014, the Ministry of Justice has merged with the Ministry of Human Rights and Transitional Justice temporarily during the transitional phase.

During and after the revolution in 2010/11 there were fires, escapes and unrest in several prisons resulting in at least 72⁵³ deaths and security in prison remains a problem. The prison system in Tunisia faces problems with overcrowding which was worsened by the destruction of prison buildings during the revolution. It also has high levels of prisoners in pre-trial detention. Although the Code of Criminal Procedure allows pre-trial detention only in 'exceptional' circumstances, to 'prevent new offenses, as a guarantee to ensure the execution of the punishment or as a means to protect evidence'⁵⁴, in November 2013, 52 per cent of prisoners were in pre-trial detention.⁵⁵

An important change that has occurred since the revolution is that the DPGAR has started to allow access to prisons by civil society organisations for the first time (aside from the International Committee of the Red Cross which has had a Memorandum of Understanding with the authorities since 2005). At the time of writing there were a number of organisations⁵⁶ permitted to have pre-arranged prison visits. Tunisia acceded to OPCAT in June 2011 and, at the time of writing, nominations were being considered for 16 members to form the National Preventive Mechanism (NPM).⁵⁷ However, the Ministry of Justice has indicated that civil society monitoring may be discontinued once the NPM has begun its work.

2. Women prisoners

Women make up 2.7 per cent of the total prison population.⁵⁸ As of March 2014, there were 656 women prisoners in Tunisia which represents an increase from previous years – in 2012 there were 566 and in 2013, 575. Forty per cent of women were in pre-trial detention. All prison employees are female inside women's prisons whilst male staff are restricted to guarding the perimeters.

Around half of the female prison population is held in Manouba Women's Prison located on the outskirts of the capital Tunis. It was built in 1996 and, according to the Director, has capacity for 540 prisoners.⁵⁹ Of the 352 women being held on 10 February 2014, 142 were in pre-trial detention (40 per cent). There were 11 foreign national women from countries including France, Germany, Mali, Burkina Faso and Ivory Coast. Prisoners are held in crowded group cells, often holding between 40 and 50 women, many of whom spend 23 hours a day in the group cells.

Other women prisoners are held in eight wings attached to men's prisons around the country. For example, in March 2014 120 women were held in Messaadine Prison, 76 per cent of whom were in pre-trial detention. During the revolution the wing for women in Messaadine Prison burnt down, so women prisoners are held in cramped conditions in overcrowded group cells in a building that was previously used for rehabilitative activities.

3. Offences and sentences for women

According to statistics provided by the authorities, the most common offence for women to be charged with or convicted of is theft followed by drug-related offences and adultery and prostitution.

Government figures state that in March 2014, 58 per cent of women were serving sentences of less than two years, 13 per cent sentences of between two to five years, and 11 per cent sentences of between five and ten years. Four per cent were convicted to between 10 and 20 years imprisonment and ten per cent to over 20 years. There were eight women life prisoners in Tunisia at the time of the survey.

53 Compilation of UN information for Universal Periodic Review of Tunisia (2012), A/HRC/WG.6/13/TUN/2, para. 28.

54 Code of Criminal Procedure, Articles 84 and 85.

55 Figure from International Centre for Prison Studies, www.prisonstudies.org/country/tunisia

56 Including ICRC, but also the Higher Committee on Human Rights and Fundamental Freedoms, the Office of the High Commissioner for Human Rights, Human Rights Watch and Dignity who all have Memoranda of Understanding with the Ministry of Justice.

57 Organic Law No. 2013-43 establishing the NPM was published in the Official Gazette of Tunisia in October 2013.

58 Figure from International Centre for Prison Studies, www.prisonstudies.org/country/tunisia

59 It should be noted that capacity here refers to the number of beds available rather than the minimum number of square metres available per prisoner.

Table 8: Offences that women were charged with or convicted of in Tunisia in March 2014

Offence	Number	Proportion
Theft	147	22%
Drugs	124	19%
Adultery and prostitution	119	18%
Murder	98	15%
Other	56	8.5%
Fraud	32	5%
Violence	29	4.4%
Drinking and disorder	25	4%
Scam	16	2.4%
Family matters	10	1.5%
Total	656	

Source: Figures provided to PRI by DPGAR

Tunisian law provides for various alternatives to imprisonment to be used including payment of financial compensation to the victim and community service.⁶⁰ In practice, however, these provisions are rarely applied. In 2013, the ICRC began a small pilot project in the court at Sousse, a town in the north-east of the country, whereby offenders who have been convicted of an offence carrying a sentence of less than eight months may be fined or receive a sentence of community service in governmental offices such as clerical work. The project is in its infancy but the intention is to expand it to include other sanctions such as suspended and conditional sentences.

Tunisian law makes provision for the early release of prisoners serving a sentence that is longer than six months.⁶¹ After serving, usually, one half of the sentence, a prisoner can apply for early release to a Parole Committee comprising representatives from the Ministry of Justice, the Ministry of the Interior and the Ministry

of Social Affairs. Those sentenced to life imprisonment cannot apply for parole before first serving 15 years. If a first application is not successful there is no restriction on making further applications. Criteria for decision-making are not clearly defined but practising defence lawyers informed PRI that they include the severity of the offence, mitigating health or family circumstances and good conduct whilst in prison.⁶² The President also has powers of pardon which are used commonly during holiday periods.⁶³

Situation for women accompanied by children

As of March 2014 there were 20 children under two years old living in prison with their mother.⁶⁴ According to the law, pregnant women and nursing mothers in prison should be 'consigned to a special place with medical, psychological and social care for mother and child available; the space allocated to imprisoned pregnant women and nursing mothers is to be guarded by female guards in civilian clothes'.⁶⁵

PRI visited Manouba Women's Prison on 10 February 2014 where there were nine children living with their mothers, six of whom completed the survey. Several of the children were over the age of one. They were held in a cramped and cold group cell with bunk beds and communal washing facilities, and had almost no access to toys essential for their development nor to outside play and exercise. Smoking was permitted in the cell. One mother elected to stay in a different group cell where there were no other mothers. In 2011, a separate building for mothers and babies was constructed within the compound at Manouba Women's Prison but is not currently in use.

PRI also visited the women's wing at Messaadine Prison on 12 February 2014 where there were six babies including two children over one year old living with their mothers all of whom completed the survey. They were held in a small group cell and provided with some toys. Outside play was extremely limited and there were uniformed female staff guarding them. Women in Messaadine are locked up for 23 hours of the day and their children have very few chances to leave the small group cell. There is one female social worker assigned to the women's wing who explained that she collected donations of nappies, clothes and food for these children.

⁶⁰ Law no. 68/2009, 12 August 2009.

⁶¹ Code of Criminal Procedure, Article 354.

⁶² PRI interview with Tunisian Organisation for Penal and Security Reform, 12 February 2014.

⁶³ Code of Criminal Procedure, Chapter vii.

⁶⁴ Law 58/2008 (4 August 2008) states that 'during their imprisonment, mothers shall be accompanied by their children up to the age of one year; the same shall apply to children born in prison. This period may be extended for not more than a further year by decision of the family judge, taking the child's best interests into account'.

⁶⁵ Law No. 58/2008, 4 August 2008.

2. Research methodology

Between 10-12 February 2014, 201 women voluntarily participated in a PRI survey in Manouba Women's Prison and Messaadine Prison. This represents 32 per cent of the total female prison population in Tunisia. In Manouba Women's Prison, 111 women took part in the survey representing 32 per cent of all women in the prison. In Messaadine Prison, 90 women participated in the survey representing 75 per cent of all women held in the prison.

In order to put the survey findings into context, the research also included interviews with key officials and NGOs with the aim of gathering information about current developments in the prison system in general, and on the situation of women prisoners.

Table 9: Participation by women prisoners in PRI's survey

Women prisoners in Tunisia		
Total number	Number who participated in survey	Proportion who participated in survey
630	201	32%

3. Survey results

1. Age, marital status and children

Sixty per cent of women surveyed were between 18 and 30 years old. A fifth of women were between 30 and 40 and just 13 per cent were over 40 years old. A third of women surveyed were married and 42 per cent were single. A quarter were either divorced, separated or widowed. Forty-nine per cent of women surveyed had children, nearly 80 per cent of whom were under 18 years old. A quarter of these children lived with their mother's family, a fifth with their father or their father's family and six per cent lived with them in prison. The proportion of mothers is low compared to most of the other countries where PRI has conducted this research where at least 70 per cent of women surveyed were mothers.

2. Educational level

Thirteen per cent of women surveyed stated that they were illiterate. This is slightly lower than amongst the general population in Tunisia where, according to the UN Educational Scientific and Cultural Organization (UNESCO), the adult literacy rate for women is 71 per cent (predicted to rise to 75 per cent in 2015).⁶⁶ A third of women surveyed had been educated to primary level, a fifth to secondary level and a quarter to high school level. Two per cent had a university degree.

3. Economic status and employment

Sixty-six per cent of women surveyed said that they were very poor or poor. A quarter said they were of average income and just five per cent felt that they were of above average income. Sixty-one per cent of women surveyed were in work at the time of their arrest. This is slightly less than the rate of employment for women in the general population.⁶⁷ A fifth of women surveyed were working as a cleaner, 11 per cent in factories and small numbers worked in shops, as hairdressers and seamstresses. Many of those who marked 'other' worked as waitresses and in the tourism industry.

4. Offences and charges

Fifty-four per cent of women surveyed were in pre-trial detention and thirty-nine per cent had been convicted. Overall, 40 per cent of women in prison in Tunisia were in pre-trial detention at the time of the survey.

Table 10: Types of offences women surveyed in Tunisia are charged with or convicted of⁶⁸

Theft	24%
Other	21%
Drug possession / use	16%
Sex offence	13%
Murder/manslaughter of someone other than husband/partner/male family member	8%
Property offence (fraud)	7%
Adultery	7%
Murder/manslaughter of male family member	5%
Assault	4%
Drug trafficking	1%
Violation of immigrant laws	1%
Crime against religion/morality	0%

Just 17 per cent of women surveyed were charged with or convicted of violent offences (including murder, manslaughter and assault). The rest of the women prisoners – 83 per cent – were charged with or convicted of offences which are presumed to be predominantly non-violent (for some types of offences the information provided by the survey is not sufficient to classify these offences as non-violent per se).

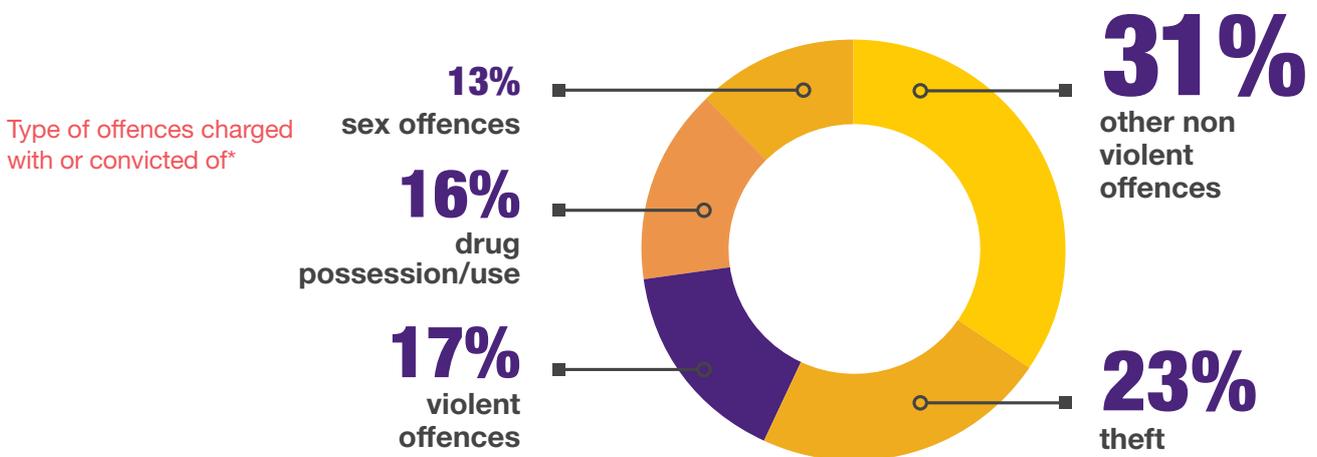
The largest proportion of women – 23 per cent – were charged with or convicted of **theft**. According to interviewees, many of these women were domestic workers and charged with theft from their employer.⁶⁹

⁶⁶ UNESCO, *Education for All Global Monitoring Report*, Table 2: Adult and Youth Literacy, p320.

⁶⁷ According to the last national survey on population and employment conducted by the Ministry of Women and Family Affairs in 2010, the unemployment rate for women was 32.9 per cent compared with 15.8 per cent for men: *Minister of Women and Family Affairs, CREDIF, Yes to Constitutionalizing Women's Rights, Yes to Consolidating their Gains* (September 2012) cited in the *Report of the Working Group on the issue of discrimination against women in law and in practice: Mission to Tunisia*, 30 May 2013, A/HRC/23/50/Add.3.

⁶⁸ The results of the survey are broadly in accordance with statistics provided to PRI by DPGAR in March 2014. These state that 22 per cent of women were charged with or convicted of theft, 19 per cent with drug related offences and 18 per cent with adultery and prostitution.

⁶⁹ PRI interview with Tunisian Organisation for Penal and Security Reform, 12 February 2014.



The next largest proportion of women were charged with or convicted of **drug possession and use** although just one per cent of women were involved in drug trafficking. Drug laws in Tunisia are strict and possession of cannabis resin (zatla) for personal use attracts a minimum sentence of one year and a maximum of five years as well as a 1,000-3,000 Tunisian Dinar fine (approx US\$629 to US\$1,887).⁷⁰ Thirteen per cent of women were charged with or convicted of **sexual offences** which includes prostitution. Amongst those who ticked 'other' several were charged with or convicted of alcohol related offences such as selling alcohol.

5. Reasons for committing the offence

A third of women surveyed who had been convicted said that they were innocent. A fifth identified financial motives as the main reason for their offending. Eleven per cent offended because of bad judgement and ten per cent because of drug use.

6. Practical consequences of conviction and imprisonment

A total of 41 per cent of women surveyed said that they experienced stigmatisation by their family and community as a result of their imprisonment. The negative impact of conviction and imprisonment on family relationships is also demonstrated by the fact that 39 per cent of women surveyed experienced family breakdown and nine per cent had their children taken away. A quarter lost their job and a fifth their accommodation.

Table 11: Reasons for committing the offence

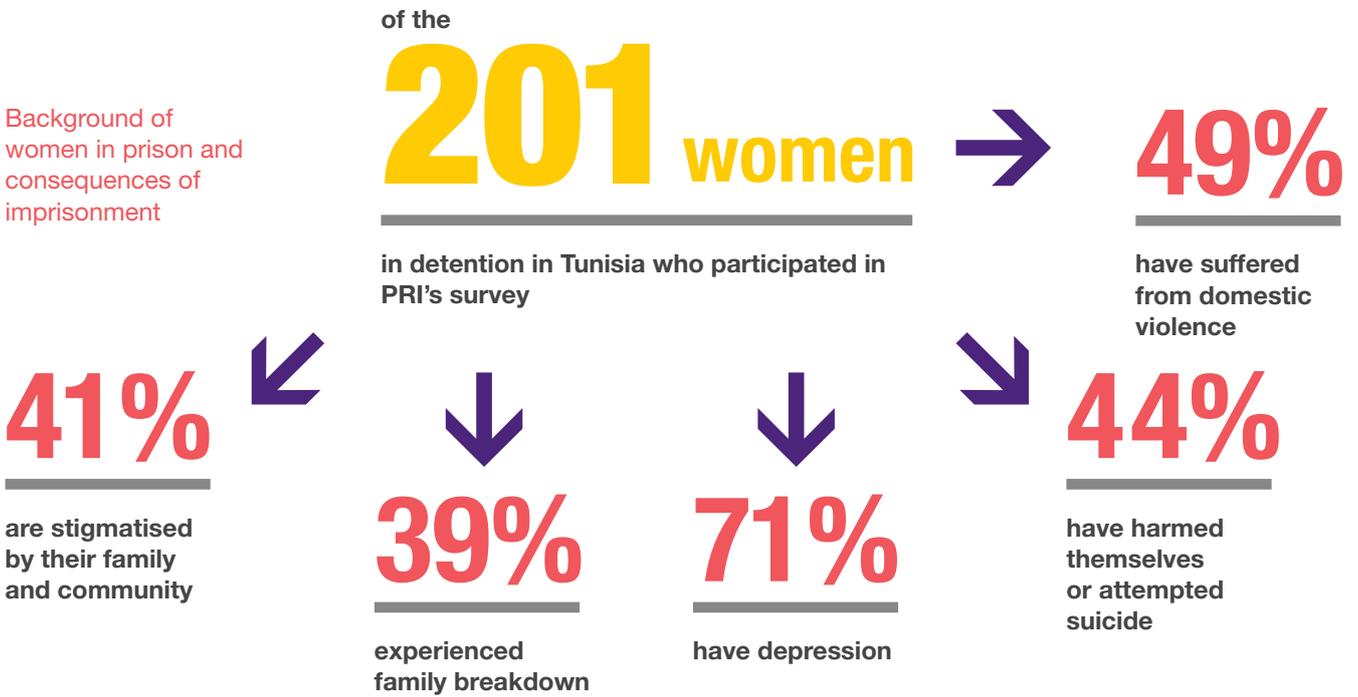
Financial	22%
Innocent	28%
Bad judgement	11%
Drug use or dependence	10%
To support family	10%
Did not know the law	8%
Protect children	7%
Pressured/influenced by friends	7%
Domestic violence or other abuse	6%
Self defence/self protection	4%
Alcohol use or dependence	4%
Coerced by spouse or partner	2%
For the fun of it	2%
Other	2%

Many NGOs and government officials stated in interviews that women are frequently rejected by their families because of the circumstances surrounding their arrest and detention. One NGO explained that 'women are punished twice: once for the crime and once for being a woman'.⁷¹ Families and friends are allowed to visit once a week for 15 minutes at a time and prisoners can request

⁷⁰ Law No.92-52 of 18 May 1992.

⁷¹ PRI interview with Tunisian Observatory of Prisons, 11 February 2014.

*Other non-violent offences include: 'other', property offence (fraud), adultery, drug trafficking and violation of immigrant laws.



longer visits once every three months although visitors over 13 years old must be granted permission from the DPGAR if a woman is convicted, or from the judge leading the case for women in pre-trial detention. They are also allowed to bring food, toiletries etc outside of visiting hours. Rejection from families and friends means that many women do not have regular visits, and visits can also be suspended as a disciplinary sanction.⁷²

Table 12: Practical consequences of conviction and imprisonment

Stigmatised by family/community	41%
Family broke up	39%
Loss of a job	25%
Loss of accomodation	20%
Children taken away	9%
Husband/partner left	9%
Other	7%
Children on the street	5%

7. Drug and alcohol dependency

Twelve per cent of women said they were dependent on drugs and nine per cent on alcohol. Yet, only two per cent had received treatment for drug and alcohol dependency and no drug rehabilitation programmes are currently available to women prisoners.

8. Psychological consequences of imprisonment

As many as 71 per cent of women surveyed said that they experienced depression as a consequence of their imprisonment and 61 per cent experienced anxiety.

Just over half experienced fear. Nearly a third of women reported that they had received treatment for a psychological or psychiatric problem. Forty per cent of women had either harmed themselves and/or attempted suicide. Of these 81 women, 58 per cent had done so before imprisonment, 23 per cent whilst in prison and 20 per cent both before and during their time in prison.

⁷² Law No. 2001-52 of 14 May 2001 on the organization of prisons, Article 22 (2). It should be noted that this is not in line with Rule 23 of the Bangkok Rules which states that '[d]isciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children'.

Table 13: Psychological consequences of conviction and imprisonment

Depression	71%
Anxiety	61%
Aggression	10%
Fear	53%
Loneliness	44%
Self harm	13%
Suicidal thoughts	20%
Insomnia	27%
Started using drugs/alcohol	9%
Other	2%

In Manouba Women's Prison there are two social workers and five assistants as well as a doctor (employed by the Ministry of Justice rather than the Ministry of Health) and a psychologist. A gynaecologist visits once a week. Women are given a medical assessment upon arrival which includes an assessment by a psychologist and a social worker. In Messaadine, there is a social worker, two pharmacists and access to a female doctor and psychologist. According to the social worker, the psychologist provides help with adjusting to prison life rather than addressing mental health issues connected to offending behaviour.⁷³ Many NGOs commented that there is insufficient psychological and psychiatric support for women prisoners.

It is also noteworthy that pre-trial and convicted prisoners in Manouba Women's Prison have very few opportunities to engage in activities and are locked in their group cells for long periods of the day save for a half an hour twice a day for exercise. The group cells house around 40 women in very cramped, crowded

rooms with little space between bunk beds and limited space for tables, chairs or for exercise. Women eat in their cells and store food on the floor or above their beds. They have a television in their cell and sporadic access to a library, board games such as chess, and occasionally NGOs will organise visits from theatre and music groups. Interviewees highlighted that women find it very stressful to live in these conditions and recommended converting prisons to cell-style in order to provide more privacy and dignity.

The Tunisian law is clear that prisoners should be classified on admission by prison authorities according to their sex, age, the nature of the offence and whether or not the prisoner is a first-time offender or recidivist.⁷⁴ In practice, PRI was informed that the criteria used for allocating a woman to a particular dormitory cell on arrival in Manouba Women's Prison was: whether a woman was pregnant, whether she wished to smoke or not and whether she had a contagious medical condition. In Messaadine, women were allocated to one of the four dormitory cells available according to whether they were repeat or first-time offenders.⁷⁵

9. Experience of domestic violence

Forty-nine per cent of women surveyed have experienced domestic violence and for 86 per cent of these women, the abuse was frequent. This figure is similar to research conducted in other countries⁷⁶ and reflects similar rates of domestic violence reported in the general population in Tunisia. According to a survey published in 2010 by the National Office of Family and Population, about 47 per cent of Tunisian women aged 18 to 64 have been the victim of violence at least once in their lifetime.⁷⁷ Tunisia has taken a number of steps to address domestic violence since 2011 including developing a National Plan of Action and establishing a national committee to monitor its implementation. A shelter for victims of domestic violence was set up in 2012.

73 PRI interview with social worker in Messaadine Prison, 12 February 2014.

74 Law No. 2001-52 of 14 May 2001 on the organization of prisons, Article 6.

75 PRI interviews with Prison Directors of Manouba Women's Prison on 11 February 2014 and Messaadine Prison on 12 February 2014. The first cell in the women's wing of Messaadine Prison held six women living with their babies, the second cell held 18 women most of whom were first time offenders or in pre-trial detention, the third held 43 women of medium security risk and the fourth room held 53 women most of whom were repeat offenders.

76 For example, in the United Kingdom the proportion was found to be 50 per cent and in the United States it was found to be 43 per cent according to one study and a higher proportion according to another: *UNODC Handbook for Prison Managers and Policymakers on Women and Imprisonment*, 2nd edition, 2014, pp8, 9.

77 National Office of Family and Population, *Enquête nationale sur la violence à l'égard des femmes en Tunisie*, 2010.

10. Experience of sexual abuse

Twenty-one per cent of women surveyed reported that they had been sexually harmed one or two times and 13 per cent many times. For 29 per cent of these women, the perpetrator was their spouse or partner and for 27 per cent it was another family member. These figures may be under-reported due to stigma and other factors.

The UN Special Rapporteur on the situation of human rights defenders has expressed ‘serious concern about... stigmatisation of victims who have reported cases of sexual violence’ in Tunisia.⁷⁸ Additional research should be conducted to collect data on this very sensitive subject and should include personal interviews, review of clinical files and other methodologies.

11. Links between experience of domestic violence, sexual abuse, mental healthcare needs and substance dependencies

Research indicates that substance dependence and mental ill-health among women can often be the consequence of victimisation. This research therefore sought to examine such links. Of the 56 women who had received treatment for psychiatric or psychological problems, 16 were dependent on drugs and alcohol (28 per cent), 39 had experienced domestic violence (70 per cent), 15 had suffered sexual abuse once or twice (27 per cent) and 10 had experienced sexual abuse frequently (18 per cent). While responses to questions of this nature need to be treated with caution due to common under-reporting, these findings indicate that there is a correlation between experience of domestic violence and sexual abuse, substance dependence and mental ill health.

12. Support requirements to build a new life

During imprisonment

The most commonly identified support requirement needed during imprisonment for women to build a new life was **vocational skill training** – 51 per cent of women surveyed reported that this would be the most important support they could receive to help them with their rehabilitation.

Women in prison in Tunisia have limited access to rehabilitative activities, vocational training, work and services. In Manouba Women’s Prison there is a workshop which makes uniforms that are used within the Prison Service as well as a workshop making confectionery for sale outside of the prison. However, there are strict criteria for participating in these activities including that women must be convicted and have a history of good behaviour. At the time of our visit there were 15 women working in the sewing workshop and ten producing confectionery. This represents just 12 per cent of convicted women prisoners in Manouba participating in vocational training. These women work for six hours a day, five days a week and can obtain certificates attesting to their skills from the Ministry of Labour. They are paid according to how much they produce. In the sewing workshop women could earn between 25 and 60 Tunisian Dinars (TD) per month (approximately US\$12-38) and in the confectionary workshop up to 80 to 120 TD per month (approximately US\$50-75). A very small number of prisoners also have formal education but the vast majority pass the day inside their crowded dormitory cell. Women in Manouba Women’s Prison can also take Koranic lessons and a Christian NGO visits once a week.

Table 14: Support requirements to build a new life during imprisonment

Formal education / schooling	17%
Vocational skill training	51%
Access to legal aid	26%
Treatment for health problems	28%
Counselling / therapy for substance abuse	5%
Counselling / therapy for domestic violence	7%
Counselling / therapy for mental health	3%
Programmes to build confidence and life skills	25%
Transfer to prison closer to home	5%
Transfer to a prison in my country	1%

In Messaadine, there were no opportunities for women to be engaged in vocational training or rehabilitative work. This is in part because of the fire in 2011 which destroyed the women's wing meaning that women are now living in what was formerly the rehabilitation wing. One woman described the day as a sequence of 'eating, crying and sleeping'.

Nearly a third of women identified **treatment for health problems** as a priority and a quarter specified **access to legal aid** as an important support needed to help rebuild their lives. A report produced in 2013 by the organisation Monitoring Network of Tunisian Justice concluded that access to lawyers was not adequate and that case flow through courts was slow and inefficient.⁷⁹

Following release

Table 15: Support requirements to build a new life following release

Housing	35%
Employment	56%
Financial support for education / training	37%
Reunification with family / spouse	28%
Reunification with child / children	16%
Access to legal advice	12%
Treatment for health problems	12%
Counselling / therapy for substance abuse	3%
Counselling / therapy for trauma survival	3%
Counselling / therapy for mental health	5%
Child care support	8%
Protection from violence	6%
Other support services	8%

The most common support identified was support in finding employment – 56 per cent of women surveyed highlighted this as a priority. A further 37 per cent identified education and training as important.

Over a third of women said they required support with housing. Several of the identified needs reflect the social isolation endured by women prisoners – nearly a third of women surveyed indicated that reunification with a their family/ spouse would help them to rebuild their lives; 16 per cent wanted assistance with reunification with their children.

13. Previous offences and obstacles to reintegration

A quarter of women stated that they had been convicted and imprisoned before. It is striking that the recidivism rate is much higher for men than for women – according to DPGAR it was 22 per cent for women in 2013 and 44 per cent for men.⁸⁰ Amongst these women, 69 per cent identified stigmatisation as the most serious obstacle hindering building a new life on release. Other obstacles included having a poor psychological state (61 per cent), being abandoned by their families (37 per cent) and not being able to find housing (37 per cent).

14. Assistance following release

Only 16 per cent of women who had previously been imprisoned received assistance on their release (10 per cent from governmental health services and eight per cent from a governmental housing agency). There clearly are significant unmet needs for post-release support and very limited support provided to women by the prison services to assist them with rebuilding their lives on release. At the Manouba Women's Prison, social workers provide some degree of assistance in cooperation with the Ministry of Women to prisoners who are nearing the end of their sentences in terms of contacting NGOs and assisting with applications for social welfare. However, the numbers who receive this support are limited. In Messaadine there is just one female social worker who provides limited support for women at the end of their sentences.

⁷⁹ Monitoring Network of Tunisian Justice, *Report No. 3*, January 2014, based on analysis of 112 hearings in 19 courts across Tunisia during 2012 and 2013.

⁸⁰ Figures provided to PRI by DPGAR in March 2014.

16. Pre-trial detainees

According to the Criminal Procedure Code pre-trial detention should be an 'exceptional measure'⁸¹ and the law permits the use of bail.⁸² However, interviews indicated that in practice, bail is rarely granted and 40 per cent of women prisoners were in pre-trial detention in March 2014. The statutory limits for pre-trial detention vary according to the nature of the offence. For crimes which carry a sentence of more than five years or involve national security, pre-trial detention may last up to 14 months. For crimes which carry a sentence of less than five years, the maximum is nine months. Nearly half of women in pre-trial detention had been there for one year or less and 43 per cent had been there for between one and two years.

Out of 108 women in pre-trial detention, 74 had access to a lawyer (68 per cent). Of the 74 women who did have legal representation, 60 either paid for the lawyer themselves or their family covered the cost. Just ten women said that they had a legal counsel appointed by the court, paid for by legal aid or who was a public defender. Two women had legal assistance from a voluntary organisation and the rest marked the box 'other'.

81 Criminal Procedure Code, Article 84.

82 Section V of the Criminal Procedure Code outlines when pre-trial detention can be used and Section VI outlines when bail is permitted and the sort of conditions that may be imposed such as payment of a surety to the court and restriction of movement.

4. Recommendations: Tunisia

This research does not provide an assessment of the extent to which Tunisia has implemented the Bangkok Rules nor an appraisal of the conditions in the women's prisons in Tunisia. So the recommendations set out below do not include measures to improve physical prison conditions. Instead they highlight the key areas which should be addressed as a matter of priority in order to address the most urgent needs of women prisoners that have been raised in this research. Tunisia is in a transitional phase of reforming its prison and criminal justice system. The following recommendations should inform current and future policies and programmes for women prisoners.

- The majority of women in prison in Tunisia have not been imprisoned before and are charged with or convicted of non violent offences. Forty per cent of women are held in pre-trial detention. Article 29 of the 2014 Constitution states that 'in executing a freedom-depriving punishment, the state shall take into account the interests of the family and guarantee the rehabilitation and reintegration of the prisoner into society.' In view of the above, steps should be taken to reduce the imprisonment of women taking into account women's history of victimisation and care taking responsibilities by:
 - Using non custodial measures instead of pre trial detention wherever possible. (Bangkok Rules, Rule 57)
 - Giving courts the authority to consider mitigating and gender specific factors when sentencing women offenders. (Bangkok Rules, Rules 57 to 61)
 - Developing alternative sentences to imprisonment that build on existing pilot projects and that also address the most common problems leading to women's contact with the criminal justice system including the provision of counselling for victims of domestic and sexual abuse. (Bangkok Rules, Rule 60)
- Women in pre-trial detention must be held separately from women who are convicted. (Rule 8(b) of the Standard Minimum Rules for the Treatment of Prisoners (SMR); Bangkok Rules, Rule 56)
- Women who have been convicted should be assessed and given an appropriate classification that takes into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects of high security measures and increased levels of isolation on women prisoners. (Bangkok Rules, Rules 40 and 41, Rules 67 and 68 of the SMR)
- There is a very high level of mental healthcare needs amongst women prisoners in Tunisia – 71 per cent of women surveyed reported that they experienced depression as a consequence of their imprisonment and 61 per cent experienced anxiety. Access to psychologists or psychiatrists is limited and there is an urgent need to improve psycho-social services which have a multi-disciplinary approach that maintains confidentiality and does not rely on medication alone. (Bangkok Rules, Rules 6, 12, 13 and 16)
- The current situation for women accompanied by children in Manouba Women's Prison is not in line with the Bangkok Rules. Urgent efforts must be made to complete the specially designed unit for women with children that has already been constructed for this purpose. (Bangkok Rules, Rules 48-52)
- A strategy should be developed to improve the rehabilitation programmes provided to women prisoners in preparation of and following their release. Such programmes can be conducted in partnership with civil society organisations. Demand for vocational skills training was particularly high amongst the support requirements listed by women who participated in the survey in Tunisia. (Bangkok Rules, Rule 42)
- Very few women who had been imprisoned before had received any support on release. It is essential that responsible ministries and civil society organisations develop and implement pre- and post release reintegration strategies that focus on employment and take into account the gender specific needs of women to enable them to build a new life following release. (Bangkok Rules, Rules 43 47)

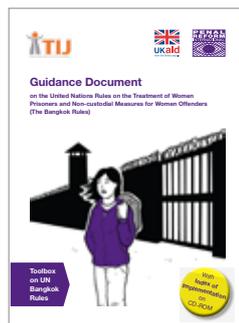
PRI's Toolbox on the UN Bangkok Rules

Toolbox on the UN Bangkok Rules

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A guide to each Rule, suggested measures for implementation at policy and practical level, with examples of good practice to inspire new thinking.



Index of Implementation:

A comprehensive checklist for an assessment of implementation of the Rules, structured for different actors. Can be used in developing policies and strategies.

Both documents jointly published with the Thailand Institute of Justice.

Online course: Women in detention – putting the UN Bangkok Rules into practice:

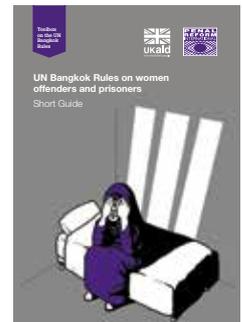
A self-paced, free online course combining analysis of the Rules, interactive assessments and application of the Rules to real life situations, with a certificate issued at completion.

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