

Associations working in women's prisons in Lebanon

Study

Within the framework of the project "Promoting Human Rights Policy and Practice in Lebanese Women's Prisons" -

The study was prepared by Ghada Ibrahim Esq.

**With the collaboration of: Fidaa Abdel Fattah Esq.
Dania Bassiouni Esq.
Social assistance Zainab Shehab**

Beirut 2013

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Introduction

The level of the culture of human rights in theory and practice is not dissociable from the structure of the state and society in any country. On one hand, the bodies of the State take care of the rights of its citizens, including those detained in the prisons, as they protect the society from criminals and perpetrators, in the context of the rehabilitation strategy, to prepare their return as good citizens in their community. On the other hand, the community creates frameworks for the defense of its citizens of all categories, covering the parties and trade unions and associations, seeking to complete the role of the state and fill the gap created by the failure of its bodies or to be the monitor and the voice accounting by depicting the shortage and defect and demanding to correct it whenever it is possible.

The number of associations witnessed a significant increase in Lebanon in the recent period, reaching as recorded in the registers of the Ministry of Interior more than ten thousand Associations, ranging between civil, social and political. Some are deeming this phenomenon as an express negative mutation expressing the social work chaos, while others consider it as a social mobility in the interest of society all way long. The former Minister of Interior Ziad Baroud deemed that the relationship of the Ministry of Interior and municipal bodies with the civil society consecrates the assumed integration between the state and society, therefore, if one is unable to execute its duties the other must fill the deficit, as the public affairs and interest are common. "

The reality of women in prisons is similar. While we see that the issues of prisons are in headlines at every riot perpetrated by imprisoned men, and the public embracing and political attention to issues of arrested men and claiming to hasten their trial, the women prisons are not included in the public interest and we not note any deliberations on the issues of prisoners women. Are the associations working in women's prisons, doing what they are unable to do towards women outside the prison? Or is the role of these associations limited to humanitarian contributions????

1 - The scope of the study

Within the framework of the project of “Promoting Human Rights Policy and Practice in Lebanese Women's Prisons” -

this study highlights the associations working in women's prisons and evaluates their work in accordance with human rights standards. In order to enable these organizations to evaluate their work and setting viable developmental standards as well as to inform similar associations wishing to work with women prisoners or other vulnerable groups on human rights standards especially in terms of a relationship of association with the same target groups or its relationship with the legislation and with the authority or with the media or with the funding bodies.

The funding agencies of social projects, whether from the public sector such as the state, municipalities, chambers of commerce, professional associations, embassies and international bodies, or from the private sector such as banks, large corporations and private institutions, now that the social responsibility became a priority in their financial and legal obligations, may recourse to the standards contained therein to assess the programs offered by the relevant associations.

Due to the scarcity of studies in this field, this study shall be considered as a starting point for the development of standards reached and put standards of development typical for the work of associations in prisons.

This project is implemented by Dar El Amal (DAA), Caritas Lebanon Migrants Center (CLMC) and the Lebanese Women Democratic Gathering (RDFL) in partnership with Diakonia, and funded by the EU Commission.

2 – The methodology of the study:

The study is declined into three main chapters: women's prisons, associations working in prisons, and the culture of human rights which suggests a systematically multi-dimensional treatment.

The study adopted the approach of the three sections from two angles: the field approach, represented in the monitoring of the situation of women's prisons and activities carried out by associations working in these prisons during the last ten years and the contribution of these activities in improving the conditions of women prisoners.

The legal approach translated on the level of compliance of the activity of these associations with human rights standards in terms of minimal standard Rules on the treatment of Prisoners, and the extent of the application of standards on human rights by these associations in partnership between the civil society and the authority to achieve a sustainable development in women's prisons.

The techniques used to obtain the information are the application form, interviews and observations.

The team visited the four women's prisons in Baabda, Beirut, Tripoli and Zahle. The application form was completed on a sample of women prisoners, varying in volume depending on the prison because of the merits occurring during the execution of the study.

Many interviews were conducted with officials and workers in association concerned in the study.

The observation technique had the most prominent role in collecting data hard to get through the questions of the application form or by interviewing women prisoners.

The study was conducted according to the technique of documentary analysis and operational follow-up in order to monitor the laws and principles that governed the conditions of prisons and prisoners' rights and those related to the establishment of associations, their activity and relationship with authority. The study took into consideration the political and sectarian reality of the country, the limited resources faced by associations working in women's prisons, including human, physical and social environment affecting the work of the association.

The second phase of the study dealt with the criteria adopted for the evaluation and derived from the relevant principles, laws and international standards of human rights, stipulated in the treaties and international agreements and

measuring the extent to which the work of associations complies with these standards and the conclusions resulting from linking the data to the standards adopting the principle of descriptive and deductive analysis.

The third phase included ideas and proposals relating to each of the rights that may be adopted in order to develop the work of associations and rehabilitate women prisoners and discipline them and achieve sustainable development in their communities.

3 - An overview of the Lebanese prisons

The situation of prisons in Lebanon (including places of pre-trial detention) does not cover any of the basic functions that are supposed to be found in prisons as places of rehabilitation and discipline, but as places of retaliation and punishment. Compared to the " Minimum standard Rules on the Treatment of Prisoners " issued by the United Nations in 1955, the situation in prisons can be summarized as swinging between bad, very bad and inhumane. The retribution function is reflected in its ugliest forms, to an extent turning in a prison, according to prison based in Lebanon, into a place of torture and cruel and inhuman treatment*. The deterrence function and the imprisonment conditions does not make the prisoners feel malice towards their jailers and the community only but they often create prisoners eager to revenge and fall in recidivism as in prisons they met the professionals mastering the arts and knowledge of crimes. The function of rehabilitation and reform is semi absent without the individual efforts and initiatives of some responsible for the administration of prisons and some NGOs and civil society associations caring about prisoners affairs.

4 – An overview of the association in women's prisons

Undeniably, women's prisons attracted only the interest of some civil associations and NGOs, which has had some impact in the improvement referred to in the preceding paragraph. However, the relative shortage in the number of associations interested in women prisons is significant and wide, especially when we note that out of the ten thousand * Associations registered in the records of the Ministry of the Interior, (noting that this number includes all types of associations being civil, charitable, religious, social and political) in recent years, almost twenty associations are working in women's prisons. Out of the same ten of the activities of the associations fleeting, any one-time or a little more, there are four religious associations preaching female prisoners, and three associations providing permanent services in prisons.

First, it is worth to note that the establishment of associations in Lebanon does not require any prior authorization, the law known as the Ottoman Law enacted by the Ottoman Empire in 1909 is still in force to this day, and is one of the most developed laws in the region. It is sufficient to notify the Ministry of Interior about the establishment of the association *

According to Article II of the Law on Associations the establishment of an association does not need a license first but it is necessary pursuant to article VI to notify the government after its establishment." Therefore, whenever an association (social, cultural, sports) is established the founders should submit a notification to the Ministry of Interior and Municipalities with the required documents i.e. :

- Three copies of the bylaws of the association signed by the founders.
- Civil status extract of the founders
- Police record of the founders not older than three months.

The role of the Ministry of interior shall be limited to auditing the documents. Accordingly, the association shall provide a statement showing that Ministry took note of the establishment.

However, the authority exercises subsequent control over the activity of the association and their abidance by the laws and regulations. The association may be winded up by the authority when it violates public order and the laws.

The comparison of associations working in women's prisons as follows :

- Purely charitable work
- Working in the frame of religious institutions.
- Work in accordance with the programs funded from abroad.
- The impact of external pressures.
- Work in accordance with the issues involved.
- Work according to the needs of women prisoners.

5 – The assessment

The number of women prisoners in Lebanese prisons is far less than the number of men prisoners, and this is an indication that the entry of women into the world of law violation is much less than men. While we see families of men prisoners protesting and participating in demonstrations and sit-ins demanding a law of amnesty for their prisoners, we do not see any similar movement to women prisoners and their parents. The background of this attitude is found in the culture of the society in which we find popular proverbs such as " prison is for men " and actually " stoning for women "

The association being a part of this culture reflects a similar performance, therefore we can see that associations working in men's prisons are many times over those working in women's prisons, which confirms that the subsequent injustice of women outside followed them inside the prisons.

This finding makes the associations responsible for the issue of women prisoners and on this basis the activity of the associations in women's prisons can be evaluated through the relationship between them and the axes of the society such as the authority of the law and justice and the families and anything related to the issue, including the prisoners themselves, and to what extent the associations use and serve women prisoners issues and achieve their development goals. What are the hinders preventing the association from succeeding in their mission?

Relationship between the authority and the associations:

Prisons remain under the authority of the Ministry of Interior in accordance with the decree number " 14310 " until the transfer of the supervision to the authority of the Ministry of Justice after enacting decrees thereof, which provisions are valid.

We can say that this text defines the triangular relationship between the authority, associations and prisoners.

Women prisoners are granted the right to vocational training and guidance in counterpart the authority has the obligation to allow the delegates of associations to enter the women's prisons. Still this right is restrained as the delegate of the association should obtain a prior permission every time she wants to access to the prison, and this permission is given by the Minister of Interior, who shall take into consideration the opinion of the commander of police.

The opinion of the commander of the police regarding the license is critical as he is the effective decision maker. If the decree stipulates that the minister should abide by the opinion of the commander of the police when the permission is granted, when the license is withdrawn then the opinion of the commander of the police is crucial.

Since the law is free from any legal controls on the relationship between the association and the supervisory authority, the Authority shall have full powers to act in absolute discretion.

The relationship of associations with the regulatory bodies in prisons:

The control over prisons constitutes a basic guarantee out of the human rights guarantees, and in Lebanon the prisons are subject to two types of control:

The administrative control carried out by the Governor pursuant to Article 14 of the Decree number 14310.

However, the reality of the situation refers to the absence of such control effectively in all prisons, and this makes the associations lose any relation with the administrative reference.

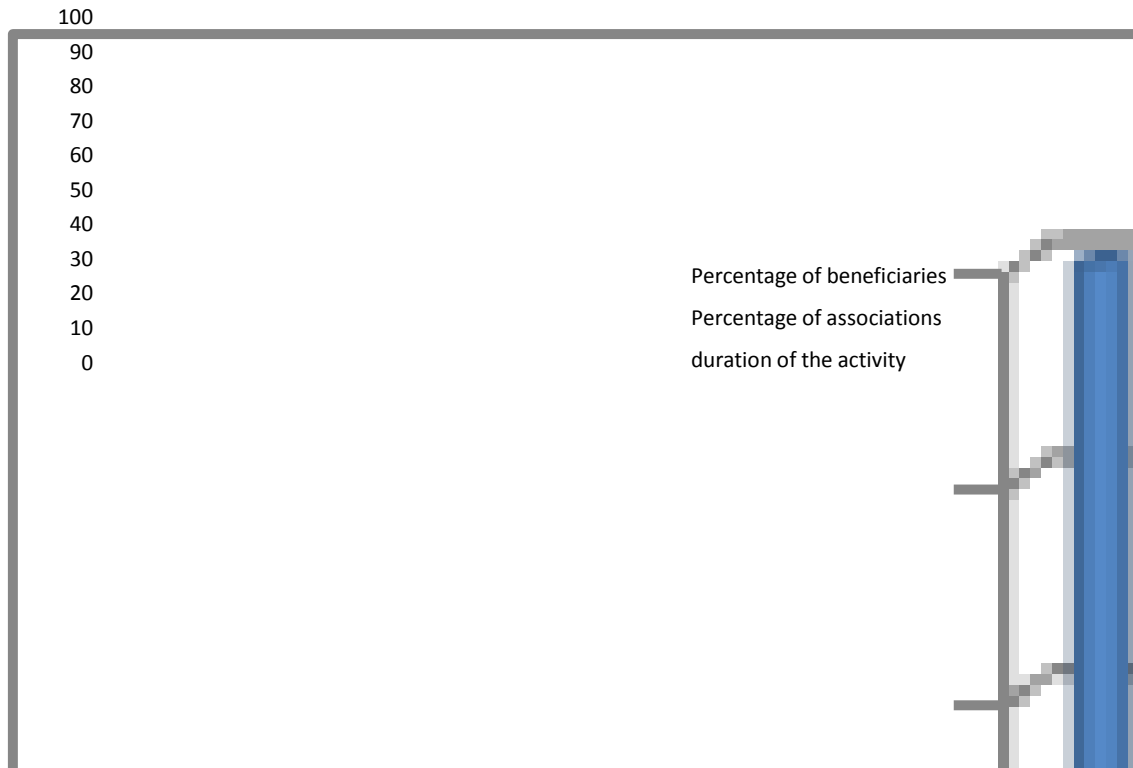
The second is a judicial oversight that could constitute a guarantor reference for associations in their work in prisons, as associations can prepare reports while working in prisons and submitting them to justice represented by the Prosecutor or the judge delegate by the Minister of Justice for this task.

The relationship between the association and women prisoners

In order to achieve their goal, the associations should communicate with women prisoners and work with them on the basis of equality and efficiency, without any discrimination amongst them on the basis of their nationality and confession and color / race.

The field survey conducted by the study team in the four women's prisons (Baabda, Barbar Khazen, Tripoli, Zahle) shows that women prisoners are in need of lot of care mutually with them in all fields, given the lack of prison to lot of services, especially in the field of education and vocational training.

Unlike the reality of the situation, the development of prisons and converting them into rehabilitation and reform centers need a programmed work and sustained action in addition to diversification of activities covering all areas of life. The following chart gives an idea of the activities of the association and the proportion of beneficiaries: No. 1



The Chart 1 shows that all women prisoners received religious preaching and guidance and in-kind assistance and informative lectures and education. But few of them, below ten percent, followed up educational programs and sports activities, and education and advocating for the rights, and has been contacted after serving their sentence. This suggests that the religious dimension of the associations is dominant, and that awareness and education did not take the legal and educational dimensions associated to the reality of women prisoners, nor those relating to resuming their lives after getting out of prison. The chart also shows in terms of duration of the activity that religious preaching occupies the first rank, but the proportion of associations practicing it is only twenty percent. The legal assistance lasting similarly to the religious preaching only covers forty percent of the women prisoners, which reflects some kind of a sectarian link between the associations and women prisoners benefiting of the services.

The existing relations between the associations

In the absence of an integrated plan for rehabilitation in prisons, the Ministry of Interior is carrying out projects funded by the budget of ministries, namely the Ministries of Interior and Social Affairs or through external funding and donations, which makes the relationship between the associations competitive sometimes, as each of them seek to be approved by the state to carry out a certain project, and competition replaces integration or coordination amongst them, which leads to a weakening of the status of associations and to lower level of service.

From another angle, there is another form of positive cooperation, dictated by the nature of the projects financed by donor agencies or embassies, requiring sometimes that more than one association implement the project, according to objective circumstances relating to the nature of the project or the activity of some associations or their competence. As an example we can state the project " Cinema Irina - a glimpse from inside, voices behind bars "carried out jointly by the Ministry of Interior and the Ministry of Social Affairs, with the support of the Italian Embassy.

The associations and the rights of prisoners according to the United Nations Minimum standard Rules on the Treatment of Prisoners

The United Nations Minimum Standard Rules for the Treatment of Prisoners stipulates the minimal rights according to which the women prisoners should be treated, which are binding for the States that have the ability to provide them for women prisoners. The associations working in non legal prisons act in individual initiatives rather than an integrated action plan based on standard rules. In this study we demonstrated the rights according to the sequence mentioned in the rules and by mentioning corresponding activities.

Discrimination in the treatment:

The religious associations by nature tend to discriminate by privileging the women of their confession this also applies on the associations concerned in a particular category of prisoners, such as foreign women as they work only for the benefit of this category not others. We have also noticed a discrimination against women prisoners convicted of prostitution due to the perception of society, as an association abstains from working with them for some social reasons.

Separation of categories:

We noticed that there is no separation between detained women and convicted ones in the four prisons, and this is contrary to all legal rules, whether those mentioned in national laws or in the standards.

Places of detention:

Rule No. 9: all prisons suffer from overcrowding and the associations are working to secure mattresses and blankets.

Work: Rule No. 11: “In any place where the prisoners should live and work.” There is only one association providing training for women prisoners on handicrafts - beads, needles work - there is no productive project of work in any of the four prisons, and women prisoners do not perform any remunerating activity.

Cleanliness:

The associations provide cleaning products and tools on regular basis and at the request of the women prisoners, which contribute in securing their personal hygiene and cleanliness of prisons. The women prisoners say that associations seek to secure these needs by donating or fundraising from donors.

Food: Rule No. 20: The associations only provide some types of sweets on holidays carried out by charitable associations.

Sports exercise: Rule No. (21): there is no regular physical education in women's prisons, only some sports activities from time to time.

Artistic and recreational activities: There are no permanent artistic or recreational programs in prisons, prisoners rely on their skills seen the absence of any supervision or special education in these fields.

Medical services: rules (22) to (26):

Impose full health care for women prisoners, especially for pregnant women in prison. We noted in the four prisons a need for significant medical care of women prisoners. (One of the women prisoners in Zahle prison complained from suffering a chronic disease and needing to be treated, but she could not afford it from the prison's administration or through associations.

Discipline: Lebanese laws continue to adopt the principle of disciplining prisoners, often a woman prisoner is transferred from one prison to another as a private disciplinary punishment, given that the differences between the prisons makes the other prison worst and a place for disciplinary measures. Also solitary confinement is still a way of disciplining. No movement of associations working in women's prisons was noticed about this procedure.

Communication with the outside world rules (37) to (39): the same stipulates to allow women prisoners to communicate with their families in accordance with a particular system. Foreign women prisoners complained about the need to contact their relatives, but none of the associations met their request, and when questioning the associations they confirmed that they tried to contact their relatives unsuccessfully.

Reform means: we did not monitor the if the associations carried out integrated reform programs, i.e. programs containing a curriculum composed of a variety of

scientific and practical materials, which can be taken by the women prisoners during the sentence period in order to repair and change their behavior, or at least no associations did inform us on any situation of this kind. Even the drug addict women do not have any association caring about their treatment and they do not have any special programs and they are treated as any other convicted women in any other crime.

Legal assistance:

Legal assistance for women prisoners is like a rescue rope. Women prisoners, who ignore the law, need the assistance of a lawyer to explain to them the beginning of the procedures they will go through and study the case file, and give them the expectations as they need to hire a lawyer to defend them and plead for them.

Many imprisoned women declared their need to seek the assistance of a lawyer but were prevented due to their weak financial situation. The associations can request from the Bar to appoint a lawyer for them.

The association and the relationship with the women prisoners outside the prison:

The relationship between prisoners is interrupted once they pass their sentence, which wastes the efforts of associations and their work inside the prisons, especially for those who have no place to go to.

Associations and the public opinion:

In addressing the public opinion, the associations rely on the :

- Deployment of its activities in the media
- Participating in advocacy and demanding campaigns carried out by the association.

Internal and external challenges:

The associations face challenges in all fields in which they operate. The first of these challenges is the social concept of prisons and considering that the women prisoners lost the dignity basically. Therefore, the associations should overcome this challenge and deal with the issues of women prisoners as a social security issue rather than a category violating the law.

There are also challenges resulting from the success in giving confidence to women prisoners as the work with them is a message and not a source of money earning and this calls for staff training.

The associations should constitute a virtuous society for prisoners providing for them what they aspire to in terms of social values. These values should be integrated in women's prisons and this is a serious challenge (possibly we can carry out a training practical activity to train women prisoners on democracy, such as a having an elections to choose a representative Board, elect a responsible for women prisoners for a certain period) to replace the common method of treating the women prisoners relying on power and money. The responsible shall be selected amongst the women prisoners by the supervisors and not by the women prisoners themselves.

This was on the level of the internal challenges, and concerning the external challenges the finance shall be deemed a major challenge for all associations, and is subject to a number of criteria not available in all associations. We should add to this favoritism and political dependency and personal issues in finance matters. Each association shall consider to seek financing with the political party to which its founders belong for its projects, and this is natural in a country suffering from political division and multi-sectarian affiliations. Therefore, the civil society shall become a reflection of the political community in a large part.

Pressure on the authority to achieve the interests of prisoners:

Sensitize the community on the issues of women prisoners and their wasted rights.

Through demanding campaigns and administrative reviews.

1 - proposals

As a summary of the foregoing, and in order to enable the associations to achieve their objective relating to the rehabilitation of women prisoners and return them to society, the same shall:

- Develop an integrated plan to work in prisons emanating from the needs of women prisoners and their priorities.
- Develop a proposed law regulating the work of associations in prisons as a partner in the process of reform and rehabilitation.
- Networking and coordination between associations on the basis of integration and specialization.
- Work on the involvement of social surroundings of women prisoners in the rehabilitation process.
- Training of male and female workers to work according to the principles of human rights.
- Coordinate with the Bars of Beirut and Tripoli to make lawyers volunteer in order to defend the women prisoners.

- Develop training programs based on advanced scientific methods taking into account the potential of women prisoners and their social circumstances.
- Organize advocacy campaigns for the rights of women prisoners and demanding the authority to apply the Standard Minimum Rules on the treatment Model.

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Appendixes

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- 3- The law on associations Circular No. 10 | 2006.
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- 5- Application forms