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#9

# CONDITIONS FOR WOMEN IN DETENTION IN JORDAN

Needs, vulnerabilities and good practices

Jo Baker and Elna Søndergaard

**DIGNITY**  
DANISH  
INSTITUTE  
AGAINST TORTURE





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# Table of Contents

<b>Executive summary</b>	<b>4</b>
Recommendations	6
Introduction	10
Methodology	11
Terminology	13
<b>National Context</b>	<b>14</b>
Facts and figures	14
Legal Framework	19
Recent reforms, developments and challenges	24
<b>Findings</b>	<b>31</b>
What matters most?	31
Conditions of detention	33
Box: Conditions in police custody and other places of temporary detention	33
1. Admission and classification	36
2. Physical and material conditions	39
Box: Torture and other cruel, inhuman or degrading treatment or punishment	42
3. Safety and security	43
4. Healthcare	47
Box: Special groups	53
5. Information and complaints	54
6. Contact with the outside world	57
7. Work, education and recreation	61
<b>Bibliography</b>	<b>65</b>

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Finally, and although this may not come to their attention, we extend our heart-felt thanks to the many women currently or formerly in detention who generously and painfully shared their personal stories and revealed their needs, vulnerabilities and conditions in deprivation of liberty. We hope that with this study, we can increase the attention paid to women in detention by State institutions and other actors engaged in this domain, and hereby help improve the women detainees' daily lives.

# Executive summary

**“There’s an old Jordanian saying: Prison is for men, for strong men.”**

What are the particular needs, issues, risks and vulnerabilities that face imprisoned women across the world? What challenges and promising practices are common in their management? And where do these practices fall in relation to international standards? These questions lie at the heart of DIGNITY’s research into conditions for women in detention in four countries — of which this Jordan country study is one part.<sup>1</sup>

The strong social norms and forms of discrimination that women face in Jordan reach deep into places of detention, and their experience of being detained. To be a detained woman here, in many cases, is to lose touch with the majority of your family members and your children despite an acute need for intimate and social contact, and to feel isolated from the outside world. It is often to be heavily stigmatized by your own community, and by prison staff. It is to have likely experienced forms of gender-based violence before entering prison — some physically and mentally debilitating in the name of honour — and to not receive the help that you need in order to recover. And it is to have many of your other needs and human rights go largely unmet and unprotected, including the right to rehabilitation.

In its management of women there are some areas in which Jordan’s Public Security Directorate (PSD) complies with core human rights treaties and other international standards. Detained women are commendably well-protected from gender-based violence by men in most cases because of the strict segregation by sex that takes place between inmates and

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<sup>1</sup> DIGNITY’s research among women’s prisons and prison communities in five countries — Albania, Guatemala, Jordan, the Philippines and Zambia — has been published as a comparative, qualitative study, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014 ([http://www.dignityinstitute.org/media/1991156/wid\\_final\\_0814\\_web.pdf](http://www.dignityinstitute.org/media/1991156/wid_final_0814_web.pdf)) and as four individual country studies for Albania, Jordan, the Philippines and Zambia.

staff from the moment of arrest. Torture of women is also rarely reported. Some physical conditions in the main prison for women in Amman comply with basic minimum rules.

However in many other ways, Jordan fails to meet the gender-specific needs and human rights of its female judicial and administrative detainees. The most serious violations reported during this study were the inhuman and degrading treatment of female inmates by prison officers, particularly during admissions processes, and inadequate staff intervention in violence between inmates in the Juweida Women's Correctional and Rehabilitation Center (JWC or 'Juweida') that included cases of threats, sexual molestation, beating and burnings. Gender-specific healthcare was largely absent, including mental healthcare, and some basic sanitary products are not provided for free. No structured rehabilitation programme is offered, and attempts to provide vocational and educational training or work, are minimal and insufficient. Although DIGNITY is informed that children under the age of three may live with their mothers in prisons, there are some unanswered questions about the extent to which this option is provided, both generally, and in regard to children who are born outside of marriage – including those born as a result of rape.

Detainees feel profoundly isolated, struggle to access information and outside contact – particularly those with children – and can face disrespectful and harsh attitudes from female frontline staff (as summarized in the section What Matters Most). These factors in particular appear to account for a low general morale. Levels of depression appear high and incidents of self-harm, including hunger strikes, are not uncommon.

This environment is particularly harmful for those who have experienced extreme violence, those who have been separated from their babies or young children, and those who are detained indefinitely, involuntarily and without due process under the 1954 Crime Prevention Law, for the ostensible purpose of their own protection (known also as 'protective', 'preventive' or 'precautionary' detention), including foreign migrants and/or rape victims. The situation of foreign migrants, many of whom lack proper identification or residency documents (often as victims of labour rights violations) and have very little contact with their families and lawyers, is also of particular concern. These women are often held in temporary detention, where information about them and their conditions is difficult to obtain. Combinations of these factors above intersect in detention among both Jordanian and foreign women, creating an axis of tremendous harm and vulnerability.

As Jordan enters a phase in which it is amending key legislation related to the criminal procedure, drafting a new national human rights plan, and engaging in dialogue under the review of key UN bodies,<sup>2</sup> it is hoped that the situation of this group receive the attention it so urgently requires.

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<sup>2</sup> In late 2015, Jordan will be reviewed by the UN Committee against Torture. Jordan submitted its national report to CEDAW in June 2015 and is due to submit its report to the UN Human Rights Committee.

# Recommendations

For Jordan to align with international standards on conditions for detention of women, this study has highlighted a number of key recommendations:

## Law and policy

- Amend the national **laws, policies and regulations** governing the rights of inmates in detention – including the Constitution, Penal Code, Criminal Procedure Code, and the Prison Law and related administrative guidelines – so that they adequately protect the human rights of women, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) and other international standards on detention;
- Ensure that these amendments are reflected in the **national budget, PSD strategies and internal policies** of all relevant detention facilities, and provide staff with the training and resources to implement them effectively;
- **Repeal the Crime Prevention Law**, end the practice of ‘protective’ detention, and realise the State’s duty to find alternative ways to safeguard the lives of women at risk in line with international human rights, and to provide them with economic and social programmes;
- Amend the legal framework to include **alternatives to imprisonment** for women offenders, as required by the Bangkok Rules, given the disproportionate impact of incarceration on women, their families and their communities. Ensure that judges are sensitized to the existence of and need for such alternatives;
- **Combat gender-based stigma and degradation** in prison management by training and appointing gender-sensitive managers of women’s prisons, and by training all staff on gender, human rights, communication and dynamic security approaches; and
- Pay particular and urgent attention in law, policy and practice, to the rights and needs of **especially vulnerable groups** among women in detention. These include Jordanian and foreign women for whom factors of violence before entering prison, illegitimate child birth, and administrative detention, intersect.



## Conditions of detention

- Ensure that the **infrastructure** for the detention of women meets international standards generally, and meets standards on women's special needs specifically, with *inter alia*, conditions that are safe and healthy; sufficient space and facilities for comprehensive vocational, recreation and work programmes; and visiting facilities that allow space, privacy, dignity and physical contact;
- When **classifying** detainees, ensure that pre-trial detainees and convicted prisoners are detained separately, and provide separate and adequate facilities for mothers with infants in prison;
- On **admission**, ensure that thorough screenings take place by medical and social welfare professionals, which in particular, identify mental health care needs, including post-traumatic stress disorder and risk of suicide and self-harm; forms of violence that may have been suffered prior to admission; and economic and social needs, in order to integrate these into rehabilitative programmes and services that match detainees' gender-specific needs;
- Ensure that **basic items** required for human dignity, including sanitary towels, cleaning materials, and items for babies and children accommodated in the prison, are provided in sufficient quantity and for free by the State, in accordance with its State responsibility;
- Sufficiently equip and staff institutions to meet the **health needs** of women and children accompanying them in prison, including pre-and post-natal requirements (such as nutrition, medical and psychological care), reproductive and sexual healthcare, mental health and trauma counselling, health education. This must respond to the particular backgrounds common to women in Jordan, such as histories of gender-based violence, including 'honour crimes';
- Prohibit and end the use of all **arbitrary and degrading disciplinary and search practices**, and ensure that all prisons are managed in line with international standards on gender-specific safety and security, which *inter alia*, prohibit the banning of visits between mothers and their families, and the use of invasive and degrading search practices. Ensure too, that only prison officers decide on or impose punishment, and that sufficient avenues are established by which detainees can appeal decisions about disciplinary sanctions;
- To overcome **gendered barriers to information and complaint**, ensure that detainees are comprehensively briefed on their rights and options, and the rules and regime of the facility, and that information is available in forms that they are able to understand and easily access throughout their time in detention. Ensure that all inmates are aware

of and able to access their right to send confidential complaints to State bodies and independent institutions, such as the NCHR, and that all prison officials are aware of this right and do not interfere with it;

- Establish a system for the **employment and equitable remuneration** of detainees; and ensure that women have equal access and opportunities to all trades and areas of work that they are physically suited for;
- Support, fund and train more **gender-sensitive welfare officers**, who are able to provide individualised support, counselling, and information to inmates, and connect them with needed programmes and services. Empower and enable these officers to pay particular attention to the needs of vulnerable groups among female inmates, including pregnant women and new mothers, women separated from their children (including those who gave birth to children outside of their marriage), foreign migrants, and administrative detainees;
- Amend prison regulations and train staff to develop a positive, humane contact and **outreach regime**, in line with the Bangkok Rules – including the reform of facilities, mediation with families, and financial support. These must allow for and encourage longer and more frequent visits and telephone calls, particularly between detainees and their children, and should consider a programme of conjugal visits; and
- Ensure that an individualised gender-sensitive treatment plan is established for each detainee from the time of admission, including consistent vocational, educational and recreational activities, to ensure rehabilitation, and help combat depression, and facilitate reintegration into society on release. Actively encourage these activities, and ensure that they do not conflict with work, and the ability to earn money.

## Selected Abbreviations

CAT	UN Committee against Torture
CEDAW	UN Committee on the Elimination of Discrimination Against Women
CPT	European Committee for the Prevention of Torture
CRCs	Correctional and Rehabilitation Centers
DIGNITY	DIGNITY – Danish Institute Against Torture
GID	General Intelligence Directorate in Jordan
HRC	UN Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
JWC	Juweida Women’s Correctional and Rehabilitation Center
NCHR	National Center for Human Rights in Jordan
NGO	Non-Governmental Organisation
OHCHR	Office of the UN High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture
PSD	Public Security Directorate of Jordan
SMRs	Standard Minimum Rules for the Treatment of Prisoners
SPT	UN Subcommittee on Prevention of Torture
SRT	UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
SRVAW	UN Special Rapporteur on Violence Against Women
UN	United Nations
UNCAT	UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
UNCED	International Convention for the Protection of All Persons from Enforced Disappearance
UNCEDAW	UN Convention on the Elimination of All Forms of Discrimination Against Women
UNCRC	UN Convention on the Rights of the Child
UNODC	UN Office on Drugs and Crime
UPR	Universal Periodic Review
WHO	World Health Organisation

# Introduction

While all human beings are vulnerable when deprived of their liberty, certain groups are at particular risk of abuse and other human rights violations. Women in detention constitute one such group. For women, the discrimination that they face in broader society reaches deep into places of detention, such as prisons, which are largely still designed and managed for men, by men. As a minority – although a growing one in many countries – detained women are often overlooked, at the expense of their dignity, wellbeing and their fundamental human rights. As now well established in international law, women’s specific needs also require different and sometimes greater attention in order for women to enjoy their rights equally to men. As established in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),<sup>3</sup> there are concrete ways in which this must be done.

This study seeks to generate an understanding of the particular needs and vulnerabilities of women in detention in Jordan, to identify ‘what matters’ most to them – where the impact of detention mostly lies – and to document positive and negative practices in relation to international standards.

The study consists of two parts. Part one presents the context of prisons and other detention centres in Jordan – including facts and figures, the legal and institutional framework, and recent reforms and developments – with focus on the extent to which women are included or excluded in these. Part two outlines the research findings by firstly summarizing the conditions that, according to the detained women interviewed, impact them most. Secondly, it presents the findings on conditions in Juweida Women’s Correctional and Rehabilitation Center (JWC), along with the experiences of these conditions by detained women. The section on conditions is divided into the following seven thematic sections, structured around categories identified by the Bangkok Rules: admission and classification, physical and material conditions, safety and security, healthcare, information and complaints, contact with the outside world, and work, education and recreation. All quotes, unless specified, are from women detainees or former detainees.

It is hoped that the findings in this study will provide insight into the needs, vulnerabilities and rights of a long-neglected group in Jordan, and impetus for change.

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<sup>3</sup> United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules) Un Doc. E/RES/2010/16, 16 March 2011, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>

For a more detailed understanding of the gendered issues and forms of discrimination encountered by women in detention across the world, and the related international standards, please refer to the main study: **Women in Detention: Needs, Vulnerabilities and Good Practices** (referred to in this report as Main Study).<sup>4</sup> In this study, published in 2014, DIGNITY uses the same thematic structure to examine and compare the spectrum of experiences of detained women across five countries, including Jordan, to better understand the impact that these issues have. Under each theme, the study firstly presents the international human rights standards relative to women in detention. Secondly, it analyses the jurisprudence of four key United Nations Treaty Bodies across six years (2008-13) so as to establish to what extent it reflects the relevant international human rights standards. Thirdly, the lived experiences of the women in detention – including common needs, challenges and rights violations – are explored, theme by theme, and portrayed on the basis of answers to the question ‘what matters most’, along with negative and positive practices encountered in their management. Finally, the study highlights the most common gaps in protection that women in detention encounter across the world, and gives recommendations for gender sensitive reform.

## Methodology

This country study bases its findings on an observational visit to Jordan’s main prison for women, Juweida Women’s Correctional and Rehabilitation Center (the only prison for women at the time of the visit) in June 2013; on semi-structured in-depth interviews among detainees and former, recently released detainees from the prison and temporary detention centres; and on meetings and structured interviews with prison staff, and others working in and around prison communities in the country<sup>5</sup> – 25 in total. The desk review was updated in December 2014, and includes a review of national legislation, policy and procedure in relation to the country’s international human rights obligations, on the basis of research and reporting from the UN human rights machinery, NGOs, the national human rights institution, and academics.

It should be noted however that some restrictions were experienced during the visit to Juweida in terms of access to prison facilities and interviews with prisoners in private. Opportunities and time to interview frontline staff in Juweidah were limited, and the five inmate interviews

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<sup>4</sup> Women in Detention: Needs, Vulnerabilities and Good Practices, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014, available at [http://www.dignityinstitute.org/media/1991156/wid\\_final\\_0814\\_web.pdf](http://www.dignityinstitute.org/media/1991156/wid_final_0814_web.pdf)

<sup>5</sup> These include human rights organizations and other civil-society organizations, lawyers, social workers and religious figures.

were regrettably closely monitored by prison staff. Permission was not given to visit the Juweidah temporary detention centre. Therefore, the present study draws more heavily upon interviews with former detainees, released during the last six years.

Research for this study has applied a mixed-methods approach. Firstly, we have partially applied a *human rights-based methodology* ordinarily used for *detention monitoring*, founded on the standards set by the core international human rights treaties and soft law. A number of these are particularly relevant to the situation of detention for women. These include the norms and standards on non-discrimination, to allow the experiences of women specifically to be identified and analysed,<sup>6</sup> and UN standards specific to detention. In particular, we have referenced the Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules, or SMRs) of 1957<sup>7</sup>, under revision as the Mandela Rules<sup>8</sup>, and the Bangkok Rules, adopted by the General Assembly in 2010 to address the particular needs and rights of detained women (for more detail on the international legal framework, see Main Study).

Secondly, and in parallel, this study builds substantially on *qualitative research* methodologies, with a focus on life stories and narrative interviewing. This is a more immersive and subjective approach, and it provides the opportunity for informants to share their own personal story and experiences, and hereby express what matters most to them.

Each inmate interview session began with semi-structured interviews based on interview guides, to allow the issues and experiences that matter most to the subject to arise naturally.

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<sup>6</sup> Non-discrimination and equality of rights for women is well established as a fundamental principle of international law, starting with the preamble to the UN Charter, and the basic principle of non-discrimination on grounds of sex is prescribed in several conventions, among them ICCPR Article 3 and ICESCR Article 3. However a full working understanding of discrimination against women has developed in both hard and soft law. Of particular importance is CEDAW, which pioneered the understanding of non-discrimination as any "distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women" of their human rights and fundamental (Art. 1). CEDAW also provides the legal basis for special measures being taken to ensure de facto equality between men and women, including policies and practices that make up for practical disadvantages faced by women prisoners (Art. 4). The same principles are reflected in Principle 5 (2) of the Body of Principles for the Protection of All Persons under any Form of Detention of Imprisonment.

<sup>7</sup> Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

<sup>8</sup> The proposed revision of the SMRs (Mandela Rules) were adopted by the UN Commission on Crime Prevention and Criminal Justice (24<sup>th</sup> session, May 2015), E/CN.15/2015/L.6/Rev.1, available at:[http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ\\_Sessions/CCPCJ\\_24/resolutions/L6\\_Rev1/ECN152015\\_L6Rev1\\_e\\_V1503585.pdf](http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_24/resolutions/L6_Rev1/ECN152015_L6Rev1_e_V1503585.pdf). The final version of the revised SMRs (Mandela Rules) are to be adopted by the UN General Assembly.

The more structured set of human rights-based questions on prison conditions – drawn from international standards – were woven into the latter half of the interviews. As it was not possible to conduct interviews in private at JWC, DIGNITY abstained from addressing sensitive issues so as to minimise the risk of subsequent reprisals.

Interviews with former detainees were conducted in private, and confidentiality has been ensured. No informants have had their names revealed to authorities or anyone outside the research team, unless agreed with the informant, e.g. when a case was referred to legal aid services. All persons interviewed provided their informed consent. In recognition of the fact that many prisoners experience psychological crisis and trauma and/or physical and social stress, researchers used an interviewing technique developed for torture survivors to complement the life story approach. This aims to protect inmates from re-activating trauma, whilst at the same time gaining access to potentially painful, yet important information.

In consulting those who work with imprisoned women, which includes NGO staff, prison officers and lawyers, DIGNITY used structured and semi-structured human rights-based interview guides. As noted above, researchers were also able to informally tour and observe most areas of the prison during the visit, but a full monitoring procedure was not followed, and full access was not permitted. We have had no reason to doubt the information provided by the informants. Nevertheless, it has not been possible to exhaustively triangulate the validity and reliability of all information on general conditions of imprisonment, such as availability of food.

### **Terminology**

The terms 'prisoner', 'detainee' and 'inmate' are used interchangeably to denominate any person who is deprived of her liberty, including women detained in jails awaiting arraignment, trial or sentencing; and those who have been convicted and are serving a prison sentence. The terms 'pre-trial detainee' or 'remandee' refer to persons who are detained in custody before and during trial. The term 'administrative detainee' refers to persons detained outside of the criminal justice process, and this includes those in so-called 'preventive' detention.

# National Context

## Facts and figures

Jordan's 15 prisons, referred to as Correctional and Rehabilitation Centres (CRCs), are governed by the PSD under the Ministry of Interior.<sup>9</sup> This is also the case for a number of temporary detention centres in police stations and elsewhere.<sup>10</sup> Adult women are imprisoned and administratively detained in Jordan's main prison for women, the Juweida Women's Correctional and Rehabilitation Center (JWC), and at the smaller and newly re-purposed Women's Detention Center at Um Al-Lulu, which was originally intended for use as a dormitory for guards. After arrest and prior to a decision about pre-trial detention by a prosecutor, most women are officially detained in Juweida temporary detention center, near the prison, along with some of the administrative detainees. Female juveniles are detained at al-Khansa'a Juvenile Center located in Zarqa.

Of the average prison population in Jordan, the latest figures reveal that more than four percent are women. However women make up more than 12% of prisoners detained administratively,<sup>11</sup> with this population increasing over the past three years.<sup>12</sup>

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<sup>9</sup> The Parliament is studying the issue of moving the jurisdiction of prisons to the Ministry of Justice.

<sup>10</sup> The National Center for Human Rights' (NCHR) *Report on Temporary Detention Centers* (2013) referred to temporary detention centers outside police stations at five locations, i.e., anti-narcotic department; criminal investigation department; preventive security department; PSD's family protection department; and Foreigners' Detention Center. Detention facilities are also run by the General Intelligence Directorate (GID), which has held women in the past. See also NCHR: *Annual Report 2013* and *Annual Reports on Correction and Rehabilitation Centers in the Hashemite Kingdom of Jordan* (latest 2010-2011).

<sup>11</sup> PSD: *Strategic Plan for the Correction and Rehabilitation Centers Department at the Public Security Directorate in Jordan for the Years 2014-2016* referred to the figure of an average prison population in the years 2010-2013 of 7,532 of whom 4.62% were women. The National Report of Jordan to the Committee against Torture (2014) contained the following total numbers for 2013: 13,233 convicted persons of whom 222 were women (1.7 %); 23,593 pre-trial detainees of whom 632 were women (2.7%); and 12,766 administratively detained under the 1954 Crime Prevention Law of whom 1,596 were women (12.5%). PRI reported the figure of 3% women in *Who are Women Prisoners? – Survey results from Jordan and Tunisia*" (2014) from ICPS *World Prison Brief Jordan* (2011).

<sup>12</sup> The number of administrative detainees increased from 11,345 persons in 2011 to 12,766 persons in 2013. NCHR, *Annual Report 2013*.



JWC and Um al-Lulu detain three categories of female inmates, often together.<sup>13</sup> These are those in administrative detention, ordered by a governor without due process under the 1954 Crime Prevention Law; those in pre-trial judicial detention, ordered initially by a public prosecutor or subsequently by a judge, both under the Criminal Procedure Law;<sup>14</sup> and convicted persons.

In 2013, cumulatively, 1,596 women were administratively detained, 632 were held in pre-trial detention and 222 were convicted of a crime.<sup>15</sup>

Data gathered by Penal Reform International (PRI) in December 2013 concluded that at the time of research 57% of the women in Juweida (255 women) were in judicial detention:<sup>16</sup> 52.5% of these were in pre-trial detention and the rest were convicted. The remaining 43% (196 women)<sup>17</sup> were held in administrative detention, comprising 61.7% foreign women (almost all migrant domestic workers).<sup>18</sup> Among the 39 women in pre-trial detention who participated in the PRI survey, the vast majority had been in detention for up to one year, which is longer than provided for in the Criminal Procedure Law Article 114 (1) and (4).<sup>19</sup>

In December 2014, Jordan regrettably lifted the moratorium on the execution of the death sentences. One woman was executed in February 2015, and another nine women in Juweida are on death row.<sup>20</sup> The temporary detention facility at Juweida detains administrative detainees and pre-trial judicial detainees, however very little information is available or was obtainable about its capacity, conditions and operations, and few monitoring visits have been permitted or conducted, which is a cause of serious concern.

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<sup>13</sup> Um al-Lulu held 57% administratively detained female prisoners in 2014. NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014).

<sup>14</sup> Article 114 of the Criminal Procedure Law No. 9 (1961). For a discussion of the offenses and charges of the women judicially detained in JWC, see PRI, *Who are Women Prisoners? – Survey results from Jordan and Tunisia* (2014), at 12-14 and NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014), at 18.

<sup>15</sup> See Jordan National Report to Committee against Torture, CAT/C/JOR/3, 3 July 2014.

<sup>16</sup> PRI, *Who are Women Prisoners? – Survey results from Jordan and Tunisia* (2014), at 7.

<sup>17</sup> This figure of 43% in administrative detention (December 2013) is lower than the statistics collected by NHCR in 2014. Its study *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014) referred to 233 of the 476 inmates at JWC (49%) being administratively detained.

<sup>18</sup> PRI, *Who are Women Prisoners? – Survey results from Jordan and Tunisia* (2014), at 7. For information and studies of migrant workers in Jordan, see Tamkeen at [www.tamkeen-jo.org](http://www.tamkeen-jo.org) including: *Domestic Plight: How Jordanian Laws, Officials, Employers and Recruiters Fail Abused Migrant Domestic Workers* (2011).

<sup>19</sup> PRI, *Who are Women Prisoners? – Survey results from Jordan and Tunisia* (2014), at 20.

<sup>20</sup> NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014)

Built in 2000, the JWC is a three-storey building clad in pale stone, with small yards, strong fluorescent lighting and cream-painted cells and corridors. It is located in the outskirts of the capital, Amman, and near the Juweida prison for men. The official capacity of Juweida is reportedly 350 prisoners,<sup>21</sup> and in March 2014 it detained 476 women, which amounts to a considerable overpopulation.<sup>22</sup> Um al-Lulu Detention Center, which was re-purposed after the research visit by DIGNITY, late 2013, has capacity for 40 female inmates, and was under-capacity in March 2014.<sup>23</sup>

Criminal procedure stipulates that women shall be transferred swiftly to the detention centre at Juweida shortly after their arrest because police stations and other detention facilities do not have adequate accommodation for women (see Legal Framework, below). However, in practice, according to national actors, women may be kept for longer periods by the police (sometimes held in administrative offices) and in temporary detention facilities located elsewhere [see more in Findings]

## The status of women in Jordan: A snapshot

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Despite progress over the last decade, inequality and discrimination between the sexes still exist in Jordan, founded on pervasive harmful gender norms, discriminatory laws,<sup>24</sup> and high rates of gender-based violence,<sup>25</sup> which includes domestic violence and so-called 'honour crime' – an act of vengeance, often violent, committed by male family members against female family members who are perceived to have brought dishonour upon the family. There are very few shelters for the protection

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<sup>21</sup> Ibid, at 15.

<sup>22</sup> Ibid, at 15.

<sup>23</sup> NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014).

<sup>24</sup> See Concluding Observations of the Committee on the Elimination of Discrimination against Women, CEDAW/C/JOR/CO/5 of 23 March 2012 and Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/20/16/Add. 1, 14 May 2012.

<sup>25</sup> For example, of 1,854 women selected randomly from across Jordan's 12 Governorates in one 2012 study, almost 98% had been subjected to violence. See Diab M. Al-Badayneh, *Violence Against Women in Jordan*, in the *Journal of Family Violence*, Volume 27, Issue 5, 2012. See Jordan's Department of Statistics: *Jordan Population Family Health Study* (2012), with reference to 34% of married women age 15-49 reported having experienced physical violence at least once since the age of 15. Some 70 % of married women accepted at least one reason as a justification for wife beating. See also the report of the Special Rapporteur on VAW on her mission to Jordan (2012), A/HRC/20/16/Add.1.

of women who have been victims of domestic violence,<sup>26</sup> and survivors face acute social stigma.<sup>27</sup>

The overall literacy rate for women in Jordan has risen over the last decades, and Jordan now has one of the highest female literacy rates in the Middle East.<sup>28</sup> However, only some 16% of Jordanian women are employed, with married women less likely to participate in the work force.<sup>29</sup> The vast majority of women do not own a house or land, although the number has increased over the last years.<sup>30</sup> Jordan ranks very low in the latest Global Gender Gap report by the World Economic Forum, having dropped to number 134 from 93 in the previous report.<sup>31</sup>

During the Universal Periodic Review of the UN Human Rights Council in 2014 Jordan accepted a number of recommendations regarding women's rights, including to take steps to address discrimination against women, with focus on reducing violence against women.<sup>32</sup>

The above mentioned survey by PRI among 125 women in Juweida made many important findings about the profiles of detained women in Jordan.<sup>33</sup> For example, it found that:

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<sup>26</sup> The Ministry of Social Development runs the Dar Al Wifaq shelter and plans to open a shelter in Irbid. In 2013, Dar al-Wafaq, which has a capacity of 50, hosted a total of 930 women, see Jordan National Report to UN Committee against Torture (2014), at p. 14. The NGO, Jordan's Women's Union, runs a small shelter. For more see Jordan National Report to CEDAW (2015).

<sup>27</sup> With regard to women's rights and gender discrimination in Jordan, see Arab Human Development Report 2005: *Towards the Rise of Women*; Jordan's Department of Statistics: *Jordan Population Family Health Study* (2012), NCHR: *Annual Report 2013* KVINFO and Department of Statistics. For more titles see the Bibliography.

<sup>28</sup> Department of Statistics, Gender Figures March 2015. See also UNICEF Jordan Statistics and UNESCO Institute for Statistics.

<sup>29</sup> Department of Statistics, Gender Figures March 2015; World Bank: *Economic Participation, Agency and Access to Justice in Jordan* (2014). See also Department of Statistics, *Jordan Population and Family Health Study* (2012), for example 16 % of those ever-married were employed in 2012. See further World Bank: *The Economic Advancement of Women in Jordan. A gender assessment* (2005); Amal Sabbagh and others: *Factors Affecting Women Participating in the Private Sector in Jordan* (2004); and UNWOMEN, *Jordanian Women in the ICT Space* (2014).

<sup>30</sup> Department of Statistics, Gender Figures March 2015 referred to 20.2 per cent of women were land owners and 24.7 owned real estate (2013). See also *Jordan Population Family Health Study* (2012) with reference to 93 % of ever-married women age 15-49 not owning house or land.

<sup>31</sup> Global Gender Gap Report (2014), available at [www.jo.undp.org](http://www.jo.undp.org).

<sup>32</sup> Recommendation 118.31, see Outcome of the UPR Review of 16 April 2014, A/HRC/DEC/25/106.

<sup>33</sup> See also Masters' thesis by Nazik Shunneq (2010), *The Economic and Social Characteristics of Patterns of Crimes among Female Inmates at Juweideh Reform and Rehabilitation Center*, in the Series of Humanities and Social Sciences, University of Yarmouk, vol. 27, No. 2A, 2011 (Arabic).

- **Most are young.** The vast majority of administrative detainees were younger than forty, with 38% of Jordanian detainees aged 18 to 21.<sup>34</sup> Judicial detention covers all age groups substantially, but the largest age group comprised those younger than 30.<sup>35</sup>
- **The vast majority have children,** most of whom are younger than 18.<sup>36</sup>
- **The majority are not highly educated.** This includes 25% of illiterate women in judicial detention, and nearly 25% in administrative detention, in contrast to the rate of illiteracy among women in Jordan in general being 11%.
- **Most are poor.**<sup>37</sup> The majority defined themselves as poor, or very poor.
- **None lived with partners at the time of their detention,** including the 50% of each group who were married (with the exception of one woman).
- **Many had been stigmatised.** Some 44% of Jordanian women in judicial detention, and 22% of Jordanian women in administrative detention felt that they had been stigmatised by their family and community because of their conviction and imprisonment, while many also reported that their children had been taken away and their families had broken down.
- **Many had experienced domestic violence.** This included 62% of administratively detained Jordanian women (nearly all of whom sustained violence frequently), 42% of judicially detained Jordanians, and 19% of administratively detained foreign nationals. The rates among Jordanian women are higher than the national average. About a third from each group had been sexually abused.<sup>38</sup>

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<sup>34</sup> Of foreign national women, 86% were aged between 21 and 40. Among Jordanian women, 38% were aged between 18 and 21 (compared to 15% of those in judicial detention), 38% were between 21 and 30 and just a quarter were over 30-years-old.

<sup>35</sup> Approximately 42% were younger than 30, one third were between 30 and 40 years old, and one quarter were over 40-years-old.

<sup>36</sup> 75% among judicially detained women, 88% among foreign administrative detainees, and 67% among Jordanian detainees.

<sup>37</sup> This included half of those judicially detained, nearly half (43%) of administratively detained Jordanian women, and three quarters of administratively detained foreign women.

<sup>38</sup> This includes almost a third of women in judicial detention, 38% of administratively detained Jordanian women, and 28% of administratively detained foreign women.

# Legal Framework

## International and regional legal framework

Jordan has ratified seven of the ten core international human rights treaties,<sup>39</sup> including the International Covenant on Civil and Political Rights (ICCPR), the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), and the Convention on the Elimination of All Forms of Discrimination against Women (UNCEDAW), although with reservations to Arts 9(2) and 16 (c), (d) and (g) in the latter, on rights pertaining to nationality, and family life.<sup>40</sup> All the international treaties have been published in the Official Gazette and are therefore part of the Jordanian legal system. In the case of conflict between national legislation and international law, to which Jordan is a State party, the Constitution has supremacy over international law, which in turn has supremacy over national law.

However, Jordan has not accepted the individual complaints procedures, among them ICCPR-OP, UNCAT Article 22, and CEDAW-OP.<sup>41</sup> Jordan has ratified the Arab Charter on Human Rights, which includes some provisions related to women's rights.

Jordan was reviewed under the Universal Periodic Review (UPR) procedure in 2013 and 2014, during which it accepted recommendations specifically regarding women's rights and violence against women, including strengthening the penal code regarding rape, honour crimes and underage marriage, administrative detention, and the special needs of migrant women.<sup>42</sup> A national human rights plan, prepared in response to the UPR review, is expected to be launched by the authorities later in 2015.

## National legal framework

The Constitution of Jordan guarantees a series of fundamental freedoms. This includes the principle of equality before the law and non-discrimination (Art. 6), but without any reference to discrimination by sex or gender.<sup>43</sup> It provides that no person should be tortured,

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<sup>39</sup> The three not ratified are the Optional Protocol to the Convention against Torture, the Convention on the Rights of Migrant Workers and the International Convention for the Protection of all Persons from Enforced Disappearance. Moreover, Jordan has not ratified the 1951 Convention relating to the Status of Refugees.

<sup>40</sup> For a discussion of the application of CEDAW in the Jordanian Legal System, see publication by MIZAN: "Using CEDAW in the Jordanian Legal System: A Handbook for Practitioners" by Dr. Mohammed Khalil al-Moussa. Jordan's reservations to CEDAW are discussed at page 7.

<sup>41</sup> Jordan has accepted the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

<sup>42</sup> Outcome of the UPR Review of 16 April 2014, A/HRC/DEC/25/106.

<sup>43</sup> This was criticized by CEDAW Committee in its Concluding Observations for Jordan 2012.

arbitrarily detained or imprisoned, and that all detained persons must be treated in a manner that preserves human dignity (Art. 8). The Constitution also contains a provision stating that any statement extracted under duress or the threat hereof shall neither bare any consideration nor reliability (Art. 8.2).

### **Lack of key safeguards in legislation**

Various national laws provide safeguards for persons arrested by the police, but these do not apply to the substantial number of persons arrested each year under the 1954 Crime Prevention Law.<sup>44</sup> Primary among these laws are Penal Code No. 16 of 1960 (with subsequent amendments) and Criminal Procedure Law No. 6 of 1961 (with subsequent amendments) according to which detainees shall be presented before the prosecutor within 24 hours of arrest.<sup>45</sup> In particular, Art. 208 of the Penal Code makes the use of torture by police and other officials a criminal offence for example when the purpose of the torture is to obtain a confession.<sup>46</sup> However, Jordan's criminalization of torture is not fully in accordance with its international legal obligations and impunity continues due to the special court system under which the police court has jurisdiction over torture committed by PSD. The Criminal Procedure Law Art. 114 provides for maximum periods of pre-trial detention, except in felonies punishable by the death penalty or life imprisonment. For example in misdemeanors, the maximum total period ordered by the prosecutor and the judge is four months. However, these standards are not always adhered to in practice (see Challenges, below).

The Criminal Procedure Law does not provide for the right to have a lawyer present from the moment of arrest.<sup>47</sup> Although an arrested person is entitled to seek the assistance of a lawyer from the moment of arrest due to a recent amendment of the Bar Association Law and during the investigation by the public prosecutor, in some cases the prosecutor can decide to go ahead with the investigation without the lawyer's attendance.<sup>48</sup> Given this, and the lack of a state-funded legal aid system in Jordan, the majority of detainees are not represented by a lawyer during the arrest, investigation and trial, unless the

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<sup>44</sup> As noted above, this permits any provincial governor to authorize the administrative detention for up to one year of any person he deems a "danger to the public" without presenting any evidence of a crime committed or in progress.

<sup>45</sup> For an overview of general rights and guarantees of detainees, see MIZAN: *Rights and Guarantees of the Defendant Prior to Trial*, by Professor Motasem Moshasha (2014) (hereinafter MIZAN study).

<sup>46</sup> Amended by Law No. 9 2014, published in the Official Gazette 9 February 2014. For a discussion on the implementation of the Convention against Torture in Jordan, see MIZAN Handbook for Lawyers regarding torture and cruel, inhuman or degrading treatment or punishment; and study by Hana al-Gallal, *A Qualitative and Quantitative Study of reasons Behind torture victims' limited willingness to seek Justice in Jordan* (2014).

<sup>47</sup> *Ibid.* MIZAN Study, at 25.

<sup>48</sup> Criminal Procedure Law Article 63. See also MIZAN Study, *ib.*, at 26.

case involves a felony punishable by death penalty or life imprisonment.<sup>49</sup> Women are slightly less likely than men (at 45.5%) to have access to a lawyer during the trial phase according to a 2012 survey by the Justice Center for Legal Aid, based on 1,354 criminal cases.<sup>50</sup>

There are only few gender-specific safeguards in the Penal Code and Criminal Procedure Law, and these do not comply with international human rights standards. These are Art. 17 of the former, which provides that women cannot be executed while pregnant and that their sentence will be commuted to hard labour. The Criminal Procedure Law (Art. 358) provides that a death penalty sentence against pregnant women can only be executed three months after the delivery of the baby. Art. 86(2) of the Criminal Procedure Law also provides that only female staff are permitted to search female detainees. However both laws are in the process of being revised, and there is therefore a clear opportunity to now ensure that safeguards for women are adequately incorporated.

Jordan has also enacted specific legislation to protect women from crime, such as the Family Protection Act of 2008. However, this is limited to domestic violence, does not cover conditions or provisions for survivors of such violence in detention, and faces serious implementation challenges.<sup>51</sup> Certain laws also directly discriminate against women.<sup>52</sup> The Jordanian National Commission for Women (JNCW), which is a governmental organization, is mandated to review legislation that is discriminatory against women, propose public policies that empower women in different areas, and act as a link between the government and NGOs.

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<sup>49</sup> During the trial phase, in such cases, the defendant is entitled to a lawyer paid by the State ( Criminal Procedures Law Article 208).

<sup>50</sup> Survey by Justice Center for Legal Aid (2012), see further [www.jcla-org.com](http://www.jcla-org.com). Penal Reform International concluded that there is "a correlation between a woman's level of education and wealth and her ability to access a lawyer." *PRI, Who are Women Prisoners? – Survey results from Jordan and Tunisia* (2014), at 20.

<sup>51</sup> National actors have noted that although the adoption of the law was a significant achievement, its impact has been limited due to lack of implementation (mainly due to lack of judicial support or awareness about the law) and limited scope. See UPR review submission by a National Coalition led by the Arab Women Organisation (2013).

<sup>52</sup> For example the Penal Code includes discriminatory provisions regarding honor crimes, the Personal Status Law does not recognize marriages between Muslim women and non-Muslims, and the Nationality Law ensures that Jordanian women married to foreign-born men are not allowed to pass on their nationality to their spouse and children. See NGO Report submitted to the UPR Review by the National Coalition led by the Arab Women Organisation (2013), at 2; AWO: *What about my Children – Economic, Social, Political and Psychological Implications on Jordanian Women Married to Non-Jordanians and their Families*, 2010 and HRW 2015 World Report, section regarding women's and girls' rights under Jordan. See also regarding discrimination against foreign women: MIZAN, *The Rights and Duties of Foreign Women Married to Jordanians under Jordanian Legislation* (2013).

## Administration of prisons

The administration of prisons is regulated by the Law of the Correction and Rehabilitation Centers No. 9 of 2004.<sup>53</sup> The law contains only a few provisions specific to women, and is far from being aligned with international standards on the treatment and conditions of detention of this particular group.<sup>54</sup>

Art. 14 (a) of the Reform and Rehabilitation Centers Act No. 9 of 2004 provides that female prison and police manage the area allocated for female inmates in the Center, and forbid any other person from entering the area unless accompanied by a female police officer. This responds to and fulfils international standards on the supervision of women inmates by female staff. Article 15 (a) provides that “a pregnant inmate shall be treated properly in accordance with the doctor’s directions and the regulations issued by the Minister for this purpose”. Unfortunately, discretion is left with the authorities to determine the standard of “proper” treatment.<sup>55</sup> Article 15 (b) stipulates that the birth certificate of children born inside the prison shall refer to the governorate in which the prison is located, whereas Articles 15 (c) - (d) allow for children below the age of three to stay at the prison with their mothers, and provides that older children be cared for by family or staff at a specialized center. It should be noted that, in practice, the right of mothers to bring children into the prison to live does not extend to those who gave birth outside of marriage. Art. 21 provides that female inmates convicted of hard labour shall only be employed for work that suits them. Positively, sentences of “hard labour” are no longer issued.

However, a number of key provisions in the law lack references to gender-specific issues. By way of example, Art. 22, which relates to the provision of healthcare services under the Ministry of Health, contains no reference to the availability of a female gynecologist at the JWC and Um al-Lulu, or to other forms of gender-specific healthcare, including check-ups in accordance with women’s primary healthcare needs, measures for the treatment of women during labour and childbirth, and programmes responding to women’s mental health needs, with a focus on gender-sensitive individualised treatment and prevention of suicide and self-harm.

Similarly, Art. 38 on disciplinary measures states that visits can be prohibited (Art. 38 b) in violation of the international standard that disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with their children (Bangkok Rule

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<sup>53</sup> Including the few amendments by the Correction and Rehabilitation Centers Act No. 12 of 2009.

<sup>54</sup> See same conclusion by NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014), at 8. Also, while a pamphlet regarding the *Rights and Responsibilities of Female Inmates* has been published by the NCHR (2014), the research by other actors reveal that those rights are not implemented in practice.

<sup>55</sup> See also NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014), at 8.



23). It also allows for detention in isolation cells to be used for up to seven days (Art. 38(d), and gives no reference to the prohibition of placing pregnant women in isolation cells, nor the prohibition of degrading treatment or inclusion of appropriate measures during personal searches, which may differently or disproportionately impact women. None of the provisions recognise or respond to the disproportionate exposure of detained women to gender-based violence prior to detention, or the duty of the State to provide legal assistance, support and rehabilitation, nor do they provide for the equal right of women to work, gain skills training and be equitably remunerated.

Some guidelines on conditions for detainees have been issued, for example on social services for inmates (issued by the Ministry of Social Development), and in relation to the management of CRCs.<sup>56</sup> The latter contains a provision (Art. 11) regarding pregnant women, which ensures that they are: Checked on a regular basis by the doctor of the Center whenever necessary on the basis of instructions by the doctor; transferred to a government hospital if not possible to be treated at the Center, under receivership of female police officers; admitted to hospital to give birth to her child, at the recommendation of the doctor; provided with necessary assistance for her child, according to available resources, at the recommendation of the doctor. This also ensures that a special place (such as a nursery) should be allocated within women's correctional centres, where infants and children who are accompanying their imprisoned mothers, until the age of three, are placed during the time when they are not under their mothers' care.<sup>57</sup>

While elements of these guidelines are positive, and draw closer to the requirements of international standards on the management of women detainees – particularly the establishment of a nursery onsite – they do not do so well or comprehensively. The guidelines are also stated to be dependent upon the availability of resources,<sup>58</sup> they are easily amended, and not issued by the legislative authority and are therefore not legally binding. There are also no non-custodial alternatives to detention provided for in Jordanian law, which would otherwise allow judges – as stipulated by the Bangkok Rules – to take into account gendered mitigating circumstances such as pregnancy, health needs, or the sole care of children.

Overall the legal framework does not comprehensively provide for or protect women in detention, as called for by the Bangkok Rules, and requires significant amendment in order to do so.

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<sup>56</sup> PSD, Instructions Regulating Administration of RRCs, Guarding Inmates and Securing their Rights (2008).

<sup>57</sup> See also PSD, The Training and Development Centre of the Correction and Rehabilitation Centres: Unified Procedures to work at the Correction and Rehabilitation Centres (2014) page 242-245 that refers to special procedures regarding pregnant women and health care for children. It is stated, for example, that pregnant women should not be punished by being put in isolation cell or by being denied visitors. Moreover, it is stated that pregnant women should be classified according to their health status.

<sup>58</sup> NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014).

## Recent reforms, developments and challenges

In recent decades the global concept of imprisonment has transformed from being purely penal in nature, to rehabilitative and reformative. In Jordan the goals and visions of its penal institutions have been accordingly modified in some respects – including the aim of educating and training inmates, and providing for their moral and religious development – although this has not necessarily been reflected in practice.<sup>59</sup>

DIGNITY was informed that in the recent four or five years the prison directorate's welfare focus has been steadily improving,<sup>60</sup> most significantly in the areas of training, the building of new prisons with modern facilities, and the gradual opening of facilities to relationships with NGOs and other external parties. Training now systematically includes stronger human rights components in the curriculum for PSD officers, while PSD-run places of detention, such as prisons, police stations and temporary detention centres, are monitored regularly by various authorities, including the Ministry of Justice and public prosecutors, and by the National Center for Human Rights (NCHR). The National Monitoring Team (operating under the NCHR) also undertakes such preventive detention monitoring visits, primarily to prisons, in order to prevent torture and ill-treatment<sup>61</sup> while civil society organisations visit detainees who have managed to contact them.<sup>62</sup> This has commendably afforded a greater (although not a great) degree of transparency in the operation of some prisons, and allowed more constructive dialogue to take place on improvements and reforms.

However, places of detention in Jordan have also come under fire in recent years for poor conditions, congestion, and the use of torture and ill treatment.<sup>63</sup> Maximum legal periods of pre-trial detention are frequently breached, with some inmates spending more than a year in detention. Often inmates have no contact with lawyers and are not aware of the judicial procedure. Conditions in temporary detention centres (as elaborated in our findings, below) largely fall below international standards – including on sanitation, accommodation, exercise, healthcare and contact with the outside world – and are grossly insufficient for prolonged detention, yet these facilities are often less transparent, and more difficult for NGOs and other bodies to monitor. The continued use of 'protective custody' [see box below] also causes

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59 NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014)

60 Following prison riots in 2006, the PSD undertook a plan to reform Jordan's prison administration. His Majesty King Abdullah directed that this should be consistent with international standards. This has been reflected in the goals of its Strategic Plans.

61 See Annual Report by the National Monitoring Team for the Prevention of Torture "Karama" for the period January 2013 – June 2014.

62 These include MIZAN Law Group, Tamkeen and Sisterhood is Global Institute (SIGI) among others.

63 Concluding observations of the Committee against Torture: Jordan (2010) CAT/C/JOR/CO/2, at 27.

strong concern as stated by several UN human rights bodies,<sup>64</sup> along with the prolonged temporary detention of foreign migrants without any judicial decision, which make up the majority of administratively detained women [see Special Groups box, Section 4].<sup>65</sup>

### **Gender-specific issues**

Visits by human rights organisations to Juweida in recent years have sketched the image of a prison system that complies with UN Standard Minimum Rules (SMRs) and core human rights conventions in some areas, and in which certain conditions for women are better than for men, for example in relation to sanitation, light, and the lack or very low prevalence of torture.<sup>66</sup> However, remaining rights violations and challenges, as outlined by this study and others, include the lack of segregation among categories of inmates, the lack of sufficient healthcare and rehabilitation programmes, contact with children and generally with the outside world, gender-sensitive management, and legal aid. There have also been cases of ill-treatment.<sup>67</sup> Concern is particularly pronounced regarding the recently established Um al-Lulu prison for women, which has no facilities for health or recreation, among others, that would make it adequate as a place of detention (see box, below), and the opaque operations of temporary detention centres (see Findings).

Concrete examples of improvements and positive impact were not easy to obtain or verify due to research restrictions,<sup>68</sup> and a divergence in impressions among PSD staff, NGOs, lawyers and detainees themselves. Although NGOs have reported improvements in some areas of the prison – such as more vocational options, better medical treatment, and improvements in the way that prison staff and police treat female detainees during transfers to prison – DIGNITY was informed by one lawyer and women’s rights advocate

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<sup>64</sup> By way of example, the UN Committee against Torture has recommended to establish shelters for these women: “The Committee urges the State party to replace the practice of “protective custody” with other measures that ensure the protection of women without jeopardizing their liberty, and to accordingly transfer all women currently held in “protective custody” to other safe and rehabilitative shelters. To this end, the Committee encourages the State party to adopt a national plan for the protection of women in danger”, Concluding Observations 2010, at 21.

<sup>65</sup> According to PRI, some 62% of administratively detained female inmates were foreigners - of whom almost all were migrant domestic workers.

<sup>66</sup> The JWC was the only Jordanian prison given a clean bill on torture by the UN Special Rapporteur on Torture during his country visit to Jordan in 2006; A/HRC/4/33/Add.3, 5 January 2007.

<sup>67</sup> PRI, *Who are Women Prisoners? – Survey results from Jordan and Tunisia* (2014) and NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014). See also Annual Report by the National Monitoring Team for the Prevention of Torture “Karama” for the period January 2013 – June 2014, as well as NCHR, *Annual Report* (2013) and Annual Reports on Correction and Rehabilitation Centers in the Hashemite Kingdom of Jordan, latest 2010 – 2011.

<sup>68</sup> DIGNITY researchers were permitted only a very short research period in Juweidah, were given only a partial tour of the facility, and interviews with inmates were monitored by PSD staff, which greatly restricted the content and validity of the interviews.

that this is a result of monitoring and regulation, rather than ‘improved consciousness’ among ground staff. “Their awareness needs to be raised that they are dealing with humans,” she said. Another lawyer who has participated in police trainings commented that it will take time to change the “discriminatory mindsets” of PSD staff. For detained women, this discrimination is experienced at multiple levels: as detainees, as women, and as women who have broken social codes, among others.

## Um Al-Lulu Prison

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Um Al-Lulu prison for women was opened in late 2013 with the intention of reducing overcrowding at Juweida. It was not open at the time of DIGNITY’s field research and is therefore not included in this report’s section on Findings. However, recent research by the NCHR has released some information on the facility. Although Um Al-Lulu is fully managed by female staff, as called for by international standards, it is largely inadequate as a place of detention, and particularly as a place of detention for women. It houses convicted female inmates together with women who are placed under administrative and juridical detention. It is located in a remote area, and is therefore difficult to access for families. It has no clinic – inmates are visited by a male physician from the men’s prison – no library, gymnasium or nursery on the premises, among other necessary facilities.<sup>69</sup> These findings indicate that the facility is by no means rehabilitative, and that the rights of its detainees are breached on multiple levels, from their right to health and recreation, to contact with families, among others. This is a cause of serious concern, and while it may have been opened to reduce overcrowding, in its current form it constitutes a clear backwards step.

In DIGNITY’s meetings with Correctional and Rehabilitation Centre training centre officials and staff, we were informed that some staff were familiar with the Bangkok Rules, and that new approaches for gender-sensitive detention were being considered internally, although without concrete milestones at the time.<sup>70</sup> However, the Directorate’s Strategic Plan for the Correction and Rehabilitation Centers in Jordan (2014-2016) is not gender sensitive, and will not see Jordan’s detention centres brought in line with the Bangkok Rules. It does however give special consideration to the needs and rights of female inmates in two important areas:<sup>71</sup> the activation of the care facility for the children of female inmates

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<sup>69</sup> NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014).

<sup>70</sup> According to the CRC Training Director, areas of future focus will include dedicated judicial assistance for women, and a more holistic, welfare-oriented response to depression and attempted suicide.

<sup>71</sup> Strategic Plan for the Correction and Rehabilitation Centers in Jordan for 2014 – 2016, at 7.

in a family atmosphere,<sup>72</sup> and the distribution of monthly aid to female inmates through the National Aid Fund.<sup>73</sup> However it is not clear what steps these provisions will involve. The al-Amal nursery at Juweidah, run by the Family Protection Department within PSD, is reported to have been operational for inmates since 2009, and it is not clear what its further 'activation' will entail or whether it is indeed open for all children of inmates under the age of three. Some NGOs report that mothers of illegitimate children are forced to abandon their newborn child to a state-run welfare institution – including migrant women who have been raped by their employers and subsequently detained, which would be a gross breach of the rights of both mother and child. It should be further noted that during the most recent monitoring visits by both DIGNITY and the NCHR, in 2013 and 2014, this nursery was empty, which is certainly a cause for further investigation.

## 'Protective' Detention

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*"They wanted to kill me. I went to the police station, asked for protection and they put me here. I did not expect it. I didn't know what would happen."*

Under Jordan's Crime Prevention Law (1954), numerous women are sent into 'protective', 'preventive' or 'precautionary' custody in Juweida against their will each year. In 2013, for example, some 1,596 women were administratively detained.<sup>74</sup> The law allows provincial governors to order the administrative detention of a person at their discretion, without formal charges, due process or other legal guarantees provided by the criminal justice system.<sup>75</sup>

Various international human rights bodies have condemned the practice and recommended measures to abolish it.<sup>76</sup> In 2010, CAT recommended that Jordan replace

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<sup>72</sup> Ibid, at 10.

<sup>73</sup> Ibid, at 11.

<sup>74</sup> Jordan National Report to UN Committee against Torture, at 39. Administrative detainees made up 43% of the female inmates in 2013 (see PRI at 7). NGOs noted that the time spent by women in administrative detention has significantly decreased, though reliable information on this is hard to obtain. The report noted that 11,170 men were administratively detained during the same period.

<sup>75</sup> See NCHR: *Judicial authority in the hands of the executive* (2009), HRW: *Jordan: Guests of the Governor – Administrative Detention Undermines the Rule of Law in Jordan* (2009). See also forthcoming publication by MIZAN on the 1954 Crime Prevention Law.

<sup>76</sup> See Concluding observations of the Committee against Torture: Jordan (2010) CAT/C/JOR/CO/2; Concluding observations of the Committee on the Elimination of Discrimination against Women: Jordan (2012) CEDAW/C/JOR/CO/4; Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2007) A/HRC/4/33/Add.3; and report of the Working Group on Arbitrary Detention (2002) U.N. Doc. E/CN.4/2003/8.

'protective' detention with other measures to protect women "without jeopardizing their liberty" and transfer all such detainees to other safe and rehabilitative shelters,<sup>77</sup> as part of a national plan for the protection of women in danger.<sup>78</sup> In 2007 the UN Special Rapporteur on Torture highlighted that lengthy detention of this kind qualifies as inhuman treatment, and is highly discriminatory.<sup>79</sup> At the Universal Periodic Review 2014, Jordan accepted a recommendation to limit the use and duration of administrative detention and to take measures aiming at further ensuring and supporting detainees' right to take proceedings before a court to challenge the lawfulness of their detention.<sup>80</sup>

*"One woman was oppressed by her husband, and detained for a very long time. She finished her sentence but they sent her then to the Governor, to wait for someone to get her. She was saying I'm adult, divorced, of sound mind and body so please let me go. She wanted to see her children. And they wouldn't let her do that, because no one came. She came back, and went on hunger strike. This is the worst case I have seen."*

As indicated above, some of the Jordanian female victims of this practice have been identified to be at risk of so-called 'honour crimes'.<sup>81</sup> These women are mixed and housed with other inmates in Juweida under mostly the same rules. Although periods of detention have stretched as long as 13 years in the recent past, NGOs report that, periods are now much shorter, which is largely, they believe, due to increased advocacy on behalf of such women.

This form of imprisonment is often justified or explained by the lack of an alternative, such as safe shelters for women, despite the high rates of gender-based honour crime in the country.<sup>82</sup> Indeed, sometimes prison is initially the victim's choice, if she feels that no other protection is available.

*"I would have wished for a shelter home where women like myself can be safe, have support, have enough food."*

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<sup>77</sup> Committee against Torture Concluding Observations Jordan 2010, at 21.

<sup>78</sup> Ibid.

<sup>79</sup> Special Rapporteur Report 2007, at 29.

<sup>80</sup> Report of Working Group, recommendations 118.60 and 118.61.

<sup>81</sup> According to PRI, 38 % of the administratively detained in December 2013 were Jordanian nationals.

<sup>82</sup> Regarding honour crimes, see Rana Hussein, *Murder in the Name of Honor*, and various articles in the media available at [www.ranahusseini.com](http://www.ranahusseini.com); Catherine Warrick, *The Vanishing Victim: Criminal Law and Gender in Jordan*, *Law and Society Review*, 2005, Vol. 39 No.2 p343; Human Rights Watch World Report 2015 referred to 10 cases of honour killings in 2014.

*"I was afraid. Nowhere else was safe."*

Among the many grave concerns about 'protective detention' is that there is no accountability for the politically-appointed governors who are mandated to administer the administrative detention regime. The UN Working Group on Arbitrary Detention (WGAD) has stated that precautionary detention must be used as a last resort, must be voluntary, and women must be allowed to leave at any time they wish.<sup>83</sup> This is reinforced by Bangkok Rule 59.<sup>84</sup>

Instead, currently, women are often simply locked away without being consulted, being offered legal help or advice or appearing before a judge. They will find it very difficult to receive help once imprisoned.

*"I've gone on hunger strike each year. Each time they take me to the Governor and hold me for the day. My brother doesn't come to take me. They bring me back."*

*"The hardest part was the question of leaving. I once saw a gap in the roof – a hole very far up. I thought hard about trying to climb out."*

Among such imprisoned women met by DIGNITY, or known to NGOs in Amman, were those who had been detained because (or partly because) they were fighting for custody of their children; had been raped and become pregnant; had become pregnant outside of marriage; had tried to leave their families after being forcedly married and divorced from different men for profit; and women who had suffered and survived shootings, stabbings and burnings, from fathers, brothers or uncles. Some women also spoke of inmates who had finished serving sentences for harming or killing a family member, and had then immediately been returned to prison against their will as protection from reprisals by their family or community.

*"I'd been stabbed four times. The [hospital] delivered and took my baby. My mother was too scared to admit me home so she had me committed to prison."*

For such women to be released, governors draw again on discriminatory mindsets by typically insisting that male family members, acting as guarantors, sign for their release. These are sometimes the same relatives who had threatened the woman's safety, and

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<sup>83</sup> Report of the UN Working Group on Arbitrary Detention (2002), U.N. Doc. E/CN.4/2003/8.

<sup>84</sup> This requires that when necessary "and expressly requested by the woman concerned [they] shall in all cases be supervised by judicial or other competent authorities... [and] never be continued against the will of the woman concerned."

although orders of protection may have been signed, there are cases in which these have not protected women from being hurt or killed. It is also often required that the women be married first, before their release. Since this is almost impossible for the women to arrange themselves from the prison (given the restricted communication) many make seemingly desperate choices. Among those spoken to by DIGNITY, were a woman who married her rapist, and another who became the third wife and nurse of an elderly man, sourced for her by an NGO. As noted by one scholar, this practice “allows family members who threaten women to continue to have decision-making power over the women’s lives” rather than bringing about a decrease in the incidence of honour crimes or threats.<sup>85</sup>

*“I told them I wanted to leave, and the girls (other inmates) said I should find someone who wants to marry me. I don’t know how. The (prison’s) judicial department connected me with an NGO that would help arrange this. I told them, I don’t need to marry, I can work! But it’s hopeless.”*

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<sup>85</sup> Catherine Warrick, *The Vanishing Victim: Criminal Law and Gender in Jordan*, Law and Society Review, 2005, Vol. 39, No.2, at 343.



# Findings

## What matters most?

One aim of this research project was to step outside of the international human rights framework momentarily and simply determine which issues impact female detainees in Jordan the most, particularly as women. While these findings are woven into our thematic chapters below on prison conditions, this section gives an overview.

The need for **rehabilitation and social support** stood out as one of the strongest findings among women in detention, particularly among Jordanian women. Most spoke of living in restricted or oppressive conditions prior to their detention, and a sense of stigma, shame, and abandonment by their families and communities, following it. Many had experienced violence in those families and communities. Yet the detainees did not feel that there is rehabilitation in their confinement, and these factors contributed to their struggle - emotionally, psychologically and physically - in an environment that predominantly lacks empathy and individualised attention, permits degrading treatment from staff, and allows certain cellmates to systematically dominate others. A number of women referenced the 'survival of the fittest' concept. Stigma and disdain among staff is felt more acutely by, and appears stronger towards administrative detainees who have broken particular social codes. "Staff reflect the discrimination of the outside world," observed one female lawyer, who regularly visits clients at Juweida.

*"I've forgotten my heart here. It's humiliating. It's survival of the strongest."*

*"[The staff] would say things like, you're too tired to clean the floor, but you weren't too tired to get yourself pregnant."*

The significant proportion of women who have been imprisoned following gender-based attacks and/or giving birth are in particular need of specialized medical care and rehabilitation but do not adequately receive it, which indicates discrimination on the part of the State. This includes those with severe and debilitating physical injuries.

A minority of women however, reported the prison environment to be an improvement on their situation prior to jail. This included a former administrative detainee who had undergone an extremely traumatic and violent attack at the hands of family members

before her 15-year spell in detention, did not feel that she had been stigmatized by staff, and at the time, could not see a way that she could otherwise survive outside of the prison walls.<sup>86</sup>

*"It didn't feel so much like I was in jail after a while. I would grow things in plant pots, and they would let me be outside when I wanted."*

The feeling of **isolation, injustice and helplessness** among many long-term female inmates is acute, and a key source of depression. This is particularly so for administrative detainees, a number of whom reported engaging in, or knew those who had engaged in hunger strikes and self-harm. These long-term detainees repeatedly described a strong sense of despair, of not understanding the process by which they were detained or how to leave prison, along with the feeling of being completely abandoned and ignored.

*"What prompted me to try and end my life is because I was not getting help from anyone,"* said one such inmate. *"What has been most difficult is the feeling that I'm being unjustly treated."*

Central to this sense of isolation is the very **limited communication with the outside world, particularly with children**, that inmates are afforded. The severe prison restriction on contact with children – which includes the complete denial of contact to women who gave birth outside of marriage – causes extreme pain and anxiety, and reinforces their sense of isolation and abandonment. Many detainees held their identities as mothers as extremely important to them, and their role within their families as foundational to their value in society. The prison environment makes these very difficult to maintain, and the situation of those in temporary detention is reportedly worse. Particular difficulties face those who have been rejected by their families, or foreign migrants, who rarely receive visitors and are allowed just a few minutes each week to use the telephone and call friends and family overseas.

This is also impacted by a **lack of structured, meaningful activity**. Women inmates spend their days largely inactive, and inside. Only a minority show interest in the few, often irregular forms of activity or training on offer in the larger prison for women, which appear to be ad hoc, and not part of any broader strategy for rehabilitation. Those in other places of detention have no such activity on offer.

Finally, it should be noted that many inmates found the **first days of detention to be particularly distressing**, with few coping mechanisms for being separated from their

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<sup>86</sup> It was noted repeatedly by detainees that some of their fellow inmates, often those who were stronger and more aggressive, 'live more in the prison than they do out of it', as one woman phrased it. It was indicated that such women feel a greater sense of control and power in this environment, compared to society outside of prison.

children and families, and degrading treatment. Even those imprisoned for short periods, years earlier, would become tearful during interviews when recounting the shock, shame and distress of those first days.

## Conditions of detention

This section presents our findings from interviews with those working with the PSD, NGOs and faith-based organizations, and those who had recently been released from detention. It also draws to a lesser extent from qualitative research among detainees in Juweida, and an observational visit, which took place under severe restrictions (see methodology). It does not feature information from Um al-Lulu prison, which was opened after our visit. However we have gathered the limited available information released on conditions in this prison, reported in a box, above.

The primary aim of this research has been to identify the major needs and risks that are common to imprisoned women in Jordan, and the way that this impacts them, in their own words, rather than to identify and expose conditions of detention in particular facilities. However it has also been to find challenges and promising practices that are common in their management, with international standards as a benchmark. Where there have been gaps in our research, we have been able to reference two other important research works from other organizations, NCHR, and Penal Reform International (PRI), which have been undertaken at the same time, with different research goals.<sup>87</sup>

Access and information on the places of temporary detention was very limited from a qualitative standpoint, yet the reports that we received caused great concern. Therefore DIGNITY has chosen not to include this information in the qualitative chapters below, but to highlight these reports in a separate box, below, supported and supplemented by human rights documents.

### Conditions in police custody and other places of temporary detention

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In certain respects Jordan is a positive example for the immediate post-arrest period. By law, women's separation from male inmates and officers is provided for in line with international standards, by ensuring that all female detainees, on arrest, stay overnight in the Juweida temporary detention facility, which is staffed only by women. In police

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<sup>87</sup> PRI, *Who are Women Prisoners? – Survey results from Jordan and Tunisia* (2014) and NCHR, *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014).

stations female detainees tend to be briefly held in administrative offices with either female, or male and female staff. Between interrogation sessions in criminal investigation departments they are usually transferred back and forth from Juweida. This good practice, where implemented, reduces the risk of gender-based violence, including sexual assault. "For women they (staff) try to protect them for being seen, and this privacy is good for women," one female lawyer informed DIGNITY.

Nevertheless, while interviews indicated that this is practiced in the vast majority of cases, DIGNITY is aware of cases in which this protection was not afforded. At least one woman has undergone prolonged detention in the custody of the General Intelligence Directorate (GID);<sup>88</sup> and women have reportedly been detained for prolonged periods in police cells. According to another interview this includes one case in which approximately twenty foreign migrants were held for weeks, up to at least a month, in two small police cells, breaching the majority of international standards on detention conditions. This reportedly included a pregnant woman, who miscarried. One NGO staff interviewee was aware of female inmates being detained overnight in vehicles outside police stations. Based on the reports given, and the lack of information available, such detention practices appear to be little-reviewed or investigated, in breach of the Standard Minimum Rules (SMRs), and are a strong cause for concern.

DIGNITY was not permitted to visit the Juweida temporary detention facility for this study, and official information on the situation of detainees there is regrettably very limited. Interviews with the national detention monitors have indicated that many stay between two and four weeks, while various NGOs are aware of foreign migrants detained in the facility for more than 10 months,<sup>89</sup> many of whom lack proper identification or residency documents (often because they are victims of labour rights violations, see box on Special Groups, Section 4).

One NGO described difficulties in finding out the size of the facility's detained population from the PSD, suggesting a lack of transparency and accountability. "They told us that there were 19 foreign migrants currently detained in the centre," said one interviewee. "We told them we had funding for their plane tickets out of Jordan. They came back and said 'no – actually we have 129'."

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<sup>88</sup> Sajida Mubarak Atrous was detained at GID headquarters for three months and 20 days incommunicado, during which time she alleged torture under interrogation by male officers. See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak (2007) A/HRC/4/33/Add.3.

<sup>89</sup> As noted above, when PRI surveyed women in detention in 2013, among the 39 women in pre-trial detention who participated, the vast majority had been in detention for up to one year, which is longer than provided for in the Criminal Procedure Law Article 114 (1) and (4). PRI, *Who are Women Prisoners? – Survey results from Jordan and Tunisia* (2014), at 20.

The NCHR and international actors, have highlighted gaps in basic rights to medical care, communication and information, and other poor conditions in the facility.<sup>90</sup> These were reiterated by women who had been formerly held in it. They spoke of struggling to keep clean, of congestion,<sup>91</sup> and of food portions that are too small, with no variety, and of lower quality than in the prison. The NCHR informed DIGNITY that only lunch is provided for free, while a few former detainees reported not receiving food or water on the first day of detention. This is a clear breach of international standards, and is of particular concern for women who are ill or pregnant. It was indicated that access to natural light, outside space, and recreation opportunities were sporadic, and insufficient, and that no gender-sensitive measures were afforded. Detainees were most impacted by the lack of regular access to the outside world, including legal help, leaving them in prolonged uncertainty about their situation and options, and out of contact with children and other family members.

*"The smell, the dirt. I couldn't breathe in there."*

*"I was afraid. It was the first time I saw a prison. I was not able to sleep for months when I was there, just thinking about what happened."*

A grave incident of inappropriate contact with male officers was reported during the study by an inmate, that included her being beaten on arrest, and also in the all-women temporary detention facility [see box on Torture and CIDT, Section 2]. This indicates that such violations, even if rare, still occur.

Access to healthcare for women was undetermined, but testimonies indicated fundamental rights violations. For example, one interviewee, who had undergone detention in a police cell for a number of weeks, reported that a pregnant woman had been held in poor conditions during winter, without access to warm water, and that although she was taken to deliver her child in hospital, it did not survive the process. She informed DIGNITY that some police officers would try to help by bringing detainees medication on request, but only if the woman could afford to pay for it.

The first stage of detention—which takes places, for many, in the temporary detention facility — tends to be one of particular anxiety for women, largely due to worry about the safety and welfare of their children. This is more acute for women who have experienced violence or hostility in their family, which may extend to their children. Although DIGNITY was unable to obtain official information on the phone call and visitation regime for women in the holding centres, it was indicated that these are

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<sup>90</sup> See HRW, *Jordan: Gravely Ill Woman Detained, Not Treated* (2010). <http://www.hrw.org/news/2010/11/30/jordan-gravely-ill-woman-detained-not-treated>

<sup>91</sup> Each cell reportedly holds around 30 women, who sleep in metal bunk beds and on the floor, with one toilet and one tap per cell.

restricted and not systematic, with little opportunity to call family.<sup>92</sup> However, lawyers of foreign migrants report that they have regular, sometimes daily contact with their clients, and note that the women are able to regularly call their consulates and embassies.

While it was difficult to obtain information on conditions in places of temporary detention, run by the PSD or GID, interviews indicated that these very likely lack most provisions and facilities – from sufficient hygiene provisions, work opportunities and a financial allowance, to training and recreation.

*“We had no exercise, no sunshine and it was always cold,” reported one woman, who had been held during wintertime. “Just for those few weeks it really made me crazy, so I have no idea about how I’d be in two months.”*

This causes considerable concern for the rights, welfare and dignity of such detainees and requires urgent attention.

## 1. Admission and classification

**There is a large gap between reported good practice and its systematic implementation. Interviews indicate that distressing and degrading treatment is common at a time of particularly acute vulnerability of women, as well as a lack of information.**

### Global perspective

*For many women, the first days are among the most distressing and traumatic of their time in detention. This is particularly so for those from societies in which spheres for women are smaller, and limited to their families and communities. Such women commonly experience a strong sense of helplessness, shock and shame, and fear of the unknown. Research has suggested that suicide and self-harm are a particular risk for women at this time.<sup>93</sup>*

*Given the common backgrounds of women offenders in much of the world as mothers, victims of abuse and substance abusers, their needs on entry to detention and in the planning*

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<sup>92</sup> In one unofficial detention cell for foreign migrants, women can rarely make a phone call, DIGNITY was informed, but they have permission to call friends who will bring money, and are permitted to also bring clothes. “But not food,” noted one former detainee. “They want you to buy that from them.”

<sup>93</sup> UNODC Drug Abuse Treatment Toolkit, *Substance abuse treatment and care for women: Case studies and lessons learned*, United Nations, New York, 2004.

*of their rehabilitation are different and arguably greater to those of men.<sup>94</sup> As the Kyiv Declaration on Women's Health in Prison notes, it is not uncommon for a woman to enter detention — separated from her family and in a state of great anxiety — and on receiving her first health check in a long time, find that she is both pregnant and HIV positive.<sup>95</sup>*

*In order to respect, protect and fulfil the rights of women in detention in accordance with international standards, staff must implement classification methods that address the above mentioned needs and circumstances, and ensure that plans for their rehabilitation are effective, individualised, and allow for their reintegration into society. Staff must be trained and gender-sensitive, and admissions processes must attempt to reduce stress and orient women in ways that they understand. This extends particularly to the use of search procedures, and enabling women to arrange for the care of children left outside, two areas that, research has indicated, cause the most distress.<sup>96</sup>*

**International standards** on admission and classification of prisoners are found in Art. 10 of the International Covenant on Civil and Political Rights (ICCPR), while standards to combat discrimination against women are found in UN Convention on the Elimination of Discrimination Against Women (UNCEDAW). These legally binding international provisions are further expanded in soft law standards in the SMRs (Rules 8, and 67-69 - Rules 2, 6-11 in the revised SMRs), the Body of Principles (Principles 24-26) and the Bangkok Rules (Rules 35, and 40-41).

Prison staff at Juweida describe a positive admissions practice that, if implemented well by gender-sensitive staff, would draw close to fulfilling Bangkok Rule standards on screening. Each new arrival reportedly sees an Inmates Classification Committee comprising a doctor, a psychologist and a social worker, along with a security officer, who are each meant to assess the woman's health and welfare needs, and make recommendations for her care and classification.

Contrary reports from inmates describe a short process, with basic details taken, a very short meeting with a male doctor, with a superficial physical examination, and a swift classification.

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<sup>94</sup> Jenni Gainsborough, *Women in prison: international problems and human rights based approaches to reform*, William & Mary Journal of Women and the Law, vol. 14, No. 2 (2008), pp. 271-304.

<sup>95</sup> United Nations Office on Drugs and Crime & World Health Organisation (UNODC & WHO), *Women's health in prison: Correcting gender inequity in prison health*, 2009.

<sup>96</sup> See Chapter I, Admission and Classification, in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

*"On the first day they take your photos, inspect your body, but they don't ask questions,"* noted one inmate.

One monitoring report notes that inmates' medical records do not include comprehensive information on her medical status prior to her arrival, including information on her reproductive and sexual health status, and whether she had undergone rape or other forms of violence. It was indicated by inmates that feelings of shock and shame are most acute during the first days of detention, often combined with worry for children, yet little support is offered. Even women imprisoned for short periods, years ago, would tremble or cry during interviews when describing their first days in detention. None of the inmates interviewed referenced a significant form of support offered by the social workers during that time, even though it is reported that they are tasked with understanding and responding to the welfare needs and status of new arrivals and their children.

*"The first day is the most horrible, the most humiliating."*

Interviews indicated a change in treatment between the personnel who deliver the detainees to Juweida, often courteously, and the sometimes rough and/or degrading treatment by those who receive them. One ex-inmate recounted:

*"They were going through my belongings, my face creams and expensive things from abroad and I was crying. And they asked, 'from which prostitute house did you come?'"*

This treatment extends at times to the initial search, where women are stripped of their clothes in a small room with a few female staff. Unclothed or partially-clothed, some inmates recounted being forced to squat or jump, as an alternative to a cavity search, while being treated roughly and unprofessionally. One woman spoke of the humiliation of having her period during this procedure.

*"They didn't strip me, but they took my underwear and were screaming at me to jump. They were screaming at me because I didn't want to."*

Some of those interviewed recalled being afraid during their first night, of banging on the cell doors calling for information without response, and of their orientation mostly being left to fellow inmates. None had been provided with written rules and regulations, as required by the SMRs and Bangkok Rules.

It should be noted that a significant proportion of the inmates – particularly the administrative detainees – have recently experienced traumatic incidents (such as violence at the hands of family members, the removal of a new born baby, abuse by an employer, or an unjust custody battle), and can be in an especially fragile mental state. There was no indication that this is systematically taken into account on admission,



Classification does not appear to always be decided to ensure inmates' rehabilitation. Pre-trial and administrative detainees are largely but not always housed in separate cells<sup>97</sup> contrary to the SMR on separation of categories, and Art. 10 of the ICCPR. Some administrative and pre-trial inmates reported being fearful of convicted cellmates, and those in administrative detention were much less distressed when sharing cells with other likely-long term women in similar situations.

*"People in my cell came and went," recalls one. "It was psychological torture. I thought, why can they leave and not I?"*

Some inmates, notably foreign migrants, had requested to be together regardless of their status, and had this request granted by the administration. However, in some cases women have not been accommodated together with those who match the type of crime, penalty or degree of seriousness of their crime, against their wishes.

*"When I was under precautionary detention because of my family, I would hear a lot of bad and foul language. They should have put me with all of the other women on precautionary detention, but they put us all together. So I was there with somebody who had burned somebody else's face, and I was afraid to go to sleep."*

## 2. Physical and material conditions

**While some international standards in this area are met in Juweida according to detainees, yet monitoring reports have indicated congestion, and problems with hygiene, sanitary provisions and ventilation. The well-being and morale of inmates would benefit greatly from a more personalized and less institutional environment, and more consistent access to the outside world.**

### Global perspective

*Every detainee will be profoundly affected by their physical environment, from the amount of light they get, to the quality of the food and cleanliness of cells. Yet, some conditions or deprivations can be more common among particular groups and can be experienced in different ways, depending on the identity of the prisoner.*

*In 2008, the UN Special Rapporteur on Torture raised the bar for the protection of*

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<sup>97</sup> DIGNITY was informed by inmates of cases in which sentenced and non-sentenced women were housed together, although it is revealed that some were recidivists who were waiting for their latest charge.

women by introducing a gender-sensitive interpretation of torture. In the context of detention, he acknowledged that poor hygiene, among other conditions, can have a more adverse impact on women compared to men.<sup>98</sup> Research, including that by DIGNITY, has highlighted the harmful and gendered consequences of substandard conditions in detention for women, such as the shame of inmates as they struggle to keep themselves clean during menstruation or after giving birth; or the fear, guilt and helplessness felt by mothers when they are unable to keep children who live with them clean and healthy.<sup>99</sup> Such poor conditions can also leave women vulnerable to exploitation and abuse, if for example, they must barter sexual acts for basic provisions.

**International standards** relating to detainees' physical and material conditions of detention can be found in the umbrella provision in Art. 10 of the ICCPR, while standards to combat discrimination against women are found in UNCEDAW. This protection is further strengthened by soft law provisions in Rules 9-20 of the SMRs (Rules 12-23 of the revised SMRs), while Bangkok Rule 5 and its Chapter II on rules applicable to special categories of prisoners, now strengthen this protection with gender-sensitive provisions.<sup>100</sup>

Interviews indicated that the physical conditions for women in Juweida are better than those in Jordan's prisons for men, in terms of occupancy levels, hygiene and sanitation.<sup>101</sup> From a limited observational tour of the prison premises and the testimony of those imprisoned, the prison appears to feature a sparse, relatively clean communal environment, with strong fluorescent light, minimal natural light, and 14-bed cells with limited but adequate floor space, and varying degrees of cleanliness. The facility comes across as stark and institutional; there is little apparent personalization, and little integration with outdoor space. Small bare yards are available for outside recreation, but access may be as little as 30 minutes per day (and up to 6 hours per day for some categories). Monitoring reports in 2014 found the facility to be overcrowded.<sup>102</sup> Inmates report that ventilation is inadequate and causes problems, firstly because the detainees are allowed to smoke in their cells, causing respiratory problems for others, and secondly because it is difficult for them to dry their laundered clothes, which most must do inside their cells. Inmates report having to wear still-damp underwear, and this has exacerbated incidences of Urinary Tract Infections (UTIs).

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<sup>98</sup> UN doc. A/HRC/73, para 41.

<sup>99</sup> See Chapter II: Physical and Material Conditions, in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

<sup>100</sup> Ibid.

<sup>101</sup> See Facts and Figures for more information on the capacity of JWC and Um al-Lulu.

<sup>102</sup> NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014), at 15.

Detainees raised few concerns about their access to or the state of toilets, taps or showers, or with privacy for using them. Monitoring reports have, however, indicated them to be too few, not sufficiently clean, some with mould and without rubbish bins or soap.<sup>103</sup> Although hot water is provided once or twice a week for washing, this is sometimes interrupted, or becomes cold before all women have bathed, meaning that some are denied this basic right.<sup>104</sup> According to inmates, the cleaning materials provided are insufficient for keeping their cells clean.

Basic necessities, other than three meals per day, sheets and blankets, are not provided for free, as required by the SMRs and Bangkok Rule 5.

Among the necessities not provided, are sanitary towels and other hygiene products, as well as potable water, and phone cards. Inmates buy these with a small monthly allowance granted by the Ministry of Social Development (JD 10 or USD 14 at the time of research, and JD 20 according to the NCHR in 2014), along with money earned for work [see Section 7 on work, education, recreation]. This is extremely important to their sense of dignity, and is a positive practice in some respects, although the amount is insufficient for all of the women's basic requirements. The NCHR also observes that the amount is provided "to each inmates who fulfils certain conditions", which indicates that others may go without – causing serious concern for their welfare, and risk of discrimination.<sup>105</sup> The fact that inmates must buy water in bottles from the onsite shop, is of serious concern, and a particularly surprising breach of their basic human rights. It is therefore important that this allowance be made available to supplement those basic provisions which the State has a responsibility to provide. One monitoring report found that women lacked sufficient clothing, and that the price of food stuffs and other items sold at the prison grocery is very high, compared to the funds the women are dispensed.<sup>106</sup>

The prison features a clean and well-equipped nursery (Al-Amal) in which mothers are permitted to spend much of the day with children who are detained with them, yet this does not have windows, and therefore lacks sufficient light and ventilation. However this is only the case for children born of marriage, and aged three or under, whose mothers are deemed fit carers. The nursery was not in use at the time of DIGNITY's visit and no children were accommodated at the facility. This was also notably the case during the visit by the NCHR.<sup>107</sup> It was also unclear whether the internal regulation, which allows mothers and

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103 NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014), at 22.

104 Ibid.

105 Ibid.

106 Ibid.

107 The NCHR report notes that during 2013, the year of the research by DIGNITY, a total of 6 children accompanied their mothers into prison, with ten such children the previous year. In 2014, there was just one such child. Ibid at 29.

children to stay together in special dormitories, was being implemented due to congestion.<sup>108</sup> Researchers spoke with a number of women who at the time, had desperately wanted custody of their babies both born outside of their marriage and were denied this. There is also a nursery and children's facilities onsite for female staff.

## **Torture and other Cruel, Inhuman or Degrading Treatment or Punishment**

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The risk of torture and gender-based ill treatment in the pre-trial detention period is much reduced for women by the practice of not detaining them in police cells on arrest, and segregating women strictly from male police officers and inmates. This is a positive measure, and reports suggest that torture of women during interrogation is rare in Jordan. However, DIGNITY did hear from women who had been beaten during this stage in the last three years by male officers. In one case an inmate told us that male Criminal Investigation Directorate (CID) staff had beaten her severely on arrest, in response to her resisting arrest, before her transfer to the Juweida detention centre; male officers were then later called on by female officers in the detention centre to enter the compound, and beat and subdue her. Other instances of ill-treatment have been documented, such as the case of Sajida Mubarak Atrous.<sup>109</sup> This suggests that there continues to be violations of the absolute prohibition of torture and other inhuman or degrading treatment, notably a lack of consistent separation of male staff and female detainees.

*"If the situation is uncontrollable, they send in men."*

In 2007 Juweida was the only Jordanian prison where the UN Special Rapporteur on torture did not receive allegations of ill-treatment, despite torture being found to be widespread in the criminal justice system in general.<sup>110</sup> DIGNITY was not given the access needed to confirm this, and those interviewed within the prison were under close surveillance. However, we heard from a minority of former detainees who alleged being slapped and beaten in the past three years while in Juweida, including during the admissions process, as well as other forms of degrading treatment during search procedures, as described in Admissions and Safety and Security.

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<sup>108</sup> Ibid. at 29.

<sup>109</sup> Sajida Mubarak Atrous was detained at GID headquarters for three months and 20 days incommunicado, during which time she alleged torture under interrogation by male officers. See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak (2007) A/HRC/4/33/Add.3.

<sup>110</sup> Report of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak (2007) A/HRC/4/33/Add.3.

*"I fainted. I was completely naked," said one woman, of her strip search. "And they woke me up with their shoes – their boots. They were pushing me with their boots to wake me up."*

Although not described as a daily or even weekly occurrence, women reported seeing cell mates beaten by staff as a disciplinary measure, reportedly most often in response to inmate violence or aggression. We were also informed of cases of cruel, inhuman and degrading treatment by staff, including regular verbal abuse and taunting, the rough treatment and isolation of women who had self-harmed, and the infrequent use of isolation beyond seven days, which is the maximum duration according to the prison law. DIGNITY was also informed of several instances in which prison authorities failed to intervene in the physical or psychological abuse of weaker inmates by stronger prisoners, as detailed further below, which included beatings and burnings. Failure to protect inmates from intra-inmate violence stands in violation of the absolute prohibition of inhuman and degrading treatment under international law.

### 3. Safety and security

**Reports of corporal punishment were not received, however degrading treatment and certain forms of unlawful arbitrary or excessive control by staff are prevalent, including during body searches, and have an acutely negative impact on detainees. Some of the disciplinary measures do not comply with the Bangkok Rules.**

#### Global perspective

*The SMRs require States to ensure that prisons are secure, safe and well organized. Yet implementation gaps remain, and discrimination and gender norms influence the kinds of abuse and exploitation that detained women face in Jordan and globally. This ranges from their experience of security measures and discipline, and their sense of insecurity and fear, to their ability to respond, achieve change or justice.<sup>111</sup> Since the structural and discriminatory causes of violence against women can reach into and be magnified in places of detention,*

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<sup>111</sup> Jo Baker, *Women in Prison: The particular vulnerability and risk of abuse*, Essex Human Rights Centre Blog, 30 September 2014, <https://blogs.essex.ac.uk/hrc/2014/09/30/women-in-prison-the-particular-vulnerability-and-risk-of-abuse/> and Chapter III: Safety and Security, in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

*it is important to understand and prevent the different types, frequency and impact of this abuse, and to stress the obligations of States to do so.*

*Even where facilities comply with international standards on separating male and female detainees, and successfully prohibit violence, female detainees may still face abusive treatment and attitudes from staff, including degrading search procedures and the arbitrary use of solitary confinement – even in response to self-harm. Measures are required to prevent this, ranging from gender-sensitive admission, complaint and investigation processes, to the training of staff in gender-sensitive communication and security approaches, in line with human rights obligations.*

**International standards** on prisoners' safety and security are found in a range of international human rights treaties, notably the ICCPR, the UNCAT, and the Convention on the Rights of the Child (UNCRC). UNCAT provides the main yardstick for the responsibility to protect detainees from gender-based violence, which covers mental, physical and verbal forms perpetrated by States, and also acts of violence by other detainees, if prison officials have failed in their responsibilities to protect. To neglect this responsibility is also a violation of UNCEDAW, as acknowledged by its General Recommendation 19 and reiterated in a raft of soft law documents, such as the UN Declaration on the Elimination of Violence Against Women.<sup>112</sup> This protection is further boosted for detainees by soft law standards in Rules 27-34 of the SMRs (Rules 1 and 36-54 of the revised SMRs) and Rules 22-24, and 31-32 of the Bangkok Rules.

In line with international and domestic law, female inmates at Juweida are detained separately (in separate facilities) from male inmates, and only female staff manage female inmates, which protects them largely from gender-based violence. Personal searches are conducted only by female staff, and inmates report a range of experiences regarding these. One woman who had a good relationship with staff spoke of being searched periodically with respect and in privacy, in the bathroom of her cell. Others have been searched, particularly on admission, in ways that they found to be degrading and which violate international principles. As noted above, women may be stripped in the presence of more than three female officers, and be required to jump up and down amid taunts, shouting, rough treatment and occasional beatings, sometimes with the door open.

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<sup>112</sup> In its resolution UN Doc. 61/143 of 19 December 2006, entitled Intensification of efforts to eliminate all forms of violence against women, the General Assembly urged States to take positive measures to address structural causes of violence against women and to strengthen prevention efforts addressing discriminatory practices and social norms, including with regard to women in need of special attention, such as women in institutions or in detention.

*"I felt like I lost all my feelings. I was totally naked. They were shouting at me,"* said one woman, who was briefly detained four years ago and is still visibly upset by the experience. *"I was made to feel like a common criminal."*

Staff of the CRC training centre report that forms of control, punishment and searching have been modified in recent years in tandem with donor and NGO-led trainings and programmes on international standards. "Since women may be more emotional, for example," said one official, "we train staff at the women's prison to be more resilient to verbal abuse and antisocial behaviour, to follow legal channels and be less antagonistic."

DIGNITY was informed by PSD staff that the system of discipline relies heavily on verbal control methods and communication for most infractions. It then ranges from deprivation of privileges, such as phone calls, visits and access to the prison shop, to solitary confinement, the adding of remitted days back on to a woman's prison sentence, and legal action. These higher-level punishments appear to be at the discretion of the prison director, and on an ad hoc basis, and some do not meet international standards. The prohibition of phone calls and visits between female inmates and their children, in particular, is prohibited by the Bangkok Rules. And because the inmates must buy basic necessities from the prison shop, removing this option is a further violation of their rights and dignity.<sup>113</sup>

*"I was in shock when they put me in isolation. Sometimes I would sing loudly, other times cry and shout, and hit the walls."*

Reports from inmates and recent former inmates suggest that dynamic security and communication methods are not used often or well. While some women spoke of staff who were pleasant, supportive and humane in their approach, the majority of former inmates interviewed by DIGNITY found their treatment to be brusque and unsympathetic at best, discriminatory and abusive at worst. Staff reportedly issue directions loudly and roughly, sometimes mixed with verbal abuse.

*"I hated it most when they screamed: to do this, take this. Or just [because I was] asking for small things,"* noted one former detainee, a foreign migrant.

Few inmates spoke of privileges being taken away at random, however. Beatings and slaps from staff have also been reported, sometimes in response to aggression from inmates towards staff, but in breach of the right to be treated humanely. One unverified report, from an inmate, indicated that she was threatened by an officer – in response

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<sup>113</sup> It was indicated that cellmates may sometimes be permitted to visit the shop for an inmate, however DIGNITY was also informed that cell leaders abuse their position, and may charge additional money for this action.

to her aggressive behavior - with detention in a cell with women sentenced for murder, where she may not be safe. This is a cause of serious concern, and an example of ill treatment.

The reportedly negative attitudes among staff, combined with the isolating nature of the prison and high rates of depression, suggest that the range of disciplinary methods that are used in Juweida may have a disproportionately strong impact on female detainees, and need to be moderated. This is particularly true of measures that isolate women further, such as the reducing of already limited phone calls and visits, and separating cellmates who had formed friendships. It is also true of isolation methods. There were just a few reports of isolation being used for longer than one week, however a number of interviews revealed that it is used in response to self-harm, which is harmful and inappropriate. The NCHR observed that the conditions of the confinement spaces are unhealthy, and lack necessary health and safety conditions, including a lack of heating, and bathing facilities.<sup>114</sup>

A few of inmates spoke very negatively about the use of 'cell arrest' – a practice that prohibits all inmates in a particular dormitory from leaving it for a number of weeks, sometimes in response to an infraction by one or a few of the cellmates. "This would just cause fights and stress among us all. I would really recommend that they don't do that," said one administrative detainee, of her detention a few years earlier.

*"When I first went in, I was beaten – slapped. I told them you have no right to beat me, I'm on precautionary detention. They beat me harder, just like a man beating a man."*

Those interviewed by DIGNITY have described an internal prison system in which stronger prisoners, often those with life sentences, or repeat offenders, are given authority over other cellmates and allowed more freedoms and privileges. This may include directing cellmates' chores, for example, but appears to extend to the use of threats, sexual molestation, beatings and burnings in violation of the absolute prohibition of inhuman and degrading treatment in international law, which includes a duty of state officials to protect those in their care. One woman described a case in which a fellow inmate had parts of pillows set alight on her faces as she slept. Senior inmates often require payment for help or protection, in money or goods or services, such as fetching or cleaning. There is an impression among regular inmates that the officers cannot and/or do not want to protect them.

*"You ask the staff a question, and they always say 'ask your [cellmate] Boss.' They didn't like to be around us,"* noted a woman of her first few weeks in prison. *"I think they're scared."*

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<sup>114</sup> Ibid. at 17.



Inmates also mention cases in which other detainees had been taken to court when accused of misusing the Qu'ran, and that this charge may be levelled falsely among inmates, and used as a threat.

*"I've forgotten my heart here. It's humiliating. It's survival of the strongest."*

As noted above, many female inmates have experienced violence before entering prison, which will impact their experience of harsh control and discipline regimes, and exacerbate their experience of violence and degradation in prison. DIGNITY did not see or hear evidence of this being taken into account in security or any other regimes [see Healthcare, below].

## 4. Healthcare

**The JWC is not sufficiently equipped for the health needs of women, including pre-and post-natal requirements, reproductive and sexual healthcare, and mental health care and trauma counselling, particularly those who have survived 'honour crimes' and other forms of violence. The valuable role of the social workers is not well facilitated.**

### Global perspective

*Health is a fundamental human right for all. Yet in most countries, prisoners suffer from poorer health than the general population (particularly mental health diseases and infectious diseases, but likely also non-infectious diseases and cancer),<sup>115</sup> largely due to the poor living conditions and the lack of preventive healthcare in places of detention. And this is especially so for women.*

*Studies have revealed that women have a higher prevalence than men of most diseases, including most mental health diseases, HIV, hepatitis and cancer, and that rates of deliberate self-harm in the year preceding imprisonment,<sup>116</sup> and during prison, is much higher among women than among men.<sup>117</sup> In her 2013 report on pathways to and consequences of detention for women, the UN Special Rapporteur on Violence Against*

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<sup>115</sup> The higher prevalence of disease among prisoners is due to living conditions in the prison, including high risk of transmission of infectious diseases (overcrowding, sharing of needles), less access to effective health care, and intake of prisoners who already suffer health problems. See more in Fazel S. Baillargeon J. The health of prisoners. *The Lancet* 2011;377:956-65.

<sup>116</sup> Ibid.

<sup>117</sup> Hawton K, Linsell L et al. Self-harm in prisons in England and Wales: an epidemiological study of prevalence, risk factors, clustering, and subsequent suicide. *The Lancet* 2014;383:1147-54.

*Women also highlighted the vulnerability of women to psychological distress, substance abuse, personality disorders, histories of abuse and self-harm.<sup>118</sup>*

*International standards have recognized that the different risk factors and backgrounds of women must be responded to with a gender-specific framework for healthcare in order to protect their fundamental human rights in detention.<sup>119</sup> Meanwhile, binding obligations to actively combat gender inequality, including those enshrined in UNCEDAW, mean that prison officials must work to improve the lower levels of health knowledge and care histories of women that have arisen due to discriminatory barriers in their communities. As recognized in the commentary to the Bangkok Rules, women often arrive at prison with greater primary health-care needs compared to men.<sup>120</sup>*

*It should be noted that the highest indication of depression and the lowest sense of morale have been found by DIGNITY's research to exist in prisons where more authoritarian structures and negative relationships between staff and inmates were reported, and in which women felt stigmatized and isolated from caring relationships.<sup>121</sup> According to this research, inmates' morale and sense of identity appeared to be much better in facilities that connected them with the outside community – from NGOs and spiritual organizations to family members and children – and gave them tools to cope, communicate and prepare for the future.<sup>122</sup>*

**International standards** include the basic principle on the right to health that is found in Art. 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), supplemented by Art. 12 of UNCEDAW. These rights are further expanded in a wide range of soft law standards in SMRs 22-26 (Rules 24-35 and 42) on prison healthcare, and Bangkok Rules 6-18.

Prisoners and former prisoners interviewed by DIGNITY felt that general healthcare in Juweida is similar to that outside prison, with the clear advantage of free general and specialist treatment, and some medication (funded by the Ministry of Health or the PSD),

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<sup>118</sup> Report of the Special Rapporteur on Violence Against Women, Pathways to, conditions and consequences of incarceration, UN Doc. A/68/340, 21 August 2013.

<sup>119</sup> Handbook for Prison Managers and Policymakers on Women and Imprisonment, United Nations Office on Drugs and Crime, 2008.

<sup>120</sup> Commentary to the Bangkok Rules, Rule 6.

<sup>121</sup> See Chapter IV: Healthcare, in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

<sup>122</sup> Ibid.

including for non-nationals. A recent monitoring report by the NCHR was less positive, highlighting a number of critical gaps.

The most-raised health concern from Juweida, by inmates and NGO staff, was the lack of a full time female doctor. A male doctor currently visits six mornings per week, and a female nurse is present during working hours only.<sup>123</sup> Women have experienced delays in treatment, and delays on transfer to hospital, sometimes causing health complications. This is of particular concern for women who are pregnant or in labour. While these are routinely transferred to hospital (without the use of restraints, in line with international standards), some do deliver in Juweida in facilities that are ill equipped, and staff that are not sufficiently trained or qualified.<sup>124</sup> According to the NCHR the prison lacks the equipment for examining pregnant women, and some inmates have suffered from inflammation and acute inflammation, as a result of lack of appropriate care.

A few inmates spoke of sometimes being too embarrassed to report sexual or reproductive health problems. Those who inform the doctor about such problems through the female nurse may be taken to see a specialist or transferred to hospital, however preventive screening for cervical or breast cancer is not routinely offered. Inmates knew of no cases of HIV in the prison, and testing is not offered; NGO staff remarked that the known rate of HIV in Jordan is very low, and that this is not considered a priority issue. Health education and systematic health programmes are not undertaken.<sup>125</sup>

*“There are illnesses that you can’t tell male doctors about. So some women just suffer them. They’re too embarrassed.”*

Those women who are recovering from ‘honour crimes’ and violent attacks constitute a group with particular and urgent health needs that are not always adequately met. They have often suffered serious injuries, requiring substantial time in hospital before their administrative detention. DIGNITY heard mixed reports of their post-hospital care in prison. One woman was grateful for regular cell visits by the doctor, while she was immobile, and for being nursed to health by fellow inmates. Yet given the serious nature of her injuries and the likelihood of Post-Traumatic Stress Disorder, the specialist medical care required was not provided. One inmate reported not being able to afford the strong painkillers that she needed, following a debilitating ‘honour crime’. This violates the inmate’s right to health, while also constituting *de facto* discrimination, given the gender-specific nature of the violence, and the State obligation to adequately address it.

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<sup>123</sup> A dermatologist also visits once a week, and there is a small dental clinic onsite.

<sup>124</sup> NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014), at 25.

<sup>125</sup> Ibid.

DIGNITY was informed of a case in which a woman with a physical disability (caused by a gender-based 'honour crime') had her prosthetics and crutches taken from her by staff for security reasons, forcing her to crawl to and from the bathroom, or to ask other inmates for help. She found this humiliating, and accordingly reduced the amount that she ate and drank to minimize the need to visit the bathroom.<sup>126</sup> Such treatment by the prison authorities is contrary to the basic principle under international law in which all persons deprived of their liberty shall be treated with humanity and respect for their inherent dignity.<sup>127</sup>

## Mental healthcare

*"Many days you just don't want to speak, you feel like you'll hurt someone; so you just stay away from everyone."*

PSD staff referred to depression as a greater problem among the female detainee population, compared to the male population. Inmates made frequent references to depression: some described feeling very listless; some, being preoccupied with anxious thoughts; others describe being or having been on the verge of breakdown or hysteria. Interviews among inmates and PSD and NGO staff indicated that groups at particular risk of depression are those who have faced the greatest stigma, and those separated from their children, particularly during the post-natal period.

*"Women with children on the outside just cry and cry. I saw many mothers of illegitimate children depressed and some with psychological disorders. They would be taken to the psychiatrist and given tranquilizers."*

As highlighted, a likely majority of inmates have been subjected to gender-based violence before entering prison, and suffer from related trauma. "In my opinion it will be more than 90%," noted an NGO professional who works to rehabilitate women in such situations. "Even those who killed their husbands did so often because they were battered."

DIGNITY spoke to a number of women in administrative detention who had been imprisoned after weeks or months in hospital following violent attacks, often combined with giving birth. Injuries included multiple gunshot wounds – including to the head and causing the loss of limbs – stab and slash wounds, all by male relatives. Others had seen their sisters killed, and/or been forced to give up their just-born babies. Many were wounded, and spoke of feeling isolated, persecuted and rejected by their own families and a cultural framework that places as much, if not more, blame on them. Many of the women in administrative detention blamed themselves, and this appears to be reinforced by the shame of being in

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<sup>126</sup> DIGNITY was informed that other inmates were eventually allowed to buy her a wooden chair and fashion it themselves into a walker, following a series of protests.

<sup>127</sup> Article 10 of the ICCPR.

prison – particularly if they are mixed with women alleged to have committed crimes – and by clear stigma from staff.

It was indicated to DIGNITY, however, that the prison and its staff remain ill-equipped to respond to such cases, which may be worsened by drug addiction and/or mental illness. “The impact of prisons on women gives us a lot of work, once they’re out” said the same professional.

PSD officials informed DIGNITY that teams of health professionals – involving a doctor, a psychiatrist and a social worker – work together and with outside groups to respond to women’s mental health needs. Further research has indicated that this is aspiration, not practice.<sup>128</sup> For example, the prison doctor was unaware of what functions the social workers perform, suggesting any collaboration to be minimal at best. At the time of our visit, one female psychiatrist visited Juweida just once in two weeks, and would tend to see those who had obvious psychological disorders, which would discount many other women in need of care. The psychiatrist largely prescribes tranquilizers and other medication,<sup>129</sup> and does not sufficiently address the vast myriad of mental health needs of the inmates. There is no sufficient psychological care for mothers who may undergo post-natal depression. It can also be surmised that the indications during this research of negative and antagonistic relationships between staff and inmates, and stigmatization of certain inmates, would also hamper efforts to build a safe rehabilitative environment for inmates.

Most inmates interviewed were aware of at least one suicide or attempted suicide during detention periods of longer than a year, and multiple instances of self-harm. A few of those interviewed had harmed themselves, and/or attempted suicide. Contrary to guidelines to protect the welfare of such persons,<sup>130</sup> inmates reported that isolated confinement is a common response to these cases, and that staff treat such cases disdainfully.

Social workers can have a very positive impact on the welfare of female inmates if gender-sensitive and supported with resources and authority, as found by DIGNITY’s comparative study across five countries.<sup>131</sup> They can help to relieve anxiety, including separation anxiety, in relation to children, can offer counseling and empathy, connect inmates with vital services, and can encourage and motivate inmates to involve themselves in meaningful pursuits,

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<sup>128</sup> In its monitoring report following a 2012 visit to Juweidah, the NCHR ([www.nchr.org.jo/](http://www.nchr.org.jo/)) has recommended the need for an increase in and activation of social support, and for psychologists to follow up on and integrate.

<sup>129</sup> The NCHR reported, in 2014, that these visits were weekly, but insufficient.

<sup>130</sup> See United Nations Office on Drugs and Crime & World Health Organisation (UNODC & WHO), *Women’s health in prison: Correcting gender inequity in prison health*, 2009.

<sup>131</sup> DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

among other things. DIGNITY was informed that four social workers served the facility on rotation at the time of its visit, while an NCHR report in 2014 indicate that there were either one or two.<sup>132</sup> The report noted that two social workers are meant to be stationed at each CRC, who operate under the Social Services Office at the Ministry of Social Development, and who are obliged to investigate the social needs and situation of each inmate, in part, to inform their rehabilitation. It states that this number is not sufficient to meet the needs of the female inmate population, and found that not all hold the required qualifications to do so.

Those inmates who had met with social workers spoke of feeling comforted, but did not mention other forms of assistance – such as linkage with families, children, activities or health care. DIGNITY met inmates who said that they needed support but had not had contact with a social worker or psychiatrist.

*“The social worker hears you. It’s very difficult to find someone to really hear you in prison.”*

Occasional awareness and therapeutic workshops were referenced by some inmates. However, there was no indication that these were part of a programme – namely ‘individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes’ for inmates, including for cases of substance abuse, as required by the Bangkok Rules. The report by the NCHR concludes that upon review, “we find that the social care services extended to the female inmates at RRC (Reform and Rehabilitation Centres) are still limited and traditional and are not extended within a clear and integral program that could meet the social care requirements of female inmates.”<sup>133</sup>

The sign-up rate to activities is also notably low, and there is no structured programme of meaningful rehabilitative activities [see section 7 on work, education and recreation] to sufficiently engage inmates.

On a promising note, CRC training staff reported in 2013 that a new programme would soon train employees to evaluate and respond to mental health issues, and may be piloted in Juweidah – bringing it better in line with Bangkok Rules 12, 13 and 16 on mental healthcare. This would reportedly include a companionship plan for inmates at risk of suicide, and trainings for inmates who volunteer for the role of companion. If implemented, this would be a positive step.

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<sup>132</sup> The reporting is ambiguous: that “two researchers [social service staff] are currently stationed at Juweidah and Um Al-Lulu RRCs”. Ibid. at 30.

<sup>133</sup> NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014), at 31.

## Special groups

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The scope of this study did not allow research into the experiences of particular groups of women, or forms of intersectional discrimination. However, we note that the following groups of women were commonly highlighted as being particularly vulnerable, during interviews, and encourage further research and consideration.

**Women with children:** As in all of the countries studied, women with children living outside of prison appear to suffer from particularly acute forms of anxiety and depression, and occasionally other forms of mental illness. By far the most vulnerable are women with ‘illegitimate’ children, who are given no access to knowledge or contact with their children at all. As noted above, this is reported by NGOs to be a particular problem for women who have given birth as a result of rape, and then been detained, which intersects with the two other special groups: foreign migrants and/or administrative detainees. Prison visitation policies and flexibilities do not apply, and women do not receive support or help from staff. DIGNITY was informed of and observed strong stigma from staff, which could be tantamount to ill-treatment under international law. In some cases women have been unable to find their children on release. Inmates’ access to and information about children generally was very limited, and while this may largely be due to stigma from families themselves, prisons have a responsibility to take steps that counterbalance these disadvantages, as per Bangkok Rule 26.

**Foreign migrants:** Many administrative detainees are foreign migrants.<sup>134</sup> Many of them lack proper identification or residency documents, often due to labour rights violations against them, and have started to accrue a daily overstay fine that they cannot pay. DIGNITY also met with foreign women who were detained after divorces from Jordanian husbands, sometimes while trying to fight custody battles. They are often held until they are bailed out by an NGO or their embassy, which may take months. Because many are detained in temporary detention centres, with little access to money or assistance, they face breaches on most human rights fronts, from poor living conditions and hygiene, and lack of contact with family or a lawyer, to a lack of access to a doctor or medical services or information on their situation. This takes place in a broader context of abuse in the country, and of impunity for crimes against foreign migrant workers.<sup>135</sup> In one positive step, DIGNITY was

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<sup>134</sup> See Facts and Figures.

<sup>135</sup> In 2010 UNCAT, at 32, noted that: The State party should strengthen its measures to prevent violence and abuse directed against women migrant domestic workers in the State party by ensuring their right to lodge complaints against those responsible, and by ensuring that such cases are reviewed and adjudicated in a prompt and impartial manner by a competent oversight mechanism and that all employers and representatives of employment agencies who abuse migrant domestic workers are brought to justice. See also, Tamkeen Centre, *Between A Rock and A Hard Place: Migrant workers caught between employers’ abuse and poor implementation of the law* (2012).

informed that the PSD has begun to act on a memorandum of understanding with the country's one small NGO-run shelter, and has started sending some foreign migrants directly there instead of to detention facilities.

**Administrative detainees:** As highlighted above in the box on 'Protective custody' such detainees (as well as the foreign migrants above) are held indefinitely, without the regular legal guarantees that apply in the criminal justice system, and in many cases, against their will. The impact of indefinite detention and the isolation from the outside world experienced by such detainees takes a huge mental toll. Those in 'protective' or 'precautionary' detention in particular, have survived gender-based violence, and are not provided with rehabilitation. Most of these women displayed or spoke of acute stress, depression, and despair. Some have resorted to extreme and degrading measures, such as marrying men who have raped them, in order to be released.

As highlighted above, these three groups can also intersect in various ways, creating groups of extremely traumatized and vulnerable women in the care of the PSD. These women require urgent consideration in the policies and practices of the Directorate.

## 5. Information and complaints

**There is no routine response to the commonly lower levels of agency and legal literacy found among women in Jordan, leaving many feeling helpless, without information on their rights or options, and out of touch with their children. This was found to be a priority and an under-researched area of need.**

### Global perspective

*Barriers to information or complaint can block the full spectrum of rights. Therefore, while this area is often given little attention in penal policy, it is important to recognize such barriers from a gender perspective, and the ways in which these may exacerbate and create gender-based harm and disadvantage. Although women face many vulnerabilities in prison, some differently to men, the latest research by DIGNITY suggests that they may be less likely to complain, make requests or challenge authority compared to men, particularly if they have a history of domestic abuse or sexual violence, are from a minority group, or are keen to protect children accompanying them - or if the channels*



*of complaint and request are not within reach.<sup>136</sup> Furthermore, gender-based violence is considered grossly under-reported in broader society because of gendered biases and barriers, and this can be mirrored in places of detention.*

*DIGNITY's findings also show that information on complaints procedures, the prison regime and its rules may need to be delivered differently to be fully grasped by different groups, due to cultural norms. Some women, particularly in countries where they may receive lower levels of formal education compared to men, are less likely to check their understanding, ask questions and pursue information for the reasons given above, or due to their acute anxiety during the admissions period.*

*There are also areas that disproportionately impact women and may not receive adequate attention, such as information on the welfare and custody of children outside of detention. Measures are therefore required to encourage information flow between staff and inmates. Welfare officers in detention, in particular, can be supported and trained to act as personal bridges between female inmates and service providers,<sup>137</sup> and close many of the protection gaps highlighted above.*

**International standards** on the right to complain of torture and other ill treatment, have your complaint investigated promptly, and to be protected from reprisals, are found in Arts. 12-13 of UNCAT. Standards to combat discrimination against women are found in UNCEDAW. This legally binding international protection is further boosted by soft law standards on information to and complaints by prisoners in Rules 35-36 and 55 of the SMRs (Rules 54-57 and 71 of revised SMRs) and Rules 25 and 31 of the Bangkok Rules. However, when assessing the needs above regarding information against the protection afforded by international legal standards, DIGNITY has found that the latter need to be further developed in order to adequately protect women.

Gendered barriers to information and complaints were evident in prison. Although literacy rates among women are high generally, this is not always the case among detained women [see Facts & Figures]. Culturally, women in Jordan are raised to play a less assertive role in comparison to men.<sup>138</sup> In prison, this can make them less liable to pursue a range of rights and information, let alone complain about breaches.

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<sup>136</sup> See Chapter V: Information and Complaints, in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

<sup>137</sup> *Ibid.*, and Jo Baker, *Women in prison: Information vacuums, harms and human rights*, 22 September 2014, <http://www.penalreform.org/blog/women-prison-information-vacuums-harms-human-rights/>

<sup>138</sup> See Facts and Figures.

*"In Arab countries, even if a woman has good education, she has no rights. All the time she must keep silent, not reply or speak back – if she goes to the prison she feels she still can't speak up."* – NGO staff member

*"We should not rely on such women [survivors of violence] to step forward themselves to ask for rehabilitation and care."* – NGO staff member

During interviews, some inmates said that complaining against staff would both be futile and bring harsher treatment, although some had positively been informed of their right to lodge complaints against other inmates in court. Detainees noted that the prison does have a locked complaint box monitored by the PSD's Ombudsman Bureau. However, a few expressed little confidence in it. "We thought it went to human rights," noted one former detainee. "But we never heard anything back." Yet staff from the NCHR report that it is frequently used, and that visit requests are sometimes responded to by their staff.<sup>139</sup>

Administratively detained women expressed the greatest need for information. Many feel that they have been forgotten about and do not know how to secure their release. They are detained indefinitely, outside the requirements of due process, and according to their interviews, few were involved in the decisions concerning them. One woman arrived at the prison gate after being told by police women that she was simply 'going for a drive'. For women without outside help, initially finding and contacting a lawyer is problematic, although those who are represented by a lawyer did not report contact with the lawyer to be problematic [See Section 6 on contact with the outside world]. Positively, DIGNITY were informed that staff will sometimes also link women with legal aid representatives, or offer advice themselves.

*"Communication was such a problem. There was nobody to help."*

This can leave women with less information on avenues for complaint, rights to health, and contact with children, among others; for administrative detainees this extends to the terms of their imprisonment. Women spoke of writing mercy pleas to the head of their governorate, but being unsure that they had been delivered, and feeling despair. Hunger strikes are considered by inmates to be one of the few ways to force a detainee's file review by a governorate. One woman remembers ten cell mates striking at one time. "They just wanted to get out, they needed information," she said.

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<sup>139</sup> However human rights groups report an ineffective police-run system of accountability in the PSD that does not encourage complaints generally. As noted by the U.S. Department of State in its *2014 Human Rights Reports: Jordan* (at 6), complaints of police abuse can be made through certain channels – the PSD's Ombudsman Bureau or one of the police prosecutors, but these rarely produce prosecutions or discipline in response to human rights violations. PSD and GID try their personnel internally with their own courts, judges, and prosecutors and reports about the proceedings are not published.

Among the greatest causes for concern in Jordan, are women who have given birth to 'illegitimate' children, conceived outside marriage. During interviews it was these women who appeared to feel among the most helpless regarding information and agency, because of direct discrimination by staff [see box on Special Groups, section 4]. In at least one case DIGNITY was informed that a child was removed from a detainee's custody without her permission. Researchers also observed the disdainful attitude of staff towards such women firsthand.

*"Because it was out of wedlock, they took him. I did not sign my son away, but they took him. This hurt the most. I'm dead if I go outside this prison, but I'm dead in here. It's just the same."*

*"I did apply to see her, but it was useless. Whatever papers they would write, nothing would reach the Governor. I think the policewomen would hide them."*

## 6. Contact with the outside world

**Women face many great barriers to outside contact, particularly with their children, and are acutely impacted as a consequence. This is a common source of despair, and much more can be done to develop a positive, humane contact and outreach regime, in line with the Bangkok Rules.**

### Global perspective

*Visitors and outside contact are vital to the morale and rehabilitation of inmates generally, while also often helping to prepare them for release, and supplying extra food, medicine or other provisions. This can be of particular value to women because of their identities and responsibilities as primary care-givers and family members, and the greater likelihood that they are not economically independent.<sup>140</sup>*

*Research by DIGNITY has indicated that most mothers in detention have an intense emotional and psychological need to stay closely involved with their children, which is experienced differently to most men, and which significantly impacts women's health and wellbeing in prison. This of course impacts children, families and communities too. Meanwhile, since women tend to rely more heavily on outside support to meet their basic needs – which are often not met by the State – receiving no or few visits hold*

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<sup>140</sup> Bangkok Rules, Commentary to Rule 23; and UN doc. A/68/340, Report of the Special Rapporteur on violence against women, its causes and consequences, at 52.

*a range of implications for their rights. DIGNITY's research suggest that those women who are most vulnerable to abuse or exploitation in prison are often those who do not have support on the outside, and are in need of basic provisions.<sup>141</sup> Women therefore experience particular violations of their human rights as a consequence of limited contact with the outside world.*

*Yet, there are gendered barriers to outside contact that prison authorities are obliged to help overcome or compensate for. DIGNITY has found that the greater stigma surrounding women and criminality in many societies may result in fewer visits from friends and relatives, which impacts and prevents visits from their children. In countries where women-only facilities are centralized, relatives of detainees may need to travel a great distance from their homes to visit. Yet when women are detained in facilities throughout a country, closer to their homes, they are often housed in makeshift wings that are attached to facilities for men – and visiting and communications facilities for them may be worse, and considered inadequate for children.<sup>142</sup>*

**International standards** on prisoners' right to family life and to maintain contact with the outside world include Art 17.2 (d) of the International Convention for the Protection of All Persons Against Enforced Disappearance (UNCED), Arts 17 of the ICCPR, and Art 10.1 of the ICESCR, while standards to combat discrimination against women are found in UNCEDAW. These provisions are supplemented by the Rules 37 -39 of the SMRs (Rules 58-63 and 68-70 of revised SMRs), Principles 15 & 20 of the Body of Principles, and the Bangkok Rules 26 – 28. The importance of prisoners' connection to the outside world and family relationships more generally has also been recognized in international law. Under the ICESCR, the family must be given the widest possible protection and assistance, particularly while it is responsible for the care of dependent children. Maintaining family ties during the imprisonment is recognized as an important, positive factor contributing to social reintegration upon release.<sup>143</sup>

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<sup>141</sup> See Chapter VI: Contact with the Outside World, in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

<sup>142</sup> Jo Baker, *Women in Prison: The Particular Importance of Contact With the Outside World*, Oxford Human Rights Hub, November 2014, <http://ohrh.law.ox.ac.uk/women-in-prison-the-particular-importance-of-contact-with-the-outside-world/>

<sup>143</sup> See Article 17(2)(d) of the International Covenant on the Protection of All Persons from Enforced Disappearance. This was preceded by Article 10(1) of the ICESCR, on the importance of maintaining family relationships in general.

In Juweida, short visits of around 15 minutes are permitted three times per week for family and well-wishers.<sup>144</sup> These take place through glass, via telephone handsets and within earshot of staff members; they afford little privacy and no physical intimacy. Each woman is allowed one weekly call each for three to five minutes – sometimes with privacy – although women speak of being allowed a few minutes extra sometimes, especially if they are crying. These take place via just four telephone booths, which are insufficient for the number of inmates served. Foreign migrants are usually allowed to make a call home, and an extra call to a consulate or embassy each week. Inmates pay for a call card (which costs 2 JDs for 20 minutes), but compared to other countries, the small sum provided by the social welfare department allows for this. Visits and calls can be restricted as a disciplinary measure, against international standards.

*"I felt isolated from the entire world. If I'd stayed any longer I'd have started eating the window bars."*

Travelling distance is a significant barrier for visitors, and at the time of research Juweida was the only women's prison in the country. One official acknowledged the 'practical difficulties' for families who may live as far as 350 km from the prison, but there appeared to be no programmes to counter this. The establishment of the small prison in Um al-Lulu in the north of the country (see facts and figures), may help to ease this problem with regard to visitors of female inmates from the north.

Distance is also a significant problem for foreign migrants. Those spoken with rely heavily on the brief and insufficient phone call allowed to them each week, since they receive few visits. Stigma is also a barrier. Some detainees feel that the shame and abandonment by families is greater for women because they have broken a gender norm; others have told family members not to visit, because of the shame. "When women are in prison, it makes a big shame for her family," said one NGO staff member. "They may refuse to visit her, and cut all relations with her, particularly those women who have killed." One administrative detainee informed us that her brother had forbidden their family to visit her throughout her sentence, until she managed to arrange her own marriage from within the prison.

*"My mother and my sister are now allowed to come," she said. "I haven't seen them for four years so of course I'm nervous."*

DIGNITY was told that family members are often reluctant to bring children into the environment, which is cold and institutional, and requires that they be searched in the same way as adult visitors. Some inmates informed the NCHR that because of this, they try

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<sup>144</sup> The NCHR was informed that these visits were between 20-30 minutes long.

to protect their children by preventing these visits.<sup>145</sup> However, with the permission of the prison director (and sometimes the Governor), married women can reportedly meet their children in the office of the director, or a similar meeting room, where they are allowed physical contact. This does not qualify however, as a measure to encourage contact between mothers and their children, as stipulated by the Bangkok Rules. The application process is lengthy and takes place every two to four months, and according to the Director, the visit may last as little as five minutes.<sup>146</sup> Given the anxiety and deep emotion that such a visit would ordinarily involve, and the stress and challenges of arranging the visit and travelling to the prison – particularly for families who live at a distance – this short visit may well prove more distressing than constructive for all parties.

*“Women are passionate about their kids. You know that just listening to them cry. They have the most trouble here.”*

*“If I wanted to see my daughter I would have to beg my relatives, and I couldn’t hold her, I could only see her behind the glass. I did apply to see her, but it was useless.”*

*“I was lonely. I even wanted visits by my brothers, the ones who tried to kill me.”*

Staff noted that the prison, positively, offers flexibility for inmates, at the Director’s discretion, to respond to family emergencies and attend funerals. Inmates also spoke of being able to reject visits, since some requests came from relatives involved in ‘honour crimes’ against them. “I felt protected from their threats,” said one. “The prison director told them, ‘she’s our daughter now’.”

Inmates in Juweida can try to arrange legal help through their short phone call and three visits from family each week – if these are not restricted for disciplinary reasons – and prison staff are also known to sometimes connect women to lawyers or NGOs. Lawyers can then visit three times per week for often up to an hour in monitored conditions. Those in ‘protective’ custody, whose cases are handled entirely outside the criminal justice system, will most often try to access lawyers through other inmates’ lawyers, or via visiting NGO staff. Yet visits with lawyers can reportedly be restricted by staff on disciplinary grounds, and sometimes, arbitrarily. One young woman described being refused contact with her lawyer until she ‘exploded’ – hitting other staff, inmates and destroying prison property – upon which she was granted it. Systematic access to a lawyer from the detention centre appears not to be guaranteed, which indicates a large protection gap for inmates there. The NCHR has reported that some female lawyers refrain from visiting their clients because of the searching process, which they consider

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<sup>145</sup> NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014), at 37.

<sup>146</sup> The JWC Director informed DIGNITY that this was the length of each visit. However the NCHR were informed that visits were regularly between 15-30 minutes. This is better, but still very short.

to be degrading. The DIGNITY researchers and co-researchers from MIZAN, were not subject to these searches.

As mentioned above, some inmates spoke of trying and failing to contact 'illegitimate' children. These are often delivered just before or after their imprisonment for 'moral crimes', and have been taken from inmates against their will and reportedly placed in state-run orphanages. Inmates informed DIGNITY that they are not given any information about their children at all, and are not considered to hold custody of them. This is a cause of acute despair.

Conjugal visits are not permitted under Jordanian law, and no arrangement has been made for temporary leave, which often contributes to inmates' rehabilitation and reintegration into society toward the end of their sentences. The NCHR notes that female inmates are not given the opportunity to exercise their right to vote inside prisons.<sup>147</sup>

## 7. Work, education and recreation

**There is no integrated programme to engage women in work, education and vocational training as a rehabilitative strategy, although some opportunities have been made available. However, these are piecemeal, only made available in Juweida, and do not attract many participants. Although inmates, positively, are paid for work, they are not equitably remunerated; recreation options are limited and rarely used. The lack of meaningful activity or responsibility appears to have an acute impact on the morale of detainees.**

### Global perspective

*Every inmate needs purpose and stimulation to stay healthy, and to cope with the monotony and distress of prison life. Many prisons are accordingly strengthening their programmes for work and education, as required by their human rights commitments and rehabilitation goals. Yet these may not be equally accessible or suited to women, whether because of safety concerns, the capacity of the prison, or bias and gender blindness among staff. This can lead to harmful and discriminatory consequences for female inmates. Research by DIGNITY has revealed that this is a priority issue for many women in detention, and a key gap in practice.<sup>148</sup>*

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<sup>147</sup> NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014), at 37.

<sup>148</sup> See Chapter VII: Work, Education and Recreation in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

*Women detainees are often provided with fewer, poorer and less varied programmes than male detainees.<sup>149</sup> This may have harmful implications for female prisoners' health and material needs in prison, as well as their rehabilitation and preparedness for release. In many cases female inmates are in even greater need of income or skills training because of the caretaking responsibilities, stigma, abandonment and financial difficulties and dependence that they commonly face as women on release. DIGNITY's research has also found that certain groups of women, such as foreign migrants, pre-trial detainees, and mothers who have children with them in prison may be further barred from activities and opportunities. In order to protect the rights of women in detention and prevent discrimination, it is the duty of prison authorities to design and deliver programmes that have women, and different groups of women, in mind.*

**International standards** on the right to work, education and recreation, and protection from forced labour, can be found in Arts 6, 11, 13 and 15 of the ICESCR, Art 8 of the ICCPR, and Arts 10, 11 and 13 of UNCEDAW. This legally binding international protection is further boosted by soft law standards relating specifically to prisoners in Rules 71 to 78 of the SMRs (Rule 4, 64-66, 96-103 and 104-105 of revised SMRs), and Bangkok Rules 37 and 42.

A positive aspect of the Jordanian prison system is the ability for women to choose to work in return for pay, which allows them to fund phone calls and extra provisions from a small onsite shop. The amount, currently between JD 19 and 29 (approx USD 27-40), is equal to the pay in the men's prison but below the JD 190 minimum wage.<sup>150</sup> This therefore needs improvement in order to fulfil the 'equitable remuneration' required by the SMRs. Although we are told that detainees who are qualified teachers can be paid a full salary for work in the prisons, this was not applied in the women's prison. The work at Juweida is considered 'softer' compared to the men's section, and includes cleaning, cooking, stitching, cosmetics and handicrafts, all optional. Opinions on this were mixed. Some NGO staff believed that women had an easier time, but another believed that

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<sup>149</sup> For example, there may not be the staffing or expertise to allow separate classes for a female minority or to transport women to and from mixed classes; or there may also be a prevailing belief that teaching women is less important, or that only specific (often low income) tasks such as tailoring are appropriate. Women may have lower access to the recreational spaces or facilities offered to men. For example, in the European Committee for the Prevention of Torture's 2010 and 2008 concerning Malta, the UK and Ireland the committee points out among other issues that women prisoners are still offered a limited selection of work activities compared to the male prisoners (paras 16, 29, 51). In its reports from 2009 concerning Austria (para 83) and Hungary (para 67) the CPT finds that female prisoners are offered less out-of-cell time. See also the report of the UN Special Rapporteur on Violence Against Women, Pathways to, conditions and consequences of incarceration for women, UN Doc. A/68/340, 21 August 2013, paras 67-68.

<sup>150</sup> DIGNITY also received mixed reports about women working within and outside of statutory hours.



women may benefit from the option of outside agricultural labour, since the activity could boost morale and teach important skills. The NCHR gathered data on those who work in Juweida and found that 94 women were working – approximately one quarter.<sup>151</sup> It is unclear whether women are encouraged to work, or whether enough work could be provided for them if they all chose to work.

The JWC has a teaching hall (with a curriculum and part-time teachers from the Ministry of Education) that accommodates up to 48 students ranging from primary grades One to Six, and classes for those who are illiterate. However, this is not integrated into a rehabilitation programme and is entirely optional. DIGNITY was informed that very few use this opportunity; between 18 and 24 women have enrolled as students each year, since 2011.<sup>152</sup> Depression is likely to be a factor, as is the fact that the prison reportedly does not promote or encourage education, or indeed, any activity. Inmates also told us, critically, that due to the scheduling, they must choose between paid work, and classes. Since women rely heavily on the small income that they receive from work, this is an active discouragement, and may see some rights traded by necessity for others.

Vocational trainings are available, including a computer class, English classes, a salon for beauty classes, and cooking facilities for dessert-making; some inmates found these helpful. “You fill up half of the empty time with the workshops,” noted an inmate who made shawls and rosary beads. No one interviewed was confident about supporting themselves with these skills on release, however. These are very few, with just a few classes per year, and rarely more than ten participants in each.<sup>153</sup> This stands in contrast, according to the NCHR, to the specialized vocational training schools that operate throughout other facilities in the country, which involve theoretical, practical and applied vocational training. It notes that the main provider, the Vocational Training Corporation, has not held training courses for the female inmates during the last five years. This appears to be a significant and discriminatory gap in Juweida.

*“There were courses, like embroidery, sewing, hair and make-up, but we were not much into it. We were all worried and depressed.”*

Inmates are allowed to be outside between half an hour to six hours per day, depending on whether their cell has its own yard, and on permissions from staff, although this can also be denied as a punishment. Regular recreational activities were reportedly scant. There is a small gym with a few machines, but this is largely unused. Most women watch television in their few hours of spare time each day, while some play handball and football in the prison yards. A small library has very few books, a number of which

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<sup>151</sup> NCHR: *The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan* (2014), at 32.

<sup>152</sup> Ibid.

<sup>153</sup> Ibid. at 33.

are postgraduate academic books, for example, on principles of surgery, which do not seem to be of much use or interest to the detainees.<sup>154</sup> Occasional cultural activities and religious guidance sessions are arranged by the Ministry of Culture and Ministry of Awqaf and Islamic Affairs, but they lack consistency and continuity.<sup>155</sup>

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<sup>154</sup> Ibid. at 35.

<sup>155</sup> Ibid.



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Needs, vulnerabilities and good practices**

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### **DIGNITY – Danish Institute Against Torture**

Since 1982 DIGNITY has worked for a world free from torture and organized violence. DIGNITY is a self-governing independent institute and a national centre specializing in the treatment of severely traumatized refugees. We distinguish ourselves by undertaking rehabilitation, research and international development activities under one roof. DIGNITY is represented in more than 20 countries worldwide where we collaborate with local organizations fighting torture and helping victims and their families to live fuller lives.

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