

April 28, 2014

Women's Rights in Criminal Prosecution in Yemen

Project Launch and Workshop

On April 28, 2014, the Yemen Polling Center (YPC) and ADALEH for Rights and Freedoms organized a workshop as part of a wider YPC and ADALEH project on Women's Rights in Criminal Prosecution, funded by the European Union. As the project aims to conduct field surveys in female prisons as well as in police stations, the major objective of this workshop was to gather input for such surveys particularly with regard to knowledge of arrest procedures and the detention conditions of female prisoners, suspects, and pre-trial detainees. Concurrently, this workshop aimed to communicate to participants the purpose of this action and their specific involvement, thus contributing to the establishment of first contacts between the various stakeholders and eliciting possibilities for and obstacles to future cooperation.

The workshop was divided into two sessions. The first session was designed to gather inputs by experts and stakeholders on the survey design regarding arrest procedures for females. This session also included a discussion on the situation in police stations and the respective knowledge of police station staff. Topics such as the treatment of detainees, training of staff on specific arrest procedures for women, state of infrastructure, and number and geographical location of police stations were addressed.

The second session aimed to discuss the issues regarding facilities where females are detained. This session included a discussion on issues such as the readiness of detention facilities to be able to receive female detainees along with their children, the health and education facilities, prisons' ability to provide an environment where detainees are re-integrated into their communities post-detention, and availability of post-detention facilities designed to take in detainees post-detention.

All in all the research will be divided into three components: research to be implemented at the police stations, research on the prison facilities, and questions to be directed at the female inmates themselves.

The workshop was attended by Deputy of the Prison Authority Brigadier, General Nasser al-Yazidi; the Director of the Human Rights Office at the Ministry of Interior, Brigadier General Omar bin Hulaish; the Attaché at the Embassy of the European Union, Janine Abou Azzam; the Director of the Sanaa Central Prison, Saifan al-Hajiri; directors of strategic planning and human rights offices at the Ministry of Interior and Prison Authority; policemen and policewomen; and several concerned CSOs from various governorates.

The following are key inputs acquired during the workshop sessions:

First Questionnaire: Police Stations

- Conduct research on the availability of police stations for women or female police stations;
- Emphasize the roles of the 'aqil (neighborhood or village elder) and legislative representatives (persons certified to represent the court in signature of contracts) as they sometimes provide places for detainment if there are no women's prisons in the area;
- Assess the working hours at police stations, the number of shifts, and type of staff present during which hours;
- Assess how body searches are made, and by whom;
- Assess whether female detainees have the right to communicate with their families;
- Assess the issue of lawyers being provided for detainees who are unable to provide one for themselves.

Second Questionnaire: Prison Facilities, Services, and Staff

- Assess the number of prisons and their geographical location;
- Assess government monetary allocations to prisons;
- Address the issue of the lack of a database and the data gap on detainees;
- Assess the role of the prosecutor's office and judiciaries' role within prisons, and their performance with regards to prison inspections;
- Include questions regarding the length of service of staff members in prisons, and investigate whether the more experienced staff are incentivized to remain working in prisons;
- Assess the number and type of female staff in the organizational structure of the prison;
- Assess how body searches are made, and by whom;
- Assess the presence of female security staff and the training they receive;
- Assess security measures, fortifications, and prison procedures and their suitability for female detainees' rights;
- Assess the extent of "punishment and reward" policies being carried out for staff (and prisoners);
- Assess the medical and psychological examinations undergone by detainees at their arrival at a detention facility;
- Assess prisons' capacity and ability to receive certain prisoners (mental illness, disabilities, and illnesses);
- Address the issues of mothers in prison;
- Include detailed questions on the rights of female detainees to rehabilitation and training;
- Assess the number and type of rehabilitation and training options available for female detainees in prisons;
- Assess the number and type of psychological, social, health staff available in prisons;

- Assess the psychological and social support programs implemented in the prisons;
- Assess the system available which allow detainees to put forth complaints;
- Assess the extent of litigation support present within the prisons;
- Assess whether detainees are able to meet prison administration and volunteer lawyers;
- Assess the issue of lawyers being provided for detainees who are unable to provide one for themselves;
- Assess the role of CSOs in prisons and their ability to access the detention facilities;
- Assess whether female detainees have the right to communicate with their families;
- Assess visitation rights;
- Assess possibility of conjugal visits for female prisoners ;
- Assess communication between detainee and her family during and after detainment.
- Assess the roles of those responsible for detainees post-detention;
- Assess the issue and length of temporary detention;
- Assess the issue of sentence length and overstaying;
- Assess the causes of recidivism;
- Address the issue of private prisons.

Third Questionnaire: Female Prison Inmates

- Address commitment to modern punitive standards according to the law, which include care, rehabilitation, and training;
- Include questions on the awareness of female prisoners of their rights, including their right to rehabilitation and re-integration into society post-detainment;
- Assess the medical and psychological examinations undergone by detainees at their arrival at a detention facility;
- Address the issues of mothers in prison;
- Assess whether female detainees have the right to communicate with their families;
- Assess visitation rights;
- Include questions regarding women's situation post-detainment, including society's treatment of women post-detainment;
- Assessing causes of recidivism.

General/Other Questions

- Focus on coordination between the Ministry of Social Affairs, the Ministry of Health, and the Prison Authority. It is important to assess whether these ministries are fulfilling their obligations toward detainees;
- Address the issue of the lack of a database and the data gap on detainees;
- Assess government monetary allocations to prisons;

- Address the issue of the absence of local authorities and local government participation in administering and running prisons;
- Assess the role of the prosecutor's office and judiciaries' role within prisons, and their performance with regards to prison inspections;
- Examine the issue of contradictions between the penal code and judicial procedures;
- Address the issue of the length of litigation procedures, including the prosecutor's Office and the courts;
- Assess possibility of hastening procedures with regards to women's cases;
- Address issues of fair trials for women;
- Assess the issue and length of temporary detention;
- Assess the issue of sentence length and overstaying;
- Avoiding use of the word "criminals";
- Avoiding the use of the word "prisoner", use of the word "detainee";
- Assess the ability of civil society organizations to access detention facilities;
- Assess the roles of those responsible for detainees post-detention;
- Assess the issue of care homes and shelters for female detainees post-detention;
- Assess the role of CSOs in prisons.

These substantial contributions of the workshop participants will be integrated into the field questionnaires, and will be key in producing concise and pertinent data regarding the detainment of women in Yemen. This data will also assist the concerned government authorities in developing their capabilities in providing safe and positive environments for female detainees in Yemen.