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Criminal Histories, Arrest and Prison Experiences of Women and Girls in Yemen

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A YPC POLICY REPORT

by

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Yemen's Premier Research Organization
(YPC)

May 2018



Funding: This document has been produced with financial assistance of the European Union. The contents of this document are the sole responsibility of YPC and can under no circumstances be regarded as reflecting the position of the European Union.

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List of Acronyms

CID	Criminal Investigative Department
EIDHR	European Instrument for Democracy and Human Rights
EU	European Union
GBV	gender-based violence
MoI	Ministry of Interior
NGO	non-governmental organization
QCA	Qualification and Correction Authority
YECO	Yemeni Economical Cooperation
YPC	Yemen Polling Center



INTRODUCTION

Women's security in Yemen is a private as well as a public affair. While the provision of security to women and girls is generally considered a family affair and not one of the state (allowing for innumerable cases of gender-based violence (GBV) to go unreported), the state plays a role when it comes to the arrest and detention of female 'criminals' as well as when it comes to the definition of what defines a 'crime'. Over the course of the last years, as the security situation in Yemen has significantly deteriorated with the takeover of Sana'a by the Huthi rebel group in autumn 2014, the ensuing 'coup' in January/February 2015 and the subsequent full-out war with regional involvement that has been ongoing since, the ability of the security sector – which as such no longer exists – to address crime has been significantly hampered (if not entirely disrupted in certain areas). As the international community as well as local and national actors look for opportunities to address this issue with the aim of stabilizing those areas where stabilization efforts are feasible, the author of this report and the Yemen Polling Center (YPC) seek to support these efforts with data gathered with support by the European Union shortly before the war began (and after).

This report is part of YPC's ongoing project entitled 'Enhancing Legal Security, Arrest Procedures, and Detention Conditions of Women and Girls', which is financed through the European Instrument for Democracy and Human Rights (EIDHR) of the European Union (EU). It intends to provide those concerned with security sector reform and the penal system in Yemen with the necessary numbers and figures to better comprehend arrest procedures and detention conditions of female prisoners with the ultimate aim of enhancing the legal security of women in Yemen.

The data presented in this report is mainly based on research conducted in 2014-15.¹ The funding for this project was applied for in 2013 and the project officially began in March 2014, i.e. one year before the full-out civil war in Yemen with regional and international involvement began in March 2015. The field research by YPC on which this report is based was implemented between November 2014 and February 2015. As a result of the political crisis and because there was no longer a government in place to which recommendations could be addressed, YPC and the author of this report initially decided to postpone the publication of the data until the war had come to an end. As the war has dragged on much longer than anticipated, however, we have come to the conclusion that the publication of our research results should no longer be delayed, but be brought forward now in the hope that they will contribute to rebuilding and reforming the Yemeni security sector, including the penal system, whenever this is possible. YPC research staff has moreover undertaken significant efforts to provide an update on the current state of women's prisons and detention centers. This data is based on research that was undertaken in June 2017.

1 I would like to gratefully acknowledge the assistance of YPC's Tawfik Hashim in bringing this report about. Without his help in designing the charts, proofreading the final version for errors in the data and without his overall responsiveness to my requests and questions this report would not have been possible. I would also like to extend my gratitude to YPC's Deputy Director and head of the field research department, Kamal Moqbil, whose integrity in research and understanding of the intricacies of doing field research in Yemen is unparalleled, as well as to the whole field research and data entry team of YPC for their diligence. Of course, my greatest respect and friendship always rest with YPC President Hafez Albukari. Final words of gratitude go to Sabine Schulz for her efforts with the layout. All mistakes that remain are my sole responsibility.



METHODOLOGY

Research objectives: This report aims to provide insight into two questions:

- 1) To gain a better understanding of the overall topic of women's imprisonment and arrest procedures in Yemen.
- 2) To gain a better understanding of the varying nature of (pre-war) prison conditions for women in Yemen as well as necessities and opportunities for (post-war) reform.

Methodology: The results presented in this report are based on several separate quantitative questionnaires addressing different target groups. In the initial research phase between November 2014 and February 2015, three target groups (police stations personnel, prison personnel, prison inmates) were interviewed in order to address arrest procedures and detention/imprisonment conditions of women and girls. In June 2017, moreover, YPC implemented a further questionnaire which aimed to provide an update on the impact the war has had on the prisons that had been targeted during the initial research.

Target areas: The questionnaires were implemented in those governorates where female inmates could be located.² These included the following governorates: Sana'a, Aden, al-Hudaida, Taiz, Ibb, Hajja, Dhamar, Hadhramawt, al-Dhali', al-Mahweet and Lahj.³ In Aden and al-Hudaida, two facilities hosted female detainees and prisoners at the time of the research: in Aden, these were the Central Prison and the Criminal Investigative Department (CID)⁴; and in al-Hudaida, these were the Central Prison for Reform and Rehabilitation and the al-Hudaida Remand Prison in Bajil. Even though the CID is not a prison, we decided to include the data from the two women detained there so that their stories can contribute to furthering our understanding of practices of detention in the Yemeni penal system. In al-Mahweet, the facility where women were being held was not an official prison or detention center, but a private house affiliated with the Central Prison, which was run by a police officer with his wife's assistance.

Police stations personnel

Two different questionnaires were implemented in police stations among ordinary as well as lead personnel (head or deputy head of the police station)⁵ respectively. The questionnaire addressing the (deputy) heads of police stations mainly sought to elicit the general infrastructure of the police stations and their staffing and management issues.⁶ Both questionnaires (i.e. targeting the (deputy) heads of police stations as well as ordinary staff) included questions

2 In the Southern governorates, YPC access to the prison facilities was facilitated by the partner in the overall project of which this report is a part: Adaleh for Rights and Freedoms, an Aden-based NGO.

3 According to Rasul (2014: 8), female detainees were also being held in Ma'rib "in an unofficial residence, with reported abuse" and there was "also a new female section in the prison in Shabwa, but there were no female detainees in September 2014."

4 Affiliated with the Director of Security in Aden, who is under the authority of the Ministry of Interior. For an overview of the Yemeni prison system, see Mangan & Gaston: 9-13.

5 One respondent was the commander of a security zone and also responsible for a police station target in the research. One respondent was the manager of the police station head's office.

6 Results of this questionnaire that do not directly relate to the topic of this report will be published separately.



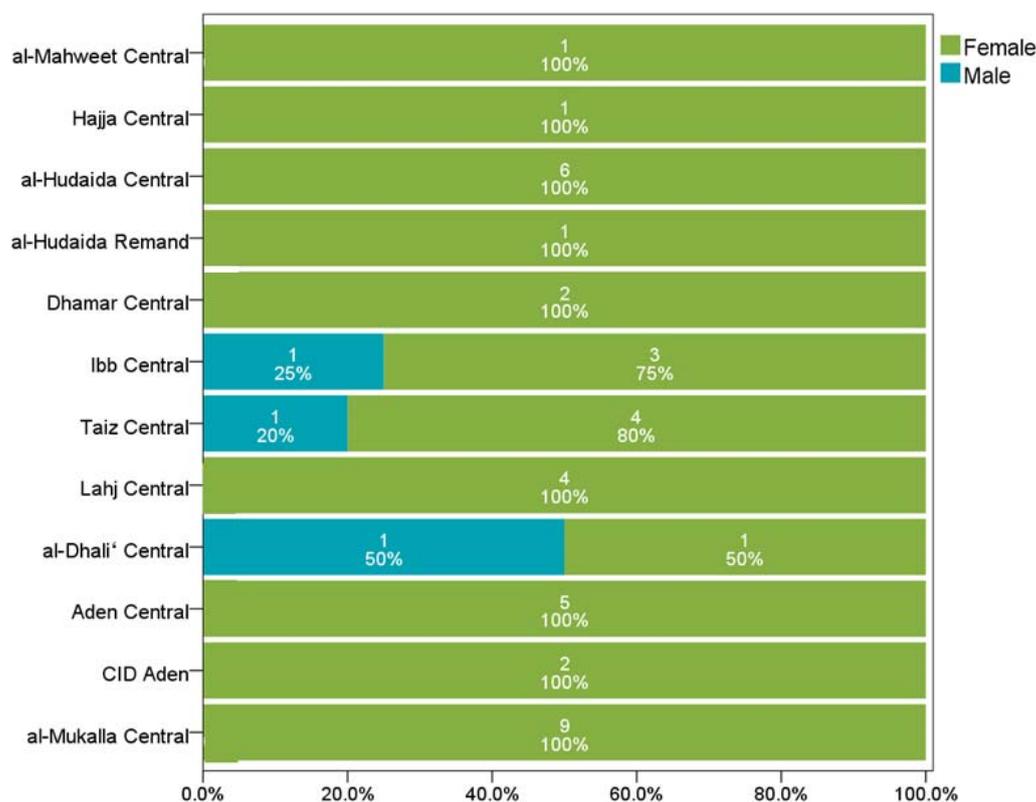
regarding the interviewees’ knowledge on legal regulations regarding arrest procedures and their experience with arresting women, their experience with cases of violence against women as well as any training on gender-related issues they might have received.

These questionnaires were implemented in a total of 31 police stations, i.e. in three police stations in each target area, except in Hajja and Lahj where only 2 police stations could be identified. 31 (deputy) heads of police stations (all male) and 182 further police station personnel (all male) were interviewed.⁷ It should be noted that the police stations targeted are not (necessarily) those where the female prison inmates interviewed in the course of this research were arrested or detained before being taken to prison.

Prison personnel

A further questionnaire targeted the prisons where women were being held in order to get an understanding of the infrastructure and services available to female prisoners. Next to questions for the (deputy) heads of prison about female detainees and respective services,

Chart 1: Prison guards: Gender of guards interviewed, according to prison (N = 42)



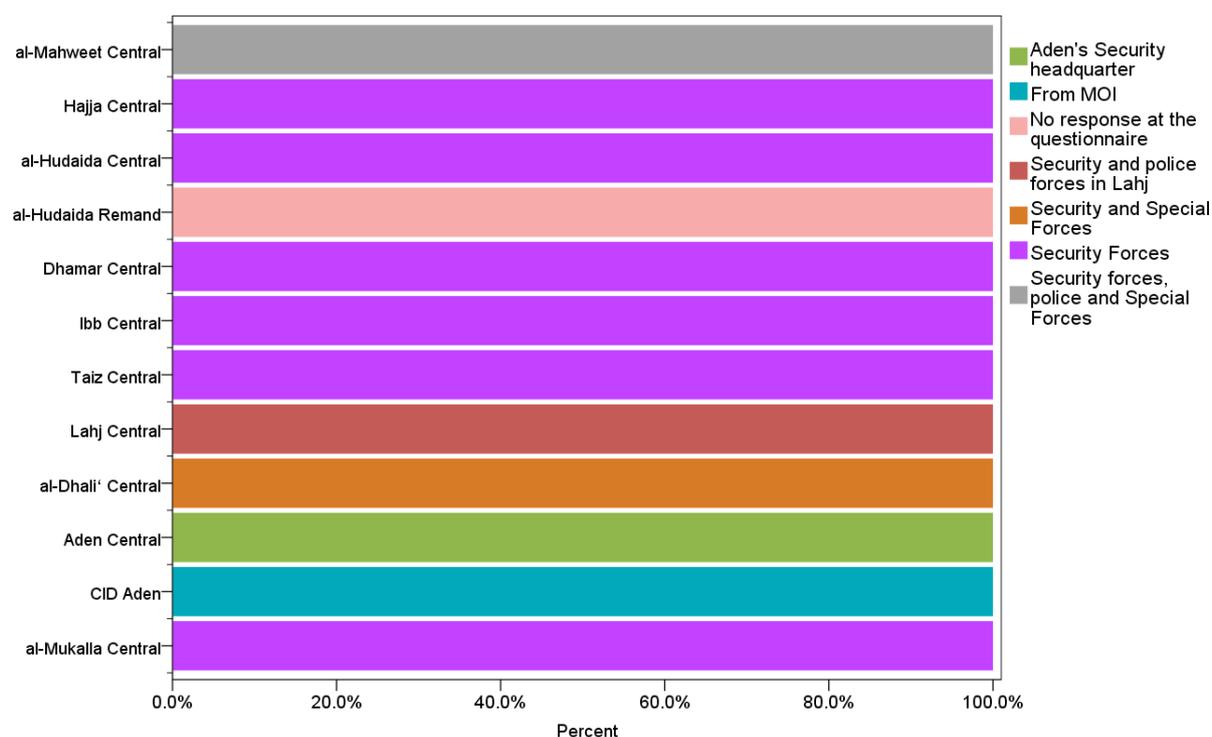
⁷ Each police station had six extra personnel next to the head and deputy head, all of which were interviewed except in Sana’a, where only 17 out of the 18 policemen employed in the three targeted police stations could be interviewed, as well as in al-Dhali’, where only 15 out of the 18 policemen employed in the three targeted police stations could be interviewed.



staffing, management and security issues as well as about the prison routine, this questionnaire also included questions for the social workers employed at the prisons as well as the female guards. Out of the 13 facilities where female prisoners and detainees were being held (see the section on target areas below), 12 (deputy) heads of prison were interviewed (the director of the Central Prison in Sana'a was unsuccessfully contacted several times). One of these (deputy) heads of prison was female (CID Aden). Seven social workers (six of them female)⁸ and 42 guards (39 of which were female) were also interviewed with specific questions regarding their work.

According to the (deputy) heads of prisons, the security guards guarding the prisons from the inside and outside respectively came from a variety of different security forces (usually, prisons are supposed to be guarded by the Special Security Forces from the outside (as these do not receive training on prisoners' rights or interaction with inmates,) while guards working on the inside should be sent by public security).

Chart 2: (Deputy) heads of prisons: Which authority does the security guarding the prison from the inside come from? (N =12)⁹

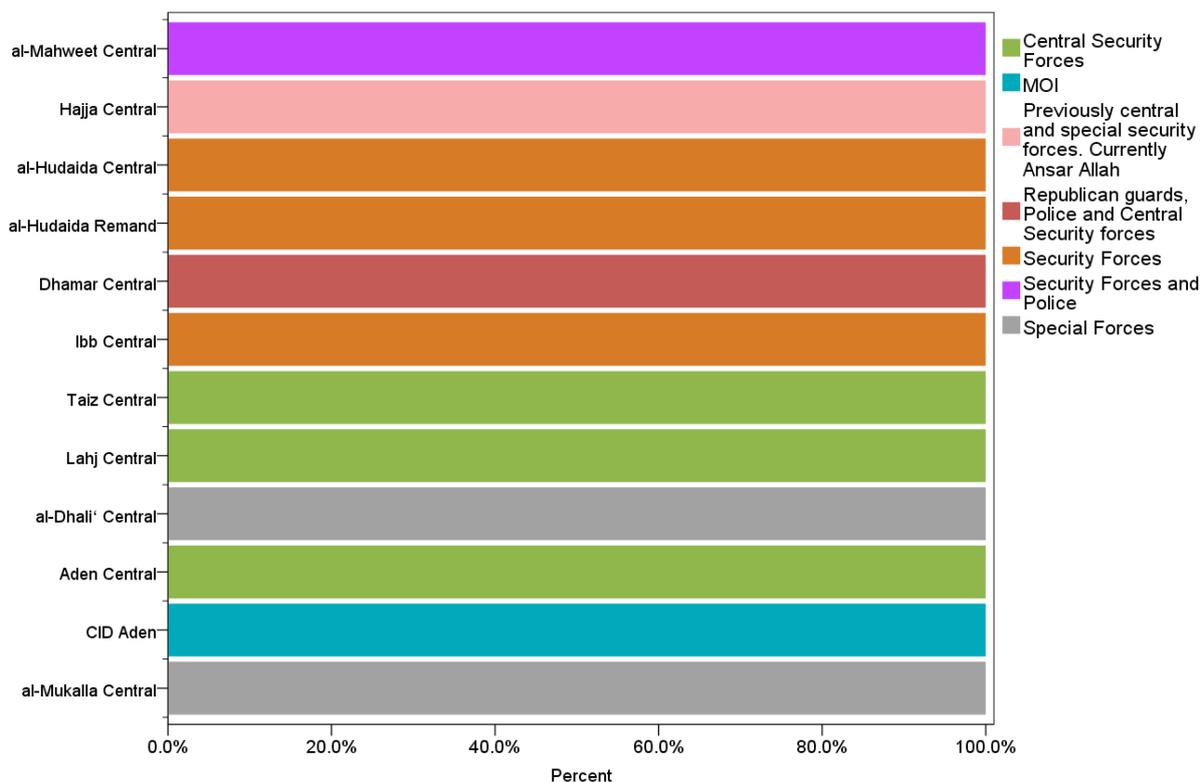


8 Two respondents each in Taiz and Aden Central and one respondent each in al-Hudaida, Ibb, al-Mukalla Central. One male social worker interviewed in Aden Central. The social worker interviewed at al-Mukalla Central was a volunteer from the Yemeni Red Cross, whereas the other six were affiliated with the Qualification and Correction Authority (QCA) at the Ministry of Interior in Sana'a.

9 MoI = Ministry of Interior.



Chart 3: (Deputy) heads of prisons: Which authority does the security guarding the prison from the outside come from? (N =12)



Prison inmates

The final questionnaire directly targeted those persons this report is ultimately about: the female inmates. Next to general questions about the inmates’ personal background, this questionnaire included questions about the women’s and girls’ legal history (i.e. previous experiences with the police, (their understanding of) the crime they were in prison for, the current stage of the legal process against them and expectations for the future), their experiences on the day they were arrested, their perceptions of the prison conditions and available services as well as a special section on the services relating to children imprisoned with their mothers. Out of the 246 women and girls imprisoned in the 13 facilities targeted, a total of 234 were interviewed.

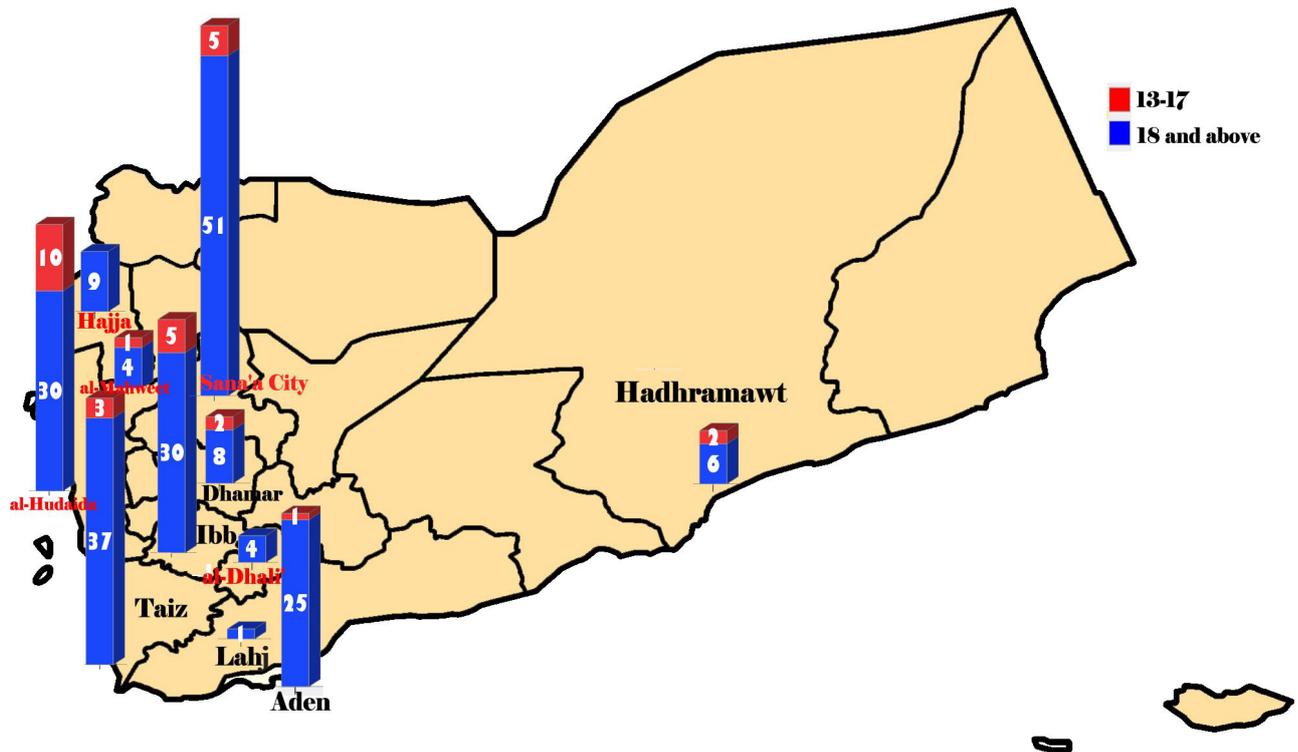
According to the research team, access to the inmates was not always easy – despite an official permission from the Ministry of Interior (MoI). In some cases, the (deputy) heads of prisons tried to obstruct the research by being present during the interviews, resulting in conflicts between inmates and the prison heads. Female guards also intervened negatively in the research process in two of the facilities targeted. The perimeter guards of the prisons were also not informed about the researchers’ plans to return the next day in some of the facilities targeted, which significantly delayed access of the research teams. In several instances, violence broke out between prison inmates themselves, between inmates and (female) guards as well as between inmates and prison heads. In one case, a female inmate tried to hang herself as a result of a verdict received on the first day of the research, which negatively impacted on



the research process. This improved when the research team returned on the second day and the respective woman was then also interviewed.

At the time of the research, 68 female inmates were imprisoned in the Central Prison in Sana'a (56 were interviewed; 12 refused to be interviewed); 24 female inmates were imprisoned in the Central Prison in Aden (24 interviewed) and two women were being held at the CID (both interviewed); 38 female inmates were being held at al-Hudaida Central Prison and two at al-Hudaida Remand (all 40 were interviewed); 40 female inmates were being held at the Central Prison in Taiz (all 40 interviewed); 35 female inmates were being held at the Central Prison in Ibb (all 35 interviewed); nine female inmates were held at the Central Prison in Hajja (all nine interviewed); ten female inmates were imprisoned in the Central Prison of Dhamar (ten interviewed); eight were being held at the al-Mukalla Central Prison for Reform and Rehabilitation (all eight interviewed); four were in custody in the Central Prison of al-Dhali', five in the private house affiliated with the Central Prison of al-Mahweet and one at the Central Prison in Lahj (all ten of these were interviewed).¹⁰ 29 of the inmates interviewed were between 13-17 years old.

Map 1: Distribution of (juvenile) prisoners interviewed, per governorate



10 In February to April 2014, USIP and YPC had counted 77 women in Sana'a, 48 in Taiz, 30 in al-Hudaida, 25 in Ibb, 17 in Aden and 7 in Hadhramawt (Mangan & Gaston 2015: 37). In the 1.5 years between the research conducted by USIP/YPC and the research for this report, the number of women imprisoned in Sana'a and Taiz had thus decreased whereas it had increased in all other governorates.



Situation in the Prisons Targeted During the War

According to research done by YPC in June 2017 in all facilities targeted in 2014 and 2015, three of these facilities were no longer operational: Taiz Central, al-Dhali' Central and Lahj Central. In *Taiz*, the prison facility was then located in a contested area. The facility itself was controlled by Salafi factions affiliated with the 'resistance' (against the (then) Huthi/Salih forces¹¹) and was being used as a military camp. All inmates, including all women, held in this prison had already been released in June 2015. When the research for this update was conducted, buildings in the centers of the 'resistance'-controlled districts of Jabal Habashi, al-Shamaytayn and al-Ma'afir were used to hold prisoners as per instruction of the internationally recognized government. Moreover, the Bab Musa police station in the al-Bab al-Kabeer area of Taiz city was being used by al-Qa'ida as a prison facility for the area it controlled.

In *al-Dhali'*, the prison facility was destroyed by an airstrike from the Saudi-led coalition in May 2015. According to the information provided to the YPC research team, smaller prisons in each district (usually in the district's center) were being used as substitutes at the time the research for this update was conducted, but no women were being held in these. In *Lahj*, the building of the Central Prison was partially destroyed during violent clashes between the Huthi/Salih forces and their opponents in 2015. Following these clashes and the damaging of the prison facility, all furniture and other equipment were looted, rendering the prison inoperable. According to information gathered for this update, the local authorities were now relying on the prison facilities in nearby Aden.

Those prisons which remained operational and were situated in the political North were formally under the control of the Ministry of Interior based in Sana'a, i.e. under the control of the Huthi/Salih forces; the operational prison facilities in the political South were formally under the control of the internationally recognized government based in Riyadh/Aden.

All in all, the number of female inmates held in formal prisons in Yemen had decreased to 135. In the *North*, 50 female inmates were being held at Sana'a Central Prison at the time of the research. In al-Mahweet, four female inmates continued to be held in the private house affiliated with the Central Prison. 19 women were being held in al-Hudaida Central at the time of the research for this update, while none were being held at al-Hudaida Remand. 11 women were being held in Hajja Central, eight in Dhamar Central and 15 in the Central Prison of Ibb.

In the *South*, four women were being held in al-Mukalla Central Prison at the time of the research. In Aden, those parts of Aden Central previously used for female inmates were now being used as a special section of the prison for male inmates accused of being affiliated with al-Qa'ida. The 24 female inmates being held in Aden were relocated to the CID in Aden before being moved to Aden Remand in Khor Maksar in the course of July 2017.

11 The alliance between Ali Abdallah Salih and the Huthis broke down end of November 2017 and resulted in the death of Salih at the hands of the Huthis on 4 December.



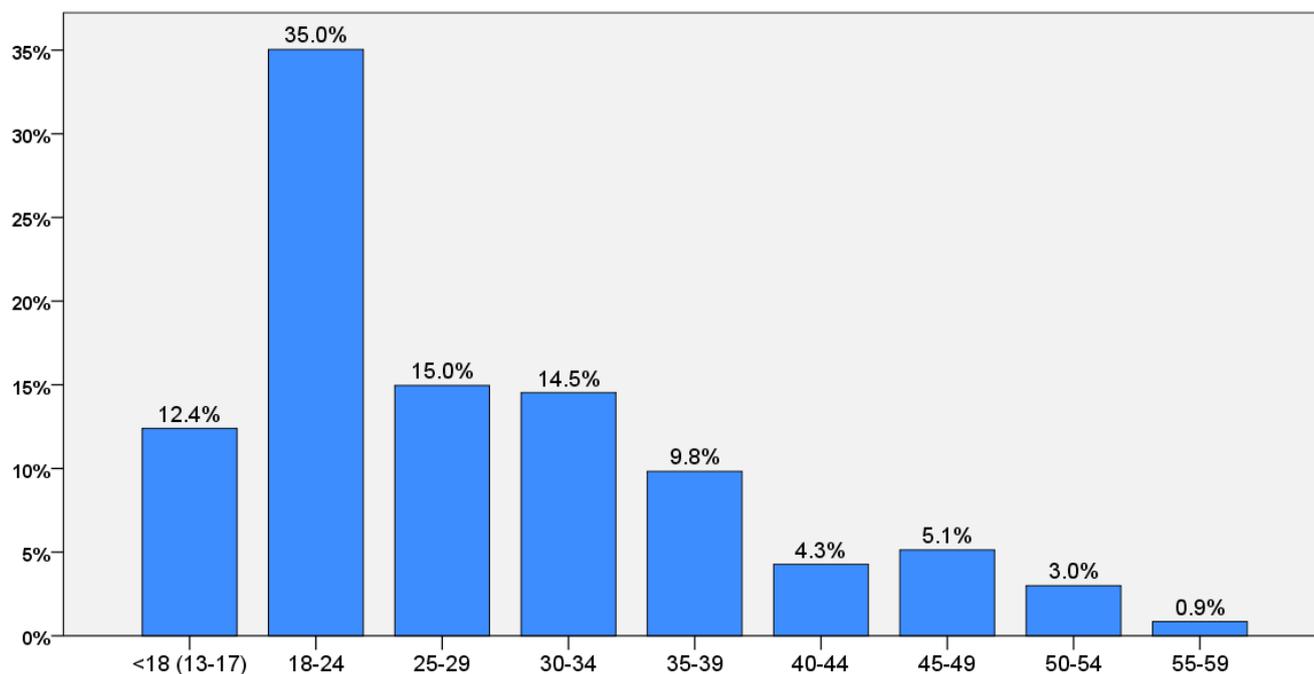
PART I: PERSONAL BACKGROUND OF FEMALE DETAINEES AND THEIR CRIMINAL HISTORIES

Personal backgrounds

Of the 234 female prison inmates interviewed in the course of the original research in 2014/15, 12.4% were under the age of eighteen (for more on this topic, see the next section). 35% were between the ages of 18-24, 29.5% between the ages of 25-34 and 9.8% between the ages of 35-39. The rest of the respondents were over the age of 40. As over 67% of the Yemeni population is below the age of 25,¹² the large number of young detainees (47.4% below the age of 25) is in line with Yemeni demographics.

Also in line with statistics (here: literacy¹³) are the education levels of the prison inmates interviewed, of whom almost half were illiterate, 5.6% could read and write having received no formal education and 20.5% had received, but not completed some primary education. Regarding employment, the majority of the respondents (59.8%) had either been a housewife or unemployed before being imprisoned. 39.3% were married, 23.9% divorced, 22.6% were single and 12.8% were widows.

Chart 4: Age categories of prison inmates interviewed (N = 234)



12 These numbers are based on an estimated population growth since the last 2004 census in Yemen. Numbers provided by YPC.

13 According to demographics from 2016, 45% of women over the age of 15 cannot read and write. Figures according to index mundi 'Yemen Demographics Profile 2016'. Available at http://www.indexmundi.com/yemen/demographics_profile.html (27.06.2017).



Chart 5: Education levels of prison inmates interviewed (N = 234)

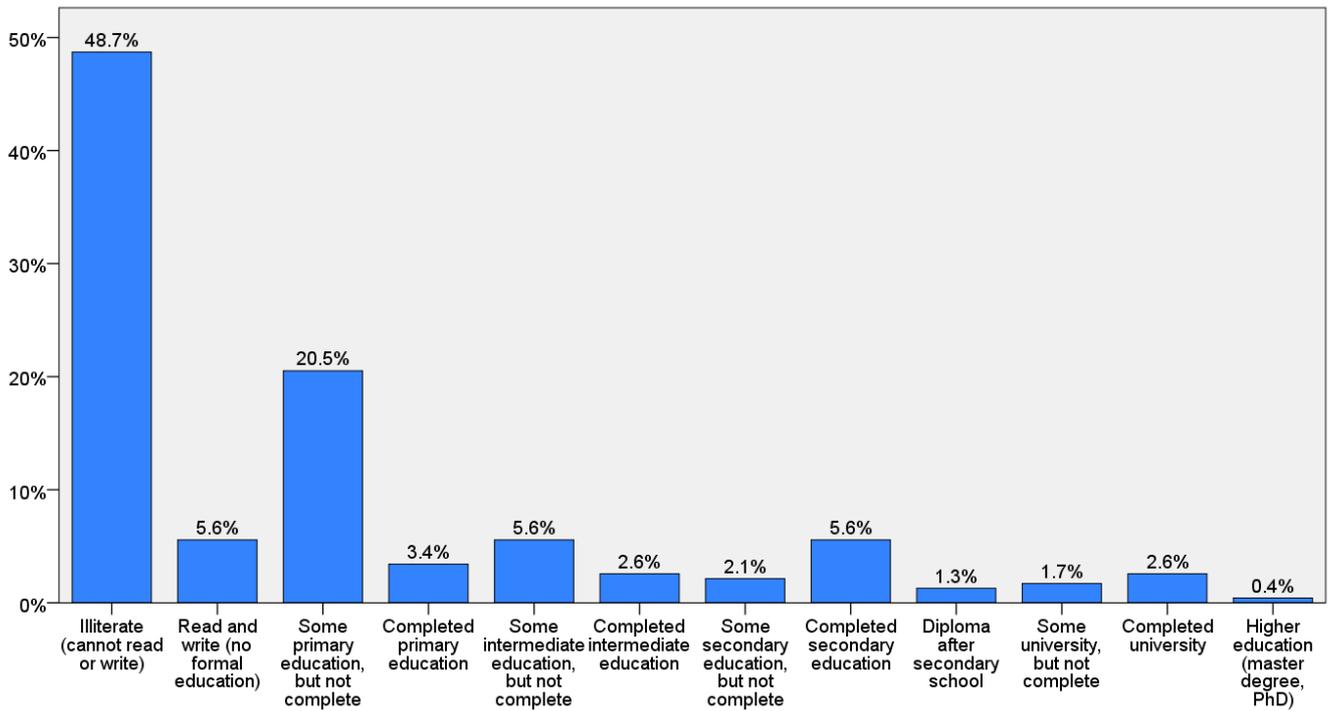


Chart 6: Employment of prison inmates interviewed before imprisonment? (N = 234)

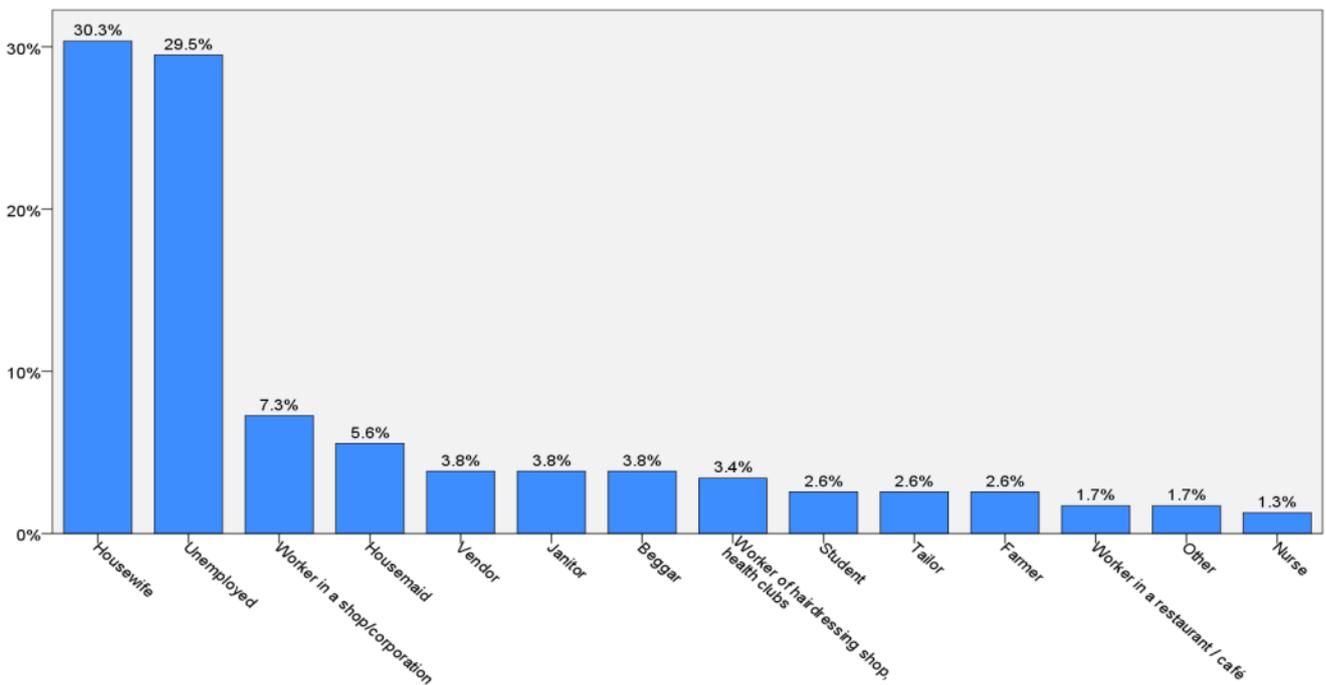
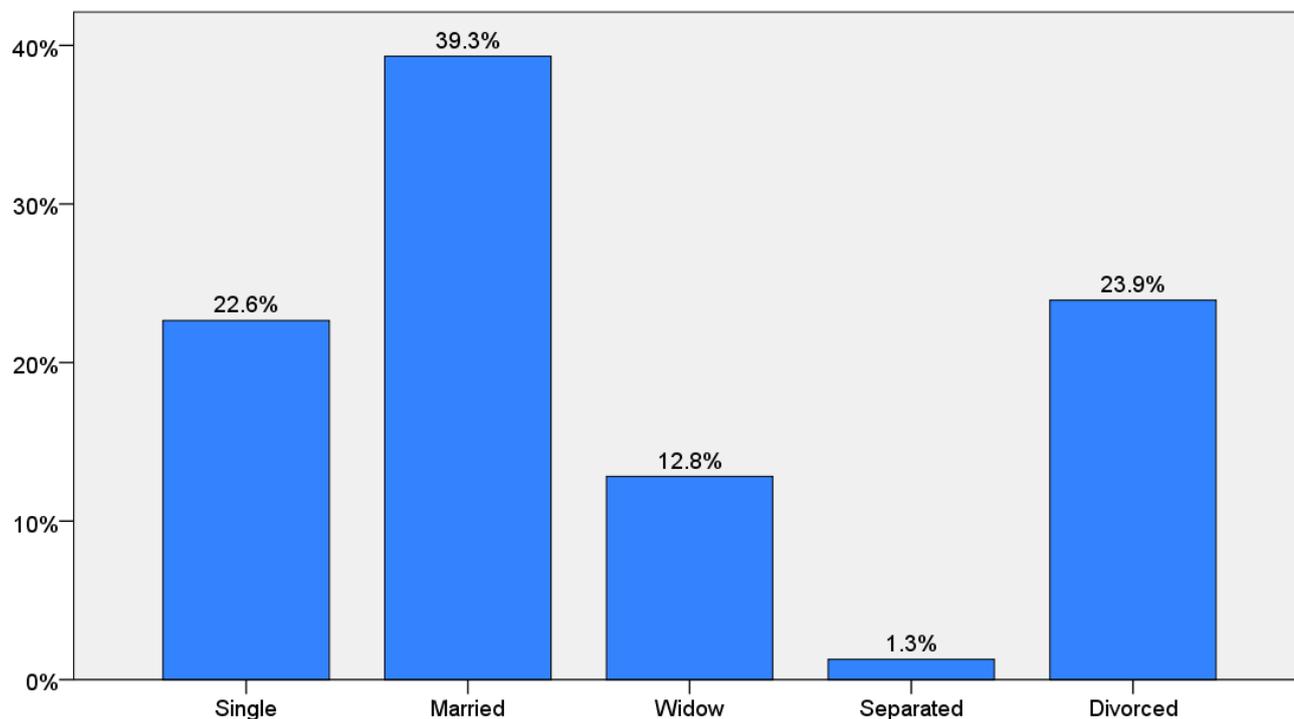


Chart 7: Marital status of prison inmates interviewed (N = 234)

Criminal histories

Out of the 234 female inmates interviewed, 9.8% (23 respondents) stated that this was not their first time in prison. Nine of them had been imprisoned once before, nine twice, three of them had been imprisoned three times¹⁴ and two of them four times.¹⁵ When asked about the reasons for their previous imprisonment, seven of the respondents (30.4%) said they had been charged with theft, four (17.4%) stated they had been imprisoned for adultery, three (13%) had been imprisoned for the use of alcohol and two (8.7%) had been charged with homicide.¹⁶ Of the others, one respondent said she had been detained without a charge and one said she had been imprisoned to keep her off the street.

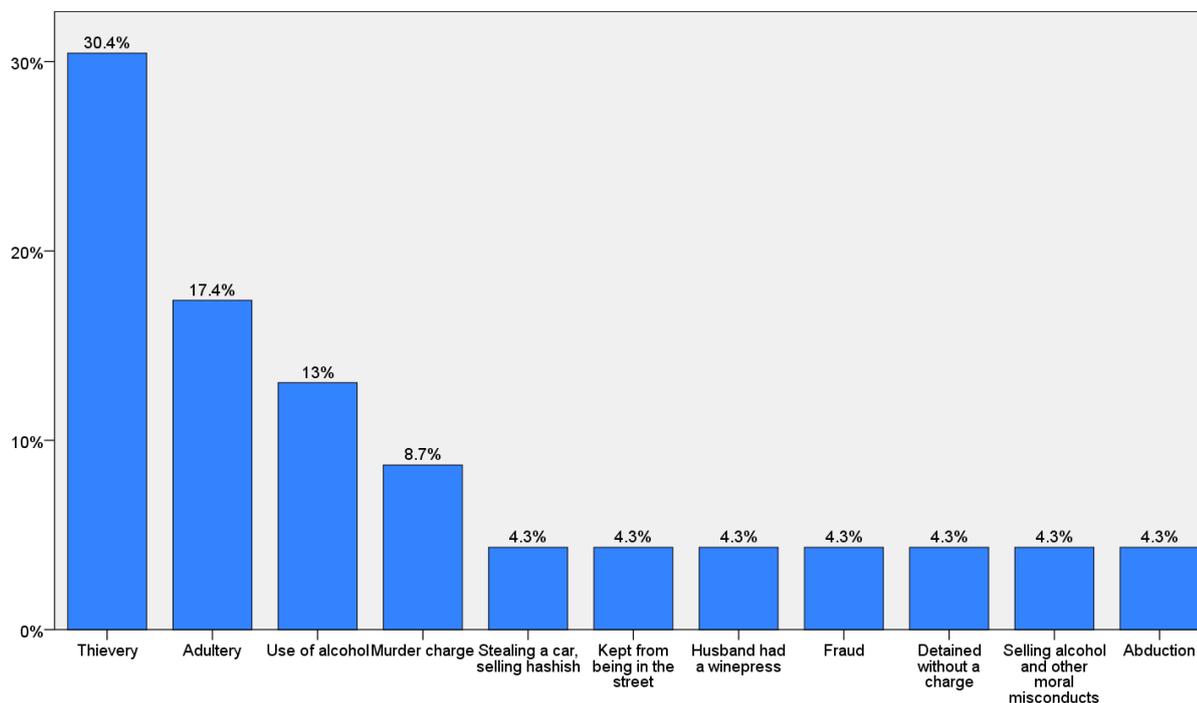
At the time of the interview, 16 respondents had been in prison less than ten days, eleven less than a month and 99 (42.4%) between one month and a year. Ten inmates had been imprisoned for more than eight years.

¹⁴ Two of them charged with homicide and one with selling alcohol and other moral misconducts in their previous imprisonment.

¹⁵ Both charged with theft in their previous imprisonment.

¹⁶ Judging by the names of these two latter respondents, they were sisters who had been living as beggars before their recent imprisonment in Ibb and who had been charged with killing their father in their previous imprisonment.



Chart 8: Female inmates: What was the reason for your last imprisonment? (N = 23)

210 out of the 234 respondents said they were currently in prison because they had been charged with a crime, 17 because they could not be released after having served their sentence, two because of homelessness and five for other reasons.¹⁷

The issue of prisoners not being released after having served their sentence is an important and recurrent one in the Yemeni prison system. Most often, this is the case with offenders who have been sentenced to pay a fine or blood money and who are unable to do so. Until they or their relatives do so, however, they remain in custody. This phenomenon is likely to hit female offenders in Yemen in higher proportion as those women who are imprisoned in Yemen in the first place are those without money and connections or those who have been abandoned by their families. When we asked those inmates who had already been convicted (N = 107) whether their sentence also included the payment of money, 36 (33.6%) said yes. Out of these 36, only two (5.6%) said they were able to fulfill these obligations, while 34 (94.4%) were not. Of the 17 respondents who said that they cannot be released after having served their sentence, eight had not been sentenced to imprisonment at all, but only to paying a fine (incl. blood money) or the return of stolen money or debts. Because they were unable to do so, these eight women remained in prison and some of them had already been there for several years.¹⁸ Four other women had been sentenced to imprisonment and the payment of a fine. Out of these four, three had already served their sentence but could not be released because they were

17 These other reasons were: lack of a marriage contract and an asylum card; physical attack; caught quarreling with her husband at a checkpoint and did not have a marriage contract; no charges; went to Ansar Allah (the Huthis) telling them she wanted to marry someone and they brought her to the prison.

18 One had been in prison for more than eight years, two for more than seven, one for more than six and one for more than five years, two for more than two years and one had been there for seven months.



Chart 9: Female inmates: How long have you been in this prison? (N = 234)

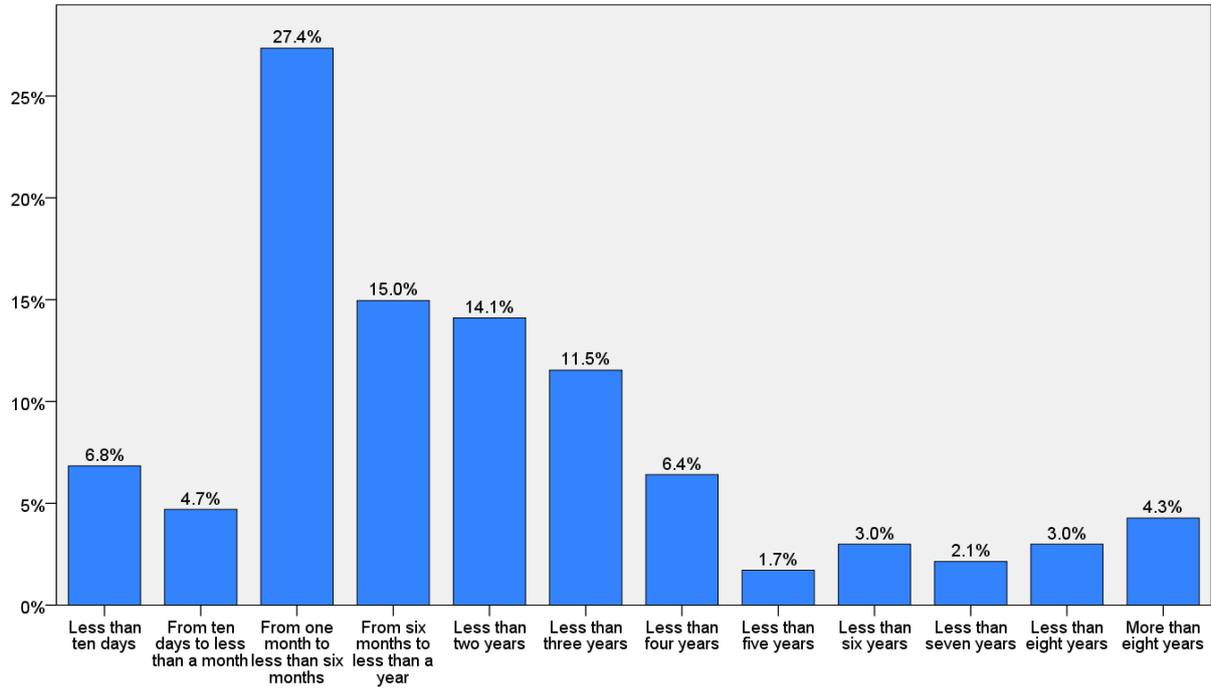
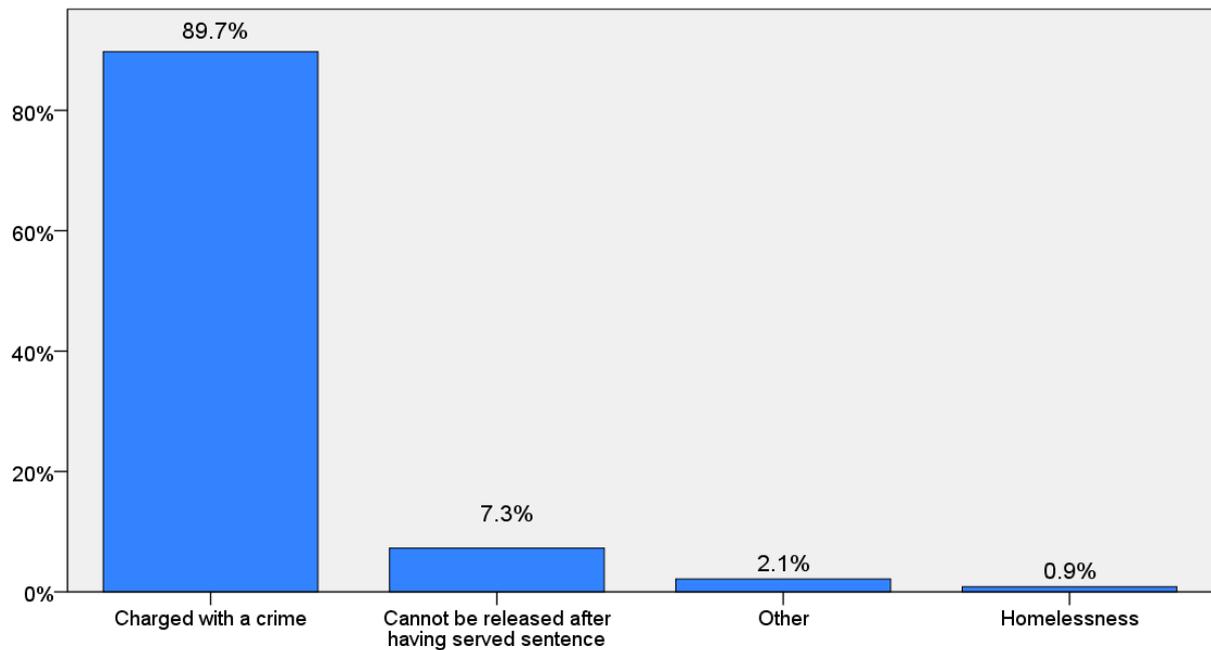


Chart 10: Female inmates: Why are you in this prison? (N = 234)



unable to pay the money (one of them had already overstayed her sentence for 3.5 years). From the remaining six women who said that they could not be released after having served their sentence, five women had received a release sentence from the court (without any payments to be made) and nonetheless remained in prison.¹⁹

87 of the prison inmates interviewed said they were in prison because they had been charged with homicide²⁰, 79 were charged with adultery and moral misconduct, 34 were charged with theft, eight with drug and alcohol related offenses and 23 with other crimes.²¹ Three inmates didn't know their charge.

33.8% (N = 79) of the respondents had already been convicted, of 27.4% (N = 64) the trials were still ongoing or they had lodged an appeal and 38.9% (N = 91) were being held in prison while their cases were under investigation.

Out of those who said their trials were still ongoing, 16 had been sentenced to death for murder.²² Accordingly, some of those waiting for their final verdict had been in prison for several years.

Even more than the data regarding those who were still waiting for their trial does the fate of those whose cases remained under investigation point to the issues in Yemen's judiciary, but also in Yemen's prison system as such. According to art. 10(2) of the International Covenant on Civil and Political Rights, which Yemen ratified in 1987, "[a]ccused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons". In direct contravention of these stipulations, 91 non-convicted inmates were being detained together with the convicted ones.²³ Out of these, three had been in prison less than two years, three less than three years, one less than four years, one less than five years and one had been detained in prison without seeing the beginning of a trial for more than five years.²⁴ Five of these women had been charged with homicide, two with theft, one with adultery/moral misconduct and one with breach of trust.

19 Why these women remained there was unclear, but two said they would not be able to return to their families and one of these two had had a child while in prison and was unmarried. A third woman was divorced and had also had a child while in prison. They were possibly kept in prison so as not to end up on the street.

20 Note that inmates were only asked what they had been charged with, not whether they had actually committed the crime.

21 These other crimes ranged from illegal entry (three respondents) to breach of trust (two respondents), kidnapping (two respondents) and theft and adultery (two respondents). One responded each was charged with the following: counterfeiting a foreign currency, helping another woman to flee house, imitating men (the background of this charge could not be clarified), kidnapping children and then selling them on for sexual abuse, kidnapping and lack of a marriage contract, running away from her husband, not having a marriage contract, neither having a marriage contract nor an asylum document, insulting the judge, human trafficking and throwing a grenade. One girl was being kept in custody so as to keep her off the street. One woman said that she had been taken home by her brother-in-law in a taxi and had then been arrested at a security checkpoint; when asked about her charge, she answered that there was no charge and one woman said she was in prison because she did not want to return to her husband who had imprisoned her.

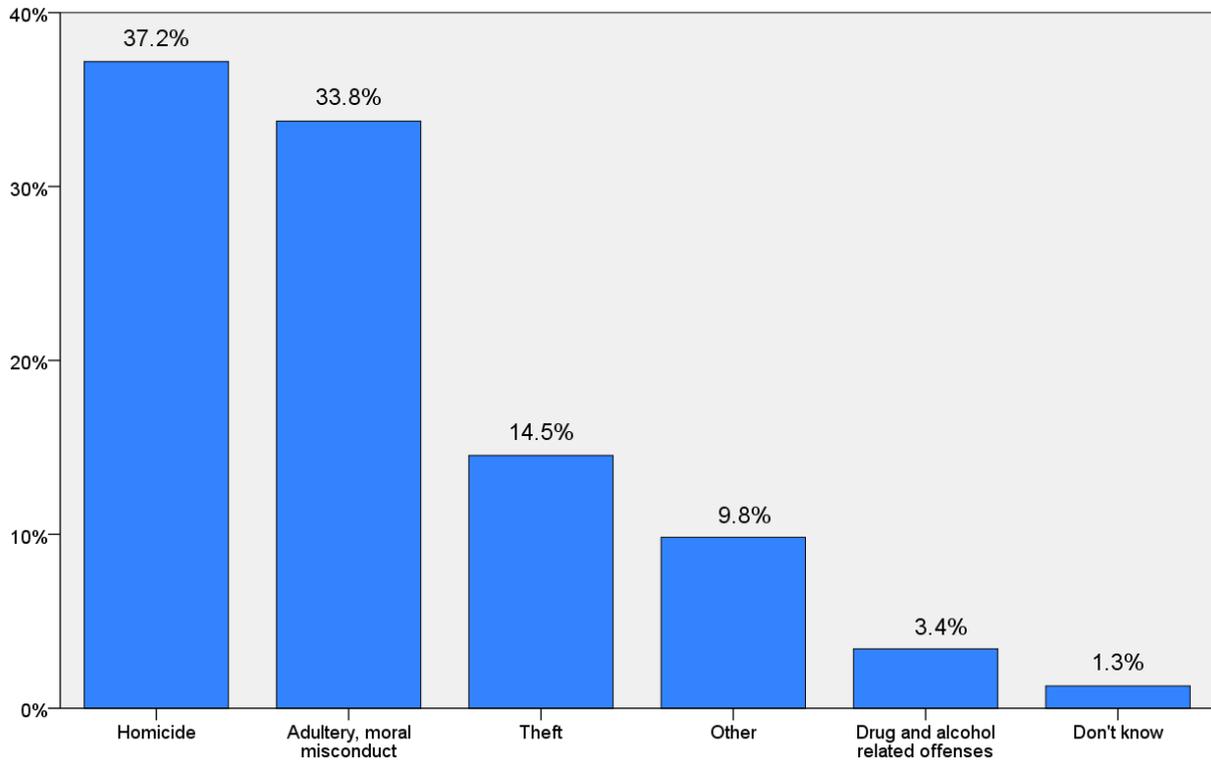
22 The youngest of those 16 women sentenced to death was 21 years old at the time of the interview, the oldest was 54.

23 The number might be even higher as not all of those who said their trials were still ongoing had necessarily already received an initial verdict. Unfortunately, the data gathered in the framework of this research does not allow for further differentiation in this regard.

24 According to Yemeni law, the police may not detain a person for more than 24 hours (1 day) without moving her/his case to the prosecution. The prosecution has seven days to hear the detainee's statements and it can extend the detention period to up to 45 days (but only with an order from the Court of First Instance). Such a request for extension should always be submitted and approved before the end of the prior arrest period; otherwise the law obliges the prosecution to release the detainee immediately. The law allows the prosecution to extend this period for an additional 45 days under the same regulations, but the prosecution may not detain any person for longer than two months without an order from the Attorney General. However, the law does not allow under any condition the detention of any person for more than six months before a trial takes place. The law obliges the prosecution to release the detainee immediately after these six months have expired.



Chart 11: Female inmates: What is your charge? (N = 234)



Map 2: Female inmates: What is your charge?, by governorate (N = 234)

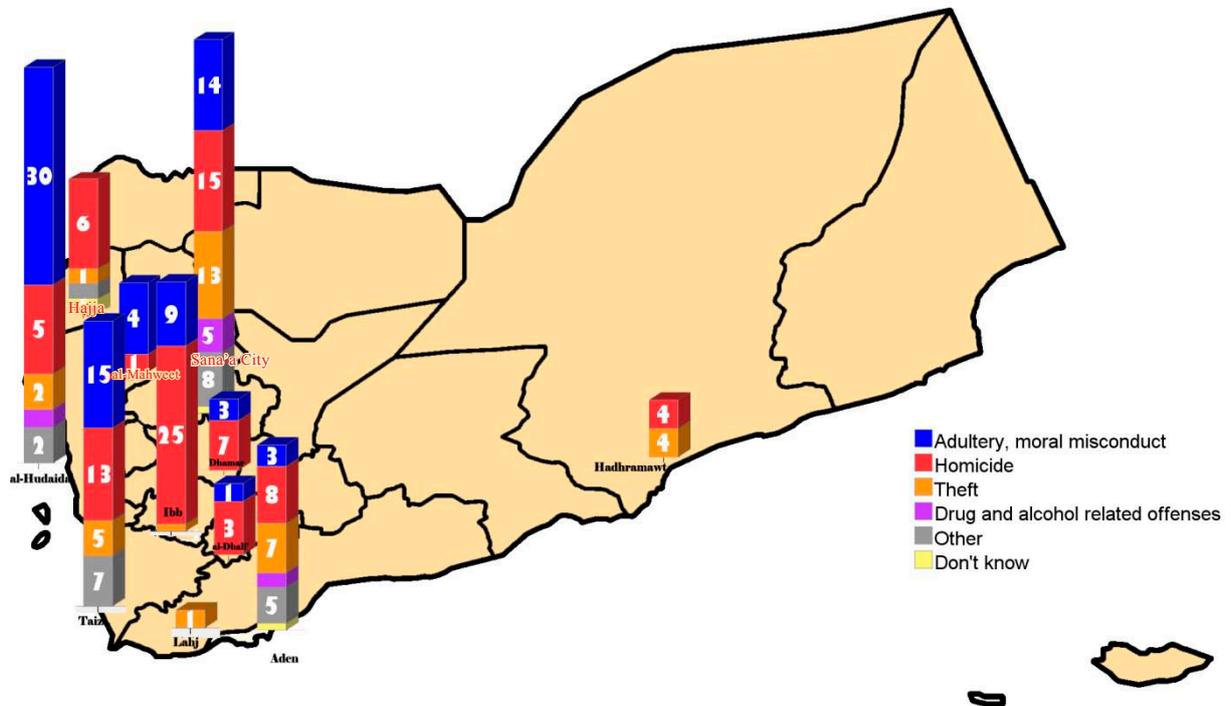


Chart 12: Female inmates: Current stage in legal process? (N = 234)

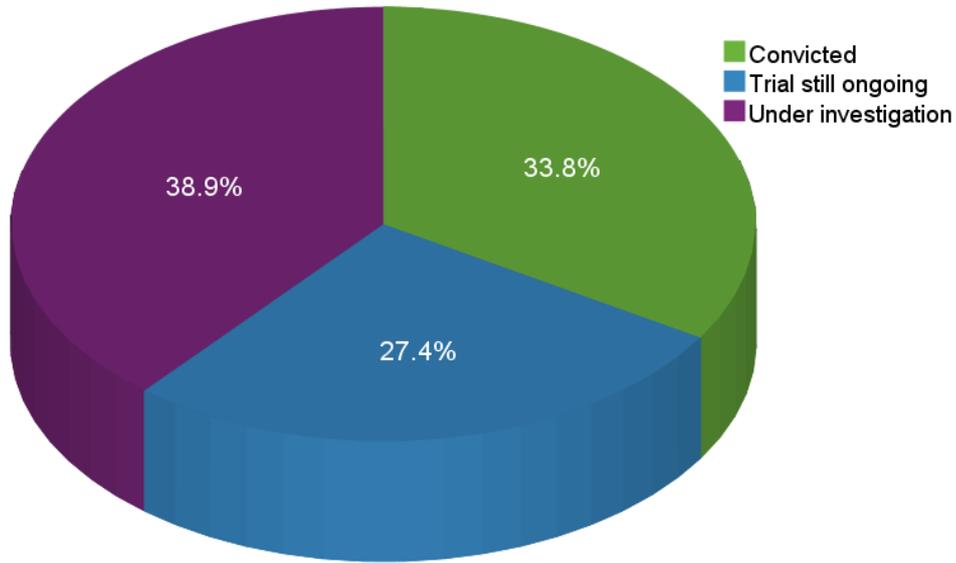


Chart 13: Female inmates: Length of imprisonment of those waiting for their trial (N = 64)

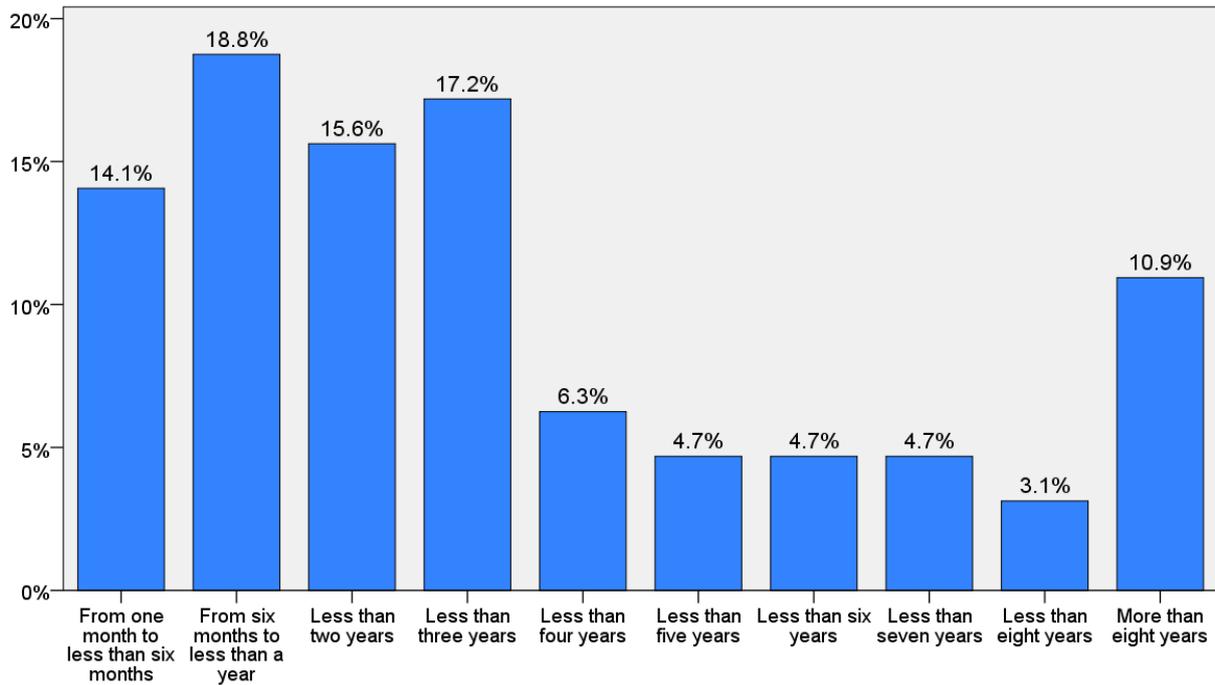
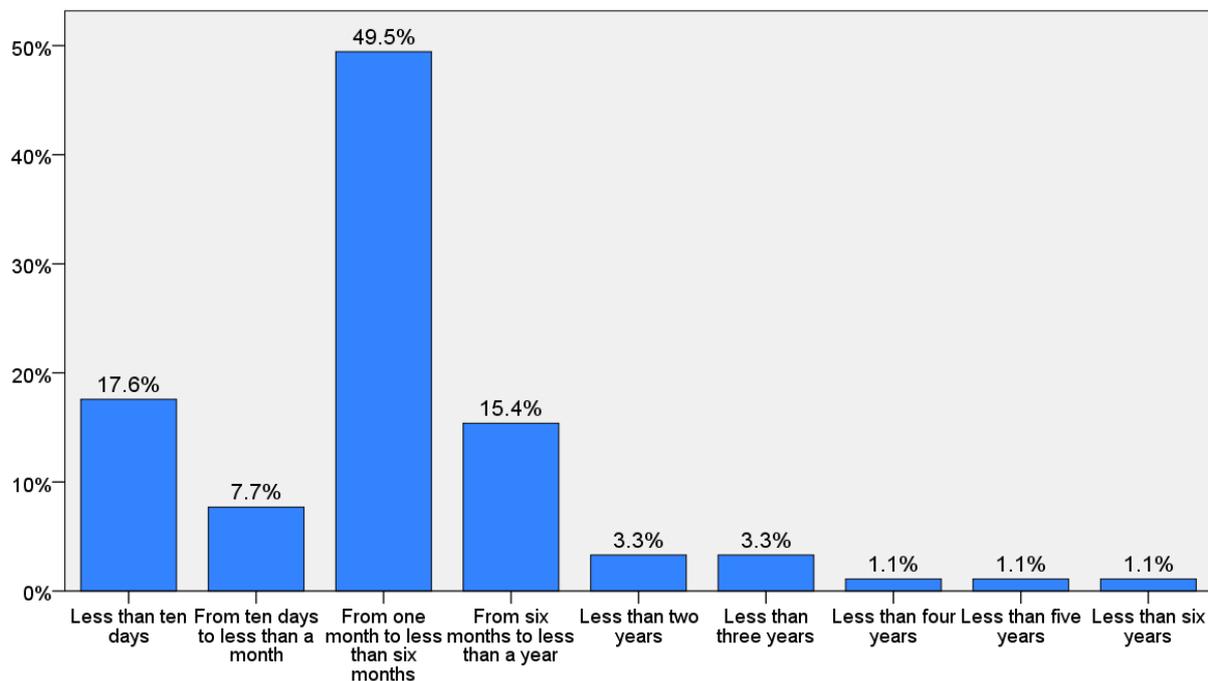


Chart 14: Female inmates: Length of imprisonment of those whose cases remain under investigation (N = 91)

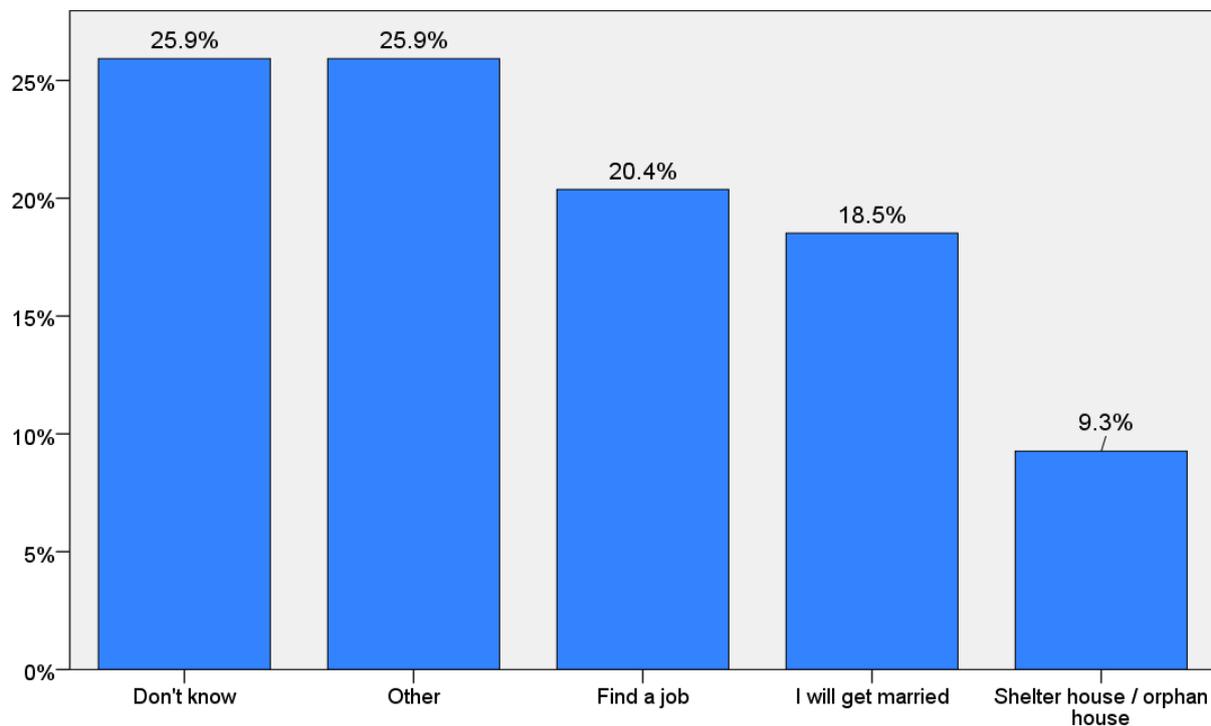
Prospects for the future

164 of respondents said they would be able to return to their families after their imprisonment, 54 said that they would not be able to return and 16 had been sentenced to death. Out of the 54 who said they would be unable to return to their families, 25.9% said that they didn't know yet what they would do instead. 20.4% stated that they would try to find a job and 9.3% were planning to go to a shelter house or orphan house after they had been released (two of the five respondents giving this reply were 17 years old).²⁵ 18.5% were planning on getting married. Out of these, several said that they would get married to their lover or fiancé. All of these respondents had been imprisoned for adultery or moral misconduct hinting to the possibility that they had been imprisoned because they had engaged in relationship with a man without being married to him. It should be noted that such an engagement in a relationship with a man can be, but is not necessarily sexual. As the case of the woman who was imprisoned because her brother-in-law took her home in a taxi mentioned above shows,

25 According to the twelve (deputy) heads of prisons interviewed for this report, three (at al-Hudaida Central, Ibb Central and the CID Aden) of them had contacts with shelter homes for women and only two had ever sent a female inmate to a shelter home when releasing her from prison.



Chart 15: Female inmates: What will you do when you are released and cannot return to your family? (N = 54)



it can at times suffice to be in the same car with a man who is not an immediate relative or husband in order to be accused of moral misconduct.²⁶

Out of the 25.9% who were coded under ‘Other’, two said they would continue to stay in prison; two said they would go to their lovers without clearly mentioning an intention to marry; two said they were planning on living alone; one was planning to purchase a house to stay in and another one was also planning to find a place to live in; two said that they would try to go back home even if they could not return to their families; one was planning to live with a sister; one said she would try to live with a relative; and one was planning to stay with a (female) friend until she found a job.

26 Of the 182 ordinary police station personnel interviewed for this report, 88.5% knew about the existence of an article in the Criminal Code that allows for the arrest of women on grounds of moral misconduct (7.7% said that no such article existed, while 3.8% said they didn’t know). When asked to specify what they thought were acts of ‘moral misconduct’ that justified the arrest of a woman (several answers being possible), 38.5% (70 respondents) mentioned ‘adultery’, 14.3% (26 respondents) ‘scandalous behavior/breach of honor’, 11.5% (21 respondents) ‘prostitution’, 10.4% (19 respondents) ‘thievery’, 4.9% (nine respondents) ‘dating out of wedlock’, and 3.3% (six respondents) respectively ‘(attempted) murder’ and ‘verbal and/or physical assault’. Further answers given were ‘consuming alcohol’ (2.7% / five respondents), ‘harassment’ (2.7%/5), ‘don’t know’ (2.2%/4), ‘dress-related offenses’ (1.1%/2), ‘proved crimes’ (1.1%/2), ‘fraud’ (0.5%/1), ‘criminal acts’ (0.5%/1), ‘criminal case’ (0.5%/1), ‘disobeying husband’ (0.5%/1), ‘family disputes’ (0.5%/1), ‘if she came to the police station with a proved case’ (0.5%/1), and ‘looting land’ (0.5%/1).



Juvenile prisoners

The question of exactly what ages fall under the definition of ‘juvenile’ in Yemen varies between theory and practice. In 1991, Yemen ratified the Convention on the Rights of the Child which defines a child as anyone under the age of 18, but in Yemen childhood is usually considered to end around the age of 15 (Mangan & Gaston 2015: 39). For boys,

“a bifurcated system currently operates wherein fifteen- to eighteen-year-old offenders are considered adult and all under Prison Authority jurisdiction. Offenders under fifteen fall under the Ministry of Social Welfare and are housed in juvenile care centers, staffed primarily by teachers, social workers, and psychologists, the Ministry of Interior providing perimeter security only” (ibid.: 39-40).

Such differentiation is not made in the case of female juvenile offenders. Because of funding cuts (ibid.: 40) and due to the limited number of detained or imprisoned girls under the age of eighteen, these are held within the female adult facilities at the Central Prisons.

This was also the case when YPC conducted the research for this study. Of the 29 of respondents who were under the age of 18 (see Chart 4), three were 13 years old, four were 14, six were 15, six were 16 and ten were 17 years old at the time of the research.

On the one hand, detaining underage inmates with adult offenders is of course highly problematic. These youth do not receive the necessary education, counseling and guidance to enable them to build their own lives and become valuable members of society once they have either been cleared from all charges in a trial or have served their sentence. The fact that they are moreover held with convicted adult offenders enhances their exposure to criminalization and possible victimization. On the other hand, the limited number of female juvenile inmates and the financial constraints of the Yemeni prison system make it difficult to establish separate facilities for female juvenile offenders. This might be solved with the establishment of one facility to cover all of Yemen, but would then result in depriving the girls of regular family visits, making their reintegration into society after their release even more difficult. A solution to this problem should thus be discussed with stakeholders from within the prison system as well as from civil society. One way forward could be to retain the current system but make sure that these juvenile inmates receive special attention and education.

Charges and duration of imprisonment: Out of these under-age respondents, four were not imprisoned for the first time.²⁷ 15 of them were charged with adultery/moral misconduct, six of them were in prison on charges of theft, four on charges of homicide, one on charges of drug and alcohol related offenses and three on other charges.²⁸ One of the underage girls (age 17) charged with adultery/moral misconduct said that her case was still under investigation despite the fact that she had been in prison for one year and nine months at the time of the interview.

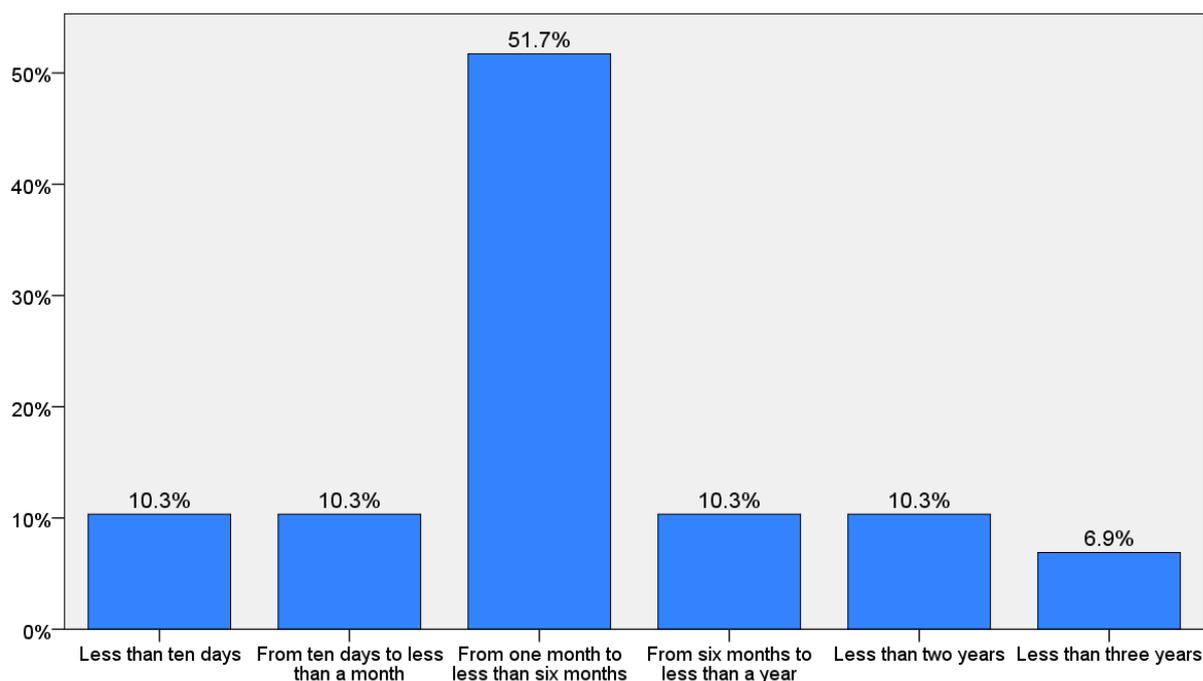
27 A 17 year-old girl had been imprisoned three times before with both the last time and this time being held on charges of homicide. A 15 year-old girl had been detained once before without a charge and was now being held with charges of adultery/moral misconduct. A 14 year-old girl had been imprisoned three times before with both the last time and this time being held on charges of homicide. And another 14 year-old girl had been detained twice before with the reason for her detainment both the last time and this time being to keep her from the street.

28 Of those being detained on other charges, one (age 14) was being held in custody in order to keep her off the street, one (age 15) was being detained for adultery and rape and one (age 15) for kidnapping children and selling them for sexual abuse.



Out of the 29 underage girls in prison at the time of the interview, three had been in prison less than ten days at the time of the interview; three had been there between ten days and a month; 15 had already been imprisoned between one month and six months; three between six months and a year; three between a year and two years; and two between two and three years.

Chart 16: Female inmates: Duration of imprisonment of underage prisoners at the time of the interview (N = 29)



Future prospects: Nine of these underage girls said they would not be able to return to their families after their imprisonment. When asked what they would do instead, three said they didn't know, two said that they would look for a shelter/orphan house to move to, one was planning on getting married, one was hoping to live with another relative, one was planning to find a job and one (age 14) said she would stay in prison as her current imprisonment mainly served to keep her off the street.

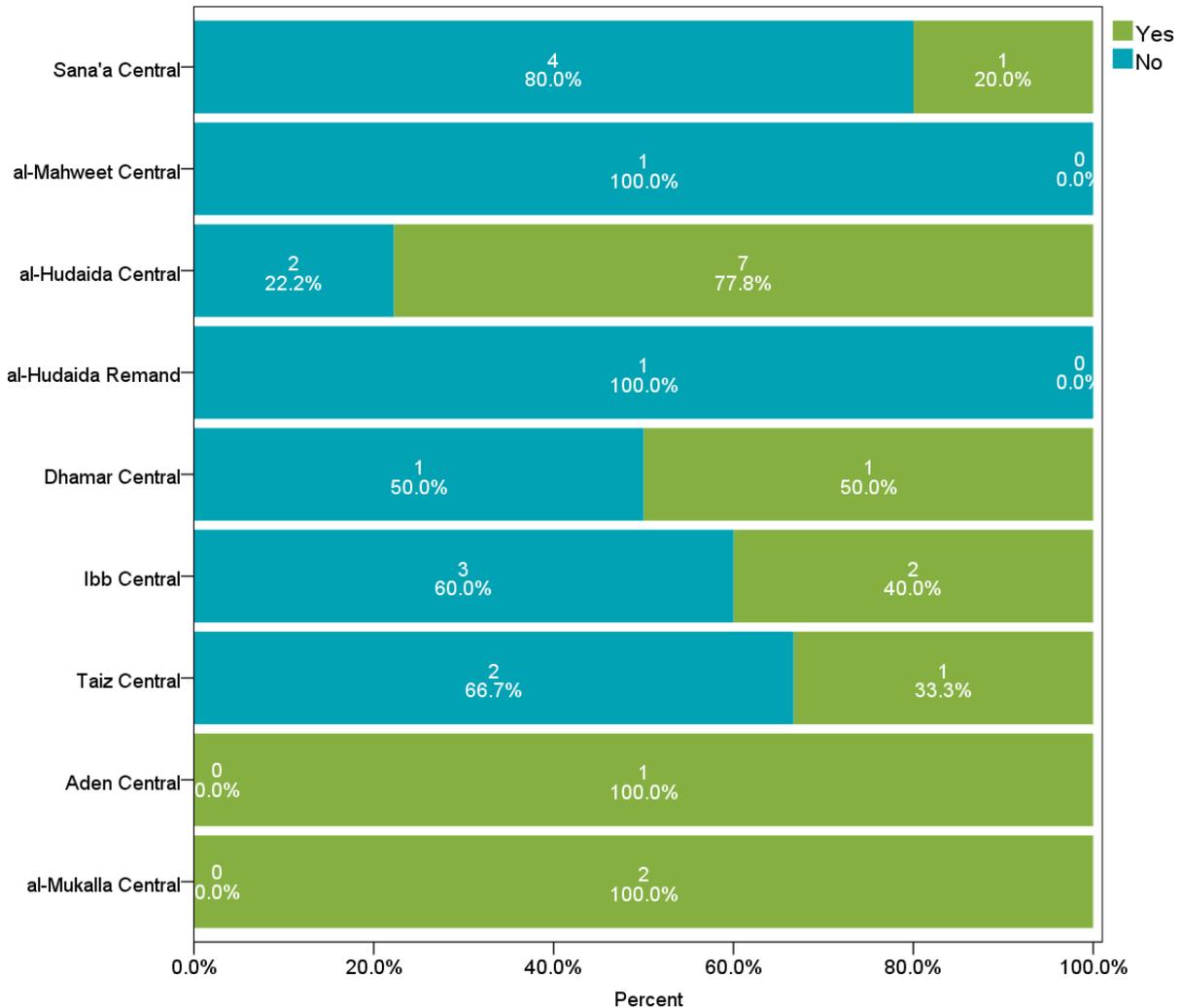
Training and education: On a more positive note, 22 out of the 29 underage prison inmates interviewed said that training programs were available at their prisons. Out of these 22, 15 had been or were currently enrolled in training courses themselves. Out of these, ten had been enrolled in a literacy program (and five out of these had also engaged in Qur'an memorization), two had only received training in Qur'an memorization, two had received psychological support (which the respondents rated as training), and one had visited sewing classes as well as training in a literacy program.²⁹

²⁹ While Qur'an memorization may not directly prepare prison inmates (underage or adult) for the challenges of life outside of prison, it can be considered as a form of cultural capital that might pave the inmates' way to reacceptance by the community.



Juvenile death penalty: Two of the 16 women who had been sentenced to death had been underage at the time of their imprisonment and conviction: the youngest of the 16 women sentenced to death (age 21) had been in prison six years and ten months at the time of the interview and had thus been imprisoned (and later sentenced to death) for a homicide committed at the approximate age of 14. The second youngest (age 22) had been in prison seven years and one month at the time of the interview and had thus also been imprisoned (and later sentenced to death) for a homicide committed at the approximate age of 14. Under international law the juvenile death penalty is prohibited and the prohibition is absolute. The Convention on the Rights of the Child, which Yemen signed in 1990 and ratified in 1991, prohibits capital punishment for children who were under the age of 18 at the time of the crime. The death penalty for these two young women is accordingly illegal according to international law.

Chart 17: Juvenile inmates: Have you been or are you currently enrolled in any educational programs in this prison?, by prison (N = 29)

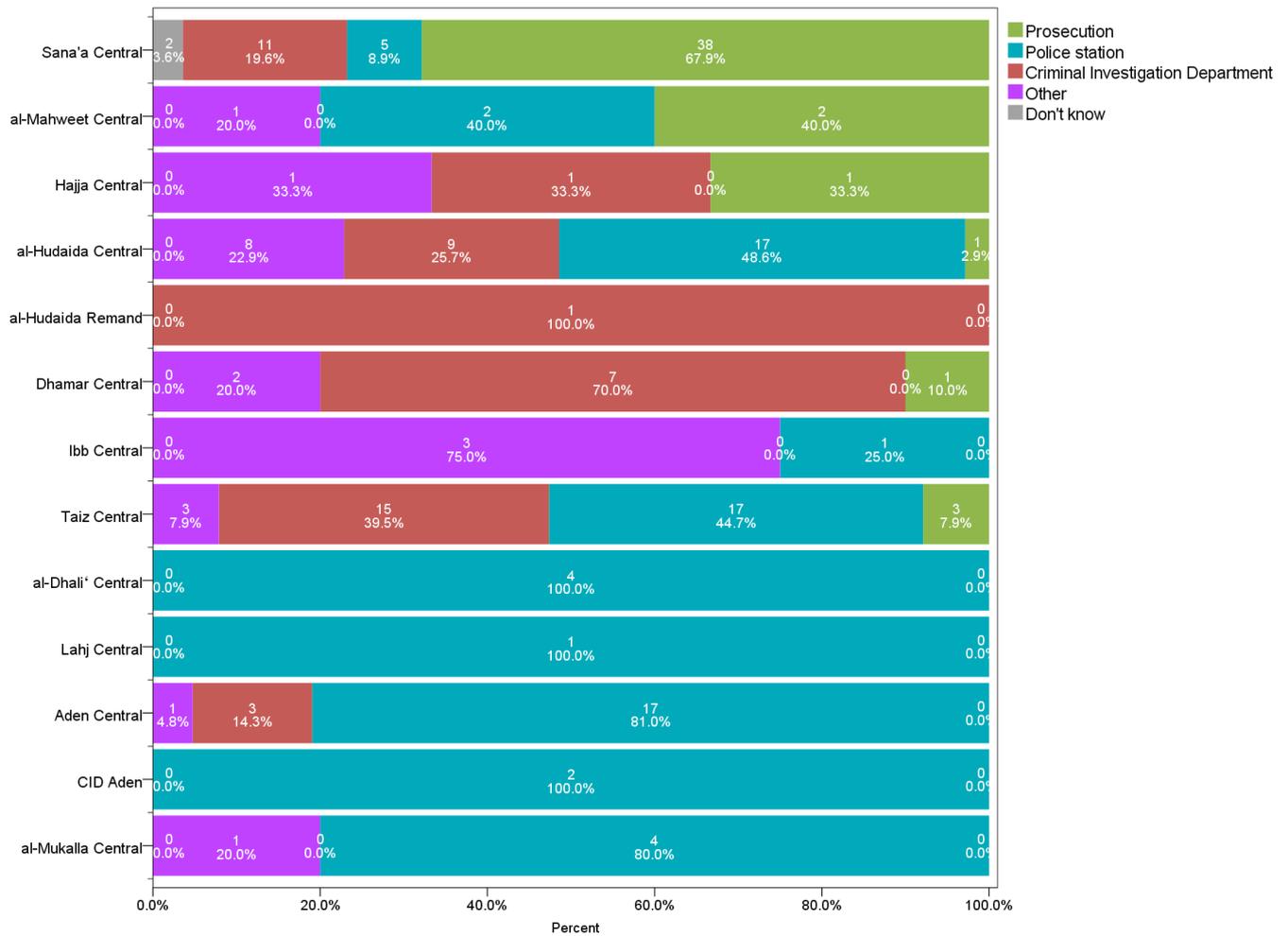


PART II: EXPERIENCES WITH ARREST PROCEDURES

Who and where?

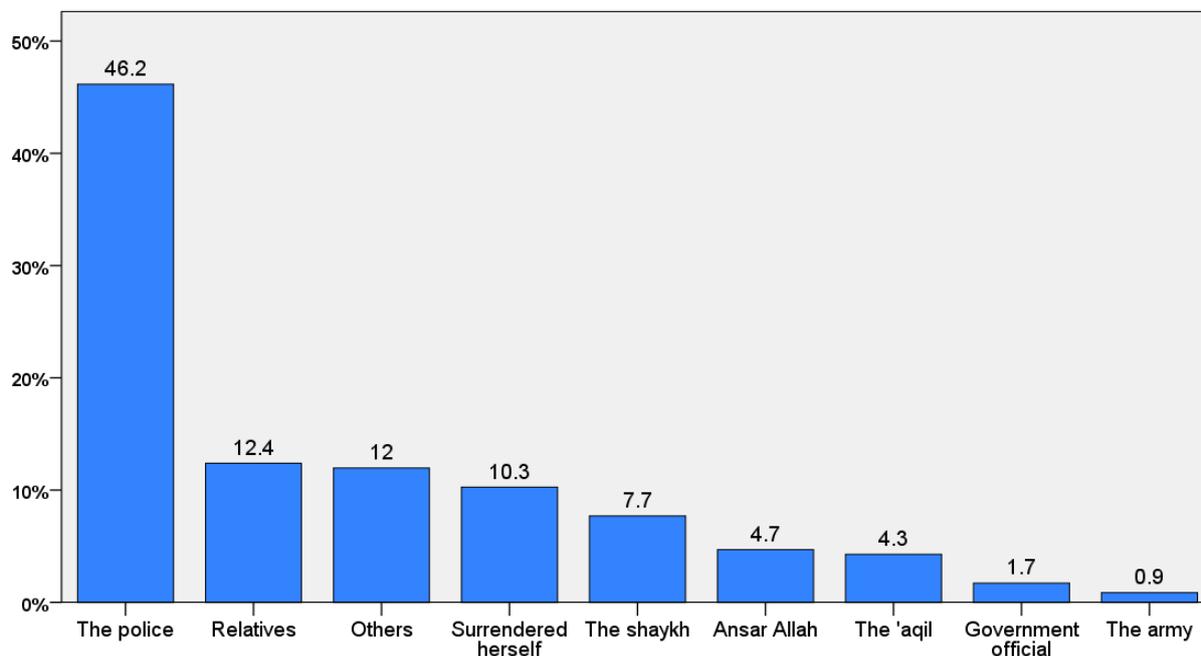
185 out of the 234 female inmates interviewed had been imprisoned elsewhere before being relocated to the prison they were in at the time of the research. 70 of the women had been detained at a police station, 47 at the CID, 46 at the prosecution and 20 had been detained in other places. The diversity of places named under ‘Other’ attests to the variety of procedures taken when making arrests in a country where police stations are not always close by and where facilities to keep female detainees are even fewer: ‘a juvenile care center’ (three responses); ‘the *‘aqil*’s home’³⁰ (three responses); ‘the *shaykh*’s home’ (two responses); ‘a private detention for women’ (two responses for different districts); ‘al-Amal shelter in Sana’a’; ‘al-Thawra

Chart 18: Female inmates: Where were you detained before you came here? (N = 185)



30 The *‘aqil* is a neighborhood representative, who liaises between the neighborhood and the authorities.



Chart 19: Female inmates: On the day you were arrested, who made the arrest? (N = 234)

hospital'; 'a police woman's home'; 'the home of the chief of CID'; 'Ansar Allah' (i.e. the Huthis); 'the court of al-Mansura'; 'al-Khuraz prison', etc.

The background of the people who made the arrest has accordingly been as diverse. 108 of the female inmates interviewed said they had been arrested by the police; 29 said that their own relatives had made the first arrest; 24 had surrendered themselves; 18 had been arrested by the *shaykh* and ten by the *'aqil*. Among the answers most often given under 'Other' were the following: neighbors; people in the area; and 'went as a witness and was then arrested'.

This diversity of actors is representative of general police practice in Yemen. It is common for the police to cooperate with other influential men in the area (particularly the neighborhood representative, i.e. the *'aqil*, or the local *shaykh*) in making arrests or solving other problems. Of the 31 heads of police stations interviewed, 35% said they generally cooperate with the *'aqil* of the area in solving problems, 22% mentioned the local *shaykh*, 18% powerful men of the area in general, 9% the local council, 8% civil society organizations and 4% the local imam.

Only 24 of the female inmates said they had been arrested on an arrest warrant and only 96 out of the 234 female inmates said that they had been told on what grounds they were being arrested (16 surrendered themselves). Only 29 of them said that they had been informed about their rights when the arrest was made (200 said they had not been informed and five did not remember).

**Chart 20: (Deputy) heads of police stations:
Who in this area do you cooperate with to solve problems? (N = 31)³¹**

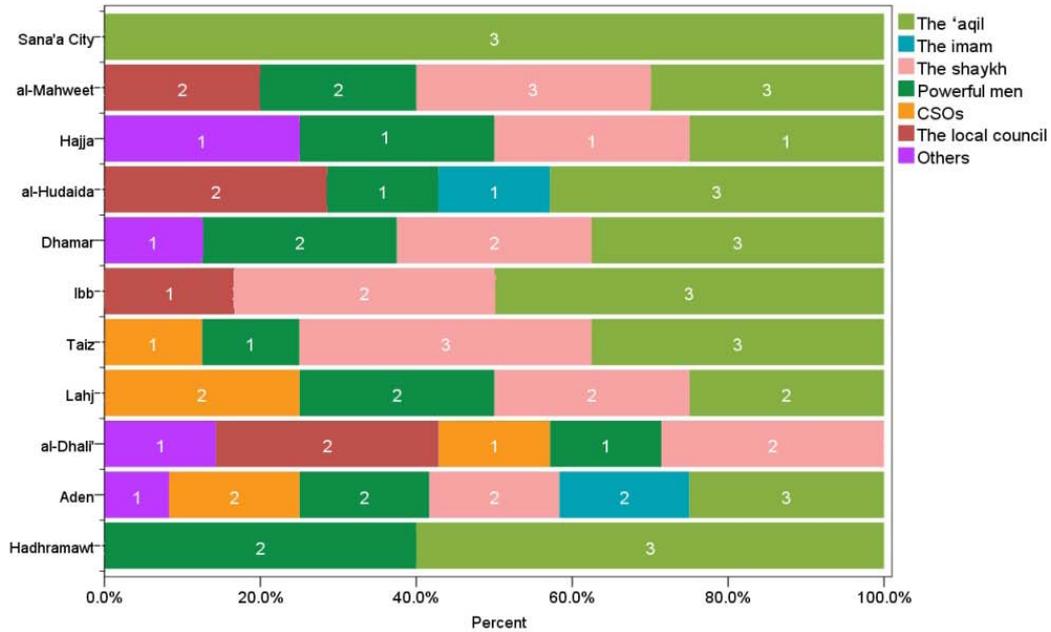
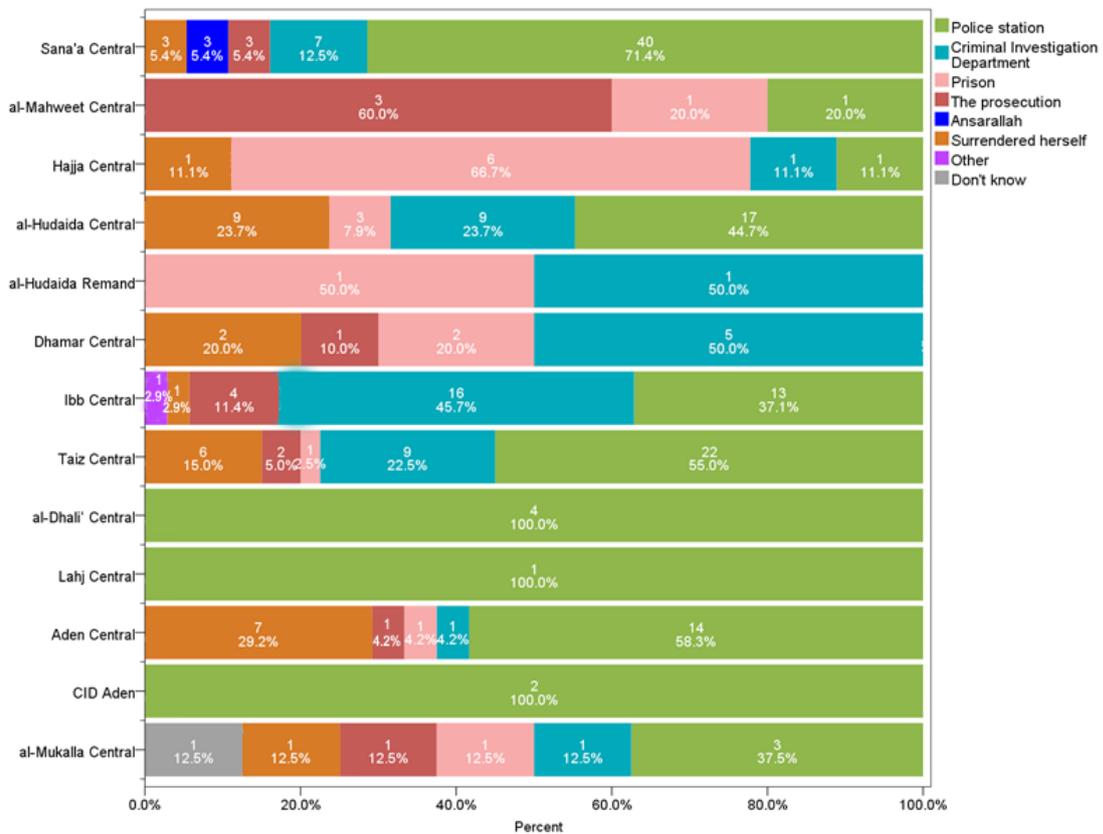


Chart 21: Female inmates: Where were you taken after your arrest? (N = 234)



31 Multiple answers were possible. 5% mentioned other actors, amongst these (each mentioned once): Ansar Allah, the district director, the Popular Committees of the Southern Movement and security checkpoints.



Chart 22: (Deputy) heads of police stations: When you arrest a woman during the day, where do you detain her? (N = 31)

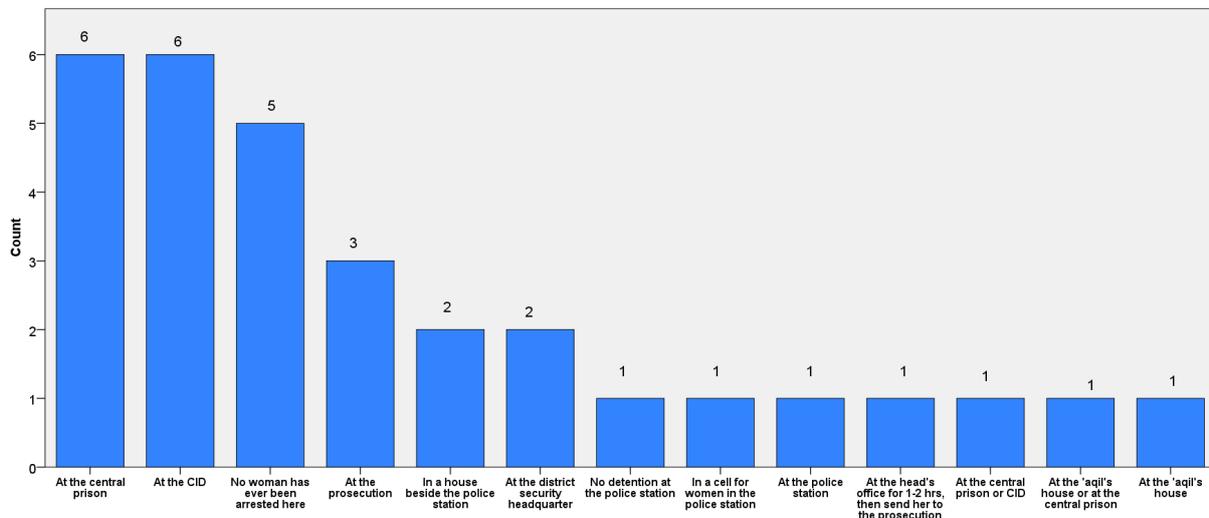
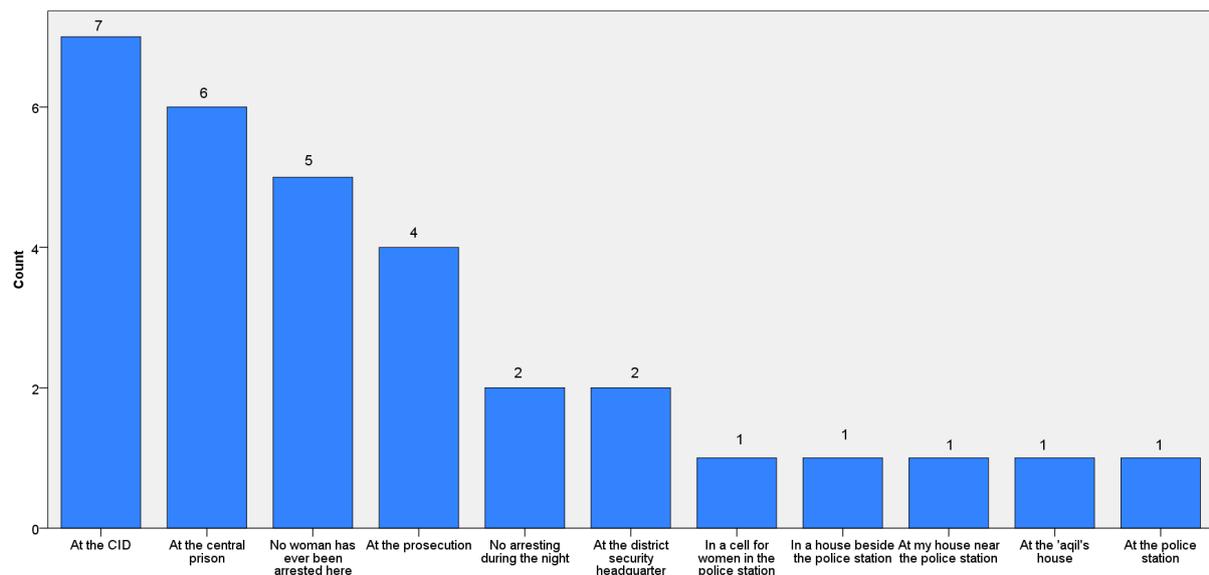


Chart 23: (Deputy) heads of police stations: When you arrest a woman during the night, where do you detain her? (N =31)



After their initial arrest, half of all female inmates (N = 118) said that they were taken to the police station; fifty were taken to the CID; 15 to the prosecution; and 16 directly to prison.

From the police station, not all female inmates were transferred directly to prison. Some were also transferred to the prosecution, the CID and other police stations. The variety of such options was also confirmed by the (deputy) heads of police stations interviewed who gave very different responses on where they would detain or had detained a woman if or when they arrested her during the day or night.³²

³² Only nine out of the 31 (deputy) heads of police stations interviewed stated that they had ever been personally involved in arresting a woman.



Transport

For their transport from one facility to another, 73.8% of the female inmates said they were taken in a police car, but a significant number also said that they were either taken in a private car (13.1%) or in a taxi (11%), pointing to the lack of resources some police stations and other facilities have in this regard. This observation is supported by the fact that five (deputy) heads of police stations interviewed said that they had no cars available at their police station. Several (deputy) heads of police stations also reported that it was not necessarily always them taking care of the transport, but that this was also done by the prosecution or by the district or governorate security headquarter.

Chart 24: Female inmates: What type of transport was used for your transfer?, by governorate (N= 191)

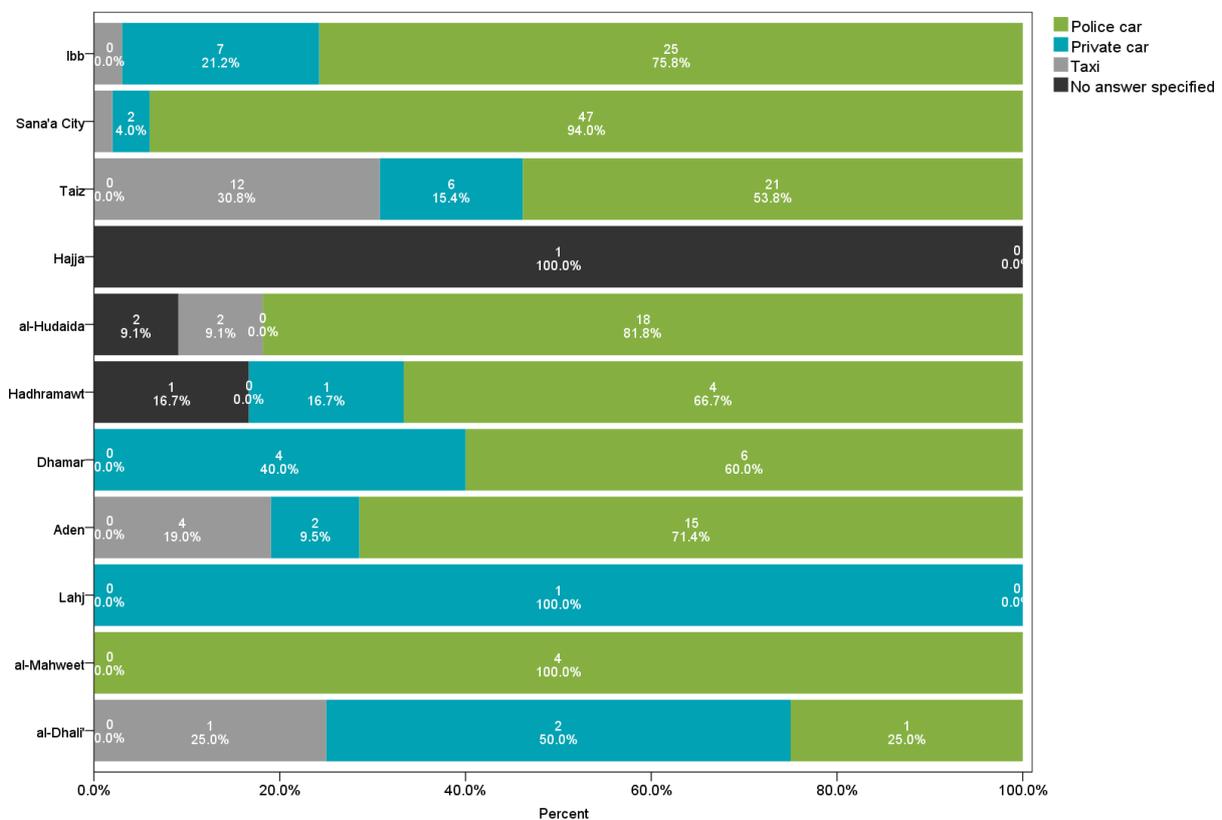
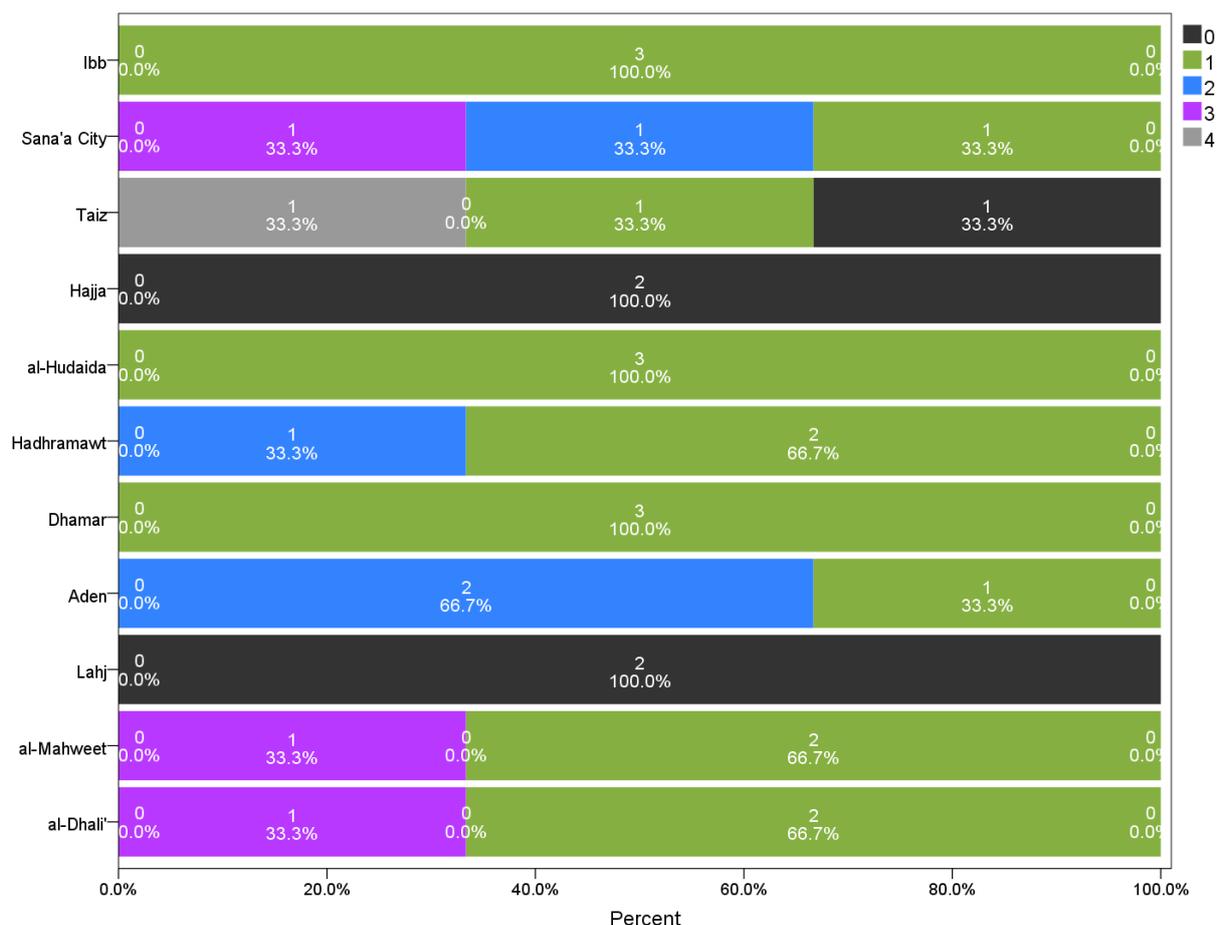


Chart 25: (Deputy) heads of police stations: How many police cars are available to you at this police station?, by governorate (N = 31)³³



Notification of arrest

Art. 76 of the Criminal Code requires police to inform the prosecution and refer the case to the judiciary within 24 hours. Art. 77 of the Criminal Code moreover requires the police to notify any further persons the detainee would like to have notified, such as a lawyer or the family.

Of the 31 (deputy) heads of police station interviewed for this report, 29 said they notified someone when making an arrest, two said they didn't. Of those who responded positively, 34.5% said the first contact they usually notified was the governorate security operations, 27.6% notified the family or the prosecution respectively. In case the detainee was a woman, 69.2% of respondents³⁴ said they would notify the family first, 19.2% would notify others, 7.7% would notify the *'aqil* and only 3.8% would notify the prosecution. Only 19.4% said they would contact a lawyer after arresting a woman.

³³ Note that in Hajja and Lahj only two (deputy) heads of police stations were interviewed respectively as no further police station could be identified. Note also that except in Sana'a City, the majority of these cars were functional.

³⁴ 26 respondents. Out of the 31 (deputy) heads of police stations interviewed, 9.7% said they wouldn't notify anybody and 6.5% answered that no woman had ever been arrested at their police station.



96 of the female inmates said that their family had been informed about their arrest; the families of 51 respondents were present during the arrest; and 72 said that their families had not been informed. Only 45 out of the 234 respondents said that a lawyer was informed about their arrest; 189 said that this had not been the case. When asked who had informed their lawyer, out of these 45 female inmates 28 said that the family had informed her/him, five said that they had informed the lawyer themselves and only two said that the police had informed one. Among those answers coded under 'Other' were: the man the inmate had committed adultery with; the Yemeni Women's Union; the neighborhood of the inmate; a female lawyer who was present at the prosecution; the previous Head of Prison; and someone from the Refugee Office.

Arrest experiences

63 female inmates said they were searched at the police station upon arrival. 44 of these were searched by a male police officer, 14 were searched by a female police officer, four said they were searched by a woman who was not a member of the police and one did not specify who had searched her.

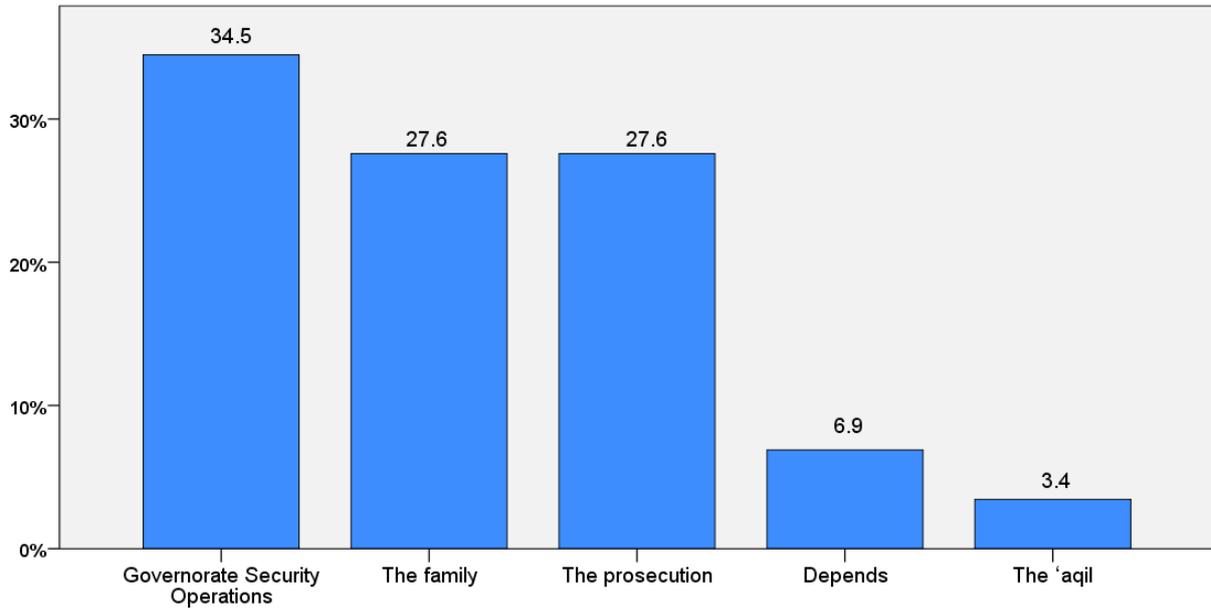
The rather small number of women who said they had been searched upon arrival corresponds with the responses of the 31 (deputy) heads of police stations interviewed for this report. Only 51.6% (N = 16) of respondents said that searches of women were performed at their police stations upon arrest, while 32.3% said that they did not search women after making an arrest (16.1% said that no woman had ever been arrested at their police station). Nine of the ten (deputy) police station heads who said that they did not undertake searches of women upon arrest said that this was the case because there was no policewoman present at the station (one mentioned 'customs and traditions' as well as 'legal reasons', possible indirectly also referring to the need to have a woman present for the search). Of the 16 (deputy) heads of police stations who said that they did perform searches of policewomen upon arrest, 13 insisted that only policewomen were allowed to conduct the search, while only three admitted to also resorting to men if no women were present. 83.9% of all (deputy) heads of police stations interviewed said that they felt the need to have policewomen present to help with cases relating to women and girls.

41 female inmates said they were physically assaulted during the arrest and 49 said they were verbally assaulted. A large number of those who said they were physically assaulted during the arrest reported being beaten and slapped, at times also with instruments such as pistols and a wire. In smaller numbers, the women reported being tortured, harassed and one stated that she was raped. 31 of the female inmates who said that they had been physically assaulted said that they had been assaulted by members of the police.³⁵ Six said that they had been attacked by members of the Criminal Investigation and six by others, including a prosecution official, two soldiers in the Central Prison and the *'aqil*.

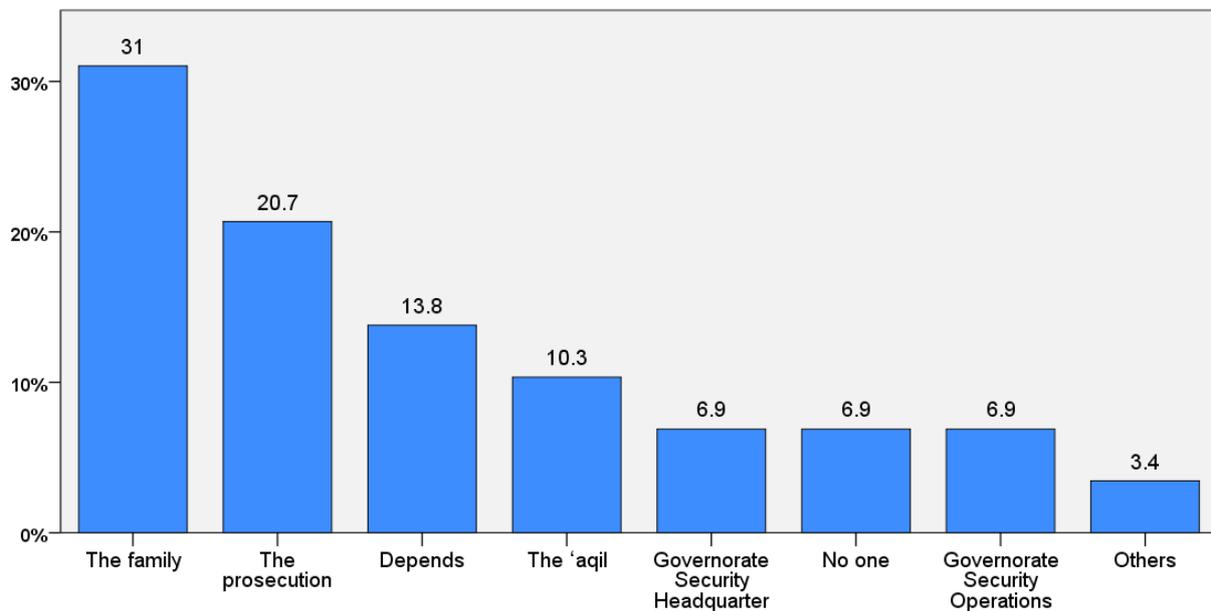
35 All nine (deputy) heads of police stations interviewed in the course of this research who reported that they had experience with arresting women stated that they had never felt compelled to use physical force against a woman during an arrest or an interrogation. However, 21 of the 31 (deputy) heads of police stations did confirm that they had felt compelled to use physical force when arresting a man in the past, citing resistance or aggression of the suspect as reason to do so.



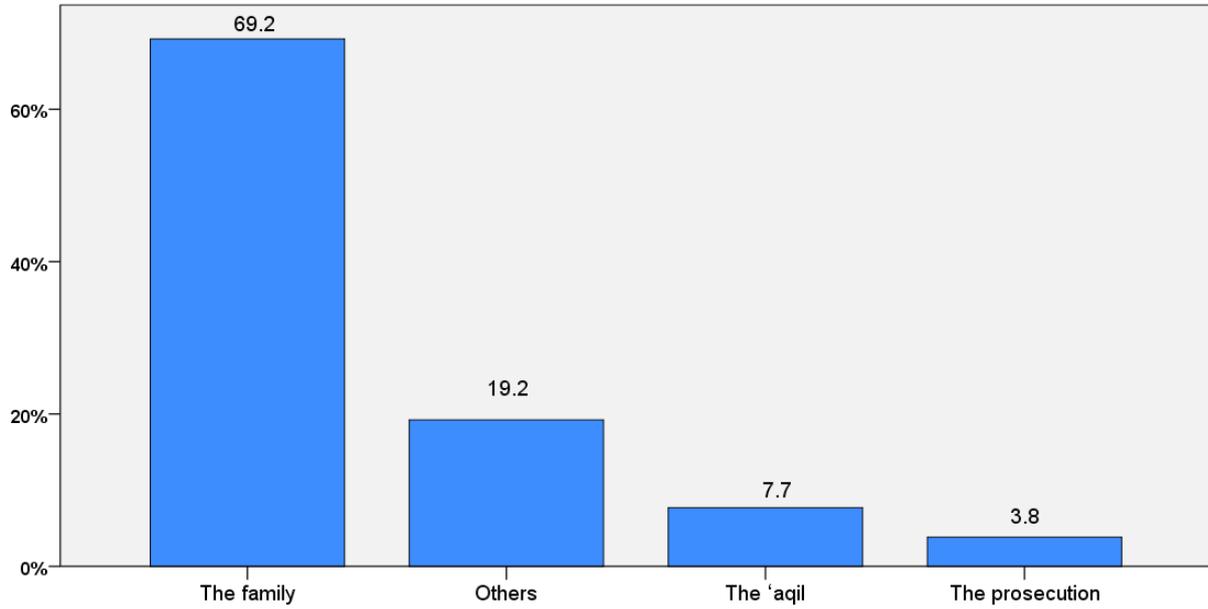
**Chart 26: (Deputy) heads of police stations:
Whom do you notify first when making an arrest? (N = 29)**



**Chart 27: (Deputy) heads of police stations:
Whom do you notify second when making an arrest? (N = 29)**



**Chart 28: (Deputy) heads of police stations:
If the arrested person is a woman, whom do you notify? (N = 26)**



**Chart 29: (Deputy) heads of police stations:
After arresting a woman, do you contact her lawyer? (N = 26)**

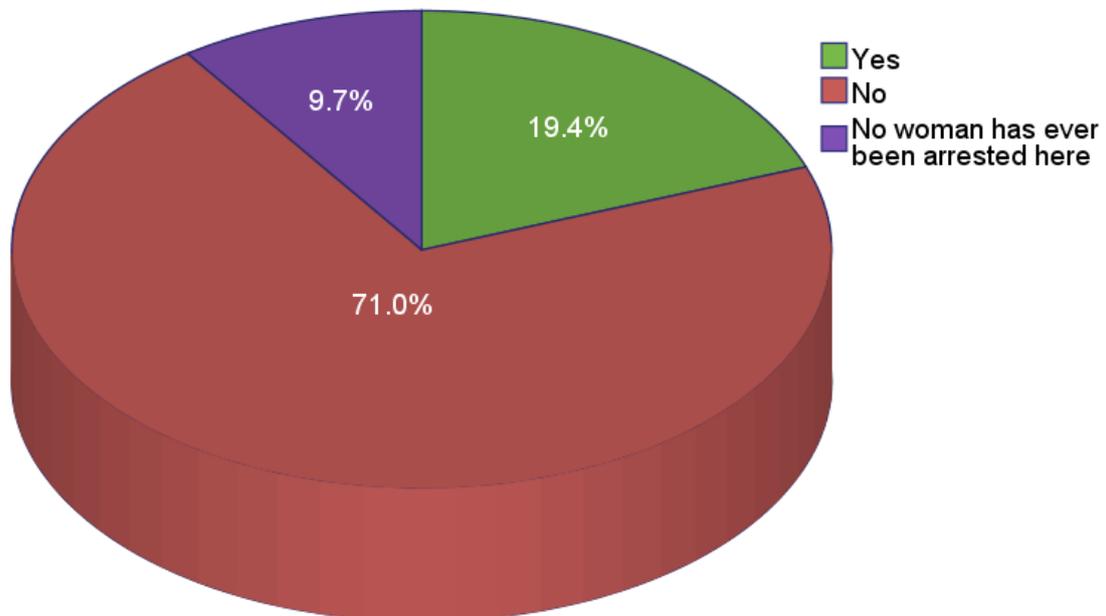


Chart 30: Female inmates: Who informed your lawyer? (N = 45)

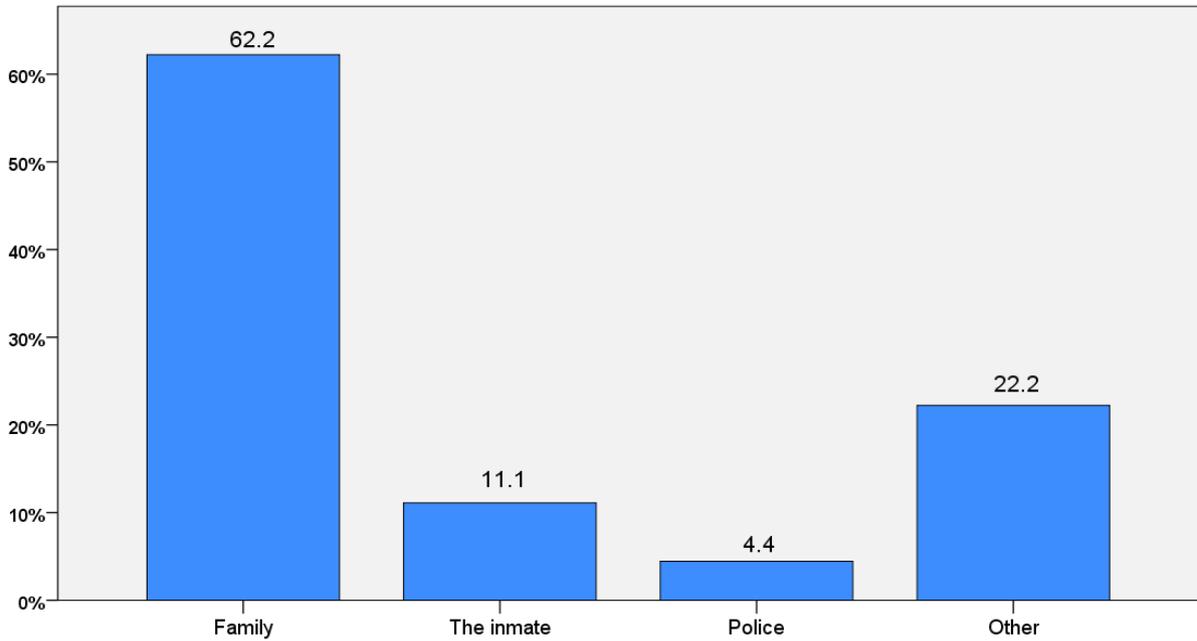


Chart 31: Female inmates: Who searched you?, by governorate (N = 62)

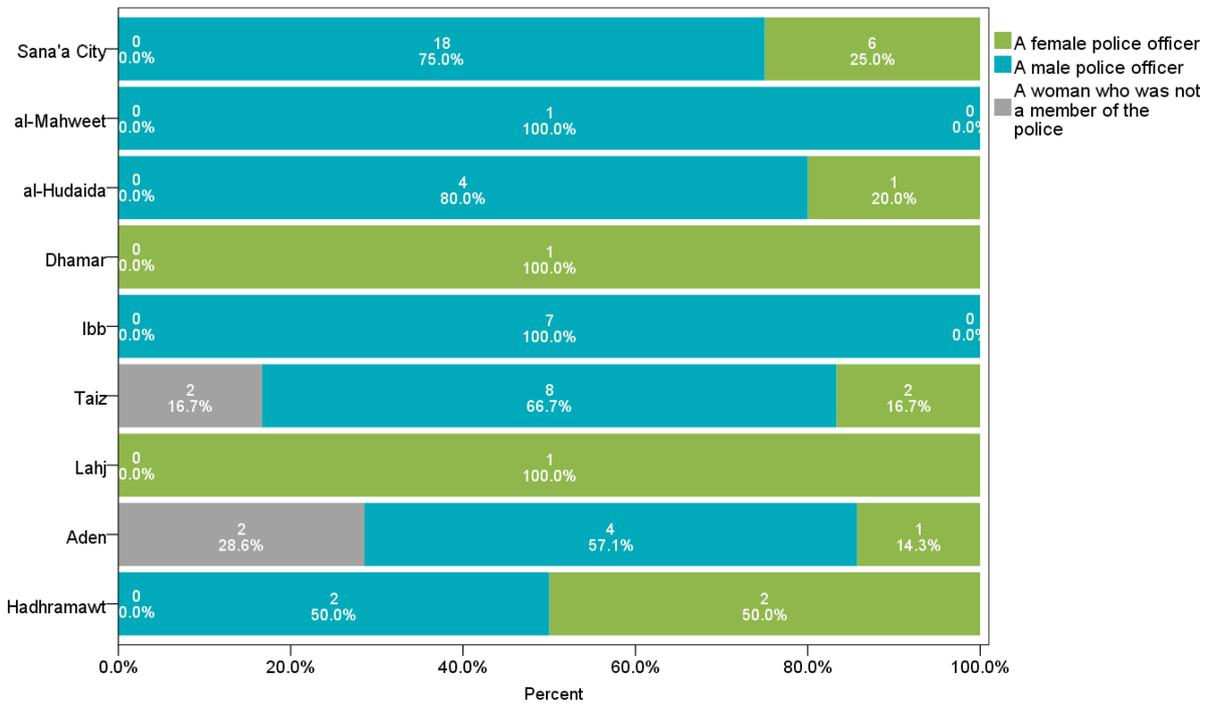


Chart 32: (Deputy) heads of police stations: Have you ever felt that you might need female police staff to help with cases relating to women and girls? (N = 31)

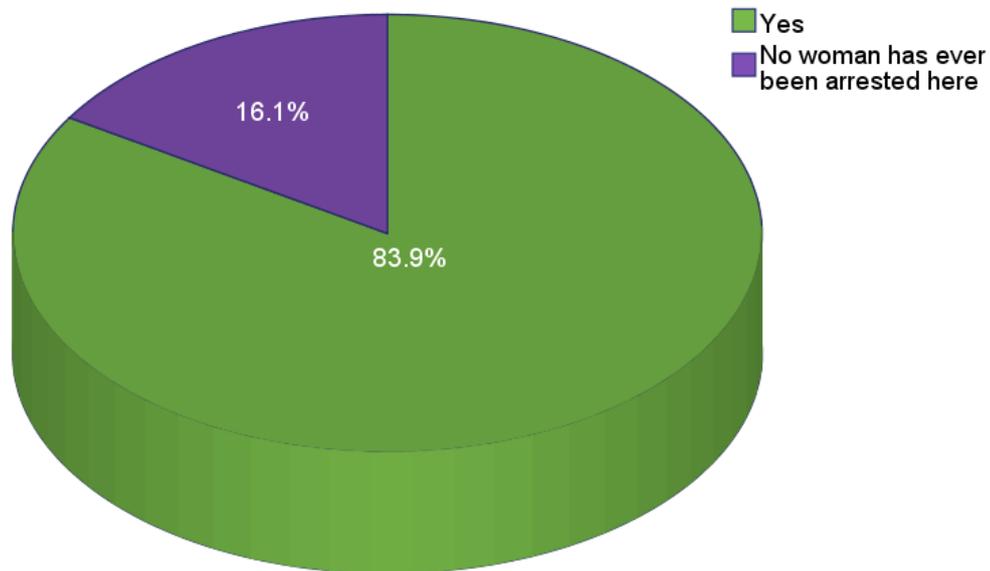
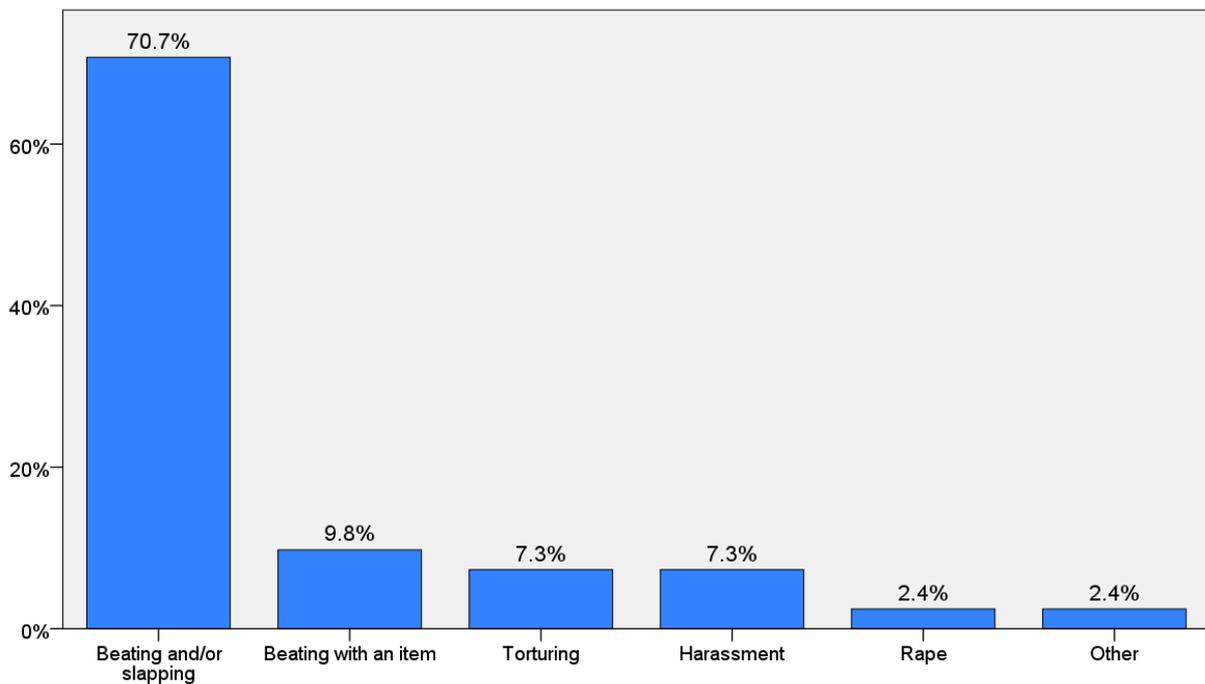


Chart 33: Female inmates: In what way were you physically assaulted? (N = 41)³⁶

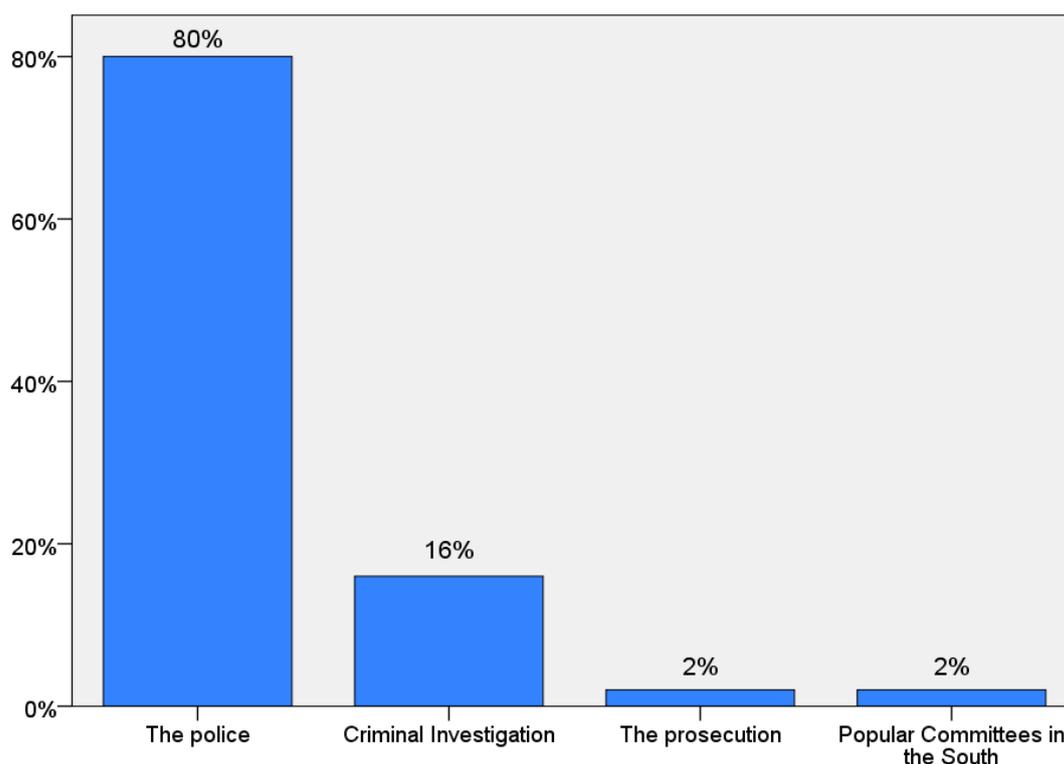


36 'Other' = gripping by the hand.



Out of the 49 female inmates who said they had been verbally assaulted by the authorities, most reported having been insulted with words such as ‘prostitute’, ‘whore’, ‘bitch’, ‘bastard’, ‘*habashiyya*’³⁷ and others. A significant number of women said they had been threatened, some of them specifying that they had been threatened with rape or violence. 40 of the 49 respondents said they had been verbally assaulted by the police, seven said they had been assaulted by members of the CID and one respectively said she had been verbally assaulted by members of the prosecution and of the Popular Committees in Aden.

Chart 34: Female inmates: Who assaulted you verbally? (N = 49)



Five of the inmates who reported having been physically assaulted during the arrest and five of the inmates who reported having been assaulted verbally said that they had been searched by a female police officer or another woman who did not belong to the police. The data does not allow us to infer that the women who searched the inmates were also the ones verbally or physically attacking them – nor whether such assaults necessarily happened in their presence –, but the data also does not allow us to infer that such assaults were only committed by men. Training to enhance the arrest procedures of female detainees in order to ensure their rights are upheld would thus necessarily have to target male as well as female police officers.

³⁷ This term is generally used in Yemen in a denigrating way to suggest that the person referred to is from Ethiopia (sometimes also Somalia) and thus not Yemeni.

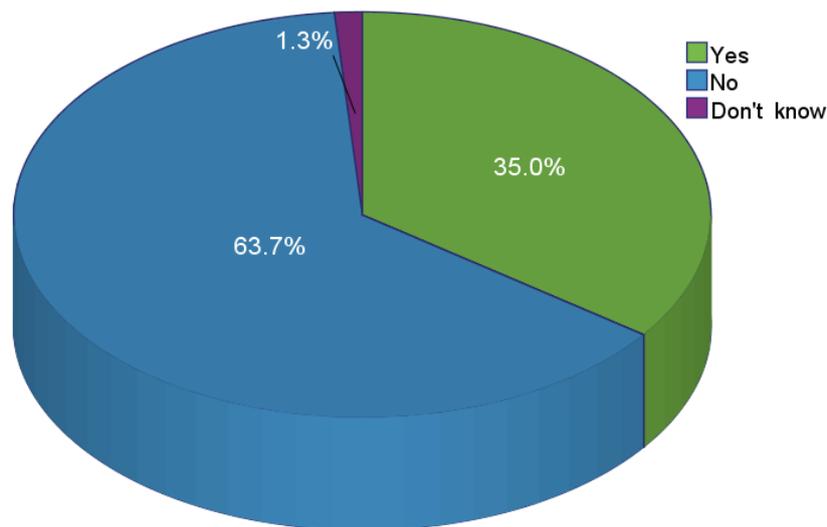


PART III: PRISON EXPERIENCES

Access to legal counsel

The lack of provision of legal counsel to prison inmates as well as the overburdened and at times corrupt justice system in Yemen account for numerous wrongful imprisonments as well as extended periods of detention before a case comes before court (see Charts 12 to 14 above illustrating the time female inmates had already spent in prison while their trials were ongoing or their cases were under investigation). According to the research conducted for this report, only 82 out of the 234 inmates interviewed said they had received legal counsel during their time in prison, whereas 149 said they had not; three didn't know whether they had received such advice.

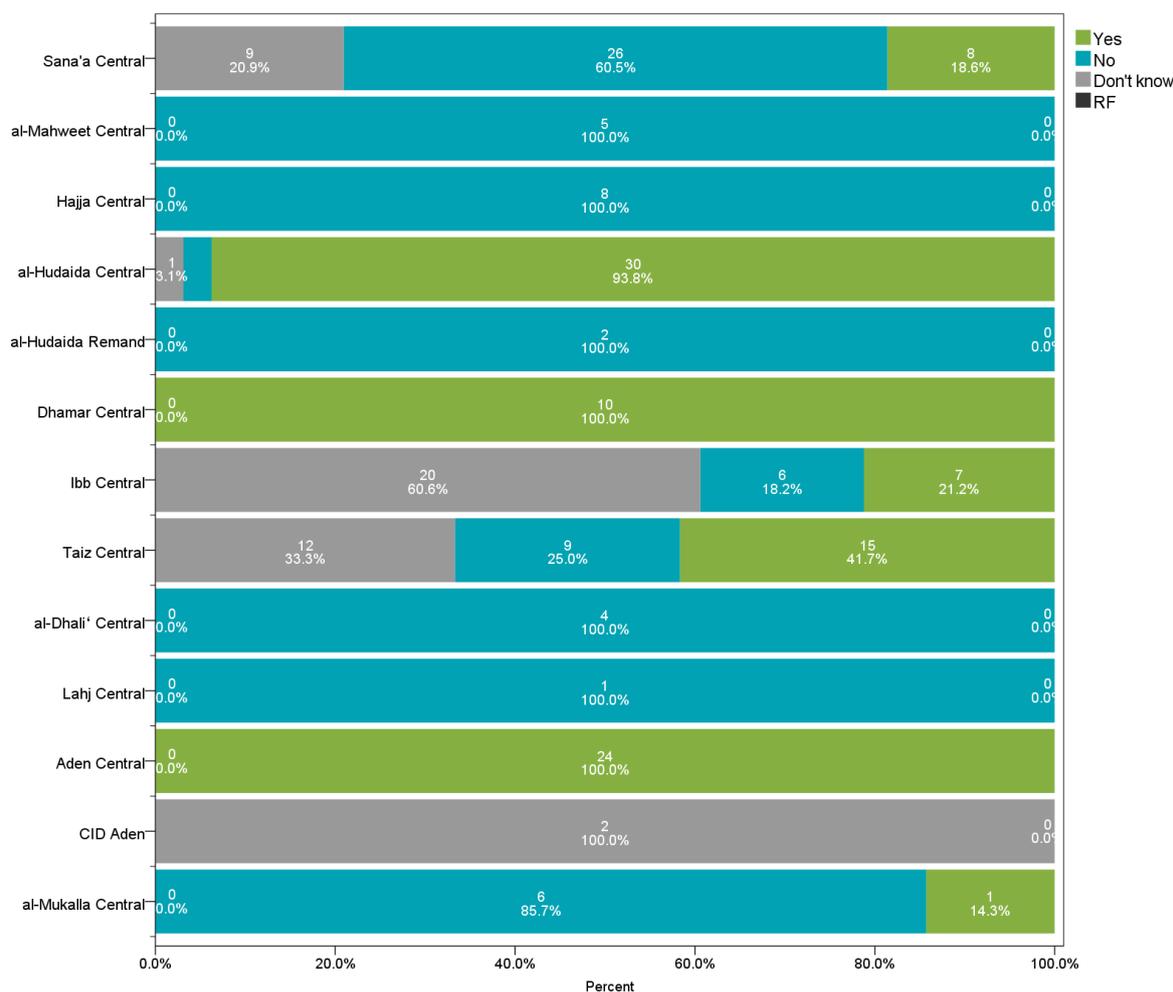
**Chart 35: Female inmates:
Have you received legal counsel during your time in prison? (N = 234)**



In a number of cases, this may have also been due to the fact that inmates either didn't know whether such service was being provided or they knew it was provided but had not (yet) tried or been able to access it. When YPC asked those who had been in prison for more than a month whether inmates in general have access to legal counsel, 45.9% said yes, 32.9% said no and 21.3% didn't know whether such service was being provided. How greatly the provision of such services varies from prison to prison becomes obvious when we look at the distribution of responses according to the facilities the respondents were hosted in. The provision of such counsel was obviously particularly good in al-Hudaida Central, Dhamar Central and Aden Central whereas in the others it was either non-existent or lacking.



**Chart 36: Female inmates imprisoned for more than one month:
Do prison inmates have access to legal counsel? (N = 207)**



Access to basic services

Before the war, on the national level, the Qualification and Correction Authority (QCA) at the Ministry of Interior had overall responsibility for the management of prisons throughout the country, which included the provision of basic necessities (food, water, medical care) to the inmates. In the provision of these services, the QCA was meant to coordinate with other relevant ministries, amongst others the Ministry of Youth and Sports, the Ministry of Health, and the Ministry of Education in the framework of a Supreme Council for Prisons, in the framework of meetings that were to take place every two to three months and for which the QCA was meant to set the agenda. In reality, no such meetings took place.³⁸ Whereas in Sana'a, at least, the other ministries provided some services to the prisons, there was often a lack of such coordination and provision of services to inmates in the other governorates.

38 The information in this paragraph is based on unpublished research the author of this report conducted in 2013.



On the governorate level, theoretically at least, the local authority, which is headed by the governor and which includes the head of security and the prosecutor, was responsible for the coordination of services provided to prison inmates.

According to the twelve (deputy) heads of prisons interviewed for this report, seven of them were in contact with the local authority regarding the provision of services for the prisoners, three of them sometimes and two of them never. When asked who they coordinate with in regard to problems around the provision of food to the inmates, most respondents pointed to direct contacts with the QCA in Sana'a. Next to this, the answer most often given was the Yemeni Economical Cooperation (YECO), which was originally established as a supplier to soldiers but has expanded its economic activities way beyond the security sector over the course of the decades.³⁹ In regard to the provision of water, the actors most often named were the governorate's public water and sewage corporation, the governorate's security headquarter and the QCA.⁴⁰ And in regard to sanitation problems, too, respondents most often contacted the governorate's public water and sewage corporation. All respondents reported problems providing basic services to the inmates.

Table 1: (Deputy) heads of prisons: Who do you contact in regard to problems relating to... (N=12)⁴¹

provision of food	# of answers	provision of water	# of answers	sanitation	# of answers
QCA	9	Governorate's public water and sewage corporation	9	Governorate's public water and sewage corporation	6
YECO	4	Governorate security headquarter	4	Local authorities/local council	2
Head of the central prison in al-Hudaïda	1	QCA	3	QCA & Governorate security headquarter	2
Governorate security headquarter	1	Governor	1	Environmental authorities	2
Lahj local authority	1	Water truck	1	Cleanliness Fund	1
				We do it ourselves	1
				We bring someone from outside the public water and sewage corporation	1

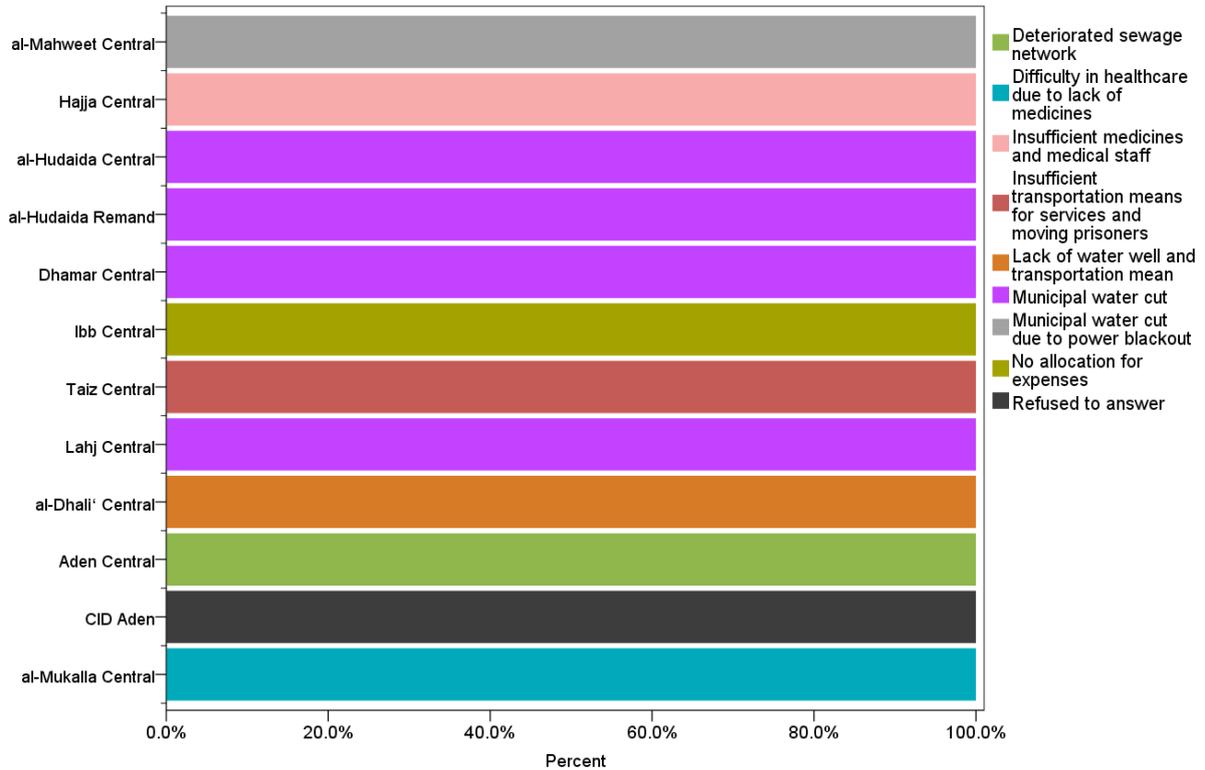
39 On YECO's and its precursor's role in Yemen's tribal-military complex, see Seitz 2017.

40 On the structure of the Yemeni water sector, see Zabara 2018.

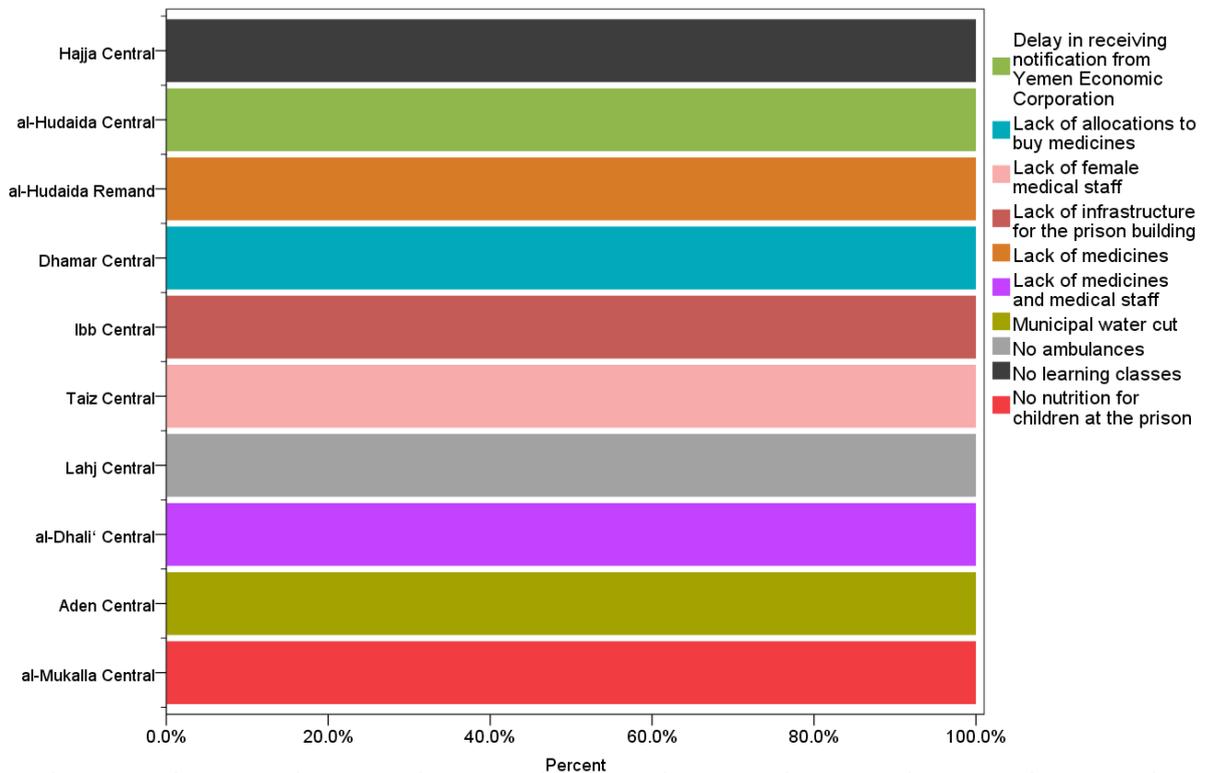
41 Several answers were possible.



**Chart 37: (Deputy) heads of prisons:
What are the main issues face in providing basic service? First answer (N = 12)**



**Chart 38: (Deputy) heads of prisons:
What are the main issues face in providing basic service? Second answer (N = 10)**



Next to the public authorities mentioned above, the (deputy) heads of prisons listed numerous local, national and international organizations which contributed to the provision of basic services to inmates, ranging from the provision of medicine, food, clothes and special items for women and children over prison maintenance to psychosocial and legal support. Not all of these services were available at all prisons, however, and were not necessarily being provided on a regular basis.

Table 2: (Deputy) heads of prisons: Can you name the CSOs which are usually active in this prison? (N = 12)⁴²

Organization	Frequency
Yemeni Red Crescent	6
Yemeni Women's Union	6
International Red Cross	4
Red Crescent	4
Abu Musa al-Ash'ari Charitable Society	2
Doctors Without Borders	2
al-Rahmah Foundation	1
'Awn Foundation	1
Brotherhood Bridge Foundation	1
Charity organizations and individuals	1
Endowment	1
Human Rights Coordinator	1
International Organization for Migration	1
Intersos	1
Islamic Association	1
Islamic Relief Foundation	1
Lawyers' Syndicate	1
Me For My Country Society	1
Medical charity foundation	1
Prisoner charity foundation	1
Refugees' Rights	1
Sah Foundation	1
Social Fund for Development	1
Society Development	1
Women's Supreme Council	1

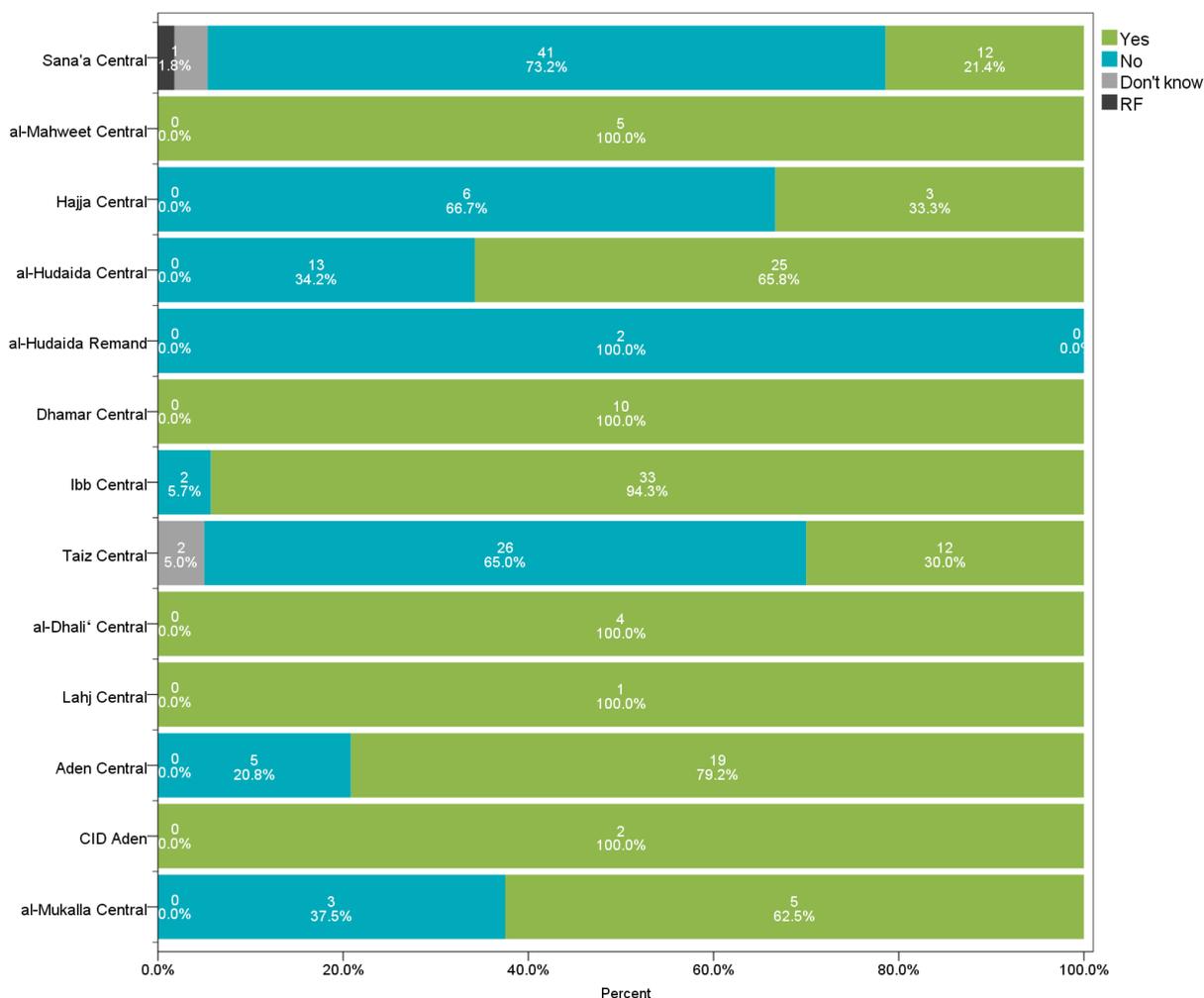
Regarding inmates' perspectives on the access to basic services such as the provision of food, water and medical services, there are strong differences between the various prison facilities. In regard to the provision of food and water, a majority of respondents in Sana'a Central, al-Hudaida Remand, Hajja Central and Taiz Central said they did not receive sufficient food and water,

⁴² Several answers were possible.



whereas all inmates in (the private house affiliated with) al-Mahweet Central, Dhamar Central, al-Dhali' Central, Lahj Central and at the CID in Aden were satisfied in this regard.

Chart 39: Female inmates: Do inmates receive enough food and water? (N = 234)

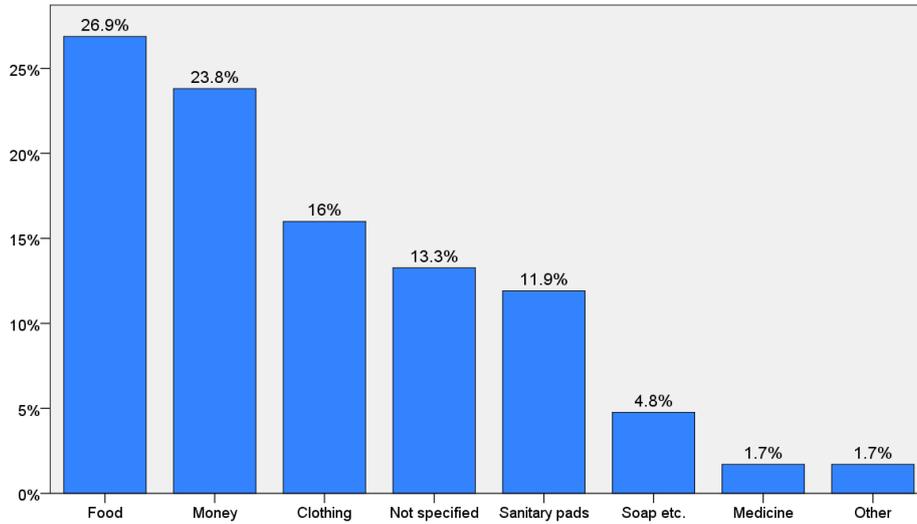


The majority of prison inmates (67.5%) stated that they received assistance from outside the prison, mainly in the form of food, money, clothing and sanitary napkins.⁴³ Most inmates received these assistances either from their own families or from NGOs or charities. The significant number of respondents saying they received assistance from their families demonstrates the importance of detaining inmates in close proximity to the areas where their families live.

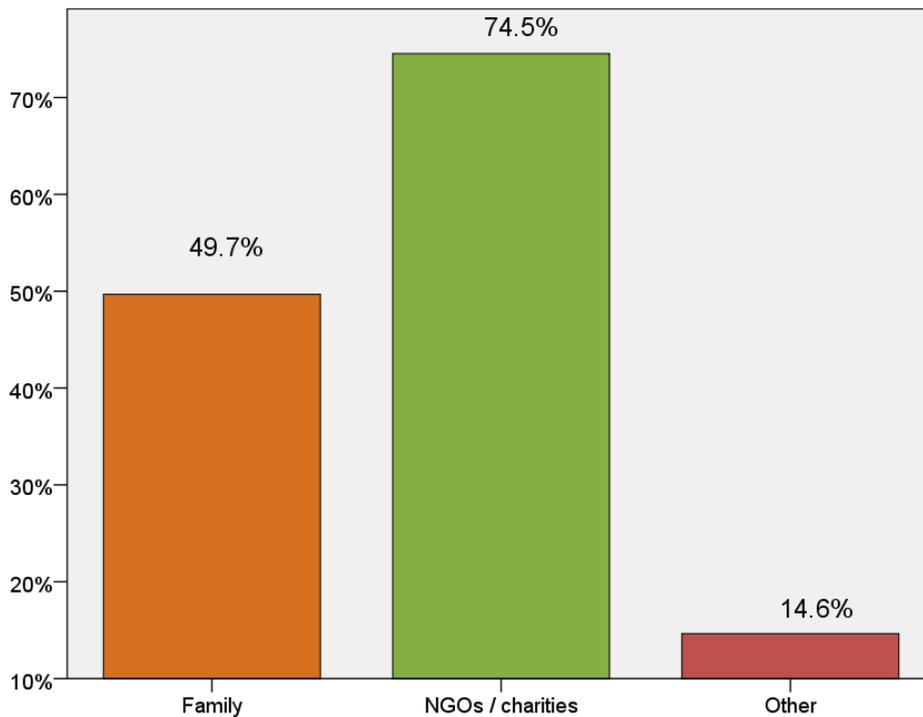
43 Regarding sanitary pads and other requirements, 171 respondents out of 234 said they received everything they required for the days when they had their period, 57 said no and six said they didn't know. Again, 100% of all respondents said 'no' in the following prisons: Bajel Prisons and Reform Authority al-Hudaida, al-Dhali' Central, Sabr Prison in Lahj and at the CID in Aden.



**Chart 40: Female inmates who receive assistance from outside:
What kind of assistance do you receive from outside? (N = 158)⁴⁴**



**Chart 41: Female inmates who receive assistance from outside:
Who provides such assistance? (N = 158)⁴⁵**



44 Answers given under ‘Other’ included ‘authorizing a lawyer’, ‘qat and cigarettes’, ‘qat’, ‘medicine and a lawyer’ and ‘children’s items’.

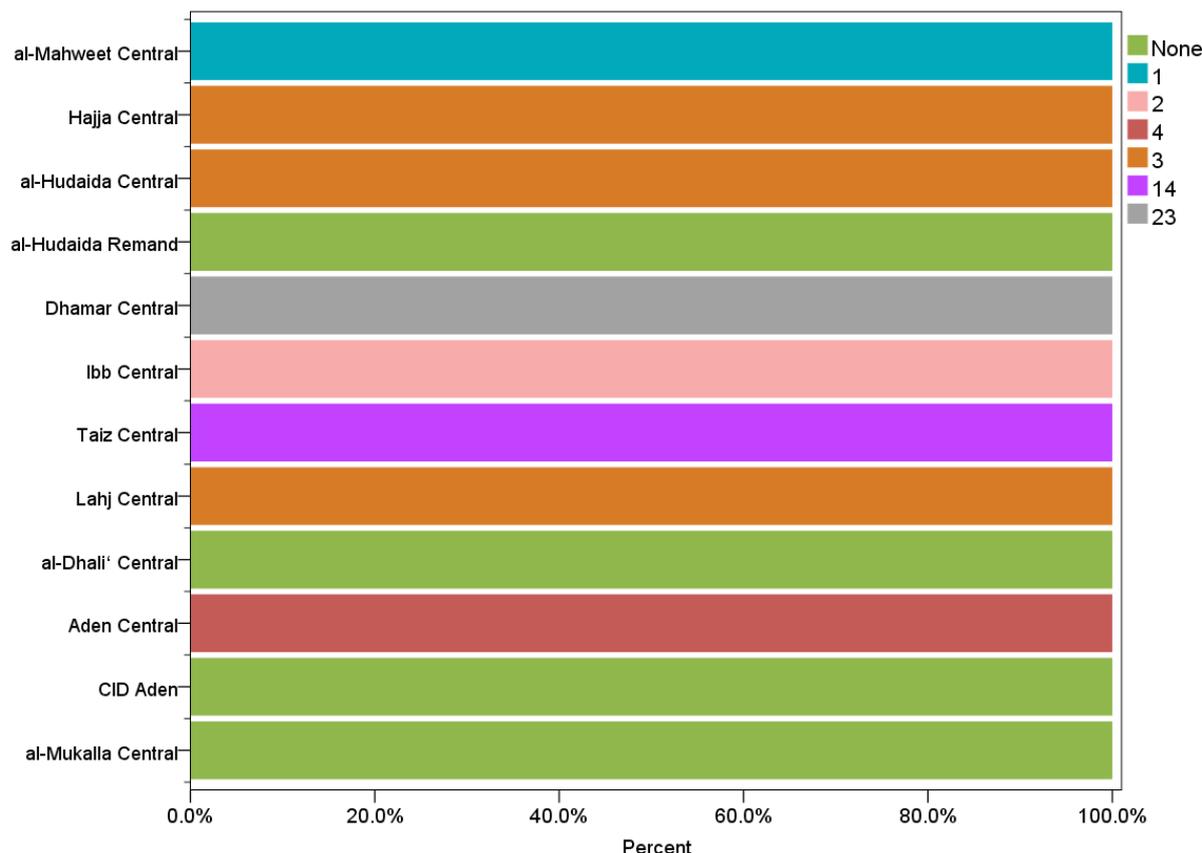
45 Several answers were possible. Answers given under ‘Other’ included ‘an individual benefactor (Umm Ahmad)’, ‘merchants’, ‘neighbor’, ‘friend’ and ‘relatives of the person she had a relationship with’.



Medical care

According to the twelve (deputy) heads of prisons interviewed, all but four prison facilities had medical staff working directly at the prison, ranging in numbers of 1 (al-Mahweet Central) to 23 (Dhamar Central).⁴⁶ Out of these, one female medical staff was said to be working in Dhamar Central, Ibb Central and Aden Central respectively.

Chart 42: (Deputy) heads of prisons: How many medical staff work at this prison? (N = 12)

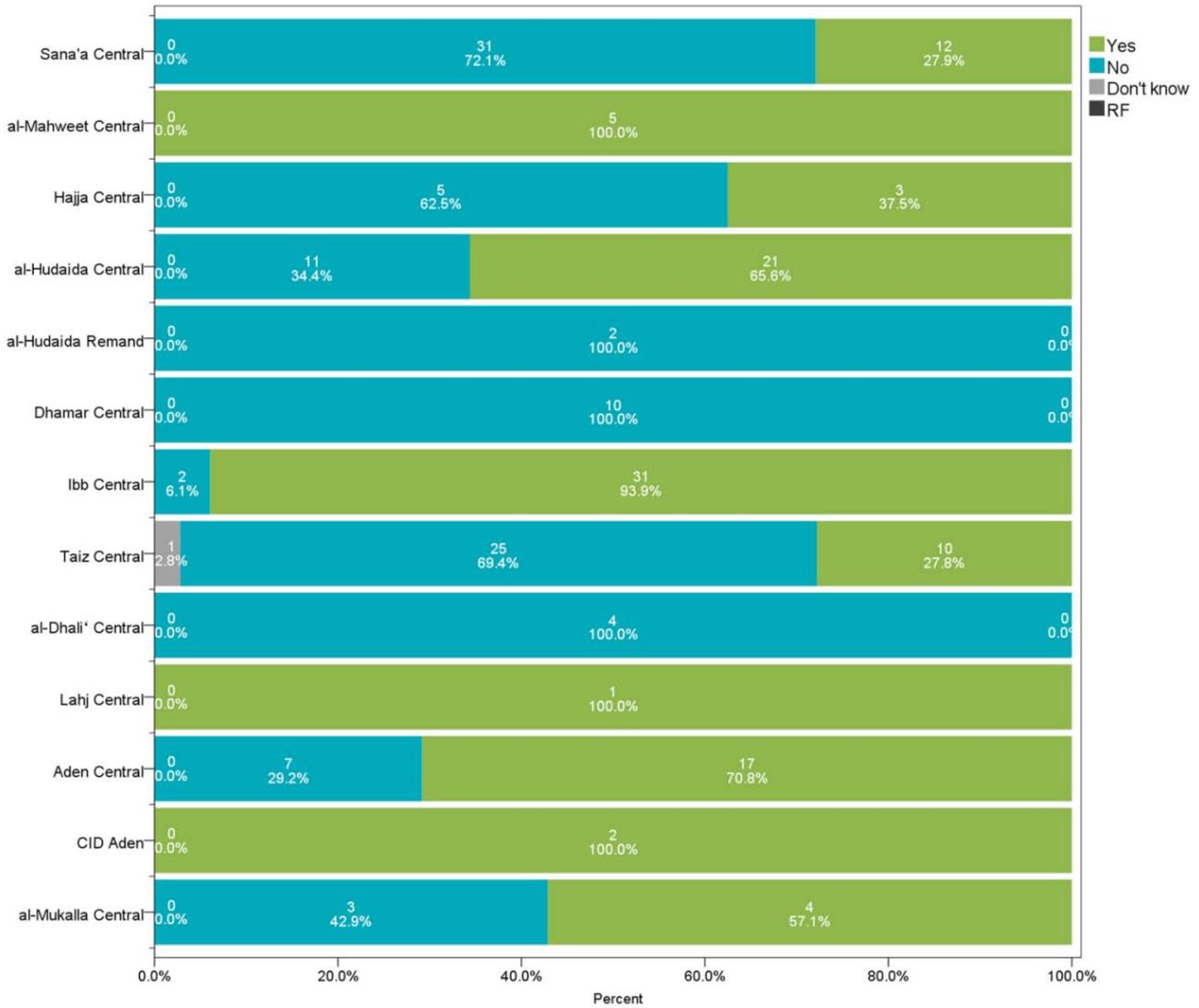


Regarding the provision of medical care only the number of inmates in the private house affiliated with al-Mahweet Central, the Sabr Prison in Lahj and at the CID in Aden said they all had access. In all other facilities with the exclusion of Ibb Central, the number of respondents replying with 'no' was either in the majority or significant. Note that for this analysis and the chart below, all responses of inmates who had only been in prison for less than a month have been excluded so as to ensure that the responses were based on a certain amount of experience.

⁴⁶ Numbers could not be verified.



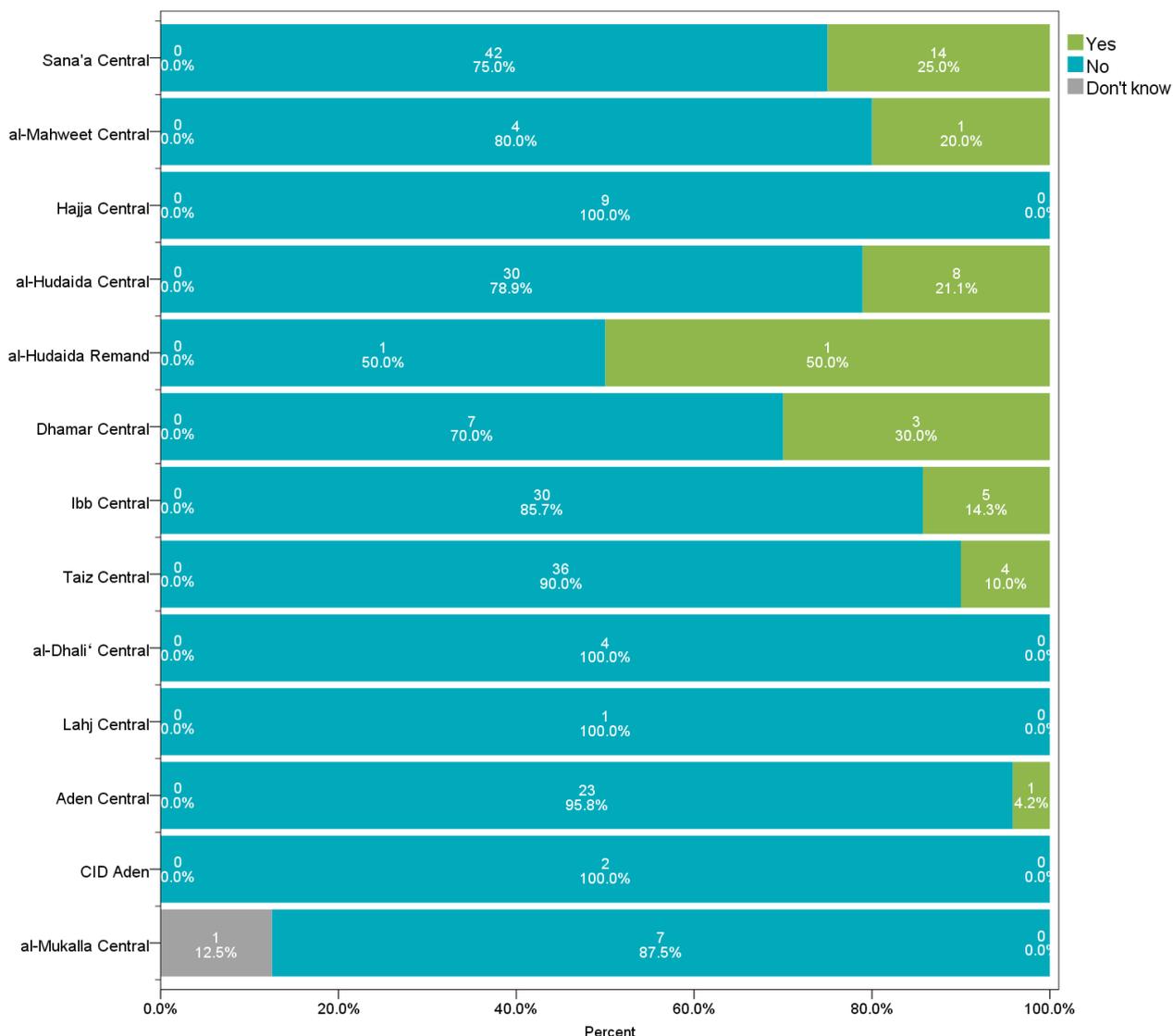
**Chart 43: Female inmates imprisoned for more than a month:
Do prisoners have access to medical care? (N = 207)**



Moreover, when asked whether they had received a medical check-up when they first arrived at the prison, only a total of 37 respondents out of the entire female prison community interviewed for this study had received such an examination.



Chart 44: Female inmates: When you first arrived at this prison, did you receive a medical check-up? (N = 234)



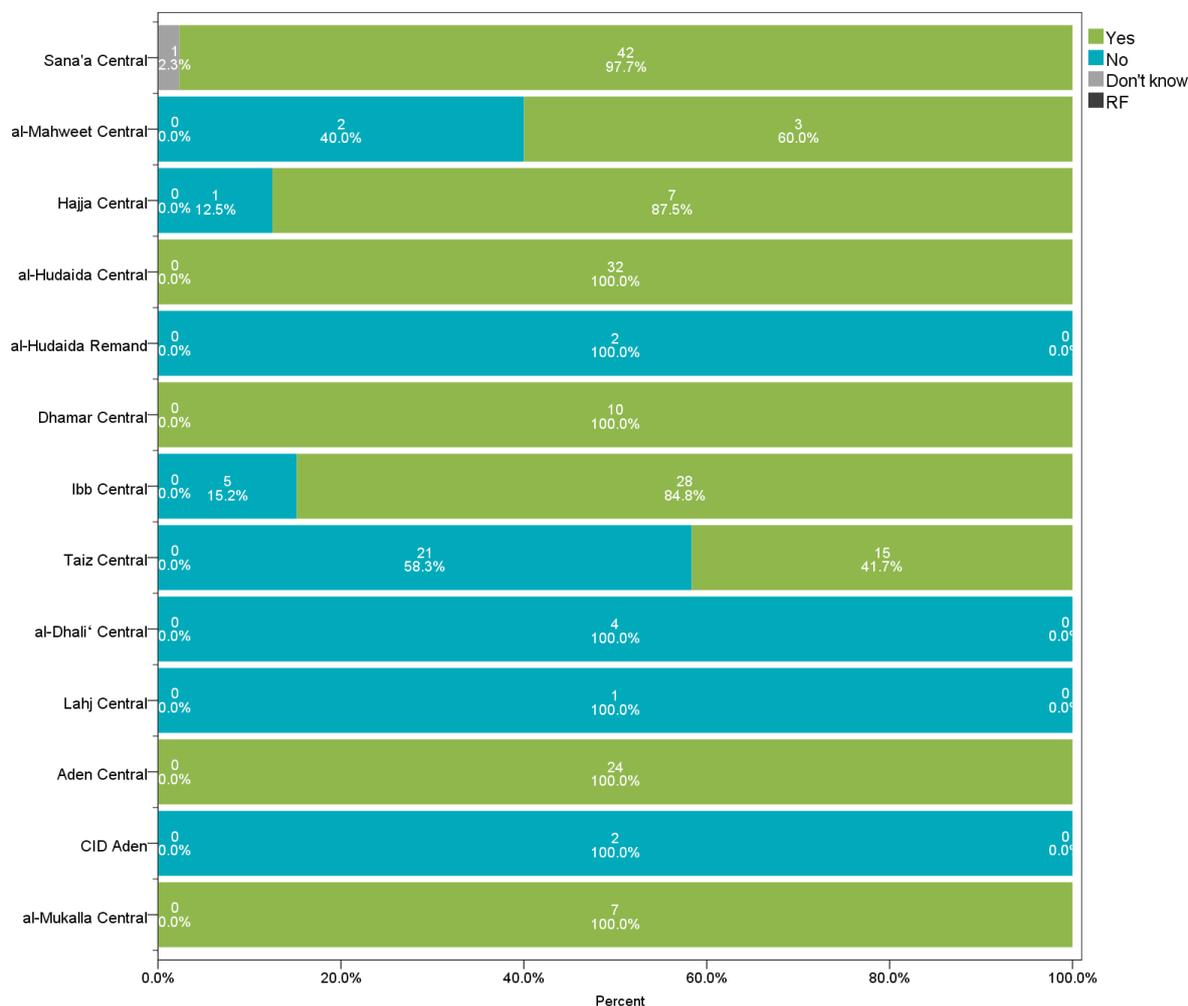
Training and rehabilitation

In theory, Yemen’s penal system has a “progressive nonpunitive approach to imprisonment and a central aim of reform and rehabilitation” (Mangan & Gaston 2015: 9). Paragraph 1 of the Yemeni Prison Authority Organization Act (Republican decree no. 48 (1991)) stipulates that

“[t]he Prison authorities shall take into account the importance of the psychological factor in reforming and rehabilitating the prisoners. They shall continuously endeavor to develop and improve the service they provide to prisoners because they are in need of human treatment and a caring environment. Furthermore, the prisoners shall be free from hunger, diseases and abuses. They shall maintain their family links, preserve their dignity and observe their human rights” (cited in *ibid.*).



Chart 45: Female inmates: Do prison inmates have access to rehabilitation measures such as training courses?, by prison (N =207)



As numerous previous studies on the Yemeni penal system have noted, however, “the prison law’s fundamental weakness is lack of implementation and enforcement” (ibid.: 10). This particularly concerns services provided in the field of rehabilitation, where the limited resources made available to the prisons curb and in most cases entirely prevent the prisons from providing basic education, vocational training and meaningful labor themselves. In those cases where training and education are provided, these are often offered by non-governmental organizations.

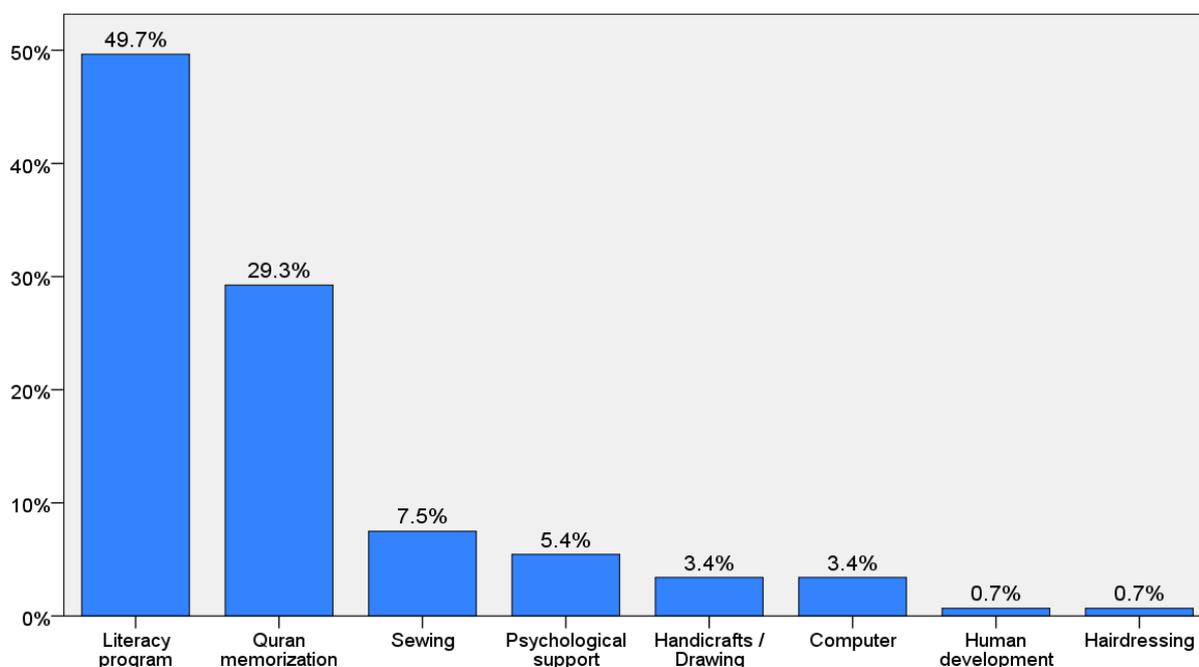
It is accordingly positive to note that 81.2% out of the 207 prison inmates who had been in prison for more than a month said that inmates had access to rehabilitation measures such as training courses. 18.4% denied the availability of such measures and 0.5% didn’t know. When we look at the distribution of such responses according to prison and governorate, however, it becomes evident that the Central Prisons in al-Dhali’ and Lahj as well as al-Hudaida Remand (and the CID in Aden) did not seem to offer such services in general whereas in the other



facilities the majority of responses in the affirmative indicates that such services are indeed available.⁴⁷ The only exception here is Taiz Central where the majority of the respondents said that there was no such possibility of training, as well as al-Mahweet, where two out of five respondents said that such services were not available. This may have been either due to the fact that such training measures were only offered irregularly and that those who said ‘no’ had not been in prison long enough or due to the fact that they did not count training programs offered by other inmates as services provided by the prison.

107 of those interviewed said they had been or were currently enrolled in an educational program (126 said they had/were not). Out of these, 38 had been enrolled in several courses. In total, 73 had been enrolled in literacy programs, 43 had attended Qur’an memorization, 11 had received training in sewing, eight had received psychological support (perceived by the respondents as training) and five had received computer training, amongst others.

Chart 46: Female inmates: In what training courses have you been enrolled? (N = 107)



When asked who provided these programs, the following institutions and persons were named in the following prisons, pointing to the fact that some prisons are supported by NGOs exclusively active in one area (e.g. Adalah for Rights and Freedoms) whereas the Red Crescent seems to have a wider spread over several prisons in Yemen.

⁴⁷ About half of the negative (or don't know) responses in these prisons were given by inmates who had been in the prison for six months and less and were thus possibly not aware of the availability of such irregular services.

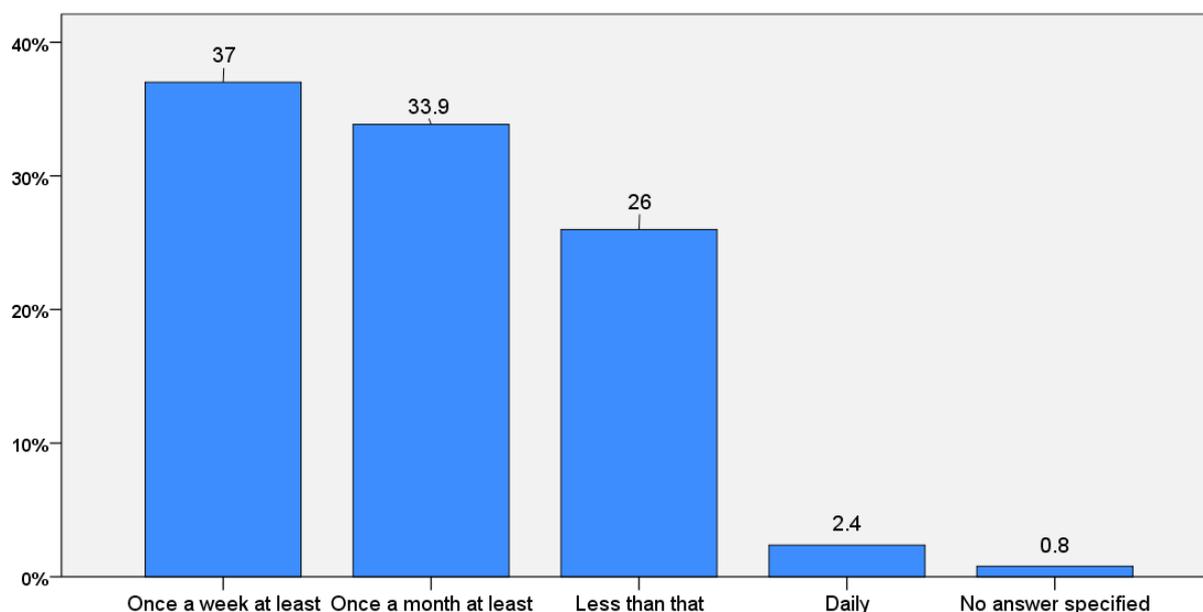


Family visits

An important component of rehabilitation is also the close contact between inmates and their families as this will enhance their chances of returning to them and reintegrate into society after their release. This is an issue that particularly concerns female inmates whose imprisonment is often accompanied by shame and dishonor for their families, some of which tend to disown the imprisoned family member as a result (see also the section on ‘Prospects for the future’ in Part I of this report).

From the 234 inmates interviewed, only 127 stated that they received family visits, 107 did not. Out of the 127 who did receive visits, three said they received such visits on a daily basis, 47 received a visit at least once a week, 43 at least once a month and 33 less often than this. One respondent did not specify her answer.

**Chart 49: Female inmates who receive family visits:
How often do you receive visits from your family? (N = 127)**

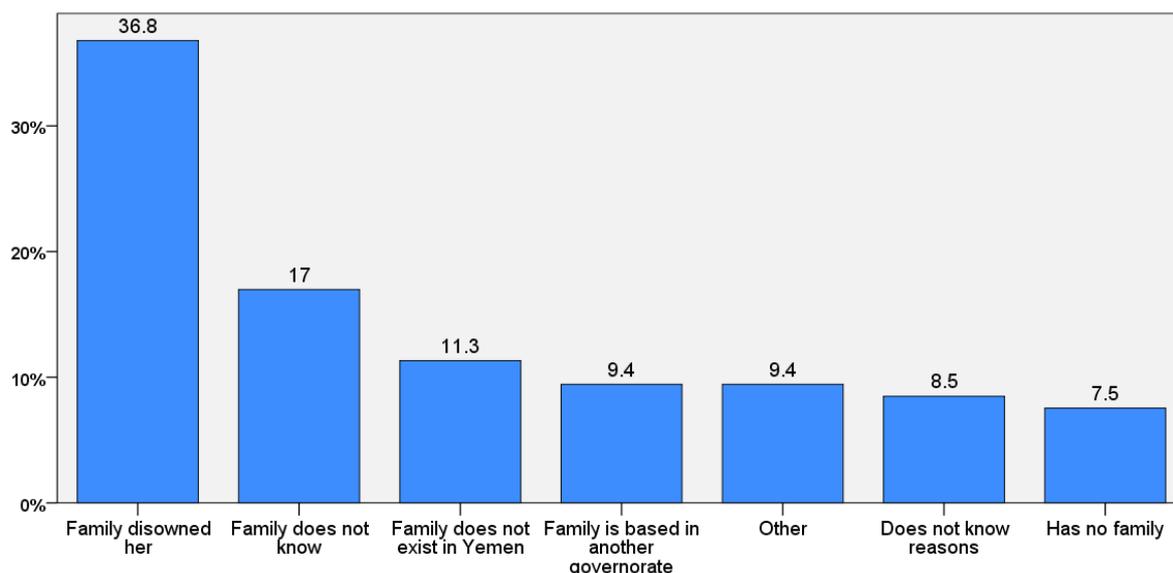


Out of the 107 who said they did not receive family visits, 39 said this was the case because the family had disowned her; 12 stated that their families did not live in Yemen and were thus unable to visit; and 18 said that their families were unaware that they were in prison.⁴⁹ Ten respondents’ families were based in another governorate; nine did not know why their families did not visit them; and eight said they had no family. One response was missing. Responses given under ‘Other’ included ‘out of shame’ (twice); ‘due to health conditions’; ‘because the family of the person she murdered was threatening her family’ (twice); ‘she refuses visits from her family’; ‘the whole family is in custody due to the case’; and others.

⁴⁹ Out of these, seven had been in prison less than ten days, one from ten days to less than a month, five between one and six months, three between six months and a year and two between a year and two.



**Chart 50: Female inmates who do not receive family visits:
Why do you not receive family visits? (N = 106)**



Imprisonment with children

In Yemen, it is common practice to keep younger children imprisoned with the mother. 45 of the 234 respondents said they were imprisoned with children. 33 of these had one child with them in prison, six of them had two, five of them three and one was imprisoned with four children. 22 of the children had been born in prison⁵⁰ and the age of the children ranged between one month and eighteen years.⁵¹ Except in Hajja and at the CID in Aden, there were women imprisoned with their children in every facility targeted in this research.

When asked whether their children had been involved in any educational programs during their time in prison, only three women replied with ‘yes’. The children of these women had received literacy training, lessons in Qur’an memorization and one had been enrolled in a program of public education. Also, not even half of the prisons had a playground for children in their facility.

⁵⁰ Out of those mothers whose children had been born in prison, at least three must have conceived their children in prison (judging from the age of the child and the duration of imprisonment of the mother). This was the case for one inmate each in Dhamar Central, Ibb Central and al-Dhali’ Central. For further background on this see Heinze & Ahmed 2013.

⁵¹ One ‘child’ of eighteen years of age and two of fourteen years of age. All other children were below the age of twelve.



Chart 51: Female inmates: Detained/Imprisoned with children? (N = 234)

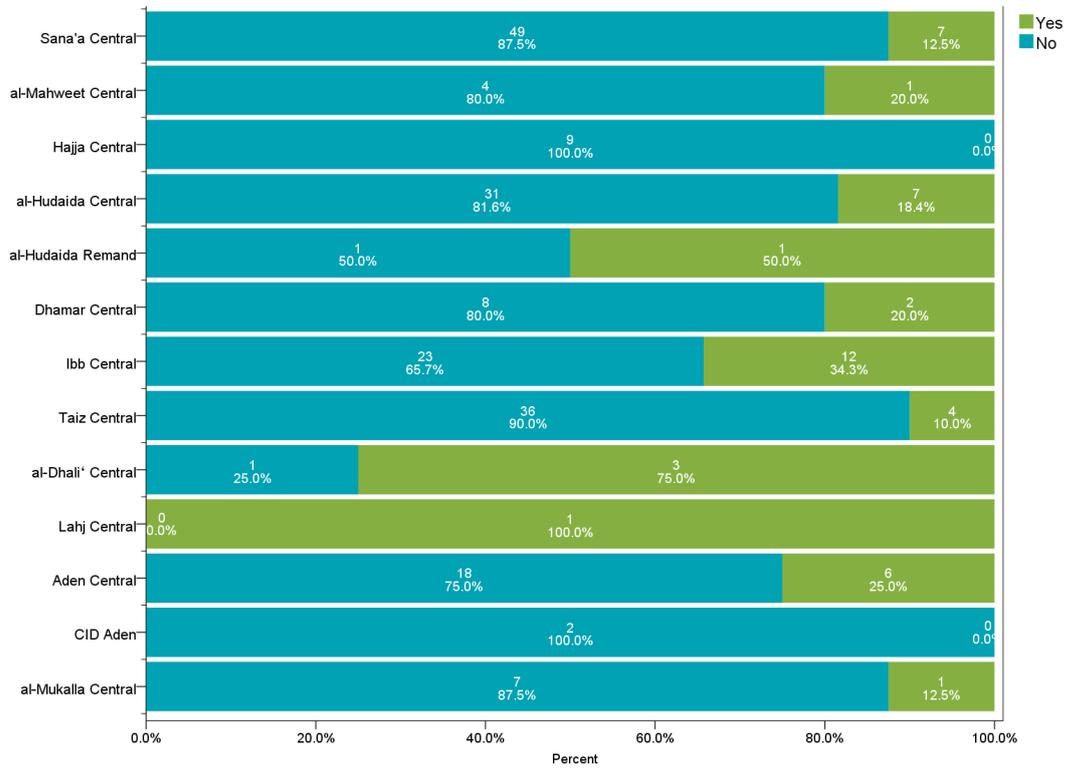
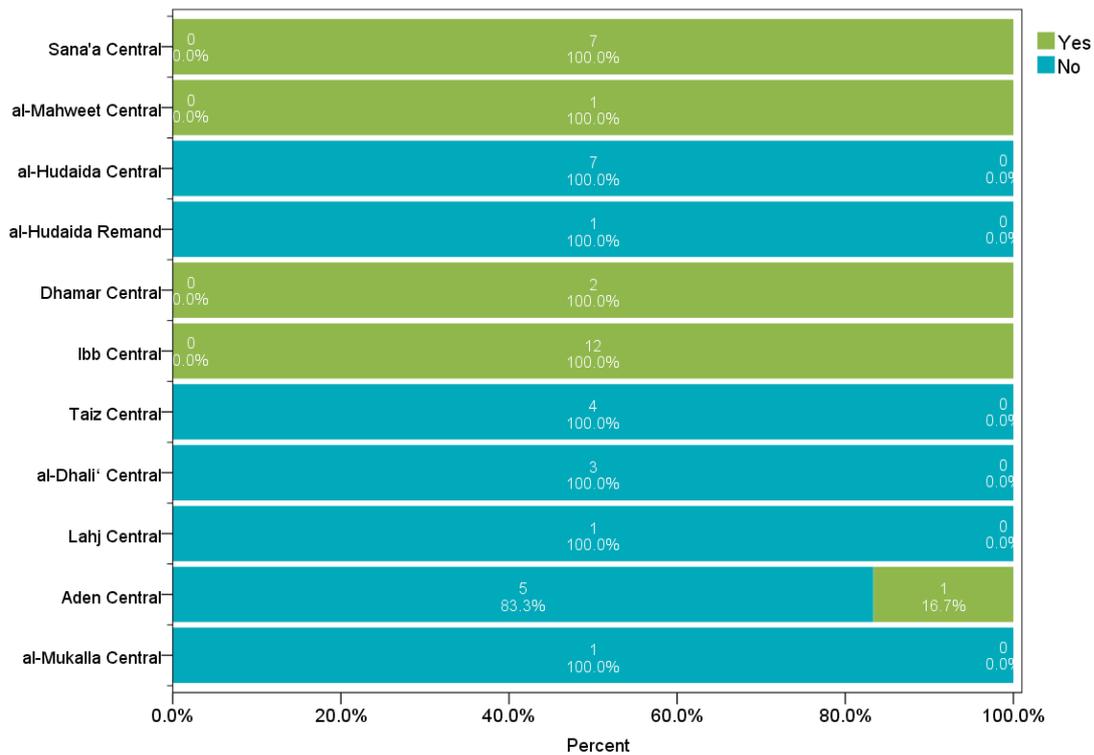


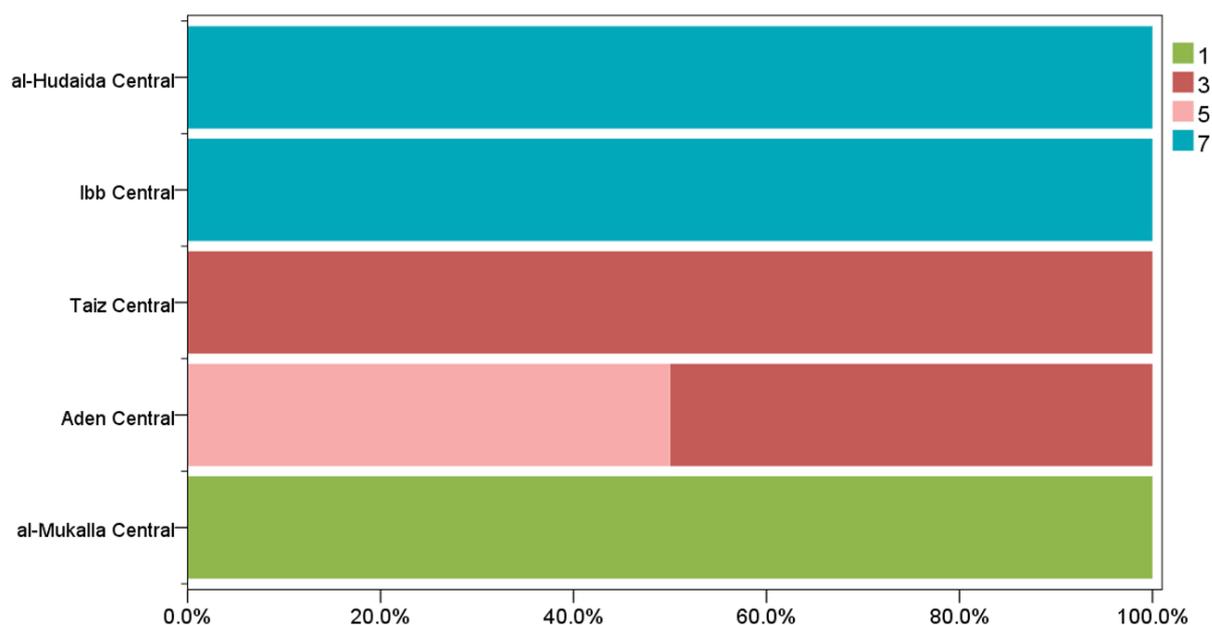
Chart 52: Female inmates imprisoned with children: Is there a special playground for children in this facility? (N = 45)



Experiences of social workers

Of the seven social workers interviewed for this report, many had received training on human rights, dealing with inmates, skills development of inmates, psychosocial support to inmates, and gender-based violence before taking up their positions. All interviewees voiced an eagerness to receive further training, amongst others in the provision of psychosocial support to inmates in general and how to positively deal with and support female inmates specifically. The social workers were working between one and seven days and between three to 35 hours per week.⁵²

Chart 53: Social workers: How many days do you work per week? (N = 7)



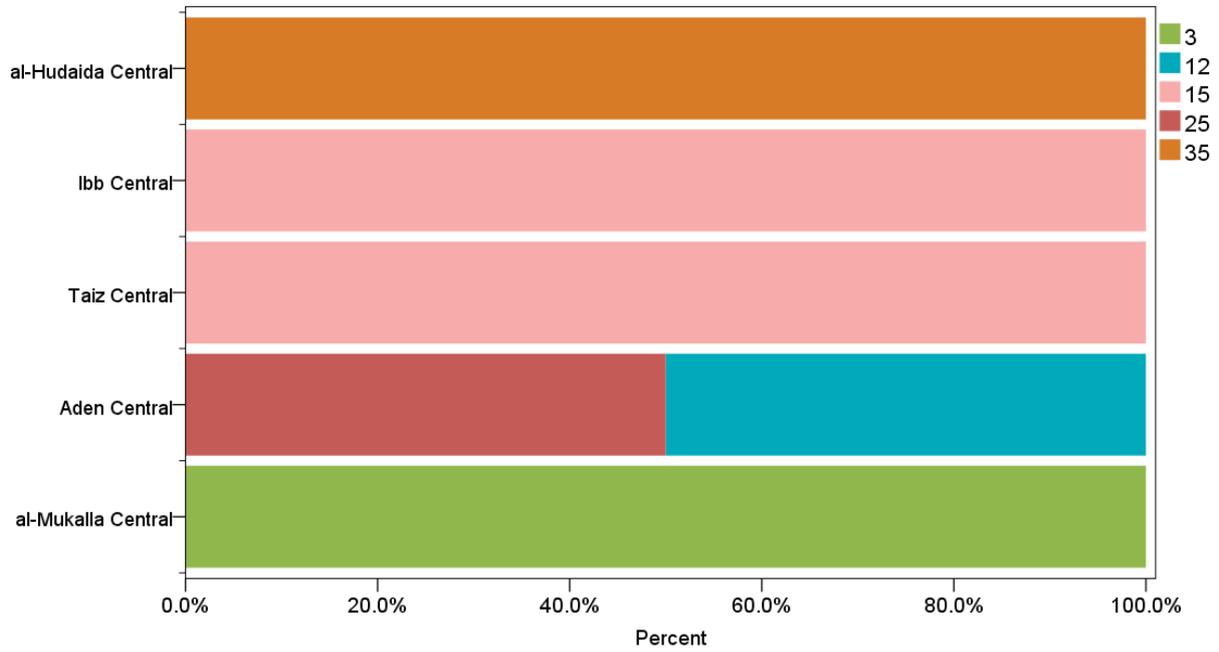
The services they provided to the inmates mostly related to providing psychosocial support, helping the inmates deal with their legal cases and contacting their families. Three of them also said that they regularly exchanged information with other prison staff to improve the situation of the inmates (meaning that four of them didn't) and three respondents also engaged in coordination with organizations outside the prison in order to improve the situation of the inmates.⁵³ All respondents said that they received no tools or equipment to support the carrying out of their services and several particularly pointed to the lack of tools and equipment (playground, games) for children imprisoned with their mothers.

⁵² Note that the social worker working at al-Mukalla Central was a volunteer from the Yemeni Red Cross, whereas all other six social workers interviewed were affiliated with the QCA.

⁵³ The organizations mentioned were the Social Fund for Development, Islah Charitable Organization, the Yemeni Women's Union, Qutuf Organization and the Hayel Saeed Trading Group.



Chart 54: Social workers: How many hours do you work per week? (N =7)



CONCLUSION

In light of the ongoing war in Yemen, opportunities for security sector reform in Yemen are rare – too easily could interventions be politicized or do more harm than good. Interventions in the Yemeni prison system and particularly in support of the limited number of female inmates, however, provide an entry point into the Yemeni security sector that would be less controversial, could immediately benefit all target groups and would allow for the establishment of structures, mechanisms and working relationships that would support a broader intervention in the security sector with the aim of contributing to the stabilization of the state after a peace agreement. The following areas of intervention with view to enhancing female prison conditions could provide good entry points:

Basic services: The QCA and other national authorities relevant for the provision of services (food, water, sanitation, medical services) to prisoners may not be functional at this point in time, but in many areas the local authorities as well as possibly other relevant actors (governorate security headquarter, YECO, public water and sewage corporation, etc.) as well as civil society actors may be functioning and ready to provide services to inmates. It is recommended to work with the local authorities in selected governorates to establish monthly coordination meetings of these actors and to help provide funds if necessary. Such monthly coordination meetings could also be seen as part of a broader peace-building effort (as they will very likely bring together actors with competing local interests in the effort to provide for prison inmates) and as part of a long-term stabilization and state-building effort as the functioning of local authorities and other public institutions will be upheld and expanded.

Education and training to inmates: Above-mentioned coordination meetings should also be extended to include the provision of training to inmates that will allow them to earn a living and reintegrate into society. This is particularly relevant for female inmates, some of whom do not have the opportunity to return to their families, and need to be able to sustain themselves after their release. Such training could also aim to be on-the-job, allowing women to earn money while in prison and thus helping them to earn the money required to pay off their debts/fines. The Social Fund for Development or SMEPS might be relevant organizations that could be strategically involved in such vocational training as well as in the provision of the necessary training tools and materials as this is often beyond the means of local civil society organizations. Such assistance should not end with the certificate received, but include help in establishing a small business after release from the prison. Primary targets should be female inmates who have no opportunity to return to their families upon release or who are without family or networks.

Next to literacy and vocational training for inmates, the situation of children imprisoned with their mothers needs to be urgently considered. Facilities where children under the age of ten are being held for longer durations with their mothers must provide a playground as well as toys and games and a trained social worker. Children aged six and older also need to receive a school education. Given the limited number of women imprisoned with children, such measures – to be implemented in cooperation with local authorities, heads of prisons, social workers and civil society – should be quick and not too expensive to provide.



Shelter homes: Shelter homes are difficult to maintain in Yemen and the very few existing ones were already struggling for survival before the war began. For many former inmates, they may also simply end up being a more comfortable prison as the social stigma that goes along with living in a shelter home significantly reduces former inmates' chances of reintegrating into society. Nonetheless, the maintenance of shelter homes in Yemen remains a necessity in Yemen given the number of female inmates who cannot return to their families after imprisonment. Local authorities together with civil society and other actors involved in running these shelter homes should be brought together to discuss ways of ensuring social reintegration, particularly also of juveniles and former inmates' children. Shelter homes also require long-term financial support. Regular contacts between heads of prisons and heads of shelter homes also ought to be encouraged and facilitated.

Education and training to prison staff: Last, but certainly not least, the provision of education and training to heads of prisons, prison guards and social workers on human and prisoners' rights, psychosocial support, provision of skills to inmates, facilitating their contact with the outside world (lawyers, family, civil society), in cooperation with local authorities and governorate security headquarters could be an easy and non-politicizable way of enhancing the conditions of (female) prison inmates. Training that brings together heads of prisons or social workers from various areas and governorates could also be a constructive way of bringing together professionals from various contexts, backgrounds and experiences around a topic they would all feel safe engaging in.

Monitoring: Monitoring of prison conditions and the provision of services to prison inmates may be difficult to implement in all areas of Yemen, but may still be possible in many. Yemeni civil society as well as the media should be encouraged to continue to publicly or less publicly report on prison conditions in Yemen. Focusing on the conditions of female inmates at this point in time would allow for such monitors to gain access to prisons more easily, and for building relationships with the relevant authorities for a time when publicly reporting on more sensitive issues around the management of prisons in the country is no longer a question of life and death.



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YPC Institutional Background

Established in 2004, the Yemen Polling Center (YPC) is an independent non-governmental research center legally registered at the Yemeni Ministry of Social Affairs and Labor (Certification No. 147/2005). YPC was founded by Hafez Albukari as a response to the need to inform decision-makers with nonpartisan and unbiased social science research of the highest international standards.

As the leading polling center in Yemen, and with more than 12 years of experience, YPC prides itself on providing the highest quality in social science research. YPC is the recipient of several awards from Gallup Organization for the adherence to research protocols and schedules, consistency and quality of data gathered, and communication on all research commissioned by Gallup, consistency and courage research under fire. YPC is an active member of the World Association of Public Opinion Research (WAPOR) and American Association for Public Opinion Research (AAPOR) and its staff regularly contributes to WAPOR and AAPOR conferences.

Since its inception, YPC has implemented dozens of qualitative and quantitative research projects on electoral, media, social, economic, political, development, and humanitarian issues. YPC has interviewed more than 150,000 Yemenis in face-to-face (F2F) household surveys, conducted dozens of focus groups, and completed hundreds of in-depth & elite interviews for local, national, and international research partners. YPC also conducts Monitoring and Evaluation (M&E) research for organizations wishing to evaluate the performance of their projects in Yemen.

Moreover, YPC has conducted dozens of trainings, workshops, and presentations for local, national, and international decision-makers, civil society, Members of Parliament, independent media, international NGOs, the donor community, and international organizations.

Complemented by 32 management, research, accounting and administrative staff based in headquarters in Sana'a and operational office in Aden, YPC is proud to have the most professional field staff in Yemen, all of whom have been carefully selected through rigorous testing and have broad experience in field work as well as in the nature of their respective Yemeni governorates.



Background of the Author

Marie-Christine Heinze is President of CARPO – Center for Applied Research in Partnership with the Orient. She holds a PhD in Social Anthropology from the University of Bielefeld (Germany), a master in Peace and Security Studies from the University of Hamburg (Germany), and a master in Near and Middle Eastern Studies from the University of Bonn (Germany). With more than ten years of experience in working on Yemen, Marie has consulted YPC on a number of projects, including the Yemen Parliament Watch project, two projects (one ongoing) on Security Sector Governance and Reform, and the ‘Enhancing Legal Security, Arrest Procedures, and Detention Conditions of Women and Girls’ project of which this report is part. Marie is the editor of *Yemen and the Search for Stability. Power, Politics and Society After the Arab Spring* (London 2018) as well as of numerous papers on gender, conflict and security in Yemen, amongst others the report “‘Women nowadays do anything’. Women’s role in conflict, peace and security in Yemen”, co-authored with Marwa Baabbad and published by Saferworld in collaboration with CARPO and YPC.

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Funded by The European Union