

Proposal for Urgent Measures



Concerning Egyptian Women Prisoners
in Light of the COVID-19 Pandemic

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Introduction

On March 11, 2020, the World Health Organization (WHO) confirmed the concerns surrounding the spread of the new Coronavirus (COVID-19) by declaring it becoming a global pandemic, adding that it could be controlled if countries strengthened their measures of controlling and containing the virus. The world witnesses a humanitarian catastrophe that threatens all countries' stability and endangers human lives. The only way out of this is political responsibility in dealing with this pandemic on serious, humane and moral levels beside gathering collective efforts and expertise needed. As there is no time or place for delay or inaction in taking measures by any country, as the virus does not only threaten the country's population, rather the entire world.

As of the date of this paper, there have been over 240 thousand cases worldwide, with deaths exceeding 10 thousand. A number of countries declared national emergencies and invest all its resources and potentials towards containing the spread of the virus and keeping the health system from collapsing in front of the overcrowding infected cases that will need help and could not get it. These are learnt lessons from countries such as Iran and Italy.

Egypt entered in confrontation with the pandemic since the announcement of the first positive case back in last February, but the real concerns started with the second case at the beginning of March. The number of positive cases has reached 256 on March 19 including 28 cured cases and seven deaths. The Egyptian government was a little late in taking necessary measures to deal with the threat of COVID-19 spread. However, this does not deny the serious and responsible approach the government is taking regarding the crisis and the efforts of containing it, and ensuring the safety of the citizens by adopting a number of preventive and protective measures beside dealing with the infected and suspected cases. Yet, there has not been a clear plan announced on the preventive and precautionary measures taken in prisons. This issue is of great importance especially as we enter the third week of the outbreak, the week that witnessed widespread of the virus in some countries such as China, Iran and Italy and started a very critical

stage of the outbreak. As with each day of delay in taking necessary measures to stop the virus could be a dangerous escalation of the crisis.

Out of our responsibility towards Egyptian women, and towards this crisis, which requires sharing all our solutions, experiences and perceptions about protective measures. This paper comes to highlight the danger surrounding women prisoners in Egypt, not just how easy prisons and detention centers can turn into hotspots for the virus, but to emphasize on women's right to health, life and enjoying their rights amid such catastrophe that could multiply forms of discrimination and violence against women without anyone noticing.

This paper proposes a number of solutions and policies that should be taken in regards to the conditions of women prisoners in Egypt, and in the context of reviewing a number of strategies and proposals presented globally from experts and based on a number of guidelines from WHO in addition to the Egyptian constitution and the National Strategy for the Empowerment of Egyptian Women 2030.

The national and legal basis for the State's responsibility to ensure the rights of women prisoners

"We believe that every citizen is entitled to live in this homeland in safety and security, and that every citizen is entitled to a today and a tomorrow".¹ This quote from the Egyptian Constitution Preamble could set the general governing value during the current crisis as of the State's role to consider the rights the rights of all citizens, women prisoners included in their present and future, which requires ensuring their right to live, at least, during the pandemic. The Egyptian Constitution includes many articles that oblige the State to take urgent steps towards the health and safety of women prisoners. For instance, article 18 of the Constitution states on the right of every citizen to health and full health care per quality standards. It also criminalizes refraining from providing cure in all its forms to all humans in emergency situations or others of danger to life. Article 56 states that prisons are places for reform and rehabilitation, and it prohibits all forms of violations against human dignity or what endangers its health.

¹ Preamble of Egypt's Constitution 2014

Looking at the National Strategy for Empowering Egyptian Women 2030, the first sentences of its preamble carries a quote from the President during the Egyptian Women Day 2017; “The national duty and responsibility before history makes it imperative to accelerate women’s empowerment and hold their rights and put them in their right place that fits their value, capabilities and struggles across history”.² Now we can translate this national call duty and responsibility before history into accelerating the special measures needed for the safety of Egyptian women including prisoners.

The National Strategy was also keen on avoiding all that affect the quality of life of Egyptian women, and to achieve justice and fulfill their rights in the face of the patriarchal societal culture that discriminates against them. We find that the third Pillar “social empowerment” calls for the prevention of practices which establishes discrimination against women or harm them whether in the public or the private spheres. It also calls for aiding them to gain their rights in various fields, and in providing them health services and supporting those who experience difficult living circumstances.³ Thus, supporting women prisoners, which is the last item on the interventions for the social empowerment of Egyptian Women and it includes providing them health care especially the elderly, and simplify and facilitate the visitation process for them to see their children, especially those with children under the age of 15. In addition, raising the awareness of women in debt about their rights and responsibilities.

Thus, we consider the Egyptian constitution and the National Strategy for Empowering Egyptian Women to be a referential framework in terms of the State’s responsibilities towards the protection and improving conditions of women prisoners and guaranteeing their rights.

Why reconsidering the situation of Egyptian women prisoners is an absolute necessity?

Egypt is no different from many countries that do not look at the women prisoners’ lives from a human rights and humanitarian perspective that is gender sensitive, and that restricting their freedom by a judicial order is the

² Preamble of the National Strategy for Empowering Egyptian Women 2030

³ Ibid, Vision and Goals chapter

only punishment and not their daily lives inside prisons as well. This is related to a number of factors and not just how the State and society look at women prisoners, but also the absence of policies, measures and resources directed fairly towards different situations of women, prisoners included.

Egypt has five prisons for women (Al-Qanater, Tanta, Port Said, Al-Minya, Damanhour) in addition to other detention centers. Women prisons are characterized by a structure that is based on social mixing more than isolation, as women share most of the spaces beside the overcrowded cells. According to testimonies of women prisoners and local and international human rights organizations, those prisons witness overcrowding, poor ventilation and low standards of quality, hygiene and diseases prevention. This leads to a continuous record of health deterioration, medical negligence and rapid spread of infections and diseases among prisoners. Of course, women prisoners do not have adequate health care due to the imbalance between their numbers and prisons' capacities of medical and health care services, in addition to inadequacy of medical facilities and the quality of services inside these prisons. Moreover, for reasons related to how the State and society look at women prisoners and their rights.

On the other hand, given the social structure in Egypt and the patriarchal values it carries, and given the extent to which legislations of punishment and criminalization respond to such structure, we can find that a number of Egyptian women prisoners' face penalties based on moral charges or according to legislations that do not consider the discrimination and violence against women and the latter's abilities to stand against such violence and exploitation. This issue raises questions and a long debate around how fair and just is their presence inside prisons or the existence of alternative punishment legislations other than imprisonment, or committing to specific prison terms appropriate to the nature of their crimes. Also, there are many women in debt who haven't committed any crime other than bearing the responsibility of the State that failed to economically empower them and fulfill their needs for a decent life.

Revisiting women's roles during crises such as epidemics, those women need their physical safety and protection from diseases as history witnesses how women always play a pivotal role in facing disasters such as wars and

epidemics, whether through volunteering and provision of various services, or through their roles of caring for their families with children and elderly, especially in a society that assigns caring roles to women and depends on them.

Finally, the humanitarian and moral duty towards those women, and in the light of the Egyptian constitution and all legislations and international treaties concerned with protection of prisoners' rights, is not to turn those places, which aimed at reform and rehabilitation, into centers of mass deaths and deprive women prisoners of their rights to life and protection amid a serious pandemic that threatens humanity like Coronavirus (COVID-19).

What could cause the delay in releasing a number of women prisoners

Usually in times of crises and disasters, States take special measures related to penal policies and in dealing with prisoners that could amount to using prisons themselves as service or quarantine centers. Countries such as China and Iran did not consider this matter and that led to serious consequences for the outbreak of COVID-19 virus. In the period from December 2019 and February 2020, China adopted various strict policies to contain the virus outbreak and isolate entire provinces and provide the health sector with necessary needs aside from the prisons sector. On February 26, Chinese Ministry of Justice announced 555 confirmed cases of the virus in five prisons in three provinces. Wuhan's women prison recorded the highest number of cases. Within only three days, and with a delay in taking appropriate measures, the number of cases in prisons jumped to 806. The same scenario took place in Iran, as the State took so long to adopt measures regarding prisoners but it avoided that later when it decided to release 70,000 prisoners on March 9th. These experiences attracted the world's attention to prisons and the possibilities of turning into hotspots for the epidemic. And so, countries such as Italy and Spain, among others, took measures to release a number of prisoners before positive cases of the virus inside. There is no confirmed information around how just these decisions were taken among men and women prisoners.

The emergence of any new case requires a quarantine of all those in contact with the infected until verifying whether they are infected or not, and

sterilization of the places where the infected person. Implementing these measures on women's prisons, only one positive case of the virus will require a huge amount of effort and precautions to contain the infection and that drains the State's necessary efforts and facilities to deal with the infections and preventing them in other places. In the current situation of prisons and the difficulty of possible quarantine and isolation or preventing mixing, all efforts will not be enough to provide adequate guarantees for protecting all prisoners and those in contact with them such as employees, service providers and those who can easily spread the infection to their surroundings.

Do prisons isolation and Blocking visits provide protection?

The simple answer is no.

Obviously, China has witnessed outbreaks inside prisons despite blocking visits, that is because there are many factors and opportunities that could cause the transmission of the virus into prisons even with visits prevention. On the other hand, visits are the only space for women prisoners in Egypt to obtain clean food, hygiene products, medications and clothes among other necessary needs which the prisons do not provide, in addition to the emotional and psychological support especially in light of everyone's concern and fear of losing their families and loved ones. The shortage in supplying these needs amid the prisons' environment – which does not support the immune system by any means – will lead to decreasing the prisoners' abilities to resist the virus and recover, and they will be more vulnerable to dangerous diseases other than the coronavirus.

In the light of all these pressures and stresses on women prisoners, which will not prevent them from infection any ways, these measures could trigger various forms of violence inside prisons, as was the case in Italy, due to the current general panic situation.

What are the results of quick release of a number of women prisoners?

The release of a number of women prisoners in Egypt will have a number of positive results and help in containing the crisis and ensure the safety of everyone, including the following:

1. Ensure the right of women prisoners to life and safety from disease, and also support other segments of citizens that need those women's efforts.
2. Enhance the prisons' ability to deal with emergence of positive cases to the virus, as there will be the space and capacities needed to isolate and provide medical services and control the outbreak with fewer number of prisoners.
3. Prevent turning prisons into hotspots for the virus. This will avoid a disastrous escalation in the virus spread rates in Egypt and reaching deaths numbers that could have been avoided. Thus, it is protection for all citizens and not just prisoners.
4. These measures guarantee the focus of the State's efforts on the current infection areas and ensure the possible protection for the rest of areas that have not witnessed outbreaks yet, instead of channeling those efforts to deal with prisons in the case of infection. This will ensure not to drain the health sector or go through a harsh experience such as Iran and Italy.
5. Ensure the right of women prisoners to life and safety from diseases, and also depend on them in playing their sincere and remarkable roles towards their families and communities in the meantime.

Who are prisoners that can be released in the meantime?

In light of the current crisis we are witnessing, we do not consider women involved in any major or serious violent acts included in this list. We suggest the necessity of releasing the women prisoners within the following categories:

1. Elderly women over 60, as they are considered to be among the most vulnerable towards the virus.
2. Women with chronic diseases or critical medical history that make them among the most vulnerable groups towards infection, including women who suffer from diseases that increase the possibility of infection such as diabetes, vascular and respiratory diseases.

3. Pregnant women and those with children – two years or less – inside prison.
4. Women with elderly in their families, children, people with critical medical records and need care.
5. Women in debt, and for whom the State bears the responsibility for being in prison as a result of their inability to provide their needs and the basic ones of their families.
6. Women under pre-trial detention and who have not been into trial yet and those who have not been proven guilty. Some guarantees could be provided regarding their trials at a later time.
7. Women prisoners of opinion, women human rights defenders and those who have been imprisoned because of their legitimate activism or for practicing their basic right to freedom of expression.
8. Women Prisoners who served more than two-thirds of their terms.
9. Women prisoners charged with drug abuse and those who need treatment and rehabilitation and not imprisonment.
10. Women Prisoners charged with cases of ethical nature such as adultery and abortion.

Organizing an emergency action committee specialized in the conditions of women prisons and an action plan for protection, prevention and rapid response to risks.

After detailing the previous points and the raised questions regarding women prisoners and the urgency to release a number of them, there is the issue of organizing women prisons amid the outbreak of COVID-19 and the conditions of the remaining number of prisoners inside. That is a matter that needs an accumulation of decision, follow-ups and preparations in light of a plan that considers all possible scenarios and the urgent response to a number of risks. This plan has to be stemmed from officials who are sensitive to gender and women's issues. And so we propose the launch of a National emergency committee that is specialized in women prisoners' conditions. This committee to work in line and in cooperation with the governmental plans and procedures according to an action plan, that involves a pillar for

preventive and precautionary measures and mitigate the contagion, on protocols to release women prisoners and follow-up on their health situations, and on the medical and psychological care for prisoners and employees of the prisons, in addition to protocols on intervention and rapid response in case of infection of any prisoners or employees.

The committee formation

The Committee comprises women experts from various stakeholders to ensure the ease and speed of decision-making process in coordination with the governmental plans, and to gather the needed expertise to achieve a rapid and suitable response in light of the potential risks. We propose the formation of the committee to be as follows:

1. A member of the National Council for women.
2. A representative of the Ministry of Health.
3. A member of the Department of combating violence against women in the Ministry of Interior.
4. A woman judge representing Ministry of Justice.
5. A woman member of the parliament
6. A woman member of the National Council for Human Rights.
7. A woman representative of Ministry of Social Solidarity
8. A woman representative of civil society organizations working on the field of women protection and empowerment.

Proposed actions to be considered by the Committee:

- The Committee organizes the measures accompanying an urgent release of women prisoners from the segments discussed above, including means to ensure their safety and making sure they do not get infected, in addition to providing them with care after their release. This could be done by connecting the plan with the concerned authorities responsible for providing them with the needed support.
- The Committee is to take the necessary measures to equip the prisons after taking care of the overcrowding issue, including providing special

measures of hygiene, sterilization, ventilation and reducing social mixing. So as for isolation and emergency cells, preparations for various scenarios in case any prisoner got infected or was suspected to be. In addition to providing and enhancing the medical and health services that are capable of rapid response and providing care to women prisoners and follow-up on their health conditions.

- Plans for psychological and social care for women prisoners amid blocking visits or isolation. A number of measures could be taken to ensure the communication between the prisoners and their relatives and the outside world such as phone calls, daily press and TV. Also, providing a library and journals for the prisoners to help them overcome the psychological pain of isolation along with developing their skills. Moreover, the situation requires providing psychological support for women prisoners and for employees of prisons in order to avoid the consequences of psychological stress, tension and fear for their health. Finally, to ensure that women prisoners are exposed to sufficient sunlight and carry out physical activities that support and improve their bodies and health.
- Measures to provide the necessary resources to ensure the safety of prisoners and their needs of medications, sterilization and personal hygiene products, suitable food that is recommended to strengthen their immunity.
- Prepare plans for rapid response in case of any infection or suspicious cases. This requires ensuring that there is equipment for the quarantine of infected cases only and other quarantine measures for suspicious ones. Also measures for protecting non-infected others. In addition, providing medical equipment inside prisons to respond to infected cases such as ventilators and other pharmaceutical needs beside how to test for coronavirus. This to avoid transferring prisoners outside of prisons. Moreover, linking prisons to a number of hospitals and the means of transferring prisoners from and to them in extreme cases.

- A support and follow-up plan for the employees of prisons that includes breaking down their work, social support and restriction protocols to prevent the transmission or spread of the virus inside or outside the prison. In addition to inspecting them and having emergency procedures in the event of any escalated crisis.
- An awareness and training plan inside prison that includes women prisoners and employees to facilitate their response to different procedures and the good practice with the possible scenarios.
- Ensure transparency in announcing new infections and the followed procedures and measures in dealing with the infected cases or the suspected ones.
- Ensure following the international and humanitarian standards in dealing with women prisoners especially during interventions or quarantine without any violations or misusing those measures that should be implemented according to independent and professional medical assessment.
- Provide monitoring and evaluation process of the progress of procedures inside prisons, and the prisoners' ability to communicate with an independent official in cases of complaints or ill-treatment.

Conclusion

The world is currently witnessing a global disaster that the current generations have not tested before. The world is collectively learning the necessity and value of solidarity, collective action and survival ethics. Today is not the time to tell any Egyptian woman that her rights and protection from violence or infection are not priorities. Now is not the time to evaluate the past, its mistakes and violations. It is rather a time for avoiding crises. Now is a time of sharing expertise and efforts and for all of us to listen to the calls of humanity and its morals. Thus, we are not aiming at evaluating the State's previous performance in terms of adopting policies and measures in favor of women that could have been able to guarantee their rights and protect them during such a crisis, rather we aim to shed a light on an aspect of the preventive measures against COVID-19, especially with regards to women

and those whose rights can be easily ignored, and the divisions that do not work in their favor at such times, particularly if they are prisoners.

This paper is an invitation to take necessary measures by committing to the rights of those women and their protection, and by adhering to the measures concerning the protection of citizens and saving them from this life-threatening crisis, within the current capacities and capabilities of the State to contain it.