

**Research Article**

**Female Incarceration: Exploring Alternatives to Imprisonment in the Middle East and North Africa (MENA)**

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**Abstract**

Imprisonment aims to deter criminal behaviour and promote the rehabilitation of offenders. Prisons, however, frequently struggle with difficulties such as overcrowding and limited healthcare services. The difficulties faced by female prisoners are exacerbated by the fact that many facilities do not provide sufficient support for their particular needs. Gender-specific social and health services are crucial for the rehabilitation of female prisoners and for reducing social and cultural stigma. There is limited research on the challenges faced by female prisoners in the MENA, as well as on potential alternative solutions within the criminal justice system. This study applies a doctrinal methodology, analysing secondary data from newspapers, official reports, and existing literature. It explores the unique circumstances of female prisoners, particularly in the MENA region, and alternatives to imprisonment that could have a positive impact on rehabilitation back into the family and community.

**Keywords:** female in prison, alternatives to imprisonment, MENA region.

**Introduction**

The criminal justice system has long grappled with the dual goals of delivering justice for victims and society while preventing reoffending among individuals who have committed crimes. Within this framework, the experiences of incarcerated individuals can vary based on factors such as gender, socioeconomic status, and personal circumstances. The difficulties that come with incarceration are particularly severe for female prisoners, exacerbated by their unique health needs, including reproductive

issues that often go unmet within prison systems.<sup>75</sup> Moreover, prison has collateral consequences on mental health, including an increased sense of discomfort or psychological pain, feelings of anxiety, fear, and depression.<sup>76</sup>

Gender roles and cultural expectations in the Middle East and North Africa (MENA) region mean that women in prison face far greater stigma than men. This is due to cultural and societal norms that equate any conviction with a loss of honour for themselves and their families. It is common in many countries of this region for wives to visit their incarcerated husbands, yet husbands rarely extend the same support to their imprisoned wives. When females are released, they are often rejected by their communities and even by their families, as their conviction is viewed as bringing shame and dishonour.<sup>77</sup> As a result, many female prisoners face reintegration challenges as they struggle to rebuild their lives socially, economically, and emotionally in the face of enduring stigma and exclusion.

Worldwide, societal understanding of the criminal justice system is shifting towards prioritising rehabilitation over punishment. Thus, there is an increasing recognition of the necessity for alternatives to imprisonment, especially for non-violent offenders. In the MENA region, the exploration of these alternatives is crucial, as many females face barriers that hinder their successful reintegration into the community. Since there is limited research on such issue in the MENA region, this study sets out to delve into the complexities surrounding the imprisonment of females.<sup>78</sup> It emphasises the urgent need for compassionate and effective reforms that prioritise women's rehabilitation and consider the broader impact on their families and communities. Successful models and legislative advancements from countries in the MENA region such as Bahrain and

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<sup>75</sup> Annie Bartlett & Sheila Hollins, "Challenges and Mental Health Needs of Women in Prison," *Br J Psychiatry* 212, no. 3 (2018): 134, <https://doi.org/10.1192/bjp.2017.42>.

<sup>76</sup> Penal Reform International, *Access to Justice: Discrimination of women in criminal justice systems*. (London: Penal Reform International, 2013), 8–9, <https://cdn.penalreform.org/wp-content/uploads/2013/08/BRIEFING-Discrimination-women-criminal-justice.pdf>.

<sup>77</sup> Awmaima A. Khattab Amrayaf, "International Health Care Standards in Women's Prisons in the Arab World" (PhD diss., University of Leeds, 2018).

<sup>78</sup> For the purposes of this study, the term *female* refers to individuals who are biologically assigned as women and who are incarcerated within the criminal justice system.

Jordan are used to illustrate potential for alternative recourse to imprisonment. Ultimately, this study advocates for a paradigm shift in how female offenders should be treated within the judicial system of the MENA region.

## **Methodology**

A doctrinal methodology was adopted for this study to review and analyse secondary data from existing literature, official reports, and newspapers, following a four-stage process comprised of data collection, reduction, verification, and display. The next section relates the findings from the review of the secondary data. It first introduces the trajectory of the complex impact of incarceration on female prisoners in the MENA region, emphasising the unique challenges they encounter within the penal system. The study then moves to contextualise the alternatives to imprisonment for females, focusing on rehabilitation instead of incarceration. Additionally, this study explores how alternatives to imprisonment in the MENA region are being introduced, evaluating their progress and noting limitations. This study intends to demonstrate alternatives to imprisonment as the most feasible remedy for female rehabilitation and reform in the MENA region.

## **Literature Review**

### **The Impact of Incarceration on Female Prisoners**

The control and prevention of crime has always been one of the fundamental aims of laws that intend to maintain order in communities.<sup>79</sup> Prisons are facilities where people are legally confined following their conviction for a criminal offence.<sup>80</sup> This punishment aims to prevent them from reoffending and guides the offenders to realise their mistakes and improve themselves.<sup>81</sup> According to Jones, the theory of incarceration posits that keeping more criminals in jails will reduce the crime rate, ultimately leading to a safer community. Nevertheless, imprisonment places significant challenges on

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<sup>79</sup> Cooper Jones, "The Failure of Incarceration: Does Alternative Sentencing Reduce Recidivism? A Preliminary Analysis," *Xavier Journal of Politics* V, (2014–15): 19

<sup>80</sup> Mechthild Nagel and Anthony Nocella, *The End of Prisons: Reflections from the Decarceration Movement* (Rodopi, 2013), 125.

<sup>81</sup> Jay Gormley et al., *The Effectiveness of Sentencing Options on Reoffending* (Sentencing Council, 2022), 9.

offenders.<sup>82</sup> For example, the deprivations and frustrations associated with prison life are not just related to being deprived of liberty, but also stem from being cut off from the community, being deprived of sexual relationships, and being deprived of autonomy.

Furthermore, imprisonment is regularly and disproportionately imposed on those who are already marginalised or excluded from society.<sup>83</sup> People who are already facing social, economic, or other forms of exclusion are more likely to end up in prison. This phenomenon of imprisoning marginalised individuals is not limited to one specific region, but instead occurs in various parts of the world.<sup>84</sup>

### **Exclusion and Female Prisoners**

Gender plays an important role in shaping the experiences of exclusion, particularly for females. Research indicates that female prisoners often report enduring more painful experiences than their male counterparts, frequently carrying complex emotional histories and past trauma, including abuse within their communities before imprisonment.<sup>85</sup> Such 'pains of imprisonment' for females can make adjusting to prison life difficult, with studies suggesting that these experiences lead to prison misconduct and emotional problems, which in turn lead to future offending.<sup>86</sup> The phrase 'pains of imprisonment' is used here to broadly capture the gendered and contextual challenges faced by incarcerated women in MENA settings. The research in this study relates to Sykes' theory of the 'pains of imprisonment', by exploring how these are experienced differently and often more intensely by incarcerated women in MENA contexts,

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<sup>82</sup> Jones, "Failure of Incarceration," 19.

<sup>83</sup> Nicola Douglas et al., "The Impact of Imprisonment on Health: What Do Women Prisoners Say?" *Journal of Epidemiology & Community Health* 63, no. 9 (2009): 749, <https://jech.bmj.com/content/63/9/749>.

<sup>84</sup> Elena Azaola, "Women Prisoners: Theory and Reality in Mexico," in *Punishment and Incarceration: A Global Perspective*, Sociology of Crime, Law and Deviance (Emerald Group Publishing, 2014), 9: 121, <https://doi.org/10.1108/S1521-613620140000019005>

<sup>85</sup> Yvonne Jewkes et al., "Designing 'Healthy' Prisons for Women: Incorporating Trauma-Informed Care and Practice (TICP) into Prison Planning and Design," *International Journal of Environmental Research and Public Health* 16, no. 20 (2019): 3818, 1 <https://doi.org/10.3390/ijerph16203818>.

<sup>86</sup> Gormley et al., *Effectiveness of Sentencing Options*, 18.

particularly in relation to autonomy, emotional suffering, and stigma.<sup>87</sup> This situation raises concerns about female health issues and reintegration into society.

### **Prison Population and Turnover Rate**

At present, an estimated 741,000 females worldwide find themselves incarcerated either as pre-trial detainees or sentenced prisoners.<sup>88</sup> There is no international or regional body that regularly and systematically collects official and up-to-date data on the number of women in prisons across the MENA region. It can be said that the female prison population in this region is variable and dependent on the political, social, and legal contexts of each country. The female prison population in the MENA region varies by country, as can be seen in the following 14 jurisdictions: Algeria (1.5%), Bahrain (4.7%), Egypt (3.7%), Iraq (2.6%), Jordan (2.2%), Kuwait (5.8%), Lebanon (2.8%), Libya (3.3%), Morocco (2.3%), Oman (4.5%), Qatar (14.7%), Saudi Arabia (1.9%), Tunisia (3.3%), and the United Arab Emirates (11.7%).<sup>89</sup>

Despite comprising a relatively small percentage of the overall incarcerated population, females represent the most rapidly expanding segment worldwide, surpassing the male demographic.<sup>90</sup> From 2000 to 2022, the number of females deprived of their liberty globally increased by 59%, while the male prison population is

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<sup>87</sup> Gresham M. Sykes, *The Society of Captives: A Study of a Maximum Security Prison*, (Princeton University Press, 1958).

<sup>88</sup> Marie Claire Van Hout et al., “# Me Too: Global Progress in Tackling Continued Custodial Violence Against Women: The 10-Year Anniversary of the Bangkok Rules,” *Trauma, Violence, & Abuse* 24, no. 2 (2021): 515, <https://doi.org/10.1177/15248380211036067>.

<sup>89</sup> Helen Fair and Roy Walmsley, *World Female Imprisonment List: Women and Girls in Penal Institutions, Including Pre-Trial Detainees/Remand Prisoners*, 5th ed. (World Prison Brief: Institute for Crime & Justice Policy Research, 2022), 14, [https://www.prisonstudies.org/sites/default/files/resources/downloads/world\\_female\\_imprisonment\\_list\\_5th\\_edition.pdf](https://www.prisonstudies.org/sites/default/files/resources/downloads/world_female_imprisonment_list_5th_edition.pdf).

<sup>90</sup> Marie Claire Van Hout et al., “‘Women’s Right to Health in Detention’: United Nations Committee Observations Since the Adoption of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules),” *Journal of Human Rights Practice* 15, no. 1, (November 25, 2025): 139, <https://doi.org/10.1093/jhuman/huac058>. See also, WHO/Europe et al., “30.H. Workshop: Women and Prison: Vulnerability and Overlapping Health Needs of Women in Prison Worldwide,” *European Journal of Public Health* 30, no. Supplement\_5 (September 1, 2020), <https://doi.org/10.1093/eurpub/ckaa165.1365>.

estimated to have risen by 26.9% between 2000 and 2024.<sup>91</sup> These figures reflect a tendency towards a high turnover rate in female prisons. This is because females often serve relatively short sentences for a wider range of offences than males. These are primarily non-violent, less serious crimes, such as property or drug-related offences, with fewer females committing violent crimes.<sup>92</sup>

### **Unique Healthcare Needs**

Females have specific health requirements because of their gender.<sup>93</sup> The increasing imprisonment of females augments the need for sexual and reproductive health care from prison health services.<sup>94</sup> Incarcerated females face distinct reproductive health challenges that often go unmet within prison systems. Historically, the architecture and environment of prisons were designed for male inmates, and this oversight not only intensifies female inmates' health deterioration but also hinders their rehabilitation and integration into society. As a result, the experience of incarceration can differentially impact female health.<sup>95</sup> In the MENA region, facilities often lack essential gender-sensitive infrastructure, such as spaces for maternal care, privacy in hygiene facilities, or access to appropriate healthcare services for women. Consequently, the carceral experience lacks targeted support to address the underlying issues, such as alcohol,

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<sup>91</sup> Helen Fair and Roy Walmsley, *World Prison Population List*, 14th ed (Institute for Crime & Justice Policy Research, 2024), 17 <https://eprints.bbk.ac.uk/id/eprint/53464/>. See also, Fair and Walmsley, *World Female Imprisonment List*, 14, <https://doi.org/10.1177/15248380211036067>.

<sup>92</sup> Anastasia Jablonska, "The Health and Wellbeing of Women in Prison" (PhD diss., Royal Holloway, University of London, 2018), 46. See also, Brenda J. Van den Bergh et al., "Imprisonment and Women's Health: Concerns about Gender Sensitivity, Human Rights and Public Health," *Bulletin of the World Health Organization* 89, no. 9 (September 1, 2011), 690, <https://doi.org/10.2471/BLT.10.082842>.

<sup>93</sup> Royal College of Obstetricians and Gynaecologists, *Better for Women: Improving the Health and Well-Being of Women and Girls*, (December 2019), <https://www.rcog.org.uk/media/h3smwohw/better-for-women-full-report.pdf>.

<sup>94</sup> Martha Paynter et al., "Sexual and Reproductive Health Outcomes among Incarcerated Women in Canada: A Scoping Review," *Canadian Journal of Nursing Research* 54, no.1 (2022): 81, <https://doi.org/10.1177/0844562120985988>.

<sup>95</sup> All Party Parliamentary Group on Women in the Penal System, *Inquiry into Women's Health and Well-being in Prisons: Briefing One* (The Howard League for Penal Reform, 2022), 5, <https://howardleague.org/wp-content/uploads/2022/04/APPG-womens-health-and-well-being-FINAL.pdf>.

See also, International Committee of the Red Cross, *Health Care in Detention: A Practical Guide* (2nd ed., 2021), 73, <https://www.icrc.org/en/publication/4213-health-care-detention-practical-guide>; Michael Massoglia and William Alex Pridemore, "Incarceration and Health," *Annual Review of Sociology* 41, no. 1 (August 14, 2015), 299, <https://doi.org/10.1146/annurev-soc-073014-112326>.

drugs, mental health or domestic abuse trauma.

## **Mental health**

Although incarceration is intended to deter future criminal behaviour, it often leads to collateral consequences on mental health, including an increased sense of discomfort or psychological pain, negative impacts on relations with family and friends, feelings of anxiety and fear, post-traumatic stress disorder, isolation and depression.<sup>96</sup> Moreover, the literature highlights variability in addressing mental health concerns among female prisoners. For example, in the MENA region, an assessment of mental health services in the Kuwaiti prison system revealed substantial deficiencies, with services being notably limited for the incarcerated female population.<sup>97</sup> An insufficient number of trained mental health professionals within the system has led to high caseloads, causing female prisoners to usually face long wait times for appointments and inadequate follow-up care.<sup>98</sup> Additionally, in Lebanon, Libya, and Egypt, the budget allocated to mental health services is disproportionately low compared to the significant demand among prisoners.<sup>99</sup>

This scarcity of resources, coupled with an insufficient staff-to-prisoner ratio, creates a situation where females in need of mental health services may remain untreated

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<sup>96</sup> Rachel Hutchings et al., *Literature Review: Injustice? Towards a Better Understanding of Healthcare Access Challenges for Prisoners* (Nuffield Trust, 2021), 4, <https://www.nuffieldtrust.org.uk/files/2021-10/prisoner-health-literature-review.pdf>. See also, Danielle Wallace and Xia Wang, "Does In-Prison Physical and Mental Health Impact Recidivism?," *SSM - Population Health* 11 (March 20, 2020), 100569, <https://doi.org/10.1016/j.ssmph.2020.100569>; Andrew Forrester et al., "Mental Illness and the Provision of Mental Health Services in Prisons," *British Medical Bulletin* 127, no. 1 (2018): 105, <https://doi.org/10.1093/bmb/ldy027>.

<sup>97</sup> Van den Bergh et al., 690. See also, Maurizio Esposito, "Women in Prison: Unhealthy Lives and Denied Well-Being Between Loneliness and Seclusion," *Crime, Law and Social Change* 63, no. 3–4 (May 1, 2015): 139, <https://doi.org/10.1007/s10611-015-9561-y>.

<sup>98</sup> Kyle Msall and Rasha Mohammed, "An Evaluation of Mental Health Services Within the Kuwait Prison," in *Psychological Applications and Trends 2018*, eds. Clara Pracana and Michael Wang (InScience Press, 2018), 96, <https://files.eric.ed.gov/fulltext/ED604953.pdf>.

<sup>99</sup> Fiona Mangan and Rebecca Murray, *Prisons and Detention in Libya*, Peaceworks 119 (United States Institute of Peace, 2016), 30, <https://en.minbarlibya.org/wp-content/uploads/2016/09/PW119-Prisons-and-Detention-in-Libya.pdf>. See also, Sindoss Kassem and Lina Kurdahi Badr, "Health Care of Prisoners in Lebanon," *Lebanese Medical Journal* 68, no. 3 (2020): 167, <http://www.lebanesemedicaljournal.org/articles/68-3/review1.pdf>; Eman Ibrahim et al., "Psychiatric Morbidity Among Prisoners in Egypt," *World Journal of Medical Sciences* 11, no. 2 (2014): 232.



throughout their entire sentence. Consequently, many female prisoners resort to self-medicating through the use of alcohol, drugs, and other substances,<sup>100</sup> which is a significant factor contributing to reoffending.<sup>101</sup>

## **Maternal Health**

The incarceration of females also brings significant concerns related to maternal health and the complexities of pregnancy. Approximately 5% to 10% of the global prison population consists of pregnant females.<sup>102</sup> There are no available data on the number of pregnant prisoners in the MENA region. However, the rising rates of incarcerated females suggest a corresponding increase in the number of pregnant females in prison in the region.<sup>103</sup>

Pregnant inmates should have access to the same level of healthcare available to females in the community, which includes consultations with obstetricians, gynaecologists, midwives, and birthing practitioners appropriate to their culture. If desired, these prisoners should be able to request female practitioners.<sup>104</sup> Complications related to pregnancy and preparation for childbirth are important issues during imprisonment, with research by Rajagopal et al. indicating that incarceration is associated with increased odds of preterm birth, placental abruption, and antepartum haemorrhage.<sup>105</sup>

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<sup>100</sup> Y. Jewkes et al., Designing 'Healthy' Prisons for Women, 6.

<sup>101</sup> Vivian C. Smith, "Substance-Abusing Female Offenders as Victims: Chronological Sequencing of Pathways Into the Criminal Justice System," *Victims & Offenders* 12, no. 1 (2017): 3, <https://doi.org/10.1080/15564886.2015.1017131>.

<sup>102</sup> Somayeh Alirezaei and Robab Latifnejad Roudsari, "The Needs of Incarcerated Pregnant Women: A Systematic Review of Literature," *International Journal of Community Based Nursing and Midwifery* 10, no. 1 (2022): 3, <https://doi.org/10.30476/IJCBNM.2021.89508.1613>.

<sup>103</sup> Paynter et al., "Sexual and Reproductive Health Outcomes," 81.

<sup>104</sup> Abirami Kirubarajan et al., "Pregnancy and Childbirth During Incarceration: A Qualitative Systematic Review of Lived Experiences," *BJOG: An International Journal of Obstetrics and Gynaecology* 129 (2022): 1461, <https://doi.org/10.1111/1471-0528.17137>. See also, WHO and UNODC, *Women's Health in Prison: Correcting Gender Inequity in Prison Health* (Copenhagen, WHO Regional Office for Europe, 2009), 16, <https://iris.who.int/handle/10665/107931>.

<sup>105</sup> Karissa Rajagopal et al., "Reproductive Health Care for Incarcerated People: Advancing Health Equity in Unequitable Settings," *Clinical Obstetrics and Gynecology* 66, no 1 (2023), 73, <https://doi.org/10.1097/GRF.0000000000000746>.



As previously mentioned, traditional practices within correctional facilities were primarily designed to manage the male prison population, as female incarceration had historically been infrequent. However, despite the rising number of incarcerated females, there have not been adjustments in the management strategies for this demographic,<sup>106</sup> with a notable lack of woman-centred approaches to care. This is particularly evident in the experiences of pregnant imprisoned females, with the absence of regular medical checkups and ultrasounds intensifying risk factors for adverse outcomes, leading to complications such as miscarriage, stillbirth, and the birth of disabled children.<sup>107</sup> This neglect not only contributes to heightened stress and inadequate nutrition but also increases the likelihood of violence and other negative health outcomes.<sup>108</sup>

In addition, mothers are often separated from their infants upon hospital discharge or during the immediate postpartum period; unfortunately, this separation inhibits bonding with the newborn and the initiation of breastfeeding.<sup>109</sup> A qualitative systematic review of pregnancy and childbirth during incarceration found that the most significant and devastating mental health concern for incarcerated females is the traumatic separation from their newborns after birth. Many of these females reported a reluctance to initiate breastfeeding due to fear of emotional attachment to the infant or discomfort in the presence of officers.<sup>110</sup>

Given the current status of female mental health care in prisons, imprisonment should be considered as a last resort, especially for those females who have committed non-violent offences and who do not pose a risk to society.

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<sup>106</sup> Afreen Alam, "Women's Right to Maternal and Reproductive Health: An Overview," *International Journal of Law Management and Humanities* 4, no 2 (2021): 310, <http://doi.org/10.1732/IJLMH.26055>.

<sup>107</sup> Yasmine Fakhry, "Beyond Cells and Walls: Exploring Human Rights and Social Justice through Health and Nutrition in Lebanese Prisons" (PhD diss., University of East London, School of Social Sciences, 2024), 194, <https://doi.org/10.15123/uel.8yxvy>.

<sup>108</sup> Rajagopal et al., "Reproductive Health Care," 73. See also, Adele Baldwin et al., "Pregnant in Prison: An Integrative Literature Review," *Women and Birth* 33, no. 1 (2020): 48, <https://doi.org/10.1016/j.wombi.2018.12.004>.

<sup>109</sup> Carolyn Sufrin, *Pregnancy and Postpartum Care in Correctional Settings* (National Commission on Correctional Health Care, 2018), 5, <https://www.ncchc.org/wp-content/uploads/Pregnancy-and-Postpartum-Care-2018.pdf>.

<sup>110</sup> Rajagopal et al., "Reproductive Health Care", 73.

## **Alternatives to Imprisonment for Female Prisoners**

Criminal sentencing norms worldwide are moving towards rehabilitation and reform, aiming to re-integrate the offender into the community.<sup>111</sup> Alternative sentencing refers to non-custodial measures allowing offenders to remain in the community while serving their sentence to prevent reoffending.<sup>112</sup> It comprises alternatives to imprisonment measures authorised by the judge, where the accused participates in community work or engages in educational programmes to help rehabilitate the individual and foster their involvement within the community.<sup>113</sup> The theory behind using these alternative sentences serves the purpose of the correctional system. Instead of relying on imprisonment as a punishment, the approach focuses on rehabilitation, correction, education, and integration. It is characterised by a more humane and normative prison treatment system.<sup>114</sup> Alternative sentences can be applied if the offender does not pose a significant threat to their family or the community,<sup>115</sup> with several options available such as community service, house arrest, conditional release (which involves releasing an offender under certain conditions), restorative measures, electronic monitoring, fines, and open prisons.

The Bangkok Rules provide guidelines specifically for the imprisonment of female offenders.<sup>116</sup> The third section of the Rules focuses on utilising non-custodial measures, drawing on the Tokyo Rules to inform the development and implementation of these measures in cases involving female offenders.<sup>117</sup> For example, decisions

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<sup>111</sup> Marcus Araromi, "Prisoners' Rights Under the Nigerian Law: Legal Pathways to Progressive Realization and Protection," *Journal of Sustainable Development Law and Policy* 6, no. 1 (2015): 171.

<sup>112</sup> Maiza Putri, "The Effort to Reduce Over Capacity in Correctional Facilities through Social Work Alternative Punishment," *Ius Poenale* 2, no. 2 (2021): 117.

<sup>113</sup> Andrew Coyle, *Prisons of the World, A Better Way*, 1st ed. (Policy Press, 2021), 272.

<sup>114</sup> Henny Nuraeny and Tanti Kirana Utami, "The Impact of Over Capacity on Fulfilling the Basic Rights of the Assisted Citizen in Prison in the Perspective of Human Right," in *Proceedings of the First International Conference on Progressive Civil Society (ICONPROCS 2019)*, (Atlantis Press, 2019), 150.

<sup>115</sup> Kristen E. DeVall et al., "Intensive Supervision Programs and Recidivism: How Michigan Successfully Targets High-Risk Offenders," *The Prison Journal* 97, no. 6 (2017): 587, <https://doi.org/10.1177/0032885517728876>.

<sup>116</sup> United Nations, *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)*, (2010).

<sup>117</sup> United Nations General Assembly, *United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules)*, GA Res 45/110, (1990).

regarding the sentencing of female offenders are expected to consider their past experiences, potential history of victimisation, family connections, and other relevant characteristics. These factors are essential in selecting appropriate diversionary measures and sentencing alternatives.<sup>118</sup>

Beichner and Hagemann suggest that most females in prison are incarcerated for non-violent and relatively minor offences.<sup>119</sup> Alternatives to incarceration are specifically designed for these types of crimes and can help reduce or avoid the harmful effects of imprisonment on female offenders. For example, alternatives to imprisonment for female drug offenders could focus on rehabilitation that would address the underlying drug problem.<sup>120</sup>

### **Education as an Alternative**

It is noteworthy that female prisoners rarely continue their education while imprisoned or after release.<sup>121</sup> Low educational levels and limited work experience contribute to reduced opportunities for securing stable employment and achieving financial independence upon reintegration into society. Breaking the cycle of poverty and social exclusion also requires fostering self-awareness and a sense of personal value among female prisoners.<sup>122</sup> Educational training and rehabilitative interventions are particularly effective when delivered as an alternative to imprisonment, which include basic knowledge, skills, and attitudes aimed at improving literacy among offenders.

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<sup>118</sup> Angelina Stanojoska and Julija Jurtoska, "Women in Prison: Bangkok Rules, Prisoners' Rights in Prison and Macedonian Reality," in *Thematic Conference Proceedings of International Significance, Volume I, International Scientific Conference "Archibald Reiss Days"* (Belgrade, 2–3 October, Academy of Criminalistic and Police Studies, 2018): 118, <https://core.ac.uk/download/pdf/300348141.pdf#page=118>.

<sup>119</sup> Dawn Beichner and Otmar Hagemann, "A Global View of Women, Prison, and Aftercare: A Call for Reform," (*Violence Against Women* 28, no. 8 (2022): 1791, <https://doi.org/10.1177/10778012221085997>).

<sup>120</sup> WHO and UNODC, *Women's Health in Prison*, 11. See also, WHO/Europe, "30.H. Workshop, v501."

<sup>121</sup> Caroline Agboola, "'Why Do They Need to Punish You More?': Women's Lives after Imprisonment," *South African Review of Sociology* 48, no. 2 (2017): 39, <https://doi.org/10.1080/21528586.2016.1233510>.

<sup>122</sup> Shetika Bailey, "Alternatives to Incarceration: Reducing Recidivism Among Nonviolent Offenders Through Post-Incarceration Resources" (master's thesis, Tennessee State University, 2022), 10, <https://search.proquest.com/openview/628674e2ded6ad8d5a48e091936e15e9/1?pq-origsite=gscholar&cbl=18750&diss=y>.

Educational training can prepare non-violent offenders for meaningful and fulfilling roles as productive members of society. This training also equips non-violent offenders with essential skills to apply for and maintain employment and enhance productivity once they secure a job.<sup>123</sup>

### **The Family Unit**

Mothers are fundamental to any family unit, and intervention promoting positive behavioural change can create more positive social environments.<sup>124</sup> For some incarcerated females, pregnancy and motherhood can serve as positive turning points, motivating them to become the best mothers they can be and to pursue desistance from crime.<sup>125</sup> Alternatives to imprisonment focus more on assessing and managing females in their place of residence rather than in a custodial setting. In every case, the circumstances of the female and her place in the family and community should be carefully considered before sentencing.

Alternative sentencing provides a rehabilitative and socially constructive approach to criminal justice, especially for non-violent offenders and female prisoners. By focusing on education, rehabilitation, reintegration, and family stability, these measures help reduce the adverse effects of incarceration while promoting long-term behavioural change.

### **Alternative Sentencing in the MENA Region**

The concept of alternative sentencing was gradually developed in both Europe and the United States from the 1960s. In the United States, ‘electronic monitoring’ was introduced in 1964,<sup>126</sup> and in Europe, during the 1970s, community service emerged as the first alternative sentencing measure, initially aimed at alleviating prison

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<sup>123</sup> Bailey, “Alternatives to Incarceration”, 10–11. See also, Stanojoska and Jurtoska, “Women in Prison,” 123.

<sup>124</sup> Baldwin et al., “Pregnant in Prison,” 49.

<sup>125</sup> Diksha Sapkota et al., “Navigating Pregnancy and Early Motherhood in Prison: A Thematic Analysis of Mothers’ Experiences,” *Health and Justice* 10 (2022): art 32, 2, <https://doi.org/10.1186/s40352-022-00196-4>.

<sup>126</sup> Wejdan Suleiman Irtameh, “Electronic Monitoring as a Measure to Reduce the Use of Pre-trial Detention,” *Journal of Politics and Law* 15, no. 4 (2022): 214, <https://doi.org/10.5539/jpl.v15n4p210>.

overcrowding.<sup>127</sup> Despite the increasing use of alternatives to imprisonment, there remains a limited basis for alternatives in most MENA legal systems.<sup>128</sup> Some countries, however, have made significant developments in introducing alternative sentencing in their legislation.

For instance, the Royal Committee for Reform of the Judiciary and Enhancing the Rule of Law in Jordan developed a comprehensive roadmap to improve judicial efficiency, aiming to promote rehabilitation, protect the community, and uphold human rights. As part of this reform, in 2017, the Jordanian legislature amended the Penal Code to include alternative sentencing in Article 25 bis through Law No. 27.<sup>129</sup>

Similarly, in 2017, Bahrain implemented seven alternatives to imprisonment applicable to all types of offenders.<sup>130</sup> Bahrain's courts can now utilise alternative sentencing more effectively, emphasising the rehabilitation of offenders and their reintegration into society. Previously, adult prisoners had to serve half their custodial sentence before becoming eligible for alternative sentencing. However, this requirement has since been revised, potentially allowing all prisoners to qualify for alternative sentencing.<sup>131</sup> Furthermore, the United Arab Emirates introduced alternatives to imprisonment in

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<sup>127</sup> Robert Morgan and Mark Oliver, "Envisioning the Future of Correctional Psychology: Administration, Training, Practice, and Research," in *The History and Future of Correctional Psychology*, eds. Philip R. Magaletta et. al (Springer, 2023): 289.

<sup>128</sup> Nick Curley and Saule Mektepbayeva, *Promoting Human Rights Based Approach Towards Vulnerable Groups in Detention in the Middle East and North Africa Region*, (SIDA, 2014): 16, <https://cdn.penalreform.org/wp-content/uploads/2015/08/MENA-SIDA-Evaluation-Final-for-website.pdf>.

<sup>129</sup> Ahmad Olaim, "The Alternative Sanctions in Jordan," *Applied Science University Journal* 5, no. 1 (2021): 41–42.

<sup>130</sup> "Bahrain Human Rights Achievements Recognized Globally," *Bahrain News Agency*, January 11, 2025,, <https://www.bna.bh/en/news?cms=q8FmFJgiscL2fwlzON1%2BDkZStSSoKV6nWzPHWM%2FqLuo%3D>.

<sup>131</sup> Ombudsman Bahrain, "Ombudsman's Office Participates in International Conference on Human Rights and Prisons" (24 October 2024) <https://www.ombudsman.bh/en/news/24-10-2024>. See also *Bahrain News Agency*, "Bahrain Extends Progressive Criminal Justice Reforms on Alternative Sentencing" (September 9, 2021) <https://www.bna.bh/en/Bahrainextendsprogressivecriminaljusticereformsonalternativesentencing.aspx?cms=q8FmFJgiscL2fwlzON1%2BDsTWKRShpUM22YYPESpl3L8%3D#:~:text=Alternative%20sentences%20may%20include%20community,tagging%2C%20rehabilitation%20programmes%20or%20compensation>.

2018, with electronic monitoring being the most widely used option.<sup>132</sup>

Despite these advances, some countries in the MENA region are still in the process of developing alternative sentencing. Morocco's parliament proposed a review of these laws in 2023, aiming to alleviate overcrowding in the country's prisons, while in Kuwait, the Minister of Justice and the Minister of Endowments and Islamic Affairs announced in 2024 that the Alternative Procedures and Penalties Law is currently being developed for approval. In contrast, some countries, such as Algeria, Saudi Arabia,<sup>133</sup> and Qatar, only implement alternative sentences in specific cases and lack legal provisions to replace prison time with alternative punishments.<sup>134</sup>

## **Discussion**

### **Sentencing**

The findings suggest that there is an urgent need to apply alternatives to imprisonment for females at all stages of the criminal justice procedures. In many cases, these alternatives can be more easily applied to female offenders, as a significant percentage are incarcerated for non-violent offences. However, it is essential to thoroughly evaluate all alternatives to imprisonment and choose the appropriate type carefully to avoid unexpected consequences. For instance, house arrest as an alternative to imprisonment could expose female offenders to domestic violence or put children and other dependent relatives in the house at risk. Moreover, judges play a significant role in assessing the individual's circumstances, including their criminal history, health and family situation before sentencing an alternative measure. Ensuring sentencing is tailored to the unique needs of each female offender will contribute to fostering safer communities.

## **Cultural norms**

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<sup>132</sup> Raed Faqir and Ehab Alrousan, "Community Service as an Alternative Penalty to Short-Term Imprisonment in the UAE and Malaysia: A Comparative Legal Analysis," *Russian Law Journal* 11 (2023): 1179, <https://doi.org/10.52783/rj.v11i3.1513>.

<sup>133</sup> Irtameh, "Electronic Monitoring," 215.

<sup>134</sup> Muath Al-Zuobi and Mikhliid Ibrahim, "Alternative Penalties in Qatari and Jordanian Legislation," *Revue Jurisprudence* 11 (2019): 44, <https://www.univ-biskra.dz/revues/index.php/ijdl/article/view/4357>.

Cultural and societal norms in the MENA region create significant reintegration challenges for female ex-prisoners: strong cultural traditions impose strict expectations on females, where any conviction – violent or non-violent – can be perceived as a loss of honour for both the individual and her family. These norms deeply affect MENA region females who greatly value religion and modesty. Therefore, the stigma of imprisonment often isolates them from social connections, leading to feelings of worthlessness.<sup>135</sup> This societal perception deters their ability to rebuild relationships and regain acceptance, underscoring the need for culturally sensitive rehabilitation approaches.<sup>136</sup>

## **Conclusion**

Prison aims to prevent reoffending and provide justice for victims and society. However, imprisonment presents significant challenges for individuals, especially for those who are already marginalised or excluded from society. Gender plays a critical role in shaping experiences of punishment. The challenges of imprisonment can make it more difficult for females to adjust to prison life. Such challenges include a lack of health facilities that support reproductive health and specific mental health issues. These difficulties can lead to prison misconduct, emotional issues, and future criminal behaviour. This raises concerns related to the security and health of incarcerated females, and particularly to their reintegration into society, since the impact of imprisonment on females affects not only them but also their children and other family members.

In the MENA region, lack of essential gender-sensitive infrastructure and cultural and societal norms exacerbate the experience of female prisoners and can lead to significant reintegration challenges. The idea of punishment in the criminal justice system is shifting towards rehabilitation and reform, aiming to facilitate offender reintegration into the community. This shift emphasises family connection, education, mental health support, and community engagement rather than depending on

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<sup>135</sup> Salma, "Problems Faced by Emprisoned Women," 35.

<sup>136</sup> Patrice Villettaz et al., "The Effects on Re-offending of Custodial vs. Non-Custodial Sanctions: An Updated Systematic Review of the State of Knowledge," *Campbell Systematic Reviews* 11, no. 1 (2015): 55, <https://doi.org/10.4073/csr.2015.1>.



imprisonment as the only resolution.

Alternative sentencing is still in the early stages in the MENA region, but there are some countries with progressive developments that can act as role models for the region. For example, Bahrain has introduced a flexible system that shows promising results; all adults sentenced to imprisonment are eligible for alternative sentencing, even prior to the commencement of their sentence. Similarly, in Jordan, the amendment of the Penal Code allows alternative sentencing, aiming to reduce overcrowding and support the reintegration of offenders into society.

This study suggests more compassionate and constructive solutions for female offenders in the MENA region, prioritising rehabilitation over punishment. Alternatives to incarceration programmes can result in lower reoffending rates, allowing offenders to maintain family ties and employment, facilitating smoother reintegration into the community. Consistent monitoring and further research throughout the region are recommended to evaluate how different types of alternative sentencing affect rehabilitation of female offenders and the impact on their families and communities.

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