



Arab
Reform
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EGYPT POLICY DIALOGUES

THE SOCIAL AND ECONOMIC COST OF EGYPT'S PRISON SYSTEM

In partnership with

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About the Author

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PHOTO: Prisoners, who received a presidential pardon after having been jailed for taking part in unauthorized protests, meet their relatives in front of the Tora prison after they haven been released in Cairo, Egypt, March 2017.
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Introduction

Legal scholars have long been concerned with how to deter crime and limit its spread. For a long time, imprisonment has been used as a tool to serve these two purposes. On one hand, prisons function as a means to deprive inmates of their liberty and deter public and private crime. On the other hand, they also seek to reform convicts in a way that facilitates their reintegration into society by adopting appropriate rehabilitation programs for each prisoner.¹ Despite the general deterrent impact of imprisonment, overreliance on such penalties can also have negative consequences – particularly when prisons fail to fulfil the rehabilitation component of their role. Prisons then risk turning into a hotbed that enables even more dangerous criminal behavior. As such, some legal scholars believe that penalties that deprive individuals of their liberties are no longer considered the best or only means to create more stable and secure societies, nor to reduce crime rates.

There are several types of prisons around the world, including open prisons, semi-closed prisons, and fully-closed prisons. Regardless of their genre, prisons are fraught with problems, including, but not limited to: overcrowding, the lack of true and effective oversight, the maltreatment of prisoners, and prisoner negligence. This includes poor living conditions, poor healthcare and hygiene of prison wards, education, labor, awareness-raising, as well as other factors that undermine a prison's ability to carry out its main role, i.e. the rehabilitation of convicts.²

Several studies have indicated a high rate of recidivism among those released from prisons. Similarly, many international studies (mentioned below) have exposed the negative effects of imprisonment on individuals and societies. These effects include the below:

1. Overspending from state treasury funds.
2. Disrupting production
3. Increased unemployment
4. The spread of criminal imitation in prisons
5. The deterioration of the economic and social conditions of prisoners' families. T
6. The difficulty of reintegrating prisoners into society after their release due to the social stigma that surrounds former convicts.
7. Prisoners' lack of a source of livelihood and deprivation of their civil rights.
8. The disintegration of prisoners' families, and the negative psychological impact that prisoners might endure as a result of the treatment that they experienced while serving their sentences.

The paper aims to highlight the economic and social costs of Egypt's reliance on liberty-depriving penalties, particularly the country's heavy reliance on prisons. For this purpose, the paper first reviews the legislative evolution of the Law on the Organization of Prisons and its executive regulations, as well as the amendments thereof. It then examines the types and numbers of prisons in Egypt, with focus on the prisons that were established from 2013 until 2021 due to the political upheaval and violence that the country witnessed in the summer of 2013, as well as the unprecedented increase in the number of arrests, detainees, and prisoners.

The paper also attempts to present the available alternatives to imprisonment, in light of increasing evidence which indicates the failure of prison systems in achieving their goals. There's also a growing debate about the economic and social costs of overreliance on liberty-depriving penalties. Finally, the paper also presents a set of recommendations to ease the growing crisis.

1 For more information on this subject, see: Ahmed Fathi Sorour, *Constitutional Criminal Law*, Second Edition (Cairo: Dar Al- Shorouk, 2002); Tariq Abdel-Wahhab Selim, *Introduction to Modern Punishment* (Cairo: Dar Al-Nahda Al-Arabiya, 2011); Ahmed Fathi Sorour, *Constitutional Protection of Rights and Freedoms* (Cairo: Dar Al-Shorouk, 2000) p. 251; Mohammed Abu Alola Aqaidah, *The Origins of Punishment: An Analytical and Fundamental Study of the Contemporary Penal System* (Cairo: Dar Al-Nahda Al-Arabiya, 1988) p. 178; Abdel Muti Abdel Khalek, *Principles of Punishment* (Cairo: Dar Al-Nahda Al-Arabiya, 2013), p. 36

2 See: "The Thirteenth United Nations Congress on Crime Prevention and Criminal Justice," Doha, April 2015. Available on: https://www.unodc.org/documents/data-and-analysis/statistics/crime/ACONF222_4_a_V1500367.pdf

1. Amendments to the Legislative Framework Regulating Prisons

In Egypt, Law No. 396 of 1956 is currently applicable in prisons. Its executive regulations were issued by virtue of the Decree No. 79 of 1961, issued by the Minister of Interior. At the time of writing this paper, twelve amendments to the said Law had been issued by virtue of new laws,³ while 19 amendments to the executive regulations had been made by virtue of ministerial decrees issued by successive Ministers of Interior.⁴ Some of these amendments were acceptable, whereas others had negative outcomes.

The acceptable amendments to prison conditions include: abrogating the flogging and hard labor penalties; permitting the entry of books and magazines; increasing the wages of working prisoners; allowing prisoners to make phone calls for a fee; increasing visitation hours; providing special healthcare to pregnant prisoners; and reducing the probation period to qualify for conditional release from three quarters to half of the prisoner's sentence.

On the other hand, the unacceptable amendments include: increasing the duration of solitary confinement to more than 15 days; placing prisoners in special disciplinary rooms for up to six months; permitting the Minister of Interior to issue decisions establishing special prisons; the absence of a grievance mechanism against disciplinary penalties imposed on prisoners; and depriving particular categories of prisoners from benefiting from the conditional release system. Among the unacceptable amendments is the lack of effective prison

³ Law No. 57 of 1968 adding Article 1 (bis) to the Law on Prisons, Law No. 5 of 1972 replacing Articles 10 and 41 of Law No. 396 of 1956 on the Organization of Prisons, Law No. 23 of 1973 replacing the text of Article 30 of Law No. 396 of 1956, Law No. 78 of 1973 replacing the text of Article 31 of Law No. 396 of 1956 on the Organization of Prisons, Law No. 119 of 1974 replacing Paragraph 3 of Article 37 and Article 72 of the Law on Prisons, Law No. 91 of 1976 replacing the text of Article 34 of the Law on Prisons, Law No. 6 of 2009 replacing the text of Paragraph 1 of Article 19 of the Law on Prisons, Law No. 152 of 2001, Law No. 49 of 2014, Law No. 106 of 2015, Law No. 6 of 2001, Law No. 19 of 2020 amending certain provisions of the Law on Prisons and the Anti-Drug Law regulating the use and trafficking of drugs.

⁴ Minister of Interior Decrees No. 835 of 1968; 1318, 1582 of 1973; 2270 of 1973; 765 of 1974; 1413 of 1976; 989 of 1977; 350 of 1978; 578 of 1978; 487 of 1979; 1890 of 1990; 9876 of 1999; 668 of 2002; 16630 of 2003; 39 of 2010; 1675 of 2011; 1342 of 2013; 3320 of 2014; 345 of 2017.

See also: Rida Marae, The Amendments to the Executive Regulations on Prisons Are Inadequate and Lack Transparency, Egyptian Initiative for Personal Rights, September 2014, available on: https://eipr.org/sites/default/files/reports/pdf/prison_regulations.pdf.

oversight and control – given that the National Council for Human Rights is not allowed to inspect prisons without prior permission and independent civil society organizations are also not allowed to enter prisons without prior coordination with the Ministry of Interior.

These unacceptable measures, and many others, were either promulgated through amendments to the abovementioned Law and its executive regulations or overlooked altogether. Nonetheless, prison conditions in Egypt have not yet improved, despite all aforementioned amendments – most of which were mere formalities.⁵

2. Types and Numbers of Prisons in the Arab Republic of Egypt

Article 1 and Article 1 (bis) of Law No. 396 of 1956 on the Organization of Prisons specify the types of prisons in Egypt as follows: penitentiaries,⁶ general prisons,⁷ central prisons,⁸

⁵ For further reading on legislations concerning prisons, see the series on Egyptian legislations on prisons published by the Egyptian Initiative for Personal Rights, available on: <https://eipr.org/publications/-حقوق-عن-تشريعات-السجون-المصرية-1>.

⁶ In which hard labor sentences issued against men are enforced; Article 14 of the Penal Code defines hard labor as a penalty that shall force the convict to perform the most arduous work determined by the government for their entire life if the penalty is permanent or for the duration of their sentence if it is temporary. The temporary hard labor penalty period shall not be less than three years and shall not exceed fifteen years, except in the special cases prescribed in the law.

⁷ In which sentences issued against the following persons shall be carried out: Persons sentenced to imprisonment; women sentenced to aggravated imprisonment; men sentenced to aggravated imprisonment who are transferred from penitentiaries for health reasons, for reaching the age of sixty, or for having served half their sentence or three years thereof with good conduct, whichever of the two periods is shorter; and convicts sentenced to prison terms exceeding three months, unless the remaining period at the time of issuing the sentence is less than that and that they were not previously incarcerated in a general prison. Article 16 of the Penal Code stipulates that the prison sentence refers to the incarceration of the convict in a central prison and their employment within or outside the prison in occupations to be determined by the government for the duration of their sentence. This duration shall not be less than three years or more than fifteen years, except in the special cases prescribed in the law.

⁸ In which penalties against convicts sentenced to minimum security prisons or penal servitude for a period not more than three months are enforced, and where convicts who are subject to physical coercion in implementation of financial sentences are incarcerated, as well as pre-trial detainees if the Public Prosecution decides to place them in the central prison, in accordance with Article 1 of the Internal Regulations of Central

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special prisons,⁹ and any other facilities established by virtue of a decree issued by the Minister of Interior.

Those are the five types of prisons stipulated by law. As for the number of prisons in Egypt, some fall under the jurisdiction of the Prisons Authority, while others fall under the security directorates of the various governorates. Only penitentiaries and general prisons, which amounted to 42 prisons in 2013, fall under the Prisons Authority. That number increased after the establishment of 7 prisons between 2013 and 2021 by virtue of ministerial decrees (two penitentiaries and five general prisons), to 49 prisons in total falling under the Prisons Authority. These are divided into 5 penitentiaries and 42 general prisons.¹⁰

The remaining three prison types are not governed by the Prisons Authority, but rather fall under the different security directorates in Egypt's governorates. They amount to 137 prisons.¹¹ Given that it is permissible to place detainees, persons in custody, and any person deprived of their liberty in places of detention annexed to police centers, departments, and stations or criminal investigation departments or branches,¹² we must take these places into account.

Between 2013 and 2021, 24 ministerial decrees were issued to allocate lands for establishing prisons. By virtue of these decrees, 31 prisons governed by security directorates, rather than the Prisons Authority (central prisons), were established,¹³

Prisons No. 1654 of 1971.

9 Established by virtue of a decree issued by the President of the Republic specifying the categories of prisoners to be incarcerated in these prisons, how they shall be treated, and the conditions for their release. The Minister of Interior shall issue a decision specifying where prisons of each type are to be established and the scope of each one.

10 Interior Minister Decision No. 1750 of 2013 establishing two prisons in the city of Gamasa: one penitentiary and one general prison; Minister of Interior Decision No. 873 of 2014 establishing two prisons in Minya Governorate: also one penitentiary and one general prison; Minister of Interior Decision No. 4073 of 2014 establishing the Tora Maximum Security (2) prison in Cairo, which is a general prison; Minister of Interior Decision No. 1473 of 2017 amending the allocation of the rehabilitation prison in the military sector to become a general prison under the name General Rehabilitation Prison; and Minister of Interior Decision No. 563 of 2021 establishing Minya General Prison.

11 Minister of Interior Decision No. 113 of 1962 on central prisons in governorates.

12 Minister of Interior Decision No. 5 of 1969.

13 Minister of Interior Decision No. 2396 of 2014 establishing a central prison in the Benha Police Department building; Decree of the President of the Arab Republic of Egypt No. 525 of 2015 allocating an area of 103,22 acres of public land for the construction of a central prison and its annexes, a camp for the of Giza Security Directorate, a fire-fighting training center, and a section for the Giza Traffic Department; Minister of Interior Decision No. 1029 of 2015 establishing a central prison affiliated with Al-Nahda Police Department in the Cairo Security Directorate; Minister of Interior Decision No. 1030 of 2015 establishing a central prison in the 15 May Police Station in the Cairo Security Directorate; Minister of Interior Decision No. 2345 of

thus increasing the number of existing central prisons to 168 – not including the places of detention annexed to police centers, departments, and stations or criminal investigation departments or branches, among others.

As previously mentioned, pursuant to the Law on the Organization of Prisons in Egypt, central prisons do not fall under the Egyptian Prisons Authority, whereby every central prison is governed by the Security Directorate in the region where the prison or detention center is located. Article 95 of Law No. 396 of 1956 on the Organization of Prisons stipulates that “central prisons shall remain subject to the current regulations until they are annexed to the Prisons

2015 establishing a central prison named the Central Prison in the General Administration of Giza Security Forces; Minister of Interior Decision No. 1104 of 2015 on the establishment and operation of the Central Prison in El-Khosous Police Department; Presidential Decree No. 3455 of 2015 allocating a 10-acre plot of land in Malaha Region, west of the Ring Road, Edko Center in Beheira Governorate, for the establishment of a central prison; Prime Minister's Decision No. 1717 of 2016 allocating a plot of public land with an area of 2,872.80 square meters in the village of Baghdad in the center of Badr City in Beheira Governorate, free of charge, for the benefit of the Beheira Security Directorate to establish a central prison; Minister of Interior Decision No. 1923 of 2016 establishing a central prison in the Qalyubia Security Directorate under the name of the Central Prison in the Khanka Security Forces Camp; Minister of Interior Decision No. 2628 of 2016 establishing a central prison in the Qalyubia Security Directorate under the name Al-Obour Central Prison in Obour Industrial Area; Minister of Interior Decision No. 2879 of 2016 establishing a central prison in the Beni Suef Security Directorate under the name of South Beni Suef Central Prison; Minister of Interior Decision No. 1620 of 2017 establishing a central prison called the Central Prison in Qusiya Police Station affiliated with the Assiut Security Directorate; Minister of Interior Decision No. 182 of 2019 establishing a central prison called the Central Prison for the Central District in Assiut, which is located in the Assiut Security Forces Department; Minister of Interior Decision No. 1053 of 2020 regarding the establishment of the October City Central Prison in the Giza Security Sector; Minister of Interior Decision No. 1123 of 2021 regarding the establishment of (3) central prisons in Kafr El-Sheikh Security Directorate; Minister of Interior Decision No. 1122 of 2021 regarding the establishment of the Zefta Central Police Department Prison in the Gharbia Security Directorate; Minister of Interior Decision No. 1121 of 2021 regarding the establishment of two (2) central prisons in the Aswan Security Directorate; Minister of Interior Decision No. 1120 of 2021 regarding the establishment of two (2) central prisons in the Fayoum Security Directorate; Minister of Interior Decision No. 916 of 2021 regarding the establishment of two (2) central prisons in the Qena Security Directorate; Minister of Interior Decision No. 269 of 2021 regarding the establishment of the central prison at Youssef Al-Seddik Police Station in the Fayoum Security Directorate; Minister of Interior Decision No. 268 of 2021 regarding the establishment of the central prison attached to the Sanhour tribal police station in the Fayoum Security Directorate; Minister of Interior Decision No. 377 of 2021 considering some places affiliated with the Administrative Control Authority to be among the places where convicts are legally permitted to be detained; Minister of Interior Decision No. 378 of 2021 regarding the establishment of (3) central prisons in the Sharkia Security Directorate; Minister of Interior Decision No. 420 of 2021 regarding the establishment of the central prison in Al-Stamouni Police Station in the Dakahlia Security Directorate.

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Authority.” Between 1956 and 2021, no legislation was issued to annex central prisons to the Prisons Authority and end the temporary state of these prisons as stipulated by Article 95 of the abovementioned Law. As such, this so-called temporary arrangement has lasted for more than sixty years.

It is worth noting that Egypt has started establishing correctional and rehabilitation centers as alternatives to general prisons. Two of these centers have already been opened: the Correctional and Rehabilitation Center in Wadi al-Natroun and the Correctional and Rehabilitation Center in Badr City. At the same time, the State also decided to close 12 general prisons (Tora Maximum Security Prison; the Cairo Court of Appeal prison; Tora Penitentiary; Cairo Prison in Tora; Banha Prison; Alexandria Prison; Tanta Prison; Mansoura Prison; Shebin El-Koum Prison, Zagazig Prison, Damanshour prison, El-Beheira Labor Camp, and Minya General Prison).¹⁴

3. Alternative Penalties Needed as Prison System Fails to Fulfil its Goals¹⁵

Prison systems all over the world are in crisis. This has raised doubts about the effectiveness of liberty-depriving penalties as a means to reduce crime rates. It also raised concerns about the prison system's ability to fulfil its intended goal of rehabilitating convicts and reintegrating them into their societies. Overcrowded prisons, not only in Egypt, but on a global scale are a serious issue.

Therefore, to reduce overcrowding, legislations in developed countries tend to minimize their use of prisons, as they have proven to not always be effective. Certain countries, such as the Netherlands and Germany, have gone as far as adopting a waiting list system that allows penal administrations to delay the enforcement of prison sentences until other detainees have served their own.¹⁶

¹⁴ For further information on the topic, visit the following link for Al-Masry Al-Youm Newspaper dated 2/1/2022: <https://www.almasryalyoum.com/news/details/2495789>.

¹⁵ The main alternative penalties include financial fines, community work, confiscation of assets and expropriation of property, reparations to the victim, stays of execution, placement under parole or social supervision for the period of the sentence, house arrest and travel ban, and ban from engaging in a particular activity or profession.

¹⁶ Attieh Mehana, “The Role of Work in the Rehabilitation of Prisoners: A Comparative Study,” *The National Journal of Criminal Law*, 2007, Volume 46, Third Edition, The National Center for Social and Criminological Research, p. 53

Modern laws have granted criminal judges the power to order the suspension of prison sentences for the purpose of avoiding the harmful effects of imprisonment, based on the judge's discretion. These laws propose alternative punishments to imprisonment, which indicates that modern penal policies are aiming to reduce the role of liberty-depriving penalties as much as possible. As such, criminal judges do not impose such penalties unless necessary, given that modern criminology has found that alternative punishments have several positive effects on both the State and individuals. Enforcing these alternatives whenever possible reduces the number of detainees in prisons, thus providing the State with a better chance to effectively rehabilitate prisoners. It also alleviates the issue of overcrowded prisons, saves financial resources otherwise spent on managing the prisons or building new ones, and it keeps from isolating convicts from society, thereby allowing them to continue being productive citizens and providing for their families. This, in turn, reduces the negative social and economic effects of imprisonment. Overall, opting for alternative punishments and increasing the enforcement of such penalties protects individuals from the social stigma of imprisonment, reduces recidivism rates, and prevents the spread of crime in prisons. This also helps ensure public and private crime deterrence when enforced against minor crimes.

Most countries around the world enforce alternative penalties. For instance, the German Code of Criminal Procedure limits a criminal judge's power in imposing penalties involving deprivation of liberty of less than six months and prioritizes the imposition of a fine instead.¹⁷

The Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany conducted a study revealing that since the adoption of the Code of Criminal Procedure in 1975, approximately 87% of all sentences issued by German courts imposed fines, while the average rate of prison sentences imposed instead of a fine in cases of non-payment amounted to almost 12.6%. In fact, in more than 70% of cases where a prison sentence is issued for failure to pay a fine, convicts avoid imprisonment by rushing to pay the imposed fine, while in 15% of cases, the fine is paid during the enforcement of the prison sentence.¹⁸

One of the most important indicators that highlight the failure of prison systems is the high rate of recidivism among prisoners. This underlines the need for enforcing more alternative punishments to imprisonment. Studies confirm that recidivism rates are steadily increasing, according to

¹⁷ Article 47 of the German Code of Criminal Procedure, available at:

http://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p0269.

¹⁸ Ahmed Melegi, Evaluation of the Treatment in Penal Institutions: A Comparative Study, The National Center for Social and Criminological Research, Cairo, 2000, p. 104

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statistics issued by the U.S. Department of Justice on July 22, 2021.¹⁹

Egypt is considered one of the countries with high recidivism rates. According to a study conducted by the National Center for Social and Criminological Research in 2011, recidivism in released prisoners reached 34.6% — a very high percentage that clearly demonstrates the failure of the prison system to achieve its goals.²⁰

The issue of overcrowded prisons in Egypt inevitably renders these prisons incapable of fulfilling their role and achieving their goals. Despite all efforts made by the Ministry of Interior and the Prisons Authority, no actual progress will be made in light of the unprecedented increase in the number of convicts and pre-trial detainees. According to the study on preventive detention conducted by the National Center for Social and Criminological Research, 22.2% of the study sample of pre-trial detainees were held in preventive detention for more than three months, while 12.1% were detained for more than six months, and 1.8% for more than a year.²¹

Undoubtedly, the issue of protracted pre-trial detention is worsening, thereby turning this measure into a punishment in and of itself, and therefore overcrowding prisons even further. This hinders the ability of prisons to fulfil their role, especially since the number of prison workers is insufficient compared to the huge number of detainees. The problem lies not only in the number of workers per se, but also in the availability of qualified personnel dealing with detainees, such as psychiatrists, physicians, nurses, and other specialists who are indispensable for the rehabilitation of prisoners.

The Prisons Authority in Egypt used to issue annual reports on prisons; however, the last report issued by the Authority in this regard was in 1990. The report revealed that the rate of prisoners exceeding the maximum occupancy rate of Egyptian prisons to 128% and 119% in 1989 and 1990 respectively.²²

19 62% of prisoners released across 34 states in 2012 were arrested within 3 years, and 71% were arrested within 5 years; nearly 46% of prisoners released in 2012 returned to prison within 5 years for committing new crimes; 11% of prisoners released in 2012 were arrested within 5 years outside of the state that released them; 81% of prisoners aged 24 or younger at release in 2012 were arrested within 5 years of release, compared to 74% of those aged 25 to 39 and 61% of those aged 40 or older.

Data available on the official website of the United States Department of Justice: <https://bjs.ojp.gov/library/publications/recidivism-prisoners-released-34-states-2012-5-year-follow-period-2012-2017>.

20 Hanan Keshk, Economic and Social Determinants of Recidivism, Sharjah Police Research Center, 2004.

21 Ahmad El Alfi, "Provisional Detention: A Statistical Study and Field Research," The National Journal of Criminal Law, The National Center for Social and Criminological Research, 1966, Ninth Edition, p. 457. See the study here: <http://search.mandumah.com/Record/309249>.

22 Attieh Mehana, "The Issue of Prison Overcrowding: A Compar-

4. Social and Economic Costs of Operating Existing Prisons and Building New Ones

According to previous press statements by Brigadier General Mohamed Eleiwa, Director of Media and Public Relations at the Prisons Authority, each prisoner costs the State between EGP 1,500 and 2,000 per month, which includes food, clothing, medicine, surgical procedures, as well as water and electricity utilities.²³

There are no official data or statistics on the number of prisoners held in Egypt at present, making it impossible to estimate what the Prisons Authority actually spends each month on existing prisons, since the last report on prisons by the Authority was issued in 1990. This report showed that the total number of inmates on 31 December 1990 amounted to 37,281, i.e. 119% above the maximum occupancy rate of Egyptian prisons at that time.

It must be noted that the above figure refers to the number of detainees in prisons affiliated with the Prisons Authority only, i.e. penitentiaries and general prisons. There were 42 prisons then, compared to 49 prisons today. This is not a massive difference, as only 7 new prisons have been established.

Assuming that the statements made by Brigadier General are accurate and that the number of prison inmates has not changed or increased since 1990, the State's monthly expenditure on prisoners held only in the prisons affiliated with the Prisons Authority (37,281 prisoners x EGP 1,500 per month) reaches staggering amounts. By this estimate, the total monthly amount spent by the State on these prisoners amounts to EGP 55,921,500 (fifty-five million, nine hundred twenty-one thousand and five hundred Egyptian pounds per month).

However, putting aside these assumptions and statements, the table below shows the actual expenditure of prisons affiliated with the Prisons Authority based on the State's General Budget:

ive Study," The National Journal of Criminal Law, The National Center for Social and Criminological Research, Volume 46, Third Edition, 2002, p. 52.

23 Mustafa Hosny, "15 Years in Prison for EGP 2,800 in Advance: Prisoners of Poverty," Al-Masry Al-Youm Newspaper, 12 April 2018, available at: <https://www.almasryalyoum.com/news/details/1280949>.

Item	2013 – 2014 Budget	2020 – 2021 Budget
Workers' wages and compensations	Four hundred and fifty-six million Egyptian pounds	One billion sixty-nine million two hundred and ninety-seven thousand Egyptian pounds
Procurement of goods and services	Three hundred twenty-seven million, three hundred and eighty-five thousand Egyptian pounds	One billion one hundred fifteen million four hundred and ninety-two thousand Egyptian pounds
Support, grants, and social benefits	Four hundred ninety-eight thousand Egyptian pounds	Four hundred and ninety-eight thousand Egyptian pounds
Other expenses	One million one hundred thousand Egyptian pounds	One million one hundred thousand Egyptian pounds
Total	Seven hundred eighty million and sixty-three thousand Egyptian pounds	Two billion one hundred eighty-six million three hundred and eighty-seven thousand Egyptian pounds

Official data shows that the expenses of prisons increased over the course of seven years (one billion four hundred one million, three hundred twenty-four thousand pounds).²⁴

These are the expenses of existing prisons affiliated with only the Prisons Authority, which amount to only 49 prisons based on the actual State budget. Meanwhile, the expenses of prisons affiliated with security directorates are covered from the amounts allocated to each security directorate in the budget.

As for the cost of establishing new prisons from 2013 to 2021, even though the exact amount could not be specified, it is safe to say that it is in the billions of pounds, knowing that the cost of establishing only one of these new prisons amounted to 750 million pounds.²⁵

This is the economic cost of the Egyptian prison system at a time when the country suffers from unprecedented levels of foreign debt. According to a report issued by the Egyptian Initiative for Personal Rights (EIPR), based on official data and statistics, the annual increase in foreign borrowing grew after Egypt's deal with the International Monetary Fund, whereby foreign debt more than doubled during 2017-2020. In total, the country's debt increased nearly four times compared to its level in 2010, reaching nearly 35% of GDP in

24 Expenses based on the functional classification of the State's General Budget, available at:

<https://mof.gov.eg/files/13e52800-3ff3-11eb-8fb9-8b73b91cd2b3.pdf>;

<https://mof.gov.eg/files/e2e870c0-4ddc-11eb-a0cd-09626ed499dc.pdf>.
25 "The Ministry of the Interior Completes the Construction of Maximum Security Gamasa Penitentiary in Dakahlia at a Cost of EGP 750 million," Al-Watan Newspaper, 26 August 2013, available at: <https://www.elwatannews.com/news/details/283074>.

2020, compared to 15% in 2010. Along with this growth in foreign debt, the ratio of debt per capita has likewise more than doubled, reaching nearly USD 900 per person, compared to just USD 400 at the end of 2010.²⁶

In addition, the families of prisoners suffer from the negative social and economic consequences. BBC News Arabic published a report entitled "*How does prison affect the families of political detainees in Egypt?*". The report illustrates the extent of economic and social suffering that the families of prisoners experience as a result.²⁷ In a report by EIPR entitled, "For Sale in the Prison Canteen," several interviews were conducted to show the extent to which prisoners' families suffer from the excessively high prices of goods in the prison canteen, in addition to the high cost of supplies provided by families to prisoners during visits, including food, clothes, and other basic necessities. This imposes a massive economic burden on the families of prisoners.²⁸ Similarly, the negative social effects of overreliance on prison sentences are well-known at the global level. This has prompted many countries around the world to seek alternatives to imprisonment, as previously explained. Moreover, more people are starting to agree that prison systems and liberty-depriving penalties are failing to achieve their intended goals.

26 Salma Hussein, "Foreign Debt 2020: COVID-19 Increases Debt," Egyptian Initiative for Personal Rights, June 2021, available at: https://eipr.org/sites/default/files/reports/pdf/ldyn_lkhrjy_2020.pdf.

27 How does prison affect the families of political detainees in Egypt? <https://www.bbc.com/arabic/world-57215779>.

28 The report entitled "For Sale in the Prison Canteen: Impoverishment in Egyptian Prisons," Egyptian Initiative for Personal Rights, September 2018, is available at the following link: <https://eipr.org/sites/default/files/reports/pdf/elcanteen-ar.pdf>.

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One of the social effects of imprisonment is the social stigma convicts face upon entering prison and even after they've served their sentences and have been released. Business owners, whether in the private or public sector, refuse to employ former prisoners; families refuse former prisoners to marry into them; and prisoners' children and families sometimes lose their wage earner. Families of prisoners are also stigmatized by society, which might lead to them dropping out of school, others refusing to interact with them, lack of job opportunities, and others shaming them for what their family member has committed. This isolates these families from their communities and fills them with hatred and resentment towards society as a whole. An individual may be sentenced to prison for committing a petty crime, but due to their complete isolation from society, the stark difference between the prison's environment and the outside world, and the prisoner's interaction with other criminals, they may learn new crime previously unknown to them and use these ways in society after serving their sentence. A joint report by Mada Masr and ARIJ stresses that prisons are a hotbed for recruiting extremists and creating a new generation of jihadists.²⁹

The negative social impact also includes high rates of

²⁹ Investigation by Mahmoud El Wakea, Made in Prison: Third Generation of Jihadists in Egyptian Prisons, https://arij.net/made_in_prison/.

divorce, as some spouses may request divorce, leading to the disintegration of families. Several organizations and initiatives, both formal and informal, are working to minimize the negative social impact of imprisonment, but their efforts are unfortunately to no avail and yield no tangible results.³⁰

³⁰ These bodies include:

- The Aftercare for Prisoners and their Families Department, which aims to provide care to families of prisoners and released prisoners, as well as provide them with the necessary assistance. This serves as an acknowledgment by the State and Ministry of Interior that imprisonment has negative social effects.
- The Union of Private Associations and Institutions working in the field of prisoner care.
- Nasser Social Bank, which provides cash subsidies to families most entitled to such care, including families with female wage-earners, such as the family of a prisoner, provided that the prison sentence of the family's wage-earner is not less than six months.
- The Ministry of Social Solidarity, which provided families of prisoners with support amounting to EGP 97 million in 2020, in cases that are neither criminal nor dishonorable.

Conclusion and Recommendations

In conclusion, liberty-depriving penalties and preventive detention measures in Egypt, as well as the establishment of new prisons, are not appropriate means to reduce crime and ensure society's stability and security. Rather, there is a need for a comprehensive amendment of legislations governing prisons and addressing the issue of overcrowded prisons and the multiplicity of parties involved in prison management. These recommendations come at a time when most countries around the world are reducing their use of liberty-depriving punishments and adopting alternatives, given the growing evidence of the failure of prison systems. Prisons have consistently failed to achieve their goals due to the enormous negative social and economic effects that they've had on individuals and societies as a whole.

In order to achieve even part of the goal of liberty-depriving penalties, which is reform and rehabilitation behind the closed doors of prisons, specific conditions should be met. First and foremost, prison overcrowding must be addressed by reducing the use of liberty-depriving penalties, legalizing and enforcing alternative penalties to imprisonment, reducing the rate of preventive detention, and limiting its enforcement as much as possible, while increasing the enforcement of conditional and medical release. In addition, laws and regulations governing prisons must take into account humanitarian aspects when dealing with convicts.

The overall findings of the present paper indicate that there is no need for Egypt to have such a large number of prisons, which are costing the country billions of pounds to operate and establish. The value of prison sentences should be re-assessed, given their negative impact and social and economic costs on both citizens and the State. Some recommendations that may mitigate the negative effects of imprisonment include:

1. Recommendations for the Legislative Branch

1. Enacting a new prison law that is in line with the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)
2. Reviewing the Penal Code, the Code of Criminal Procedures, as well as the Law on the Organization of Prisons and its executive regulations, introducing amendments to ensure the implementation of provisions that provide for the use of alternative punishments,³¹ and ensuring the increased enforcement of stays of execution.
3. Enacting a law subjecting all prisons to the authority of the Ministry of Justice, while taking into account the role of the sentencing judge.
4. Setting a high threshold for liberty-depriving penalties, as well as prohibiting the enforcement of liberty-depriving sentences of less than six months and replacing them with alternative penalties.
5. Making the conditional release of prisoners mandatory when they have served half of their sentence and preventing the administration from controlling which prisoners are entitled to conditional release, while arbitrarily preventing others therefrom.
6. Amending the law on the National Council for Human Rights so that council members have the right to make unannounced visits to all places of detention without obtaining prior permission from the Ministry of Interior.
7. Establishing a law for alternative punishment measures for all non-dangerous prisoners, not just for impoverished female prisoners.³²

31 Articles 479, 484, 485, 486, 487, 488, and 489 of the Code of Criminal Procedure, as well as Articles 52-64 and Article 86 of the Law on the Organization of Prisons.

32 There is a draft law for alternative penalties in Egypt that developed by Counselor Sameh Abdel Hakam, but it has not yet been approved by Parliament. The draft law can be reviewed at Masrawy News web portal via the following link, dated 6 October 2021: <https://bit.ly/3nwdlRX>

2. Recommendations for the Judiciary

1. Reducing the overreliance on preventive detention and refraining from enforcing it except when deemed absolutely necessary.
2. Activating judicial oversight in prisons.³³

3. Recommendations for the Executive Branch

1. Activating the medical release system without the convict's request, reducing the eligibility criteria for such release, and releasing elderly prisoners or prisoners suffering from serious diseases such as cancer.
2. Resuming the regular issuance of annual reports on the state of prisons in Egypt by the Prison Authority in terms of the number of prisoners, the number of prisons, and the capacity of each prison.
3. Forming an independent body to inspect prisons and places of detention, comprising public figures known for their integrity and impartiality and who have sufficient experience to supervise and inspect prisons and places of detention without prior permission.

4. Recommendations for Public and Private Research and Information Centers

1. Preparing studies and research papers on the conditions of Egyptian prisons and providing information on the number of prisons, the number of prison workers and their specializations, as well as the number of prisoners and their classification in terms of age groups, types of crimes, as well as gender and financial levels.
2. Providing public authorities with practical recommendations to reduce problems in prisons based on the findings of research papers and studies, as well as assisting in the development of rehabilitation and correctional programs for prisoners.

³³ Based on Articles 55 and 56 of the 2014 Constitution; Articles 40, 41, 42, 44 of the Code of Criminal Procedure; Article 1 (bis), Article 85, and Article 86 of Law No. 396 of 1956 on the Organization of Prisons as amended by virtue of Law No. 57 of 1968. In accordance with Articles 280 and 281 of the Penal Code, Article 27 of the Judicial Authority Law, and Articles 1747, 1748, 1749, and 1750 of the General Instructions of the Public Prosecution.

About the Arab Reform Initiative

The Arab Reform Initiative is an independent Arab think tank working with expert partners in the Middle East and North Africa and beyond to articulate a home-grown agenda for democratic change and social justice. It conducts research and policy analysis and provides a platform for inspirational voices based on the principles of diversity, impartiality, and gender equality.

About Women for Justice Foundation

Women for Justice Foundation is a Canadian non-profit organization, aiming at developing and implementing activities that enhance women's participation, boost community development and promote rights, social justice, peace and dialogue through advocacy, networking and researching.



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