'Prison Reform' in the Middle East and North Africa | Part I

An International Development Project and the Means to Many Ends

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By Kylee DiGregorio, senior researcher of the MENA Prison Forum

This text is the first in a four-part series titled "Prison Reform' in the Middle East and North Africa: An International Development Project and the Means to Many Ends,' which will examine prison reform across the Middle East and North Africa within the framework of the international development/cooperation project model. The timing of its original publication on December 2 was intended to coincide with the December 5-7 intersessional meeting of the Commission on Crime Prevention and Criminal Justice (CCPCJ), the United Nations' principal policymaking body on such matters. The overarching topic of the three-day meeting was 'Advancing the criminal justice system,' with focus granted to 'Improving prison conditions' and 'Reducing reoffending through rehabilitation and reintegration' on December 6.

Rule of Law, Human Rights, and Preventing and Countering Violent Extremism

Agendas in Historical and Theoretical Context

The concept of 'reform' and the reality of prisons across the Middle East and North Africa appear to be antithetical. Indeed, prisons throughout the MENA region have for decades been synonymous with appalling conditions and systemic prisoner abuse. Imprisonment has, as a consequence, come to signify not only the deprivation of liberty, but the 'deprivation of basic human rights' as well.[1]

This reality has proven as intractable as it is deplorable. Human rights organizations continue to document 'cruel and inhuman detention conditions,' characterized by 'poor ventilation and hygiene, and lack of sufficient food and water."[2] In light of the global COVID-19 outbreak, 40 organizations issued a statement in March 2020 to express 'grave concern over the situation of detainees and prisoners' across the MENA region, describing prisons and detention facilities as 'overcrowded, unsanitary, and suffer[ing] from a lack of resources,' in which 'detainees are routinely denied proper access to medical care.'[3] Multiple reports[4] surfaced throughout the pandemic detailing instances[5] in which authorities in fact deliberately withheld healthcare[6] from prisoners as a mode of punishment[7] in some cases, resulting in death[8] and amounting to torture.[9] Individuals continue to be subjected to torture and other ill-treatment beyond the context of COVID-19, however. According to Amnesty International, these grave violations were perpetrated 'in official and unofficial places of detention in at least 18 countries across the region' throughout 2021.[10]

Yet while detention-related abuses persist, it is not for a lack of attention. On the contrary, prisons throughout the Middle East and North Africa have drawn the censure of human rights defenders, criminal justice experts, and law enforcement and security personnel alike, who condemn egregious detention conditions; denounce corruption, incompetence, and administrative inefficiencies within the prison service; or criticize inadequate prisoner classification systems and risk assessment mechanisms, as per the focus and orientation of their profession.

Over the course of the last twenty years, the region's prisons have increasingly become the subject of interventions designed to address and ameliorate these issues. Reform initiatives, however, are designed and carried out primarily within the framework of international development/cooperation projects, which invariably reference universal norms and standards as both their raison d'être and programmatic blueprint. Premised upon this normative touchstone, 'prison reform' in its most abstract, and apolitical, sense is then the process of reordering a prison system and reorienting the broader penal structure in which it is set and shaped in a manner that brings this architecture into greater alignment with global norms.

Yet the 'real-world' implementation of reform interventions reveals a confluence of distinct agendas and priorities, which in turn reflect competing representations of what 'the prison' is and ought to be, and the roles and functions that a 'reformed' prison ought to fulfill.

Though consequential, such discrepancies have generally evaded critical

observation and analysis. The exigencies of the current moment, however, have made this examination already long overdue all the more pressing. Prison reform both as a focus among international donors and development practitioners, and in its broader, more theoretical sense is experiencing a critical period of transition. As the UN has highlighted 'the disproportionate impact of COVID-19 in prisons'[11] to call for 'renewed momentum in comprehensive penal reform,'[12] states across the MENA region have exploited the pandemic as a pretext on which to effectively seal off their prison facilities from the outside world,[13] denying access to human rights associations, humanitarian organizations, and international monitors,[14] and subsequently 'ramp[ing] up repression' behind closed doors.[15] This extreme divergence in COVID-19 response marks a clear inflection point for prison reform efforts. It also mirrors the acute disconnect between project-driven reform initiatives and unremitting, well-documented human rights abuses in prison settings.

This text seeks to examine the historical and theoretical foundations from which donor-funded prison reform projects derive, as well as the socio-political events and shifting policy narratives from which disparate programmatic frameworks and approaches have emerged. It is these various frameworks which have shaped the contours and fault lines along which prison reform initiatives have been implemented in the Middle East and North Africa since the early 1990s. Thus, by tracing their conceptual and circumstantial underpinnings, this analysis ultimately aims to better understand how each framework defines 'prison reform,' as well as the objectives it is designed to pursue and by extension the overarching agenda it is intended to advance.

Laying the Foundation: The 'Internationalization of Penal Norms'[16] and Standard-Setting Bodies

Prisons throughout the Middle East and North Africa have long been the subject of transnational exchange and intervention, oriented according to the political climate and prevailing discourse toward humanizing, modernizing, optimizing, or otherwise altering the region's carceral systems and punitive practices. Though their objectives and methodologies have vacillated notably, these initiatives are collectively framed and broadly conceptualized under the banner of 'reform.' Indeed, the 'modern prison' as it emerged in the MENA region throughout the latter two-thirds of the nineteenth century is itself widely regarded as the physical embodiment of penal reform. Fashioned as an alternative to corporal punishment via European colonial rule[17] and consolidated through ancillary modes of external influence that were fostered and maintained both before and after national independence, the prison became a site of perpetual modification. A locus of increasingly global

interest and attention, in which foreign penological models were incrementally assimilated, the prison thus came to be styled both by colonial administrations and the sovereign states that succeeded them as an intrinsically 'progressive institution.'[18] Irrespective of and perhaps in spite of the underlying motivations and tactile efficacy that characterized these reformist agendas which, of course, warrant rigorous empirical scrutiny[19] the prison was incontestably featured as a cornerstone of the modernizing programs that were underway across the Middle East and North Africa in the late 1800s.[20]

The impetus for this reformist current nonetheless transcended the region's geographical perimeters, deriving instead from a burgeoning 'internationalization of penal norms.'[21] At the nexus of this innately dispersive phenomenon was the International Prison Congress (IPC).[22] Convening for the first time in 1872, the IPC acted as a forum in which prison reformers and administrators, as well as an array of other experts and professionals, gathered from various countries to discuss and exchange ideas relating to crime prevention, criminal law, and prison management.[23] As more conferences assembled and the volume of penological and criminological research compounded, the IPC's stated aim became advisory. With this shift in mandate, the Congress was restructured to provide participating governments with counsel and direction on issues pertaining to prison reform, the prevention and mitigation of crime, and the reform of criminal offenders.[24]

In this capacity, the IPC not only generated, but also systematically advanced on a then-unprecedented scale the transnational dissemination of prison-related policies and normative frameworks. Conveying the significance of this "diffusion,"[25] the preliminary text of the IPC's eighth conference held in 1910 enumerates in concrete terms the forum's 'marked influence on modern civilization,'[26] citing its indispensable role in the development of '[w]iser laws, better institutions, improved methods for social protection, [and] new agencies for the prevention of crime and the study, treatment, and reformation of the prisoner.'[27] The IPC thus cemented itself among modern history's most consequential international standard-setting mechanisms in the field of criminal justice and prison management, promoting principles and practices that, over time and to varying degrees, were integrated within penal codes and prison systems throughout the Middle East and North Africa.

It was through this growing standardization of punitive norms that prison reform took shape across the MENA region, informed by an ever-expanding corpus of precepts that today encompasses legally binding detention-related conventions, treaties, and covenants, as well as all

pertinent General Assembly resolutions, fundamental principles, best practices, and prescriptive guidelines that collectively seek to establish global normative standards and obligations.[28] This canon has come to reside under the aegis of a sophisticated network of transnational entities charged with actualizing and continuously cultivating its multifaceted, albeit interrelated, tenets and provisions.

Charting the Future: Writing the Next Chapter[29] in Prison Reform, for a 'Post-COVID-19' World

Among the most prominent of such transnational entities is the Commission on Crime Prevention and Criminal Justice (CCPCJ)[30] the United Nations' 'principal policymaking body' on such matters[31] which held an intersessional meeting between December 5-7. The discussion centered around the measures and targets outlined under Pillar II of the Kyoto Declaration: 'Advancing the criminal justice system.'[32] Prison reform constitutes an imperative element of this pillar's course of action, which includes improving detention conditions, enhancing the capacity of prison administrators, and promoting a rehabilitative approach to prison management that seeks to facilitate prisoners' social reintegration.[33]

These objectives are likewise listed among a wider menu of programmatic priorities delineated by the UN in its inaugural United Nations System Common Position on Incarceration, which 'provides a common framework for consistent United Nations advocacy and assistance [across all UN agencies, organs, commissions, and funds] aimed at supporting reform efforts [vis-à-vis] incarceration in Member States.'[34] Presented in May 2021 during the CCPCJ's thirtieth regular session[35] in which the Commission also endorsed and approved the Kyoto Declaration[36] the UN's Common Position on Incarceration categorically declares that 'more needs to be done'[37] to 'address global prison challenges,'[38] adding that the '[UN] system will align its prison reform support'[39] to focus on four thematic areas: conditions of incarceration, human rights safeguards for prisoners, security and safety in prison systems, and the organizational culture governing prison management.[40] This blueprint not only details the essential components of prison reform as the UN identifies them; it also points to the role that reformed prison systems are ideally intended to perform namely, to 'ensure justice, preserve public safety and hold offenders accountable while fully respecting applicable human rights in the process.'[41]

This conceptualization is, however, in a perpetual state of evolution and iteration. And although prison reform is an old and enduring project, it is as the Kyoto Declaration and the UN's Common Position on Incarceration attest currently experiencing a moment of heightened

global attention, precipitated by the outbreak of the COVID-19 pandemic.[42] Yet as much as these two texts are a product of this resurgence of attention, their unequivocal purpose is to usher in a period of sustained and systematic engagement, through which the international community resolves to ameliorate 'long-standing challenges' that have 'further aggravated the vulnerability of prisons.'[43] The UN's Common Position on Incarceration therefore calls upon all 'criminal justice systems to address their chronic shortcomings,'[44] adding that 'the disproportionate impact of COVID-19 in prisons'[45] demands 'a renewed momentum in comprehensive penal reform' worldwide.[46] To this end, the UN has vowed to '[e]nsure that the topic of incarceration remains high on the political agenda.'[47] The Kyoto Declaration reaffirms this posture, underscoring the urgent need to build 'more effective, accountable, transparent, and responsive'[48] criminal justice institutions and prison systems, and pledging to implement 'action-oriented measures' aligned with this mission.[49]

Looking Back to Move Forward: The Case for Retrospection and a Definition of Terms

The present phase of 'COVID-19 recovery'[50] thus appears to mark a critical juncture in prison reform efforts, which as transnational discourse suggests are poised to garner greater consideration and resources. As such, this inflection point presents an opportunity to trace the trajectory that prison reform has charted to date, and in doing so to analyze and assess the myriad definitions and functions that this concept has assumed, as well as the constellation of disciplines, methodologies, and practical strategies through which it has been made operational. Indeed, as intergovernmental policymaking forums and agenda-setting bodies begin to 'write the next chapter' in 'the advancement of criminal justice,' it is important that we examine and evaluate the paradigm(s) that these actors employed to develop and implement prison reform programs pre-pandemic.[51]

This text sets out to contribute to such reflection, offering an exploration of the historical context, theoretical perspectives, and conceptual frameworks that have shaped and defined prison reform in the Middle East and North Africa since the early 1990s. While the definition of 'prison reform' will be discussed comprehensively in the next section, it is important here to briefly delineate the parameters of this analysis, which will apply to each of the installments within this four-part series. For obvious reasons of context and accessibility, the term 'prison' as it is employed throughout this paper refers solely to an officially recognized detention facility that is managed by the state for the conventional purpose of advancing the administration of justice.[52] Informal and

otherwise 'secret' prisons, as well as detention sites overseen by non-state actors, are therefore not addressed as subjects of reform, but rather as potential cause for reform. Military prisons and civilian police stations are also beyond the scope of this paper, as are facilities and centers that hold individuals in pre-trial and administrative detention, and for migration-related reasons.[53] As this text seeks to illustrate, prison reform is situated both conceptually and in practice within wider reform efforts, which themselves vary in breadth and scale, ranging from penal reform to criminal justice reform to the most encompassing, security sector reform (SSR). It is thus worth stating that, for the purpose of this analysis, 'prison reform' is limited only to those initiatives that are undertaken inside the prison's physical perimeters with the critical exception of prison officer training.[54] Consequently, this study will explore prison reform programs that include the introduction of non-custodial sanctions with the aim of mitigating, and gradually reversing, prison overcrowding; however, it will not review these alternative measures in detail, nor will it examine the implementation and/or reform of parole policies and probationary services. Lastly, this analysis focuses exclusively on prison reform initiatives devised and enacted within the framework of international development/cooperation projects, given that such interventions have, since the late 1980s, served as the principal mechanism through which reform activities across the MENA region are funded and carried out.[55]

This model will surely be transported into the 'next chapter' of prison reform, as it is predicated on a deeply embedded system that conceptualizes criminal justice and prison management through the lens of international development. In 2021, the UN reasserted the validity of this conceptualization, maintaining that 'prison reform and the treatment of offenders should be viewed as an integral part of the 2030 Agenda for Sustainable Development'[56] the premier instrument shaping both global and national development policies.[57] The Kyoto Declaration the full title of which is 'On Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development' likewise reiterates, and thus further entrenches, this conceptual frame. Premised on 'the firm recognition that sustainable development and the rule of law are interlinked and mutually reinforcing,'[58] the Kyoto Declaration commits to advancing criminal justice 'at the local, national, regional and international levels,'[59] and to promoting prison reforms 'through multilateral cooperation and multi-stakeholder partnership.'[60] Following this template, the Declaration advocates for 'strengthening the resilience of law enforcement and other criminal justice institutions' through the provision of 'urgent capacity-building and technical assistance.'[61] Failing to achieve the former due to an unwillingness to fulfill the latter, the text cautions, promises to carry 'long-term social and economic implications for sustainable

development and international cooperation.'[62] The UN's Common Position on Incarceration is even more explicit. In it, the UN system expresses its determination to 'ensure that the topic of incarceration [is] mainstreamed into sustainable development cooperation frameworks.'[63] It is therefore through these frameworks that the UN 'will assist in building political consensus at the country level on the need to address prison challenges, in resolving political obstacles, and in coordinating [and] delivering advisory services and technical support in the fields of prison reform and penal reform.'[64]

It is by way of the historical and conceptual underpinnings of these 'sustainable development cooperation frameworks' that we might also gain greater insights into what UN 'services and support' consist of in practical terms within the context of prison reform, as well as the functions and purposes that such interventions are intended to serve.

'Prison Reform:' What It Is, How It Is Implemented, and To What End

Prison reform is a relatively inconspicuous topic within the sphere of development assistance. Yet international projects have incorporated prisons into their programmatic scope with greater frequency and focus since the late 1980s, when the concept of 'good governance' began to gain currency and, as a consequence, nations' justice and security sectors became increasingly viable areas of development cooperation.[65]

Project-driven prison reform locates its formal, institutionalized origins within the mandate of the CCPCJ, which grants the Commission the license to 'plan, implement and evaluate crime prevention and criminal justice assistance projects' that seek to 'assist countries in preventing crime, promoting security, sustaining national development and enhancing justice and respect for human rights.'[66] This precedent, in turn, is rooted in General Assembly resolution 46/152 of 1990, which requested the CCPCJ's formation and, in addition:

'Encourages all developed countries to review their aid programmes in order to ensure that there is a full and proper contribution in the field of criminal justice within the overall context of development priorities for the purpose of expanding and strengthening the infrastructure needed for effective crime prevention and fair and humane criminal justice systems.'[67]

These processes of 'expansion and strengthening' are now conducted largely via international development projects, which thirty years after the CCPCJ's creation constitute the primary vehicle through which prison reform initiatives are undertaken.

Knowing the how of prison reform is useful in reaching an understanding of the what. Indeed, the lexicon of international development does not present a singular, unanimously agreed upon definition of prison reform. Rather, this term has gradually come to envelop a vast spectrum of multidisciplinary and, at times, radically divergent measures and interventions that each reference as their touchstone the corpus of normative standards that exists to regulate the state's dispensation of punitive practices detention and the deprivation of liberty, in particular.[68] As resolution 46/152 acknowledges, the states, UN agencies, multilateral funding instruments, and non-governmental organizations that (co-)develop, finance, and execute reform initiatives throughout the MENA region and elsewhere do not possess the legal authority to intervene in the governance of a sovereign nation.[69]International development projects thus, by necessity, rely on this normative canon as both their raison d'être and programmatic compass. A 2011-2014 initiative spanning Algeria, Egypt, Jordan, Morocco, Tunisia, and Yemen, for example, stated its 'overall goal' to be: the promotion of 'humane and fair treatment of vulnerable people in conflict with the law through the implementation of international human rights standards for the administration of criminal justice.'[70] To realize this aim, the project sought among other objectives to '[r]eform prison[s] and places of detention so they respect and protect the rights of vulnerable groups.'[71]

International human rights law and other customary principles thus comprise the basis on which development projects are implemented precisely because this normative framework (1) is universal in its (aspirational) applicability and (2) imposes upon states a definitive set of 'obligations and duties' which they are 'bound to respect' and fulfill.[72] The broadest and most sweeping though at times implicit mission of prison-oriented development programs then is infallibly to assist partner states in bringing their domestic penal codes and carceral procedures, policies, and practices into greater compliance with international standards and, by extension, more fully adhering to their international commitments.[73]

If such standards and precepts are indeed to be actualized, however, they must first be operationalized. The 'real-world' implementation of prison reform is therefore the act of putting normative principles into practice. To do so, international development projects undertake to translate the abstract concepts articulated within their respective missions into actionable goals that can be quantified and measured. This exercise which is commonly illustrated as a 'theory of change' diagram[74] is clearly exhibited in the 'Promoting Inclusive Access to Justice in Yemen (PIAJ)' project document.[75] Funded by the Netherlands and implemented by a collection of UN agencies, PIAJ (2021-2024)

cites 'detainee protection' as one of its primary objectives.[76] This aim is qualified by two components: improved detention conditions and access to rehabilitation and reintegration services.[77] Each of these components is, in turn, made actionable (and therefore achievable) by way of corresponding, correlated activities (i.e., providing sanitation and hygiene materials, bedding, and electrical/solar installations; renovating prisons and detention centers; advising prison personnel on human rights-based prison management; and administering education and vocational training programs).[78] This itinerary of activities is further distilled into quantifiable indicators that collectively serve as a tangible benchmark by which to assess the progress made (or not) in regard to 'strengthening the protection of detainees.'[79] It is through this technical process that project-driven prison reform initiatives endeavor to bridge the gap between universal normative standards and observational, empiric practice.

Yet despite the mechanics of international project management, and the tenets and provisions to which such mechanics refer, there is little consensus around the specific interventions and methodologies through which development programs might most effectively address the detention-related abuses and challenges that persist in violation of states' obligations. Indeed, there are countless indicators, targets, objectives, and corresponding activities, outputs, and deliverables that are crafted and assembled in an infinite number of combinations, each in the name of prison reform. The precise blend of project variables selected for implementation is, of course, contingent upon the stakeholders and practitioners involved, and thus a reflection of the conceptual approach to which they subscribe. Composing an immensely heterogeneous group of actors, it is inevitable then that donor governments and implementing organizations as sociologist Yasmine Bouagga points out promote competing representations of what prison reform in the pragmatic sense is and ought to be.[80] This lack of cohesion, however, is symptomatic of occasionally incongruous and often incoherent conceptualizations of what the 'the prison' is and ought to be.

Criminal Justice Institution, State Security Actor, or Something In Between?: Competing Representations of 'The Prison'

The lens through which prisons are viewed and their purpose(s) defined largely determines the way that prison challenges are identified, conceptualized, and prioritized; potential solutions formulated; and corresponding initiatives carried out. This text has thus far engaged the prison solely as a criminal justice institution, in keeping with the approach adopted by the CCPCJ, as well as that expressed in both the Kyoto Declaration and the UN's Common Position on Incarceration. It is therefore predominantly through the lens of criminal justice that the UN system

frames prison issues and locates points of intervention, as the Common Position demonstrates, concluding that:

'Many problems manifested in prison settings are the result of systemic deficiencies in criminal justice systems, including in relation to racial and gender justice and justice for children. Effective and sustainable reform efforts require a holistic approach that identifies legislative shortcomings, procedural bottlenecks, and deficiencies in physical rule-of-law infrastructure, and that invests in the use of non-custodial measures and access to quality legal aid.'[81]

The UN Office on Drugs and Crime (UNODC) a leading implementer of prison reform projects likewise perceives the prison primarily through the prism of a state's justice system, defining incarceration as 'the final stage of the criminal justice process.'[82] From this perspective, UNODC accordingly posits that 'in assessing the prison system there needs to be awareness that [w]hat happens in prisons is intrinsically linked to how the criminal justice system as a whole is managed.'[83] It follows then that prison reform, as UNODC contends, must 'not [be] regarded in isolation from broader criminal justice reform,'[84] but ought to instead 'be undertaken as part of a comprehensive [program]' that addresses a country's prison administration, as well as its other criminal justice institutions, including law enforcement, the judiciary, and the prosecution service.[85]

However, since the 1990s, prisons have become increasingly subsumed within the 'security sector,' which is generally characterized as 'the structures, institutions and personnel responsible for the management, provision and oversight of security in a country.'[86] This process of assimilation commenced at the end of the Cold War and rapidly accelerated after the attacks of September 11, 2001 and throughout the ensuing US-led 'global war on terror,' which elicited 'a substantive widening and deepening'[87] of what security governance specialist Heiner Hänggi has called the "securitisation' of non-military issues.'[88] Deviating from the justice-centered approach detailed above, the United Nations Development Programme (UNDP) another key project implementer was among the first UN agencies to officially embrace this 'securitization' of the prison, proposing in 2002 a taxonomy of "security sector actors" that encapsulates prisons, as well as criminal investigation, prosecution, and correctional services.[89]

This classification was further advanced in 2005 by the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD), in accordance with an evolving paradigm that 'now [perceives] [t]he military as only one instrument of

security policy.'[90] The growing influence of this paradigm is itself the result of an expanding security policy, which no longer revolves exclusively around the protection of a state's stability but now additionally encompasses 'the well-being of [its] population.'[91] The prison's precise mandate as it is rendered in the OECD DAC's 2005 Guidelines on Security System Reform and Governance is, nevertheless, admittedly disjointed: in one excerpt, the prison maintains its traditional identity as a 'justice and law enforcement' institution[92]; in another, the prison is regarded as part of a country's 'justice and internal security apparatus.'[93] Eclipsing the incongruity of such semantics, however, is the prison's invariable and unqualified designation as a 'security system actor.'[94]

Such a designation carries significant definitional, programmatic, and funding implications for prison reform. Since the concept of 'security sector reform' (SSR) first entered into circulation in 2001[95] by virtue of the 'security-development nexus'[96] (a more recent variation of the justice-development nexus) prisons have become a progressively more prevalent component of SSR programming. Perhaps the "most important,"[97] longstanding financial contributor to SSR projects is the European Union (EU), which solidified prison reform as an SSR objective in 2005.[98] Per the Council of the European Union's EU Concept for [European Security and Defence Policy] Support to Security Sector Reform, SSR programming may legitimately entail: 'identifying the administrative, human and material needs of' a country's penitentiary system[99] and assisting in the formation of 'a comprehensive development strategy' aimed at addressing such needs.[100] The European Commission reaffirmed this policy in 2006 on the premise that prisons 'provide security by upholding law and order within the state'[101] and, as such, act as an essential facet of 'the security system.'[102] The UN Secretary-General's 2008 report on the UN's role in supporting SSR likewise cites the 'significant strides [made] in supporting prison reform,'[103] maintaining the notion that 'security goes beyond traditional military elements and involves a much wider range of national and international institutions and actors.'[104] One year later, the US Department of Defense, US Department of State, and US Agency for International Development (USAID) published a joint policy statement in which the US Government counts 'corrections' (i.e., prison) officers among its list of 'state security providers,'[105] and thereby officially recognizes prisons as a viable focal point of US-funded SSR 'programs and activities.'[106] Several other prominent donor countries such as Canada[107] and the Netherlands[108] have revised their respective policies accordingly, bringing them into alignment with those of the UN, EU, and US.

The 'Securitization' of Prison Reform

The prison's rising and ever more consistent integration within SSR interventions stems from and conforms to what is widely termed a 'whole-of-government approach' to security.[109] The fundamental operating principle in which SSR is grounded and by which it is guided, this approach urges 'donor and partner governments [to] mainstream security as a public policy and governance issue.'[110] 'Security mainstreaming,' in effect, facilitates the absorption of traditionally civilian, public-sector institutions into a broadly conceived 'security system,' in which they retain their original, 'distinct roles' while simultaneously 'working under one overarching security system reform policy.'[111] Of course, this policy by definition approaches each public-sector institution from a security perspective, engaging it only on the basis and to the extent that its systems and processes, and more specifically its composite 'actors [and] their roles, responsibilities, and actions,'[112] can be reformed to enhance the 'provision of security.'[113]

The SSR framework therefore preserves the prison's conventional (civilian) function within the justice sector but views this function first and foremost through a security lens, thus imbuing it with security-oriented objectives. This 'securitization' of the prison inevitably denotes a 'securitization' of prison reform a phenomenon articulated in the OECD DAC's 2007 Handbook on Security Sector Reform, which allocates a full chapter to prison systems.[114] The preface to this chapter describes the '[i]mprisonment of serious offenders' as 'a basic element of human security' and further reasons that reformed prisons 'can make an important contribution to community peace and stability.'[115] Following this logic, the OECD DAC concludes: 'As well as being an important justice issue, prison reform is a key component of the security framework.'[116] Thus, just as the justice-centered approach situates the prison within the criminal justice system and by extension conceptualizes prison reform within the broader context of comprehensive justice reform, the security-centric approach of SSR encapsulates the prison within a wide-ranging security system, and therefore conceives of and devises prison reform efforts through the prism of 'integrated, holistic' security sector reform.[117] As such, prison reform 'needs to take into account the effects of insufficiencies' in other areas of the security system, the OECD advises, in addition to the impact that such reform activities will have beyond the prison system.[118]

Yet the integration of security policy 'across the whole-of-government'[119] and among the security system's many disparate actors and institutions[120] is, of course, accompanied by and reinforced through 'security mainstreaming' within the 'prison sector.'[121] Indeed, prison reform initiatives developed from the SSR approach take 'security mainstreaming' as their core programmatic priority. In its technical

application, this process involves ensuring that security considerations are afforded highest salience in all aspects of prison administration and management, and by extension that the goal of security is central to all reform initiatives. From this perspective, the prison increasingly assumes the role of a security institution, and prison reforms as a result are crafted with the stated mission of improving the prison's capacity 'to provide security services.'[122]

The Prison as a 'Security Provider:'[123] Security for Whom? And Implications for Project Funding

It is important here to note that SSR-based prison reform interventions despite conforming to the international development/cooperation project model in their implementation are at times ineligible to receive official development assistance (ODA) funding due to their security-centric orientation.[124] US Department of State programming in Lebanon is particularly illustrative of this ostensibly technical, though conceptually consequential, financing distinction. Consistent with the SSR approach, US 'security assistance' to Lebanon has been designed with the aim of 'enhanc[ing] the capabilities and professionalism of security institutions, including the Internal Security Forces (ISF).'[125] Functioning not only as Lebanon's national police force and primary law enforcement agency, the ISF also constitutes the country's prison service,[126] which remains under the authority of the Ministry of the Interior[127] in spite of its long-promised transfer to the Ministry of Justice.[128] It is within this latter capacity as the primary administrator of the Lebanese prison system that the ISF has engaged most extensively with the US State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL). The details of this engagement are relatively scant, though its objectives are overtly security-centric despite references to the 'humane' treatment of prisoners in compliance with 'international standards.'[129] According to the State Department, the INL 'provides training, technical assistance, equipment, and infrastructure support to the ISF' in the context of its 'corrections' role, with the aim of improving its ability to 'ensure [that] offenders serve out sentences without further criminality while operating Lebanon's prisons safely [and] securely.'[130] In March 2019, this objective was further advanced with the launch of the 'Corrections Professionalization Program' a 3-year, $2.5 million project intended to 'improve security conditions throughout the Lebanese Corrections System.'[131] To this end, the program consisted of three intervention activities: (1) developing and implementing a system of inmate classification, (2) institutionalizing improved standardized operating procedures, and (3) training ISF units on these new systems and procedures in the ISF Prisons Directorate as well as the ISF Training

Academy.[132]

Although none of these activities constitute 'military aid'[133] in compliance with OECD DAC's first stipulation the $2.5 million that were allocated to this particular INL reform initiative nevertheless do not qualify as ODA. The US Government categorizes the 'Corrections Professionalization Program' and all programs funded under the INL's account[134] as 'nonmilitary security assistance.'[135] Indeed, the INL's budget is administered by the State Department (as opposed to the Defense Department) for the purpose of providing 'support to civilian law enforcement entities'[136] [italics added for emphasis]. In line with SSR's discursive framework, the INL recognizes the ISF as a component of Lebanon's criminal justice system, but filters this function through a security lens, defining its engagement and the scope of INL-funded reform activities in terms of 'state stability.' [137] Epitomizing this confluence and conflation of roles is the ISF's 'civilian security mandate'[138] [italics added for emphasis] a once paradoxical phrase that now readily signifies the duality of the ISF, and the prison system, as an entity positioned within both the justice and security sectors. This straddling and often blurring of the line between military and nonmilitary is reflective of a broader balancing and blending of state and human security.[139] and is made palpable through the ongoing fusion of policies that previously comprised disparate fields, which in turn clearly differentiated national defense from domestic public safety.

While the convergence of justice and security issues is a distinct feature of SSR-based prison reform programming,[140] it does not in itself disqualify the 'Corrections Professionalization Program' from ODA eligibility. On the contrary, the OECD DAC has continuously modified and refined its guidelines in a manner that extends ODA eligibility to a sweeping breadth of 'security-related activities.'[141] ODA eligibility is, however, contingent upon the answer to the question: security of whom? Indeed, the OECD DAC bars ODA eligibility for any project that serves 'to promote the provider's security interests'[142] [italics added for emphasis]. Though vague, it is this stipulation that disqualifies the 'Corrections Professionalization Program' as ODA. Despite emphasizing the enhancement of 'Lebanon's stability,'[143] the INL is unequivocal in asserting that its ultimate end is American security.[144] The US Government therefore classifies INL-funded prison reform initiatives not as 'development assistance,'[145] but rather (and as stated above) 'nonmilitary security assistance' a designation that is applied only to those programs that are devised 'to address global concerns that are considered threats to US security and well-being, such as terrorism, illicit narcotics, crime, and weapons proliferation.'[146]

Approaching prison reform from this orientation and for this purpose denotes a conceptual shift driven, and thus determined, by the national security concerns expressed among donor countries, which have come to view weak states as a primary source of potential threats.[147] The significance of this shift lies in the precedent that it sets. As long as prison reform is viewed, and therefore implemented, as a mode of security provision for donor states, the projects that are funded will by definition be outside the parameters of ODA, thereby perpetuating a cycle that threatens to gradually distance and disassociate 'the prison' from the justice sector. The potential implications of such a process were exhibited in 2005, when the OECD DAC stressed the importance of adopting security-focused, SSR-based programming 'in view of the increased emphasis on counter-terrorism' in a growing number of prison reform initiatives.[148]

The effects of this shift did not cease with the close of the post-9/11 decade of course, nor are they restricted to US-funded programs. Responding to 'the rise of ISIL/Da'esh'[149] and 'major refugee flows,'[150] the European Commission reviewed the European Neighbourhood Policy[151] in 2015 and, in 2016, proposed 'a single EU-wide strategic framework'[152] for SSR support to 'third countries.'[153] This strategic framework not only reaffirms the prison's position within both the criminal justice system and a nation's 'security sector;'[154] it also draws a direct link between the EU's SSR initiatives and the EU's domestic security, implying that internal security interests are a primary motive of external 'assistance in the planning and implementation of reforms.'[155] Citing 'a lack of effective security systems'[156] as a cause of exacerbated instability, the text continues: '[C]onflict and insecurity in partner countries also affect the EU's internal security, and that of EU citizens and EU trade and investment interests abroad.'[157]

Rule of Law, Human Rights, and Preventing and Countering Violent Extremism: The Conceptual Underpinnings of Reformist Agendas

This is not to reduce SSR-based prison reform interventions to the national security interests of donor states, nor to homogenize or narrowly confine reform efforts to any one particular objective. In contrast, it is evident that initiatives carried out across the MENA region throughout the last twenty years do not coalesce around one cohesive substantive agenda nor conform to a fixed, formulaic implementation strategy. Such projects do however tend to converge around two approaches, which engage prison reform through a justice-centered and a security-centered lens, respectively. And although these two perspectives are, in fact, marked by discernible differences, they also exhibit ample points of overlap both conceptually and in implementation due to their shared normative

foundation.

These commonalities and distinctions are exemplified by, and distilled into, three conceptual frameworks: (1) rule of law, (2) human rights, and (3) preventing and countering violent extremism (P/CVE). It is through the prism of these three frameworks that international development/cooperation projects have, since the 1990s, planned and implemented prison reforms across the MENA region. In other words, each of the region's project-driven prison reform initiatives is characterized predominantly by one of these three conceptual frames, which in turn have come to constitute the three disparate reformist agendas shaping such initiatives. However, like the justice and security approaches in which they are loosely situated, these agendas and the respective frameworks from which they stem are not mutually exclusive. Rather, they have emerged and crystalized in response to evolving events and circumstances, and corresponding discourse in a relatively chronological and linear way. Each agenda is thus influenced and informed by that (or those) which preceded it, thereby incorporating, minimizing, or otherwise adapting earlier practical and conceptual elements in accordance with the exigencies of the moment. As such, each reform agenda reflects, to varying degrees, aspects of both the justice and the security approach.

Each of the three subsequent installments in this series will examine one of these three conceptual frameworks in turn as they apply to prison reform initiatives implemented in countries across the Middle East and North Africa since the Arab Uprisings of 2010-2011. Each study will outline the key features of its corresponding reform agenda, and explore how such elements are reflected in and shape prison reform initiatives. Parts II - IV will therefore analyze the programmatic qualities associated with each respective agenda, highlighting concrete project examples in order to draw comparisons between their dominant themes and points of focus, stated objectives, and preferred modes of implementation.

The remainder of this text, however, seeks to first present a brief chronological overview of prison reform in the MENA region, situating the rule of law, human rights, and preventing and countering violent extremism agendas within their historical context.

Tracing the Arc of Reform Agendas

From Rule of Law to Human Rights

Multilateral organizations and donor countries began integrating the 'rule of law' concept into international development/cooperation programs in the early 1990s, in efforts to channel the focus of development assistance

more deliberately and intently toward the strengthening of state institutions and legal mechanisms.[158] This integration was actualized, in part, via prison reform, which became increasingly perceived as a means through which to improve and further consolidate rule of law principles. The inception of this link derives from General Assembly resolution 46/152, in which 'the criminal justice system' is regarded as 'an instrument' that 'plays an essential role' in advancing and ensuring 'justice based on the rule of law.'[159] Several UN resolutions have since reiterated and reinforced this 'role,' solidifying criminal justice and prison reform[160] as 'practical strategies in promoting the rule of law.'[161]

However, the 1993 World Conference on Human Rights also commonly referred to as the Vienna Conference set in motion a period of enhanced 'international cooperation' in and emphasis on 'the field of human rights.'[162] As a result, development discourse subtly shifted from a narrative of laws and institutions, to one of rights. Poor prison conditions and other detention-related issues were thus increasingly framed as human rights abuses and, by extension, prison reform became conceptualized as a human rights imperative.[163] Prompted by the Vienna Declaration and Programme of Action, donors, practitioners, and other stakeholders accordingly began to provide 'an increased level of both technical and financial assistance' to all 'institutions concerned with the administration of justice,' including prisons.[164]

Like the rule of law paradigm from which it follows, rights-based prison reform is firmly grounded within a corpus of norms and standards that are themselves informed by a framework of international legal instruments. This normative canon expanded markedly at the close of the World Conference and the CCPCJ's inaugural session one year earlier,[165] augmented by multiple guidelines and best practices drafted with the express purpose of promoting and protecting the rights of prisoners and detainees.[166] In 1994, the UN Centre for Human Rights[167] and the Crime Prevention and Criminal Justice Branch co-published Human Rights and Pre-Trial Detention,[168] a handbook of international standards intended to assist countries in the practical implementation of the tenets set forth in the Basic Principles for the Treatment of Prisoners[169] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty[170] both adopted by the General Assembly in December 1990. Broadening attention to detention facilities more generally, the International Centre for Prison Studies (ICPS)[171] published the first edition of A Human Rights Approach to Prison Management: A Handbook for Prison Staff in 2002. As mentioned in the preface of its third edition produced in 2018 by the Institute for Criminal Policy Research (ICPR) in cooperation with the International Committee of the Red Cross (ICRC) this handbook continues to be 'used regularly by intergovernmental organisations and

other international bodies in their prison reform work,'[172] as well as 'by governments and prison administrations in a number of countries as a tool for developing reform strategies.'[173] Yet the handbook's first edition, and the topics and principles presented therein, also culminated in Human Rights and Prisons: A Manual on Human Rights Training for Prison Officials, published by the Office of the UN High Commissioner for Human Rights (OHCHR) in 2005.[174] Centered around the duties and obligations of prison staff, the manual seeks to 'encourage and reinforce compliance with international human rights standards within prisons,'[175] first and foremost by 'sensitiz[ing] prison officials to their particular role in promoting and protecting human rights, and to their own potential for affecting human rights in their daily work.'[176]

Rights on Pause: Secret Detention and 'Extraordinary Rendition' in the 'War on Terror'

Rights-focused prison reform emerged and evolved in tandem and, occasionally, at odds with an equally bourgeoning security-centric approach that rose exponentially in prominence in the years immediately following 9/11, as detailed above. Indeed, many scholars and analysts have argued that security considerations assumed precedence over human rights concerns throughout the first decade of this century, particularly in the Middle East and North Africa. The region became, as author and intellectual Yahia Zoubir describes, 'a zone of strategic importance dominated by issues of security.'[177] In the wake of the 2003 Casablanca bombings and the Madrid train bombings of 2004, Europe's relations with its 'Mediterranean neighbours' became defined by efforts to counter terrorism, combat organized crime, and improve 'joint management of migration flows'[178] through strengthened border control and 'institutional capacity building.'[179] Bilateral and multilateral engagement was thus principally typified by law enforcement and intelligence training and other forms of technical assistance,[180] which in effect validated and further propelled a security-centric approach to prison reform.[181] In its June 2004 Strategic Partnership with the Mediterranean and the Middle East, the EU called for 'reinforced operational co-operation in the fight against terrorism among judicial and police authorities'[182] [italics added for emphasis]. Reflecting the SSR paradigm, this counter-terrorism cooperation was not limited to traditionally delineated security forces, per the policy agenda presented within the Strategic Partnership; rather, it was also to take place under frameworks and instruments originally intended to foster 'political reforms, human rights and democratisation.'[183] Such pursuits, however, 'moved to the backburner'[184] throughout the 2000s, as states once criticized 'by the West for undemocratic behaviour'[185] were quickly 'embraced as important allies in the fight against terror.'[186]

Yet it was the US, as researcher and SSR expert Yezid Sayigh wrote in 2007, that 'led the way' in this regional policy,[187] as the George W. Bush administration advanced human rights rhetorically while in practice granting unconditional priority to counter-terrorism objectives often in a manner that categorically flouted international human rights and humanitarian law. Among the most flagrant infringements of course are those perpetrated in the context of the Central Intelligence Agency's (CIA) secret detention and 'extraordinary rendition' programs, whereby the US 'asked [its] partners to secretly detain and interrogate persons on its behalf,'[188] despite the 'poor human rights records' of these states.[189] It is interesting, though not coincidental, that as information regarding these two programs began to emerge and circulate in 2005,[190] the UN was establishing the mandate of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.[191] It is also notable that two of the four MENA countries that ran 'proxy detention facilities' on the CIA's behalf Jordan and Morocco[192] are today among the region's most prominent partners in project-driven prison reform.

Rights Resumed: Detention Abuses Foregrounded in the Arab Uprisings

Indeed, human rights-oriented initiatives were late to arrive to the region, proving inconsistent at best prior to the 2010-2011 Arab Uprisings. Catalyzed by chronic rights abuses[193] and mobilized around slogans and chants demanding the 'release of prisoners' and 'freedom from torture,'[194] these popular grassroots demonstrations exposed to the world and, critically, to western donors the legacy of authoritarian police states further emboldened by the grossly exploited post-9/11 pretext of 'counter-terrorism.' Forcing open a window of political transition in some countries, and sparking a 'conceptual revolution'[195] in human rights advocacy across the region, the Uprisings thrust the prison to the forefront of public debate and revisionist agendas, and thus 'offered a unique opportunity'[196] to reform 'the repressive apparatus'[197] that for decades had proven impervious to scrutiny. Seizing this opportunity, local human rights and civil society organizations revealed to a global audience the abysmal detention conditions, corrupt prison administrations, and egregious treatment of prisoners that had persisted under pre-Uprising regimes. Donor countries were, as a result, compelled to reevaluate not only their political and diplomatic policy positions toward MENA states, but also their development/cooperation programming and assistance priorities, signaling (albeit reluctantly) that the status quo long perpetuated by their own 'business as usual' approach was no longer tenable.[198]

The EU was arguably the most deliberate in this 'review,'[199] which

culminated in and was made actionable through the European Commission's May 2011 communication, A New Response to a Changing Neighbourhood. Citing '[r]ecent events' in Egypt, Tunisia, Libya, and Syria, the policy paper concedes that 'EU support in neighbouring countries has met with limited results,' and therefore asserts that '[a] new approach is needed.'[200] This approach, the text states, 'must be based on a shared commitment to the universal values of human rights, democracy and the rule of law.'[201] Formulated with the aim of 'support[ing] democratic transformation'[202] in the 'Southern Mediterranean region,'[203] the EU's 'new response' granted programmatic primacy to 'those institutions most needed to sustain democratisation,' thus promising to 'provide substantial expertise and financial support' to reform security forces, law enforcement agencies, and justice bodies.[204] However, to ensure that human rights and rule of law commitments were in fact 'matched by action,' the EU also vowed to press partner states to ratify and fully comply with all relevant international and regional human rights instruments, and in addition pledged to more systematically monitor and address human rights violations in these countries.[205] Recalibrated to align with this rights-centered approach, EU-funded reform initiatives began to demonstrate a greater attunement to and an explicit recognition of prisoners' rights.

Human rights principles and themes were even incorporated into UNODC programming, which has traditionally reflected a classic rule of law perspective, in which prison reform is viewed primarily as a means of preventing crime and strengthening the capacity of the criminal justice system. UNODC's 2011-2015 Regional Programme in the Arab States nonetheless adopted a wider lens, as it identified the need to reform MENA prison systems in conventional human rights terms, highlighting their severe overcrowding and high levels of pre-trial detention; insufficient provision of health care and medical services; lack of accessible legal assistance; and inadequate protections to ensure the best interests of child detainees, including weak or nonexistent laws regarding the minimum age of criminal responsibility, alternatives to imprisonment, and access to education and rehabilitation programs.[206]

Launched in collaboration with the League of Arab States, the Regional Programme was designed with the objective of supporting Member States in their national efforts to address security and criminal justice issues.[207] 'Promoting integrity and building justice' was recognized as a critical course of action through which to advance this goal, and was therefore established as a priority sub-program, under which prison reform constituted a prominent area of focus.[208] The particular initiatives proposed like their rationale derived from the human rights perspective, oriented neither toward institutional efficiency (rule of law) nor security-

centric counter-terrorism, but instead affording precedence to the dignity and physical integrity of prisoners. Suggested reforms placed 'substantive' emphasis, for instance, on 'improving the welfare and living conditions of prisoners,' as well as strengthening prison administrations' response 'to the needs of vulnerable groups,' including women, prisoners with mental healthcare needs, and those suffering from substance abuse.[209] UNODC also promoted national prison reforms that included 'the introduction of education, vocational training and life skills programmes' tailored to equip prisoners with practical capabilities and competencies, and thereby facilitate their 'successful reintegration' within society upon release.[210] Taken together, these reforms sought to 'promote [the] enhanced treatment of prisoners in accordance with UN norms'[211] as the Regional Programme notes and thus 'support Member States' efforts' in developing 'humane' prison systems 'in line with internationally recognized standards.'[212]

From Human Rights to Preventing and Countering Violent Extremism

Yet in the mid-2010s, the focus of international mainstream media, global politics, and consequently prison reform was once again pulled back to the challenge of radicalization, this time in response to the emergence of Da'esh, the rise of its proclaimed caliphate, and the spate of high-profile terrorist attacks that ensued throughout 2015 and 2016 in Tunisia, France, Belgium, Germany, and the US. Against this backdrop, the international community once more turned to prisons '[a]s part of the effort to counter violent extremism.'[213] To be sure, this period witnessed a substantial proportion of prison programming formulated with the unambiguous aim of working to 'combat terrorism'[214] and 'counter dangerous violent extremist ideologies.'[215] The tactics and techniques employed to do so, however, stand (at least discursively) diametrically opposed to and as a categorical rejection of those deployed in the so-called 'war on terror.' Emphatically embracing a 'security first'[216] or 'human rights 'lite''[217] ethos, the conventional counter-terrorism approach of the immediate post-9/11 era resorted to detention-related practices[218] that not only undermined but, in fact, gravely violated international standards of human rights law 'in the name of countering terrorism around the globe.'[219] The more recent approach commonly referred to as preventing and countering violent extremism (P/CVE) is grounded within the converse principle, which maintains that 'effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing,'[220] and by extension that 'the promotion and protection of human rights for all and the rule of law is essential to all components of [global counter-terrorism].'[221]

This principle is, perhaps ironically, enshrined as Pillar IV of the UN Global

Counter-Terrorism Strategy adopted by the General Assembly in September 2006 as an overt rebuke of and rejoinder to the 'comprehensive and coordinated system' of 'black sites' and proxy detention facilities, as well as the 'related practices of extraordinary rendition,' enforced disappearance, and torture that 'involv[ed] states in almost all regions of the world' throughout the early 2000s.[222] Without addressing them by name, the UN's Global Strategy condemns these abuses as not only ineffective, but counter-productive, identifying a 'lack of the rule of law and violations of human rights' as 'conditions conducive to the spread of terrorism.'[223] The mitigation of such conditions is thus granted precedence within the Global Counter-Terrorism Strategy, constituting the first of its four pillars.[224] To advance this aim, states and UN agencies alike are called upon to 'scale up [their] cooperation and assistance in the fields of rule of law, human rights and good governance,'[225] and to 'pursue social inclusion agendas at every level, recognizing that success in this area could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists.'[226] It is on the premise of this pillar that a growing number of prison reform projects began after 2015 to adopt a P/CVE approach, in which programmatic activities are centered around building the state's capacity to 'effectively manage violent extremist prisoners (VEPs)' and 'prevent radicalization to violence in [its] prison system'[227] via rehabilitation and reintegration.[228]

It is, in fact, Pillar I of the UN's Global Counter-Terrorism Strategy that represents both the conceptual bedrock of and catalyst to P/CVE, which operates from the logic that 'security-based counter-terrorism'[229] is not sufficient to address the threats posed by groups such as Da'esh and Boko Haram.[230] The UN Secretary-General's 2016 Plan of Action to Prevent Violent Extremism advocates instead for 'a more comprehensive approach' that includes 'systematic preventive measures which directly address the drivers of violent extremism that have given rise to the emergence of these new and more virulent groups.'[231] Presented a decade after the adoption of the Global Counter-Terrorism Strategy, the Plan of Action makes explicit its intention to 'reinvigorat[e]'[232] international efforts on Pillars I and IV, stating that initiatives to treat 'the conditions conducive to the spread of terrorism'[233] and, separately, to 'ensure respect for human rights and the rule of law'[234] have 'often been overlooked.'[235] Promoting a broader and more 'balanced' policy,[236] the Plan of Action underscores the need to '[make] prevention an integral part of' national and international counter-terrorism strategies.[237] Doing so, the Plan contends, is essential if the international community is to effectively address 'the underlying conditions that drive individuals to join violent extremist groups.'[238]

Enumerated among these 'drivers' is 'radicalization in prisons.'[239] This idea is not new. On the contrary, popular public discourse has likened prisons to 'hotbeds for the recruitment of radicals'[240] and "breeding grounds' for Jihadists'[241] with such repetition that these associations have effectively been reduced to banal tropes. Empirical studies, for their part, had prior to 2016 focused largely on the logistics of the phenomenon, analyzing the mechanisms through which 'violent extremist offenders' recruit and radicalize other prisoners; network, exchange tactics, and recreate operational command structures; and engage with extremist groups outside the prison to receive, provide, and mobilize support.[242] In short, prisons have long been identified as 'places of vulnerability'[243] that are 'by their very nature'[244] exponentially more prone to functioning as sites of radicalization.

It is in fact the 'nature' of prisons that the Plan of Action to Prevent Violent Extremism spotlights and aims to address. Being that '[v]iolent extremism tends to thrive' in environments 'characterized by poor governance, democracy deficits, corruption and a culture of impunity' for the state's 'unlawful behaviour,' the Plan of Action asserts that government repression and 'heavy-handed security responses in violation of human rights and the rule of law' are inclined 'to generate more violent extremists.'[245] It follows then as recent research substantiates[246] that 'inhumane prison conditions and inhumane treatment of inmates, corrupt staff and security officers, lack of security and proper facilities, and overcrowding can play a disconcertingly powerful role in [prisoner] recruitment.'[247] The Plan of Action therefore urges states to '[r]eform penitentiary systems to ensure the security of inmates, personnel and facilities and establish procedures to prevent and counter radicalization in prisons based on human rights and the rule of law.'[248]

And thus, the latest 'brand' of prison reform was conceived. Projects organized around the P/CVE agenda have quickly become a priority for the international development community, as states, multilateral organizations, and other donors intensify their focus on prisons 'as particularly significant environments' in relation to radicalization and, more recently, efforts in prevention.[249] This growing attention has likewise generated a wave of new research and guidance intended to provide governments, prison administrators, and project implementers with information and instruction on best practices regarding the management of 'violent extremist prisoners.' In March 2016, for example, the EU-funded Radicalisation Awareness Network (RAN) published a 'practitioners' working paper' titled Dealing With Radicalisation in a Prison and Probation Context,[250] which it further expanded and developed into its 2019 guide on Approaches to Countering Radicalisation and Dealing

With Violent Extremist and Terrorist Offenders in Prisons and Probation.[251] RAN's work was also formative in the drafting of the Council of Europe's Handbook for Prison and Probation Services Regarding Radicalisation and Violent Extremism, published in December 2016. Intended as a general reference, the Handbook presents principles and working methods that are applicable to states within the Council of Europe and beyond, and which align with and espouse the rights-informed posture of the P/CVE approach.[252] Highlighting 'a safe and humane environment' as a prerequisite in mitigating the potential for radicalization, the Handbook advises prison staff to make concerted efforts to reverse overcrowding, allow more time for prison visits, and accommodate 'a variety of out-of-cell activities' that support 'constructive prisoner engagement.'[253]

Yet perhaps the most eminent and widely cited resource on this topic is UNODC's 2016 Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons the 'first technical guidance tool' of its kind 'at the level of the [UN].'[254] Grounded in 'international standards and good practice,' UNODC's Handbook provides practical guidance on the management of 'violent extremist prisoners,' the prevention of a 'progression to violent extremism in prisons,' and 'interventions aimed at disengaging violent extremist prisoners from violence and facilitating their social reintegration upon release.'[255] However, while clearly emphasizing the 'specific challenges' that 'violent extremist prisoners' pose for prison administrators,[256] it deserves mentioning that UNODC also states in no uncertain terms that any initiative proposed to address such concerns 'must [be] embedded in broader prison reform efforts.'[257] Stand-alone interventions that are 'implemented in isolation of the broader prison context,' UNODC adds, 'are unlikely to yield positive results' particularly if detention conditions 'fail to adhere to international standards and norms.'[258]

Indicative of the enduring global focus on such issues, UNODC followed this publication with its 2019 Handbook on Gender Dimensions of Criminal Justice Responses to Terrorism, which features a chapter examining gender-sensitive prison management and the management of 'female violent extremist prisoners.'[259] Additional guidelines have since been published by think tanks and NGOs alike, including Prevention of Radicalization to Terrorism in Prisons: A Practical Guide comprised within a larger volume produced by the International Centre for Counter-Terrorism (ICCT) in 2020[260] and Protecting Human Rights in Prisons while Preventing Radicalization Leading to Terrorism or Violence: A Guide for Detention Monitors co-published by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and Penal Reform International (PRI) in 2021.[261]

It is on the basis of this sizeable and, indeed, swelling body of literature that P/CVE-focused prison reform projects are planned and crafted. As stated in its first sentence, RAN's 2019 guide is written for 'practitioners in the field of prison and probation such as prison governors, prison and probation staff, and relevant stakeholders and NGOs working in partnership with prison and probation authorities'[262] [italics added for emphasis]. UNODC likewise makes reference to project implementers while identifying the 2016 Handbook's target audience, noting that its guidance is relevant to all 'actors involved in the criminal justice system, such as policymakers, legislators and members of non-governmental organizations'[263] [italics added for emphasis]. As UNODC explains, the Handbook is therefore not designed to serve solely 'as the basis for [prison] staff training;' it is instead meant to also be engaged 'as a reference document,' and thus 'used in a variety of contexts,' providing stakeholders 'with guidelines for the development of policies and protocols' that meet international norms and best practice.[264] It is within this latter capacity that development practitioners refer to such resources. Indeed, project implementers such as UNODC itself consult and leverage these tools as a template from which to formulate P/CVE-oriented reform initiatives, drawing upon their practical guidance to devise programmatic activities and objectives.

The considerable volume of such resources (and the underlying investment that their production evinces) also functions to reinforce as UNODC asserted in 2016 that 'there is no doubt that prisons have a significant role when it comes to tackling violent extremism.'[265] This 'role' was in fact reaffirmed, and thus further entrenched, by the UN Security Council in December 2017. With the adoption of resolution 2396, the UN organ 'responsibl[e] for the maintenance of international peace and security'[266] acknowledged that while 'prisons can serve as potential incubators for radicalization to terrorism and terrorist recruitment,' they 'can also serve to rehabilitate and reintegrate prisoners.'[267] The 'role' of P/CVE-based prison reform interventions is therefore to facilitate the latter. In doing so, P/CVE programming embraces and embodies the 'security mainstreaming' philosophy of the SSR paradigm, pursuing security-centric objectives through nonmilitary measures that seek to 'place human rights upfront.'[268]

Closing Observations

Prisons throughout the MENA region have been integrated within international development programming with rising consistency throughout the past two decades, representing an unceasing point of focus among donors, development practitioners, and implementing agencies and organizations, as well as an array of other state and non-

state stakeholders. Yet while all have been undertaken in the name of 'reform,' the constellation of projects carried out over the course of this period do not constitute nor advance one unified, monolithic agenda.

As this text has sought to illustrate, reformist agendas have instead converged around three conceptual frameworks each comprised of a unique collection of organizing principles around which respective prison-based initiatives are developed. Thus, the particular prison challenges and areas of intervention that a project identifies and prioritizes, and the specific reform measures and implementation methods that it proposes and employs, are determined largely by the conceptual framework from which it operates. Such frameworks therefore act as the lens through which reforms are envisaged, planned, implemented, while also signifying the purpose for which they are introduced.

In practice, the rule of law, human rights, and preventing and countering violent extremism frameworks function as disparate operational approaches that are each typified by a distinct set of priorities and assumptions. Each approach then inevitably defines and engages 'prison reform' differently, resulting in initiatives that despite their common normative touchstone diverge in the themes, focal issues, aims, and modalities that they most prominently emphasize and, in turn, by which they are characterized. It is therefore in the practical implementation of these initiatives that the rule of law, human rights, and P/CVE approaches demonstrate meaningful discrepancies in their respective conceptualizations of what prison reform is and ought to be, how it is most effectively conducted, and to what end.

And while such discrepancies convey the competing logics on which various reformist agendas are premised, they also inadvertently reveal the logic that underpins all international development programming. This logic regards 'the prison,' or more precisely the ' reformed prison' as a means through which to attain some other, ostensibly 'loftier,' end whether that be strengthened rule of law, improved human rights protections, or the more effective prevention of radicalization and violent extremism. Therefore, to the extent that 'prison reform' is an action-oriented, results-driven process, it is equally a social, political, ethical, theoretical, and financial debate about the identity of 'the prison,' the tasks with which it is charged, and the roles and functions it is expected and intended to perform.

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[152] European Commission, 'Elements for an EU-Wide Strategic Framework to Support Security Sector Reform,' Joint Communication to the European Parliament and the Council (SWD(2016) 221), July 5, 2016, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016JC0031&from=EN (accessed October 18, 2022), p. 4.

[153] 'New Proposals to Improve the EU's Support for Security and Development in Partner Countries,' European Commission, July 5, 2016, https://ec.europa.eu/commission/presscorner/detail/en/IP_16_2405 (accessed October 18, 2022).

[154] European Commission, 'Elements for an EU-Wide Strategic Framework to Support Security Sector Reform,' Joint Communication to the European Parliament and the Council (SWD(2016) 221), July 5, 2016, p. 2.

[155] Ibid., p. 14.

[156] Ibid., p. 2.

[157] Ibid.

[158] Bouagga, 'Une Mondialisation du 'Bien Punir?': La Prison dans les Programmes de Développement.'

[159] United Nations General Assembly Resolution 46/152, Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, A/RES/46/152, December 18, 1990, para. 9; Annex section 1, para. 2.

[160] United Nations Economic and Social Council Resolution 2006/22, Providing Technical Assistance for Prison Reform in Africa and the Development of Viable Alternatives to Imprisonment, E/RES/2006/22, July 27, 2006, https://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2000-2009/2006/ECOSOC/Resolution_2006-22.pdf.

[161] United Nations Economic and Social Council Resolution 2004/25, The Rule of Law and Development: Strengthening the Rule of Law and the Reform of Criminal Justice Institutions, With Emphasis on Technical Assistance, Including in Post-Conflict Reconstruction, E/RES/2004/25, July 21, 2004, para. 1, https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/documents/2004/

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See also: United Nations Economic and Social Council Resolution 2005/21, Strengthening the Technical Cooperation Capacity of the United Nations Crime Prevention and Criminal Justice Programme in the Area of the Rule of Law and Criminal Justice Reform, E/RES/2005/21, July 22, 2005, para. 3,
https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/documents/2005/resolution-2005-21.pdf.

[162] United Nations General Assembly, Vienna Declaration and Programme of Action, A/CONF.157/23, July 12, 1993, section I, para. 1, https://www.ohchr.org/sites/default/files/vienna.pdf.

[163] Adopted at the 1993 World Conference on Human Rights, the Vienna Declaration and Programme of Action states: 'The administration of justice, in full conformity with applicable standards contained in international human rights instruments, [is] essential to the full and non-discriminatory realization of human rights '

See: Ibid., section I, para. 27.

[164] Ibid.

[165] United Nations Economic and Social Council, 'Report of the Commission on Crime Prevention and Criminal Justice on the First Session (21-30 April 1992)' (E/1992/30), 1992, https://www.unodc.org/documents/commissions/CCPCJ/reports_all_versions/E_1992_30_e_N9405310.pdf (accessed September 24, 2022).

[166] Both the Vienna Declaration and Programme of Action and the CCPCJ's inaugural report call upon UN agencies to provide states with advisory services and technical assistance aimed at promoting respect for the human rights of those deprived of their liberty. Emphasis is placed on the training of officials and, accordingly, on the development of training manuals, curricula, and other tools designed to facilitate the practical implementation of relevant norms and standards. See: United Nations General Assembly, Vienna Declaration and Programme of Action, A/CONF.157/23, July 12, 1993, section II, para. 68;

United Nations Economic and Social Council, 'Report of the Commission on Crime Prevention and Criminal Justice on the First Session (21-30 April 1992)' (E/1992/30), 1992, chapter I, section A, Draft Resolution I, section 1, para. 3(a) and (d).

[167] The UN Centre for Human Rights became the Office of the High Commissioner for Human Rights (OHCHR) as per UN General Assembly resolution 48/141, just months after the World Conference on Human Rights adopted the Vienna Declaration and Plan of Action. See: United Nations General Assembly Resolution 48/141, High Commissioner for the Promotion and Protection of All Human Rights, A/RES/48/141, January 4, 1994, https://documents-dds-ny.un.org/doc/UNDOC/GEN/N94/012/56/PDF/N9401256.pdf?OpenElement (accessed September 28, 2022).

[168] United Nations Centre for Human Rights and Crime Prevention and Criminal Justice Branch, 'Human Rights and Pre-Trial Detention: A Handbook of International Standards Relating to Pre-Trial Detention' (Professional Training Series No. 3), 1994, https://www.ohchr.org/sites/default/files/Documents/Publications/training3_en.pdf (accessed September 28, 2022), p. iii.

[169] United Nations General Assembly, Basic Principles for the Treatment of Prisoners, A/RES/45/111, December 14, 1990, https://www.eods.eu/library/UNGA_Principles%20Treatment%20Prisioners_1990_en.pdf.

[170] United Nations General Assembly, United Nations Rules for the Protection of Juveniles Deprived of their Liberty, A/RES/45/113, December 14, 1990, https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/565/02/IMG/NR056502.pdf?OpenElement.

[171] In 2014, the International Centre for Prison Studies (ICPS) was integrated within the Institute for Criminal Policy Research (ICPR), based in the University of London's School of Law of Birkbeck.

[172] Andrew Coyle and Helen Fair, 'A Human Rights Approach to Prison Management: Handbook for Prison Staff,' 3rd ed., (London: Institute for Criminal Policy Research (ICPR), 2018), https://www.prisonstudies.org/sites/default/files/resources/downloads/handbook_3rd_ed_english_v7b_web.pdf (accessed September 28, 2022), p. 3.

[173] Ibid.

[174] The International Centre for Prison Studies (ICPS) was one of two organizations (the other being Penal Reform International (PRI)) responsible for drafting the text of 'Human Rights and Prisons: A Manual

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[175] Ibid., p. v.

[176] Ibid.

[177] Yahia H. Zoubir, 'Security and Good Governance in the Mediterranean: Securitization VS. Democratization' (paper presented at the Fifth International Seminar on Security and Defence in the Mediterranean, Barcelona, December 4, 2006), https://www.files.ethz.ch/isn/144953/Fifth%20International%20Seminar_FULL%20TEXT.pdf (accessed September 30, 2022), p. 140.

[178] 'EU Strategic Partnership with the Mediterranean and the Middle East Final Report,' EuroMed Report, no. 78, June 23, 2004, https://www.europarl.europa.eu/meetdocs/2004_2009/documents/autres/partenariat_/partenariat_en.pdf (accessed October 1, 2022), p. 6.

[179] Ibid.

[180] Yahia H. Zoubir, 'Security and Good Governance in the Mediterranean: Securitization VS. Democratization,' p. 140.

[181] The Council of the European Union included prison reform within its 2005 EU Concept for ESDP Support to Security Sector Reform, thereby officially normalizing and in fact endorsing prison reform as a legitimate SSR initiative. This policy position was reiterated and thus reinforced by the European Commission in 2006, as discussed above (see footnote 81-85).

[182] 'EU Strategic Partnership with the Mediterranean and the Middle East Final Report,' EuroMed Report, no. 78, June 23, 2004, p. 6.

[183] Council of the European Union, 'Presidency Conclusions for the Euro-Mediterranean Meeting of Ministers of Foreign Affairs (The Hague, 29-30 November 2004)' (Doc. 14869/04), November 30, 2004,

https://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/82876.pdf (accessed October 14, 2022), para. 19. The 'frameworks and instruments' alluded to above are the Euro-Mediterranean Association Agreements and the European Neighbourhood Policy (ENP) Action Plans. Although originally established to promote democratic reform in partner countries, these cooperation mechanisms were increasingly leveraged for the purpose of greater counter-terrorism collaboration, per the policy agenda presented in the EU Strategic Partnership with the Mediterranean and the Middle East. See: 'EU Strategic Partnership with the Mediterranean and the Middle East Final Report,' EuroMed Report, no. 78, June 23, 2004, p. 6.

[184] Yahia H. Zoubir, 'Security and Good Governance in the Mediterranean: Securitization VS. Democratization,' p. 140.

[185] Heiner Hänggi and Fred Tanner, 'Promoting Security Sector Governance in the EU's Neighbourhood' (Chaillot Paper No. 80), Institute for Security Studies, July 2005, https://www.iss.europa.eu/sites/default/files/EUISSFiles/cp080.pdf (accessed September 30, 2022), p. 69.

[186] Ibid.

[187] Yezid Sayigh, 'Security Sector Reform in the Arab Region: Challenges to Developing an Indigenous Agenda,' Arab Reform Initiative, December 1, 2007, https://s3.eu-central-1.amazonaws.com/storage.arab-reform.net/ari/2007/12/21153643/Arab_Reform_Initiative_2007-12_Research_Papers_en_security_sector_reform_in_the_arab_region_challenges_to_developing_an_indigenous_agenda.pdf (accessed September 30, 2022), p. 7.

[188] United Nations General Assembly, 'Joint Study of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism; the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Working Group on Arbitrary Detention; and the Working Group on Enforced or Involuntary Disappearances on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism' (A/HRC/13/42), May 20, 2010, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/134/99/PDF/G1013499.pdf?OpenElement (accessed October 2, 2022), chapter IV, para. 102.

[189] Ibid.

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Brian Ross and Richard Esposito, 'Exclusive: Sources Tell ABC News Top Al Qaeda Figures Held in Secret CIA Prisons,' ABC News, December 5, 2005, https://abcnews.go.com/WNT/Investigation/story?id=1375123 (accessed October 2, 2022).

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[192] The remaining two countries are Syria and Egypt. See: United Nations General Assembly, 'Joint Study of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism; the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Working Group on Arbitrary Detention; and the Working Group on Enforced or Involuntary Disappearances on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism' (A/HRC/13/42), May 20, 2010, chapter IV, section C, para. 143.

[193] Vida Hamd, 'Reflections on Human Rights Understandings in Light of the Arab Spring' (Working Paper No. 16), The Hague Institute for Global Justice, May 2016, https://www.academia.edu/36264666/Reflections_on_Human_Rights_Understandings_in_light_of_the_Arab_Spring (accessed October 8, 2022), p. 3.

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[196] Yasmine Bouagga, 'Prison Escape and Its Political Imaginary in Times of Political Crisis: Tunisia, 2011-2016,' in Prison Breaks: Toward a Sociology of Escape, eds. Tomas Max Martin and Gilles Chantraine (Palgrave Macmillan, 2018), p. 153.

[197] Ibid.

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[211] Ibid., p. 22.

[212] Ibid., p. 24.

[213] International Centre for Counter-Terrorism The Hague (ICCT), 'Rehabilitation and Reintegration of Violent Extremist Offenders: Core Principles and Good Practices' (paper produced following the Roundtable Expert Meeting and Conference on Rehabilitation and Reintegration of Violent Extremist Offenders, The Hague, December 6-9, 2011), February 2012, https://www.icct.nl/app/uploads/download/file/ICCT-Background-Paper-Rehab-Core-Principles-Good-Practices.pdf (accessed October 17, 2022), p. 1.

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