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

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 second 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 examines prison reform across the MENA region within the framework of the international development/cooperation project model. The first piece was published on December 2 to coincide with the December 6 intersessional meeting of the United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ) on 'Improving prison conditions' and 'Reducing reoffending through rehabilitation and reintegration.'

Security and Justice: Divergent Aims of the Rule of Law Agenda

On the surface, the intersessional meeting of the United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ) held last December did not signal any immediately perceptible policy implications vis-à-vis international prison reform. What did emerge from these discussions, however, was a renewed commitment 'to improve the overall effectiveness and capacity of the criminal justice system'[1] and thus by extension an implicit reiteration and reaffirmation of the ubiquitous influence that the rule of law (RoL) continues to assert as the prevailing lens through which prison reform is conceptualized and undertaken. Indeed, the principles of 'effectiveness' and 'capacity' (i.e., efficiency and competence) are hallmark tenets on which the rule of law agenda is premised and its efficacy assessed. Yet, as technical standards of

assessment, these performance indicators say nothing of the substantive roles and tasks in which 'effectiveness' and 'capacity' are being measured.

A closer consideration of the CCPCJ's December 6 session on 'Improving prison conditions,' however, reveals a pronounced emphasis on security objectives and, in turn, security-centric functions and services. Participating speakers and panelists included specialists from the UN's Department of Peace Operations (DPO) and Counter-Terrorism Committee Executive Directorate (CTED), among other security-focused organizations and government agencies.[2] Statements and interventions accordingly highlighted the importance of 'secure' prisons, foregrounding the role they play in 'the sustainment of peace,' and by contrast identifying 'poorly managed prisons' as potential 'drivers of conflict' and other forms of instability, 'including violent extremism.'[3] In framing 'the prison' as a security institution, the discussions by default structured RoL-based prison reforms to a great extent around the prison's capacity to advance security imperatives. Such reforms are designed first and foremost to strengthen the prison service's competence in the precise skills and operational activities that will empower it to effectively minimize the prison system's '[v]ulnerability to evolving threats,'[4] and thereby contribute to a country's security and stability.

Perhaps one of the most consequential though implicit takeaways of the CCPCJ's intersessional meeting is actually a longstanding trend, and that is: the 'securitization' of the rule of law paradigm.[5] Yet the December session clearly underscored how this process has and will continue to impact prison-related programming as well. Indeed, last year's discussions reflect and in fact showcase the ongoing securitization of international prison reform, whereby issues and challenges and, therefore, proposed initiatives and solutions are defined, prioritized, and addressed through the prism of security. Such a shift in RoL policy and programmatic strategy has, in practice, led security-oriented reforms to increasingly 'subsume,'[6] and in some contexts to utterly eclipse and eliminate reforms that promote a justice-focused agenda.[7]

This phenomenon is certainly borne out in the RoL-based programs that have been implemented in the Middle East and North Africa since the Arab Uprisings of 2010-2011. The following text seeks to explore the 'tensions, frictions and trade-offs'[8] that underpin, and have in effect bifurcated security-centric and justice-centric prison reform in general, before moving on to examine how this schism has played out within specific projects undertaken across the MENA region. Drawing upon case studies from Tunisia, Libya, Morocco, and Lebanon, the following analysis aims to illustrate how these two agendas differ, highlighting the primary themes, objectives, and methodologies that are characteristic of

each. However, by grounding this collection of initiatives in space and time, the text will also reflect on the role of contextual and even geopolitical factors, and will likewise demonstrate how and to what extent a country's political climate and security situation act to influence the nature of the projects that are undertaken and the focus of the prison reforms that are introduced.

A Definition of Terms

As articulated throughout Part I, 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.[9] 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.[10] Informal and otherwise 'secret' prisons, as well as detention sites overseen by non-state actors, are therefore not addressed as subjects of reform, although they have functioned in the past as Part I denoted as 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.[11] As the previous text sought 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.[12] 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.

Rule of Law

In its broadest and most fundamental sense, the 'rule of law' concept has come to constitute the normative basis and 'aspirational end-state'[13] of state (re-)building,[14] as well as the practical methodological framework through which to actualize this project and facilitate its implementation.[15] Elevated to new heights immediately following the

Cold War,[16] 'rule of law' was at the time touted by the international development community as 'a rising imperative'[17] of both the 'era of globalization'[18] and the (ironically) coterminous 'era of intra-state conflicts,'[19] which together defined the 1990s.[20] Indeed, as predominantly western policymakers attributed the ensuing wave of internal hostilities to state failure and/or collapse, and more precisely to weak, fragile, or non-existent state institutions,[21] think tanks, multilateral organizations, and donor countries alike advanced 'rule of law' as the 'panacea'[22] that would create or correct absent or 'failed governmental structures'[23] across the globe.

Internationally supported rule of law promotion, at least conceptually, seeks to foster good governance and public order through the cultivation and consolidation of the state's institutional capacity.[24] Programmatic attention is, however, concentrated most intently on the entities and mechanisms that are explicitly mandated to protect human rights and ensure governmental transparency and accountability and which are thus ultimately essential for the establishment and continuity of a 'just and democratic society.'[25] In accordance with such parameters, 'rule of law institutions'[26] are now widely regarded as those charged with the provision of 'security, law and order, and justice'[27] the very institutions that are most fragile and exploited in countries afflicted by underdevelopment,[28] authoritarianism, and/or divisive political transitions,[29] and so inevitably the same institutions that are 'the first to weaken or collapse in contemporary civil conflicts.'[30]

The UN characterizes the rule of law as 'a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.'[31] Ingrained within, and emanating from, this definition are fundamental rule of law precepts, which include but are not limited to 'supremacy of the law, equality before the law, accountability to the law, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.'[32] It follows then that donor-funded rule of law initiatives, generally speaking, seek to 'strengthen national justice systems'[33] an aim undertaken via 'institutional reform[s] in the legal, judicial, penal and security sectors.'[34]

Devised around this focus on state structures and institutions, 'rule of law' as an international development framework inherently conceptualizes prison reform as an exercise in institution-building.[35] Programs crafted and carried out through a rule of law approach are thus primarily tailored to address matters of prison administration and management, identifying inefficiencies within the prison service as the leading source of problems

and challenges and by extension the principal impetus for, and target of, reform. In keeping with the textbook definition of institutions as 'the humanly devised constraints that structure interaction'[36] and 'create order and reduce uncertainty'[37] within systems, RoL-based prison reform projects place immense importance on the development and implementation of assessment tools, training manuals, standard operating procedures, best practices, prescriptive guidelines, and codes of conduct[38] all invariably intended to enhance 'the strengths and effectiveness of correctional institutions'[39] by shaping and guiding their performance of tasks.[40] In short, the outputs and activities undertaken within these projects are predominantly oriented toward making prison officers and other personnel, as well as all internal administrative processes and procedures 'more competent [and] efficient.'[41]

However, 'rule of law' both as an intervention framework and reformist agenda is not monolithic. On the contrary, projects adopting a rule of law approach exhibit a significant degree of programmatic variation, and thus as an aggregate represent a continuum of diverse focal issues and themes, objectives, and implementation modalities, which in turn reflects a spectrum of underlying motivations, logics, and assumptions. While RoL-based prison reform initiatives are homogenous in their emphasis on competence and efficiency,[42] their points of discrepancy derive, in essence, from a single divergence of response to the question: Competence and efficiency in what and to what end? The answer acts as the conceptual foundation and programmatic blueprint from which a project is devised and implemented, and therefore determines the particular prison challenges that are identified and prioritized for reform; the manner in which a program's theory of change conceptualizes potential solutions; and the practical methods and techniques that implementing organizations employ to carry out corresponding activities. As such, it is this question or, more pointedly, the response it elicits that bifurcates RoL-based programs into two groups, which converge around (1) justice-focused and (2) security-focused prison reforms, respectively.

As discussed in Part I, multilateral organizations and international development practitioners have since the early 1990s envisaged and engaged prison reform through one of two lenses: either that which is justice-centric in orientation, or conversely security-centric. The distinction emanates from, and is made evident through, two disparate sets of perspectives regarding the socio-political identity of 'the prison' and, by extension, the roles it is designed to play and the tasks it is expected and intended to perform.[43] This distinction is especially pronounced in the rule of law framework precisely because of the acute attention and significance it confers upon institutional capacity-building. Indeed,

addressing 'the prison' first and foremost as an institution to be optimized (i.e., reformed), the RoL framework zeros in on the very crux of the justice-security dichotomy, which is fundamentally a matter of 'the prison's' identity that is, whether 'the prison' constitutes and, more critically, functions as a justice institution or a security institution. The identity that 'the prison' is accorded dictates the mandate with which it is charged and, in turn, the duties, actions, and operations in which competence and efficiency are to be enhanced (i.e., the object and the objective of institutional reform). Within security-centered RoL programming, 'the prison' is assigned the role of security institution,[44] and reforms are accordingly tailored to enhance the prison's efficient and effective 'provision of security.'[45] Justice-centered RoL projects, by contrast, regard 'the prison' as an institution of the criminal justice system, and therefore seek to enhance its efficient and effective 'administration of justice.'[46]

In short then, security-centered RoL projects and justice-centered RoL projects are both designed with the purpose of strengthening the prison administration's institutional competence and efficiency in the former, capacity-building reforms are crafted around the effective 'delivery of security services' whereas in the latter, they are formulated to advance the effective 'delivery of justice services'[47] [italics added for emphasis].

Beyond their universal focus on institutional efficacy (as a general theme and guiding principle), RoL-based projects render so sharply the juxtaposition of security-centric and justice-centric prison reform for another reason: this polarity mirrors the two, paradoxical dimensions of both rule of law promotion and the overarching process of state formation.[48] On the one hand, the rule of law requires and also reinforces strong and stable state institutions that effectively exercise the capacity 'to make policy for and manage the provision of security [and] crime prevention,' as well as to maintain public order through the investigation and prosecution of law violations.[49] Yet, on the other hand, RoL recognizes and in fact highlights the state's obligation to 'protect [its] populations'[50] from human rights violations and, more explicitly, to refrain from infringing upon the rights and freedoms of individuals and groups alike.[51] Thus, 'in the interest of the [state's] citizens,'[52] the rule of law likewise espouses and evinces substantive and procedural restraints to public authority[53] that serve to mitigate, cease, and/or prevent the abuse of state power.[54] 'Rule of law' as a conceptual framework stems from the conventional Weberian (and hence, Eurocentric) theory of the state and state formation, and so perhaps predictably rule of law promotion has become an increasingly salient component of international state-building projects around the world.[55] It is, therefore, not a coincidence that the intrinsic duality of the RoL approach is indeed analogous to, and reflective

of, the two most prominent (and similarly incongruous) aims of traditional state formation: (1) 'strong defensive and enforcement capacities'[56] and (2) 'legitimate and [accountable] institutions'[57] that effectively 'promote checks on arbitrary executive power'[58] and 'prevent a strengthened security sector from employing violence [and] state coercion arbitrarily.'[59] These state-building objectives are often distilled and summarized as 'security' and 'justice' 'public goods' [60] that comprise 'the very core of a state's functions.'[61]

The Problematic Convergence of Justice and Security Imperatives

Despite proceeding from ostensibly conflicting goals, these two 'core state functions' are often discursively portrayed as synergistic, 'complementary,'[62] and even 'inseparable.'[63] Indeed, in a 2002 report to the UN Security Council, then Secretary-General Kofi Annan asserted that '[t]here can be no long-term solution to security problems unless and until a fully functioning criminal justice system [is] in place.'[64] The logic underpinning this professed interdependence contends that it is the failure of a state's legal system 'to protect individual rights, prosecute violators, and balance executive power' that often proves to be 'either a direct cause of, or a substantial contributing factor to,' instability and insecurity.[65] Put simply, the 'complex roots of crisis and conflict' are grounded within and generated by 'injustice and repression.'[66] Of course, the reverse is also posited: just as the absence of an effective justice system precludes security,[67] the lack of basic security likewise undermines the conditions necessary for the 'independent [and] impartial'[68] administration of justice.[69]

The emergence and solidification of this paradigm has given rise to the 'hybrid concept'[70] of 'security and justice,'[71] which treats these discrete objectives as 'two sides of the same coin.'[72] Premised upon this assumption, the 'security and justice' orthodoxy has over the course of the last three decades moved from the periphery of foreign policy debates to the center of international development discourse, garnering widespread acceptance and financial backing. It is now common and, in fact, customary for multilateral organizations and donor countries, and even research and academic institutions, to frame security assistance and justice sector support as compatible programmatic agendas that ought to be 'pursued in tandem'[73] within 'the same [intervention].'[74] The United Nations Development Programme (UNDP) even goes so far as to fuse the security and justice sectors (as they were traditionally conceived and differentiated) into one all-encompassing, composite sector. Indeed, since 2002 UNDP has approached 'the justice and security sector as a comprehensive and integrated whole'[75] that, as such, must be 'addressed' (i.e., reformed) through an equally 'comprehensive and

integrated programmatic perspective'[76] [italics added for emphasis].

Security sector reform (SSR) poses as such a perspective. Since the concept first entered into circulation in 2001,[77] SSR has purported to address both 'the ineffective and inefficient provision of security,' and at the same time and to the same degree 'the ineffective and inefficient' administration of justice.[78] The purpose of doing so is essentially to transform a state's security institutions among which prisons are now widely counted[79] into 'a well-functioning security framework.' [80] Of note, however, is the assertion that such a framework per the SSR approach is predicated not only upon capable security forces, [81] but upon security forces that observe, abide by, demonstrate, and defend 'democratic norms and sound principles of good governance.'[82] According to the UN, the goal of SSR is 'the enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law'[83] [italics added for emphasis]. This goal implies what the concept of SSR explicitly acknowledges: in some contexts, 'security providers not only fail to protect individuals and communities;' they in fact 'marginalize, exclude, [and] even prey on' such individuals and communities 'the very populations they are entrusted to protect.'[84]

The aim of SSR is therefore two-fold. Developing operationally competent and efficient security institutions (i.e., effective security) is as security governance specialist Heiner Hänggi points out 'necessary but not sufficient.'[85] Security institutions must, in addition, operate under independent, 'civilian oversight'[86] and be subject to a 'legal and/or constitutional framework' that complies with and adheres to 'universally accepted human rights norms and standards'[87] (i.e., accountable security). Of course, it is pivotal that such a framework comprise institutionalized measures and mechanisms that are 'adequately empowered'[88] to monitor security forces, sanction perpetrators of illegitimate and/or unlawful use of force,[89] and as such uphold accountability and combat impunity for past and present violations of international human rights and humanitarian law.[90]

The seemingly antithetical objectives of state-building (coercive vs. legitimate capacity) and rule of law (strong vs. regulated institutions) which loosely correlate to security and justice (effectiveness and accountability) are then, in theory, brought into balanced alignment and cohesive coexistence under the enveloping banner of SSR. This is because SSR, as a programmatic model, focuses as much on strengthening the management and oversight of a state's security sector as it does on strengthening the sector's operational efficiency,[91] affirming that 'effectiveness, accountability and democratic governance' are like

security and justice 'mutually reinforcing.' [92] Indeed, in articulating its own approach to SSR implementation, the UN consistently asserts that effective and accountable security institutions are contingent upon a state's recognition of and respect for rule of law principles,[93] including 'accountability to the law.'[94] And, for the UN, the 'ideal of accountability' is ultimately 'justice.'[95]

Yet, cognizant that '[g]overnments continue to violate the rule of law,'[96] the SSR model intends to 'help ensure that people are safer'[97] by treating both the causes and symptoms of state weakness and dysfunction.[98] In doing so, SSR identifies ineffective and unaccountable security institutions and the (typically fragile) states behind them not only as the most deep-seated and all-pervasive source of insecurity, but also as the cardinal source of injustice (which, in turn, perpetuates further insecurity). Thus, the 'normative framework'[99] of SSR encapsulates and endeavors to address both the security-centric as well as the justice-centric priorities of rule of law promotion in general, and RoL-based prison reform in particular.

Convergence to Compartmentalization

Experience and empirical evidence, however, reveal a vast and ever-widening 'gap between policy and practice,' [100] made manifest through a parallel disconnect between security-centric and justice-centric imperatives. Indeed, the 'policy-practice gulf'[101] also referred to as the 'conceptual-contextual divide'[102] has expanded in direct proportion to the splintering and contraction of the SSR model. As countless experts and practitioners point out, the 'comprehensive' and 'integrated' approach that SSR advances as a 'conceptual model' has, in practice that is, at the level of project design and implementation been dismantled and pared down to such an extent that it is now verily unrecognizable.[103]

Some among these observers suggest that such fragmentation was foreseeable, arguing that the SSR model attempts to integrate what are both in theory and application [104] innately incompatible aims. Scholars Ursula C. Schröder and Johannes Kode contend, for instance, that the rationale behind security sector reform is diametrically opposed to that driving justice sector reform, as 'the former aims to strengthen a state's enforcement capacities, while the latter seeks to restrict them.'[105] It follows then that donor-driven programs and reform initiatives prioritizing effective security institutions 'cannot be easily reconciled' with those that prioritize accountability.[106]

This friction has been borne out empirically across the MENA region since the Arab Uprisings. A review of rule of law-based prison reform projects

does, in fact, reveal a programmatic rupture, whereby security-focused and justice-focused objectives are split, with each clustered into respective projects that are homogenous in their constituent aims and activities. These projects inevitably then comprise two discrete, standalone agendas, which are pursued in separation. Although both approaches profess to endorse prison reform in the name of strengthening rule of law principles, in the practice of doing so, each prescribes a vastly different set of initiatives. The security-centric and justice-centric RoL agendas not only present distinct perspectives on the reforms to be undertaken, however; they also advance two, quite disparate interpretations of the precise end that such reforms and, in fact, the rule of law more broadly are ultimately intended to achieve.

The ways in which this division plays out in project implementation are best captured through the lens of the UN's rule of law indicators, which are used to assess a prison's management and administration[107] along four dimensions: (1) performance; (2) capacity; (3) integrity, transparency, and accountability; and (4) treatment of members of vulnerable groups.[108] Security-centric RoL-based prison reforms are primarily organized around the first two dimensions, which are comparatively more focused on efficient and effective security provision. Justice-centric RoL-based reforms, on the other hand, concentrate predominantly on the latter two dimensions, which are more attuned to the efficient and effective administration of justice.

Security-Centric Rule of Law

As noted above, security-centric rule of law programming views the function of the prison, and the function of the prison service, first and foremost through the lens of security.[109] Reforms are therefore crafted in response to identified security deficits, and focus principally on mitigating such deficits while seeking to strengthen the prison administration's overall capacity to effectively and efficiently ensure '[s]ecurity, safety and order' both for the 'inmates and corrections officers' inside the prison's physical perimeters,[110] as well as for the surrounding community and society as a whole.[111]

International development and diplomatic discourse has long recognized the rule of law as a prerequisite to the promotion and preservation of 'security and political stability.'[112] Of course, the absence of rule of law is thus perceived as a precursor to violence, cyclical conflict, and other manifestations of insecurity and political turmoil.[113] Yet rule of law programming experienced a significant increase in funding following the terrorist attacks of September 11, 2001,[114] which confirmed to conservative policymakers their conviction 'that unstable peripheral states [devoid of

the] rule of law pose a threat to the West's security.'[115] And by demonstrating that western countries, and the security of their populations, could indeed be jeopardized by so-called 'peripheral' states, the attacks also signaled a fundamental 'change in the nature of threats.'[116] As articulated in the UN's 2004 A More Secure World, threats have always emerged, in part, as a consequence of 'weak States' and their insufficient 'capacity to exercise the rule of law.'[117] What has proven a relatively recent phenomenon, however which the 9/11 attacks made patently obvious is the global diffusion of such threats, which now 'recognize no national boundaries.'[118] By late 2011 at the height of the Arab Uprisings states marred by chronically 'ineffective' justice and security institutions were openly regarded as potential bastions of '[r]adicalized ideological movements' and prospective centers for 'transnational organized crime,' and therefore deemed to 'pose significant threats to international peace and security.'[119]

In response, the UN proposed a 'new security consensus' in which such threats are 'addressed at the global and regional as well as the national levels' through an 'effective, efficient, and equitable collective security system.'[120] Advocating '[c]ollective strategies' and 'a sense of collective responsibility,'[121] the 'new security consensus' set the stage for what is popularly termed the 'new 'rule-of-law consensus.''[122] Distinctly security-centric in focus, this 'new' class of RoL programming seeks to advance the rule of law in partner countries not only to promote the conventional RoL objective of internal political stability, but in addition as a means of ensuring 'international security from terrorist and other transnational threats.'[123]

Tunisia

Nowhere have prison reform initiatives embraced and incorporated this 'securitized' brand of RoL more robustly than in North African countries beset by turbulent post-Uprising transitions. In 2012, as Tunisians earnestly engaged in transitional justice processes and set about the project of political opening and comprehensive reform, the country became the site of what is now one of the longest, most multifaceted, and highest budgeted justice sector interventions to ever be implemented in the MENA region. Funded by the European Union (EU), the 'Programme d'appui à la réforme de la justice (PARJ)' ('Justice Reform Support Program') was originally introduced as a six-year, 25 million multi-project framework designed to assist Tunisia's newly formed government in its efforts to bring the country's judicial system and prison administration into compliance with international norms and standards.[124] To this end, PARJ was initially centered around the independence and professionalism of courts, alternatives to detention, improved prison conditions, and the social

reintegration of former prisoners.[125]

Yet, as the situation in the country grew more precarious throughout 2013 and 2014 punctuated by multiple[126] political assassinations[127] and a marked escalation[128] in militant[129] and extremist[130] activity[131] the programmatic agenda became decisively more security-focused. The EU demarcated this shift with the launch of PARJ 2 a 15 million extension of the original.

Prison reforms under this new framework were reconfigured to prioritize the one, all-consuming 'obsession'[132] of the General Directorate of Prisons and Rehabilitation (DGPR)[133] Tunisia's national prison service which was to reinforce the structural integrity of prison facilities and bolster their resilience against attempted escapes and external attack.[134] In December 2015 following a string[135] of high-profile[136] terrorist attacks [137] in Tunis and Sousse the EU launched the ongoing 'Réhabilitation des infrastructures et dotation d'équipement pour la réforme de la justice' (hereafter, 'Infrastructure Rehabilitation and Equipment Provision for Justice Reform'). Slated to end this month, the stated aim of this 9.6 million project is to strengthen Tunisia's rule of law via justice and prison reform assistance.[138] Its strategies for doing so, however, are as its name suggests taken largely from the 'build, train, and equip' paradigm that has long constituted the bedrock of traditional, 'technical' security assistance.[139]

The project is comprised of two prison-specific objectives: (1) improved infrastructure and (2) the implementation of an integrated prison information system conducive to the digitization of prisoner files.[140] Consistent with the security-centric rule of law approach, these goals are tailored to make Tunisia's prisons 'safer and more secure.'[141] This is not to say that infrastructural renovations and reconstruction were unnecessary. Tunisia's detention facilities had been neglected for decades prior to 2011, bereft of physical maintenance and left in a state of disrepair and perennial deterioration.[142] This structural dilapidation was exacerbated[143] with the onset of the Jasmine Revolution,[144] as prisons quickly became 'an epicenter of social unrest.'[145] Riots[146] took place in a number of facilities[147] throughout the country, resulting in substantial material damage[148] that did in fact facilitate[149] several mass escapes [150] in the months[151] and years[152] that followed.

However, the project's infrastructure component is notable due to its singularity of focus, which as sociologist Yasmine Bouagga describes is: '[to] build more walls, bigger and higher.'[153] Although improved hygiene and more 'humane' detention conditions are briefly (and only occasionally) referenced, deeper examination demonstrates that

the real intentions behind this objective are, first and foremost, to prevent future escapes and, secondly, to increase the DGPR's capacity to detain and effectively manage more and ' more dangerous' prisoners [154] [italics added for emphasis]. Gabès prison,[155] for example located in the country's southeastern coastal region was not only rehabilitated under the project's purview, but also expanded ballooning from 900 square meters in 2014 to 5,000 m^2 at the time of its completion in November 2019.[156]

To argue that the expansion of Gabès might also hypothetically function to alleviate overcrowding (even if only as an unintended, albeit positive, consequence), is to underscore just how 'completely [t]he agenda of reform had been reframed [and revised] by security concerns on the ground.'[157] Indeed, the earliest iteration of the PARJ framework (circa 2011 2012) had been designed to ameliorate the issue of prison overcrowding by reducing the prison population, investing considerable attention and resources into the development of non-custodial sanctions.[158] Yet by 2014, alternatives to detention and the broader goal of decarceration had not only been significantly scaled down, and in fact substantially removed from the programmatic agenda of PARJ 2; the very topic of overcrowding had undergone a semantic and dialectical rebrand. In the framework's master document, the EU makes one reference to Tunisia's occupancy rate (then estimated at roughly 300%), addressing the severe incapacitation of the country's prisons not as a human rights challenge, but as a security threat. Overcrowding, as the text explains, impedes the DGPR's ability to classify and monitor prisoners according to offense.[159] It is on this basis that 'European experts' highlighted the issue of prison overcrowding during a July 2013 field assessment of Tunisia's 'security sector'[160] [italics added for emphasis]. This assessment in conjunction with the DGPR's concerted lobbying efforts[161] greatly informed the subsequent planning and design of 'Infrastructure Rehabilitation and Equipment Provision for Justice Reform.' The project's first objective improved infrastructure (and expansion) served to treat the matter of overcrowding, while the 'security risks' that this phenomenon exposed functioned as the impetus that would ultimately inspire the project's second objective: the provision of information technology (IT) equipment and the creation of a prison information system.[162]

Widely regarded as a 'cornerstone' of effective prison management,[163] prison information systems are inherently security-centric in objective.[164] Distinct from oversight and accountability mechanisms[165] which monitor the conduct of prison staff the primary purpose of information systems is to monitor prisoners and 'to profile [their] activity' so as to 'identify threats to security and order.'[166] To this end, IT systems are

utilized to document, manage, and store prisoners' files, which contain information recorded at the time of each inmate's admission, as well as at regular intervals throughout his/her detention. According to the European Prison Rules on which PARJ 2 projects are modeled [167] each individual file ought to indicate the level of risk posed by the corresponding prisoner both inside the prison (i.e., to fellow prisoners, prison staff, and/or others working in or visiting the prison facility),[168] as well as to the external community, in the event of his/her escape.[169] Thus, by organizing and retaining these risk assessments in addition to incident reports and other security-driven data prison information systems play an integral role in enabling the prison service to effectively classify prisoners based on the level of risk they present and, by extension, to detain prisoners in security conditions appropriate to this risk.[170]

As such, the implementation of a prison information system and the digitization of prisoner files together serve to enhance the DGPR's capacity to 'contain disorder' and 'control its population.'[171] And as security concerns surrounding 'the terrorist threat' assumed precedence over human rights norms and international detention standards, the EU came to consider these objectives 'more strategic.'[172] Indeed, the projects funded under PARJ 2 aimed to strengthen the Tunisian state's 'judicial and penitentiary' institutions[173] not as an end in itself, but rather as a means of 'supporting the [country's] stability' essential to Europe for reasons of 'both security and migration control.'[174]

Libya

This same logic has underpinned prison reform initiatives in neighboring Libya viewed primarily as 'a transit hub for foreign fighters and a permissive environment for terrorist organizations and transnational criminal networks' since the toppling of the Muammar Gaddafi regime in October 2011.[175] It is no coincidence then that programs in both Tunisia and Libya have adopted a security-centric RoL agenda. Nonetheless, there is one subtle, yet significant distinction in the methods they have respectively employed to strengthen the enforcement capacity of each corresponding prison service. While the reforms introduced in Tunisia under PARJ 2 prioritized improved material resources (i.e., the 'build' and 'equip' components of the 'build, train, and equip' paradigm), those implemented in Libya have focused on investing in human resources (i.e., the 'train' component). 'Enhancing Professionalism in the Libyan Prison Service' a two-year, 325,000 project funded by the Netherlands' Ministry of Foreign Affairs is a case in point. Within the framework of this 'government-to-government (G2G) cooperation' initiative, the Dutch Custodial Institutions Agency (DJI)[176] partnered with the Judicial Police Authority Libya's national prison service to develop and carry out

specialized training programs for prison guards.[177]

However, like the EU's 'Infrastructure Rehabilitation and Equipment Provision for Justice Reform' in Tunisia, this project also 'deviated from its original approach,' having been heavily 'adapted to the wishes of [Libya's Justice Ministry].'[178] 'Enhancing Professionalism in the Libyan Prison Service' commenced in 2013 under the Netherlands' MATRA South Programme established in the wake of the 2010-2011 Uprisings with the goal of 'contribut[ing] to a sustainable transition in the Arab region'[179] and the development of 'democratic, pluralistic states governed by the rule of law.'[180] To advance this vision, the prison intervention initially set out to assist Libya's Judicial Police Authority in its efforts to improve prison conditions[181] and better respect and protect human rights provisions[182] objectives that would, by extension, assist the Libyan state in more fully adhering to its international commitments. Yet by 2014 as Libya once again descended into civil war the Netherlands' Ministry of Foreign Affairs spoke of a 'failing Libyan state' that promised to further fuel 'the enormous increase in migration' that had (alongside other developments) 'cast a shadow over the European neighbourhood.'[183]

This glaring shift in narrative was accompanied by similarly profound programmatic revisions. The Netherlands' DJI had originally intended to support the Judicial Police Authority in the formulation of 'a general vision and mission' that would guide the prison service and incorporate into its mandate international human rights principles and due diligence requirements.[184] These preliminary reforms as proposed in the initial project plan would be subsequently reinforced through a DJI-designed training curriculum aimed at 'improv[ing] the professional qualifications of prison staff'[185] and, in turn, the 'well-being of prisoners.'[186] Indeed, the project had been premised on the notion that a well-managed prison system requires professional, well-trained personnel who not only command knowledge of human rights tenets, but effectively meet the obligations stipulated under international law.[187] At the outset, the DJI had accordingly developed the training program to include modules on minimum standards for the treatment of prisoners and detainees (UN RoL indicator 126).[188] As the project approached its close, however, it was apparent that the deteriorating situation in Libya had significantly altered the priorities of the G2G partnership. The Netherlands' Ministry of Foreign Affairs reported in 2015 that '[b]ased on extensive discussions with Libyan officials'[189] the DJI had resolved to divert resources and attention away from human rights training to focus instead on operational training and the provision of security equipment.[190] In fact, at project's end, the curriculum for prison guards contained not a single session on human rights protocols. Meanwhile, basic operational training had been supplemented with an additional training-of-trainers

(ToT) program, designed to assist the Judicial Police Authority in building the capacity and readiness of the prison service's 'emergency rescue team,' which as its name implies is the unit tasked with conducting cell extractions and responding to and containing disturbances, riots, and other potentially 'violent situations.'[191] The outputs, activities, and outcomes of 'Enhancing Professionalism in the Libyan Prison Service' had therefore been fundamentally deconstructed and reconceptualized. Originally intended to bring Libya's detention facilities into alignment with international norms and standards, the programmatic agenda was extensively revised and ultimately repurposed to instead 'strengthen the [country's] penitentiary system'[192] and make it more secure 'in line with the demands of the beneficiaries.'[193]

As these cases from Tunisia and Libya illustrate, international donors and implementing organizations are inclined to favor security-centric prison reforms in complex transitional settings (Tunisia), as well as conflict and post-conflict settings (Libya). In such environments, the UN maintains that rule of law interventions in fact ought to be 'tailored to meet the immediacy of [local] security needs,'[194] which first requires the participation of 'local leadership.'[195] Of course, operating under the logic of the 'new 'rule-of-law consensus,'' donor countries and multilateral agencies are all the more eager to 'support local ownership'[196] and to accommodate and, indeed, prioritize the security 'needs' identified by their local counterparts even going so far as to overhaul programmatic plans to do so if such 'needs' and associate 'reforms' are consistent with their own security concerns and strategic interests.[197] Indeed, the prison initiatives undertaken in Tunisia and Libya were each respectively and categorically 'securitized' in response to escalating threats throughout 2013-2014 largely because coercive prison services were then perceived to best serve the interests of the EU and the Netherlands (an EU Member State),[198] which at the time were utterly fixated[199] on preventing 'the European neighbourhood' from further devolving into a ''ring of instability.''[200]

The prospect of this pending 'instability' was likewise a factor in prompting the five-year, $16 million 'Policing and Security Joint Programme' (hereafter, 'Policing and Security') implemented in Libya by the UN Support Mission in Libya (UNSMIL) and UNDP.[201] In view of the country's 'deeply volatile security situation,'[202] Germany, Italy, the Netherlands, and the US collectively funded this project to support Libyan authorities in developing 'more effective rule of law services,' and thereby 'improv[ing] national capacities to advance safety and security in Tripoli.'[203] Launched in 2017, 'Policing and Security' in some respects acted as an expanded follow-up to 'Enhancing Professionalism in the Libyan Prison Service,' which ended two years earlier. Indeed, the prison-focused

activities conducted under the framework of the joint program likewise centered around the provision of training and technical assistance,[204] emphasizing not only the operational competence of prison officers (UN RoL indicator 125),[205] but also the training capacity of the prison service more broadly (UN RoL indicator 127).[206] UNSMIL and UNDP personnel worked with Libya's Judicial Police Authority to develop a training curriculum and affiliate programs for prison staff,[207] which were subsequently carried out in the Judicial Police Training Institute rehabilitated under the auspices of the program in late 2018. [208] At the same time, the US State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) a key donor and supporter of 'Policing and Security' complemented these efforts by orchestrating and facilitating 'training trips' for cohorts of Libyan prison guards, who traveled to the US to attend seminars and courses at the International Corrections Management Training Center in the state of Colorado.[209]

All INL 'corrections assistance' is purportedly aimed at one 'desired end state,'[210] in which prisons are administered by competent personnel who are capable of managing prisoners 'safely, securely, humanely, and transparently.'[211] The training programs designed for Libyan prison guards whether by INL or UNSMIL/UNDP officials have, however, granted unequivocal primacy to security imperatives. Citing grave 'challenges [to] the maintenance of order,' as well as 'serious security issues for justice sector actors,'[212] the architects of the 'Policing and Security Joint Programme' tailored the initiative's training and technical assistance component to advance one end: security in Tripoli.[213] According to its underlying theory of change, the project sought to train prison staff in order to 'improv[e] the effectiveness of prison service[s]'[214] in the capital. The 'improved effectiveness' of such services, however, was explicitly equated to the 'increased absorptive capacity' of the city's prisons and 'the criminal justice chain more broadly.'[215] Part of a 'holistic approach,'[216] enhancing the Judicial Police Authority's capacity to detain and manage more prisoners was, in fact, deemed indispensable in 'strengthening coordination between police and judicial police [i.e., prison guards],'[217] and by extension in strengthening Tripoli's 'interconnected' security sector as a whole.[218] And the stated purpose of a strengthened security sector was ultimately the more efficient 'execution of security arrangements'[219] in the capital city, and the capacity to 'militate better against risks.'[220]

Of course, this 'security first'[221] approach is largely a product of the 'security vacuum' that had taken hold in Libya.[222] UNSMIL and UNDP's joint program then not only showcases the integration of prison reform initiatives within broader conflict prevention, peacemaking, and post-conflict peacebuilding efforts;[223] it also underscores the security-centric

orientation that such reforms are most prone to assume, and the safety and stabilization functions they are intended to perform. As detailed in the 'Policing and Security' program document, the prison-related goals and objectives outlined above were, in fact, designed 'to contribute to the achievement of both Libyan national priorities and international commitments to the restoration of peace, security and the rule of law in Libya.'[224] Indeed, the UN Security Council first identified the situation in Libya as 'a threat to international peace and security' in March 2015[225] a prevailing designation that has substantiated the extension of UNSMIL's mandate ever since.[226] It should be noted, however, that UNSMIL is not a peacekeeping operation,[227] but rather a special political mission (SPM)[228] established in 2011 to 'support [Libya's] transitional authorities' in several 'post-conflict' measures,[229] including first and foremost those necessary to 'restore public security and order and promote the rule of law.'[230] The training and technical assistance provided to prison officers under the framework of the 'Policing and Security Joint Programme' therefore constituted a composite element of UNSMIL's overarching mandate, and thus by definition also served to further its aims. By the program's inception in October 2017, this mandate had indeed been revised to include the provision of support for the consolidation of the Government of National Accord's (GNA) security arrangements,[231] and to this end 'support to key Libyan institutions.'[232]

Prison reform as a 'peacemaking, peacekeeping, peacebuilding,' and/or stabilization exercise is neither coincidental nor without discursive precedent.[233] On the contrary, this phenomenon derives in part from Boutros Boutros-Ghali's 1992 An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping, in which the former UN Secretary-General brings to the fore the 'obvious connection' between the rule of law and 'the achievement of true peace and security in any new and stable political order.'[234] This 'connection' has since been further reiterated and thus entrenched within multilateral diplomacy, as well as international peacekeeping and development practice.[235] In the process and with rising frequency "criminal justice reform' in general,[236] and the 'reform of the prison sector' in particular,[237] has come to be incorporated into 'the framework of peacekeeping and post-conflict reconstruction' activities.[238]

Rule of law-based reforms undertaken within 'the context of conflict and post-conflict situations,'[239] as well as complex transitional settings, nonetheless diverge from those carried out in 'the context of long-term development,'[240] as alluded above. In the latter, stability and security are relatively high and the potential for violence is therefore comparatively low, enabling donor states and implementing organizations to develop

initiatives around long-term, justice-focused reforms. Conflict, post-conflict, and transitional settings, on the other hand, are by definition environments in which 'the machinery of governance' has either wholly disappeared,[241] or exists to varying degrees in some fragmented, co-opted, discredited, or otherwise weakened condition. Such environments are, consequently, more susceptible to the persistence or 'emergence of security voids that open the way to competing forms of political authority'[242] [i.e., non-state actors], and are thus predisposed to the perpetuation or resumption of instability. In these contexts, international programs including those involving prison reform prioritize the establishment of 'law and order,'[243] implicitly arguing that more advanced 'efforts to reform [state] institutions and promote [the rule of law] are destined to fail' if 'basic security provision' and a minimum level of security are not ensured first.[244] And because their express purpose is to 'address [local] security needs,'[245] these interventions inevitably privilege security-centric objectives and activities.

The 'challenges of safely and securely' detaining prisoners prove as one might predict 'exponentially' greater and more pervasive in countries experiencing political instability.[246] Seeking to mitigate the immediate threat of prison riots and other instances of violence and disorder, criminal activity, escapes, and external attack,[247] local officials and international stakeholders operating in such settings therefore grant urgency and precedence to reform programs aimed at enhancing the prison service's 'maintenance of effective control and security.'[248] Indeed, from this security-centric perspective, 'the prison' is regarded as a security institution, which once reformed is expected to 'perform security tasks'[249] with competence and efficiency so as to improve the state's authority and monopolization of power,[250] and by extension accelerate the process of stabilization and the implementation of political agreements.[251]

This was, in fact, the premise on which UNSMIL and UNDP's 'Policing and Security Joint Programme' had been designed. Federal think tank and policy center, the United States Institute of Peace (USIP) asserted in the autumn of 2016 one year prior to the program's launch that the acute institutional strain defining post-2011 Libya was 'nowhere more pronounced than in the country's prison system.'[252] The Judicial Police Authority, USIP continued, 'operates in survival mode,'[253] lacking 'the requisite skills and knowledge to appropriately handle security and prisoner management duties.'[254] Yet the ramifications of inadequate 'correctional officer training'[255] were further compounded by 'considerable' security challenges, including 'prisoner uprisings,' which according to USIP's report were 'occur[ring] frequently in many areas' throughout Libya,[256] and often resulted in mass escapes.[257]

Based on country-wide, government-approved visits conducted in 2012 and 2015-16,[258] the assessment describes detention facilities bereft of even the most rudimentary 'perimeter security and strategy,'[259] in which specialized guard training and 'planned security protocols are absent.'[260] The repercussions of these security deficits, USIP concluded, were far-reaching, precipitating 'frequent and widespread internal security incidents throughout the system'[261] that often had spill-over effects for Libyan society more broadly, and thus further compromised the external security situation in the country (via both opportunistic and coordinated prison breaks, and escapes during prisoner transport).[262]

Implemented to assist officials in ameliorating such threats, the 'UNSMIL/UNDP Policing and Security Joint Programme' carried implications as wide-ranging as the security gaps it set out to fill. Indeed, the training and technical assistance that this program provided to the Judicial Police Authority was not only designed to enhance the security of Libya's prison facilities; such support was ultimately intended to contribute to the advancement and actualization of the 2015 Libyan Political Agreement the 'policy basis upon which ['Policing and Security' was] developed.'[263] Marking the formation of the Government of National Accord (GNA),[264] the Libyan Political Agreement enumerates the commitments that this 'unity government' has pledged to fulfill, which include measures 'to support and develop the [country's] security institutions'[265] and thus prepare them to 'combat terrorist threats in Libya that threatens (sic) national security and social peace.'[266] Thus, through the 'effective vetting and training [of] prison staff,' and the transfer of technical and material services to the Judicial Police Authority,[267] the UNSMIL/UNDP joint program also functioned to assist the GNA in 'tak[ing] forward'[268] this obligation to 'activate [and] enhance the capacities' of its security forces,[269] and in turn to promote and facilitate 'the stabilization of the country.'[270]

In states that are experiencing conflict, engaged in post-conflict peacebuilding, or even those navigating complex political transitions, security and stability then become to a comparatively greater extent contingent upon prison system reform, [271] though with the critical caveat that such a reform effort is designed and carried out in a manner that strengthens the coercive and enforcement capacities of the prison service.[272] Reforms under this 'security rubric'[273] therefore revolve around the three pillars of prison security:

(1) physical security, which is targeted via infrastructure projects and the provision of equipment (i.e., cameras and other surveillance technology, alarm systems, metal detectors, x-ray machines, locks, handcuffs, riot gear, etc.);[274]

(2) procedural security, which is targeted via training and advisory services, knowledge transfer and capacity development, technical assistance, and institutional systems building (vis-à-vis risk assessment, prisoner classification and separation/accommodation, searches, movement control, communication monitoring/interception and other forms of surveillance, etc.);[275] and

(3) dynamic security, which is 'provided by an alert staff who know the prisoners who are under their control.'[276]

Dynamic security emphasizes not only preventive, but proactive security.[277] The concept depends upon, and therefore demands, competent prison officers (UN RoL indicator 125)[278] who cultivate and maintain an awareness of 'what is going on' in the prison,[279] and who are then capable of detecting and thus thwarting 'possible threats to security before they occur.'[280] The majority of this 'awareness,' however, is acquired through 'regular contact,' interaction, and engagement with prisoners.[281] Indeed, dynamic security insists that personnel 'be able to develop, manage and sustain complex and variable relationships with prisoners'[282] so as to accurately 'anticipate and respond effectively to any incident that may threaten the security of the prison and the safety of staff and prisoners.'[283] As such, reform initiatives crafted to strengthen this pillar of prison security often adopt the same programmatic modalities that are employed to improve procedural security, though the substantive content is different. Rather than focusing on procedural measures and functions, advisory services and technical assistance target dynamic security instead by honing in on matters such as staff recruitment, selection, and vetting (UN RoL indicator 128),[284] and the continuous provision of adequate and appropriate in-service training (UN RoL indicator 127)[285] developed with the aim of building and sharpening the correctional and managerial capacity of prison officers,[286] including in particular their skills in regard to case management and crisis response.[287]

Devised and undertaken with the goal of addressing urgent threats and risk factors,[288] these security-centric reforms seek to assist in bringing about at least a baseline level of stability and physical safety in the short-term. As a result, such reform initiatives infallibly prioritize the tactical and operational effectiveness[289] of a state's prison administration at the expense of 'justice objectives,' which have come to be systematically 'relegated to the medium to longer term'[290] [italics added for emphasis]. The experience of Tunisia aptly portrays the salient role that time plays in influencing a project's programmatic approach and in helping to determine whether it adopts a 'security first' or 'justice first' agenda. Indeed, as the immediate wake of the 2010-2011 Uprising grew more

distant, and as Tunisia moved beyond these early, tumultuous years to continue its political transition, accountability-focused initiatives began to emerge alongside those oriented around security. Of particular interest and investment of course is the National Authority for the Prevention of Torture (INPT)[291] the first National Preventive Mechanism (NPM)[292] to be established in the MENA region.[293] Appointed by Tunisia's legislative body in March 2016,[294] the INPT became operational with the support of UNDP and the UN Office of the High Commissioner for Human Rights (OHCHR), which together launched 'Appui à l'Instance nationale pour la prévention de la torture' in the second half of 2016. Funded by Germany, this year-long project assisted the INPT in several measures, including the development of its ethical charter and procedural methodology[295] guidelines to be consulted during visits to prisons and other detention facilities.[296] According to the program's implementing agencies, such activities were explicitly intended to 'strengthen the position of the INPT vis-à-vis other state institutions, particularly [Tunisia's national prison service].'[297] UNDP and OHCHR resumed logistical support to the INPT throughout 2019-2022 this time with the financial backing of the Netherlands.[298] Maintaining programmatic continuity, this follow-on project served to advance the same overarching goal: to enhance the INPT's capacity to carry out its mandate in accordance with international standards, and in turn to better protect prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment.[299]

While NPMs are beyond the scope of this analysis,[300] these two UNDP/OHCHR programs are briefly mentioned here because their mission and that of NPMs more broadly epitomizes the fundamental premise underpinning all justice-centric reform. This premise, as referenced above, contends that 'it is individuals and social groups [who] need to be protected [from] the state' and those authorized to preserve its security.[301]

Justice-Centric Rule of Law

As previously outlined, justice-centered rule of law frames 'the prison,' and thus by extension the prison service, first and foremost as an institution mandated to 'ensure the fair, effective, accountable, transparent and appropriate administration and delivery of justice.'[302] The execution of this mandate not only stipulates 'the protection and vindication of rights'[303] including those of prisoners but also 'the prevention and punishment of wrongs'[304] including those perpetrated by prison staff. Justice-centric RoL reforms therefore intend to develop prison services that (1) treat those deprived of their liberty 'with humanity and respect,'[305] (2) 'prevent arbitrary, excessive or discriminatory uses of force' and other

forms of misconduct among guards,[306] and thus (3) 'ensure accountability in cases of abuse'[307] and 'incidents of corruption [and] lack of integrity.'[308]

While security-centric reforms seek to mitigate security deficits, justice-centric reforms then aim to address 'social contract deficits'[309] whereby citizens no longer trust public officials due, in part, to their unjust exploitation and unrestrained (mis-)use of the state's coercive carceral power.[310] Crafted with the purpose of ameliorating this deficit, and thereby 'creat[ing] basic trust' and legitimacy,[311] justice-centered reforms in practice essentially set out to provide 'a model of how [the prison service] and [prisoners] should interact.'[312] The tenet upon which this 'model' is predicated asserts that no individual ought to be detained in state custody 'except on such grounds and in accordance with such procedure as are established' by national and international law.[313] Put simply, the power to detain and imprison is not unconditional, but rather is to be restricted 'within a defined legal framework'[314] that is 'consistent with international norms and standards, protects human rights, and provides for effective redress'[315] and 'compensation'[316] in the event of abuse.

It follows then that the projects which set out to promote this justice-focused agenda prioritize the formation of internal standard operating procedures and governance mechanisms that act to monitor the conduct of the 'detaining authorities,'[317] and report, investigate, and punish instances of mismanagement.[318] As such, implementing agencies often seek to guide and assist national prison services in developing and institutionalizing detention safeguards,[319] oversight bodies, complaints procedures,[320] and 'accountability measures.'[321] With the integration of such systems and practices, justice-centric RoL reforms ultimately aim to foster professional, responsive, and impartial prison administrators who are bound by legal and normative restraints, including but not limited to[322] those enshrined within the Code of Conduct for Law Enforcement Officials[323] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.[324]

In the process, such initiatives (if effective) gradually alter the way in which the prison service functions as an institution. As reforms promote the assimilation of these practices and protocols, they influence 'organizational culture' and other 'informal preconditions' on which the administration of justice depends.[325] These institutional shifts then work to elicit attitudinal and behavioral change among personnel,[326] compelling officers and guards to 'fulfil [their] duty'[327] in a 'fair and humane manner,'[328] and by extension to ensure that the prison system is managed in accordance with the rule of law.[329]

Justice-centric RoL reforms have come to represent an anomaly in prison programming throughout the Middle East and North Africa since 2010. Yet, it is no coincidence that the rare exceptions to what is otherwise a security-centric rule, have been carried out in countries that were comparatively less affected by the Arab Uprisings, and more pointedly the 'political instability, security problems, social unrest, and growing presence of Islamist militants' that emerged and/or intensified on the heels of these popular protest movements.[330] Yet even in these countries, justice-focused programs were only implemented several years after the Uprisings, and have proven piecemeal at best. 'Appui à la mise en œuvre de la stratégie de la Délégation Générale à l'Administration Pénitentiaire et à la Réinsertion (DGAPR)' (hereafter, 'Support for the DGAPR Strategy') constitutes one such example. Introduced in 2016 at the request of the Moroccan government,[331] the program initially sought to support the General Delegation for Prison Administration and Reintegration (DGAPR)[332] the Kingdom's national prison service in the implementation of its 2016-2018 strategy. This partnership between UNDP and DGAPR officials was, however, extended until 2022 with funding from the government of Sweden and that of Morocco itself, bringing the project's total budget to $3.48 million.[333] By way of this extension, the initiative's programmatic scope expanded to encompass 'a large portfolio of activities and initiatives'[334] structured around five key objectives among them, the creation and operationalization of a monitoring and accountability mechanism[335] (UN RoL indicator 114).[336] To realize this target, UNDP partnered with the DGAPR to determine the institutional and regulatory parameters of this mechanism and to put it into effect, providing technical, managerial, and administrative support, as well as assistance in reporting and quality assurance.[337]

Separate from and in addition to this mechanism, 'Support for the DGAPR Strategy' also carried out accountability-oriented activities under the umbrella of the program's first objective: to increase (and ultimately, to make customary) the humane treatment of detainees. Intending to facilitate the achievement of this goal, the program undertook to strengthen the existing procedures through which prisoners register complaints, grievances, and requests (UN RoL indicator 113),[338] as well as the systems employed by the prison service to collect, review, and process such correspondence.[339] In its final evaluation, UNDP concluded that the project had markedly enhanced this procedural framework, stating that nearly 65 percent of surveyed prisoners had subsequently described the submission process as 'easy,' while nearly 80 percent reported that 'the handling of complaints had improved.'[340]

To further reinforce and, in fact, institutionalize the humane treatment of detainees, the program also included the creation of a code of conduct outlining the rules, regulations, and responsibilities incumbent upon prison staff. UNDP practitioners offered consultative and advisory support to DGAPR officers throughout the drafting process, and likewise provided technical assistance as the prison service formalized proportionate sanctions aimed at penalizing and thus deterring future infractions.[341] Taken together, these reforms were collectively designed to strengthen the DGAPR's systems of management and to impart and incorporate within them good governance principles.[342] In effect, 'Support for the DGAPR Strategy' acted to assist the Moroccan prison service in increasing its transparency, curbing corruption, and guarding against ill-treatment.[343]

Lebanon

This attention to oversight is likewise a feature of 'Community Security and Access to Justice (CSAJ)' launched in Lebanon in 2017. While also implemented by UNDP, this program nonetheless assumes a more tempered approach to the 'justice first' agenda than that carried out in Morocco, blending both justice and security imperatives, as its name conveys. This of course is likely due to Lebanon's unique set of contextual circumstances and historical backdrop. Although the republic like its monarchical counterpart 'seemed to glide through the regional instability'[344] of the 2010-2011 Uprisings in the immediate term, it nonetheless experienced considerable knock-on effects just a few years later. Indeed, 'the impact of the Syrian crisis and the influx of Syrian refugees'[345] progressively became as many argue 'a palpable source of increased fragility' and additional 'pressure' and 'strain' in Lebanon.[346] It is, in fact, this 'context of growing tensions'[347] that spurred the implementation of CSAJ, which frames these 'tensions' as 'the result of [a] lack of security and justice services.'[348]

This six-year, $9.3 million project[349] is, consequently, ambitious in aim and accordingly panoramic in scope, setting out to 'decrease tensions and conflicts between [Lebanese] host communities and Syrian refugees,'[350] and lay the foundation 'for positive resilience'[351] through 'the promotion of social stability and [the] safeguarding of human rights.'[352] Guided by and tailored to this vast and wide-ranging mission, CSAJ is structured around two principal goals, which seek to improve the efficiency and responsiveness of Lebanon's state institutions[353] and enhance their capacity to: (1) deliver security and justice services at the local municipal level[354] and (2) develop 'a culture of service delivery within rule of law institutions.'[355] It is in the pursuit of this latter goal that CSAJ has endeavored to support and strengthen the oversight

mechanisms in place to monitor the Internal Security Forces (ISF)[356] Lebanon's national police force and the authority responsible for staffing, guarding, and managing the country's prisons.[357] Indeed, this oversight component derives from and was designed on the assertion that ISF officers 'lack [a] culture of service delivery,'[358] owing to the institution's 'strong state security focus'[359] [italics added for emphasis]. This primacy of, and preference toward, the security of the state as opposed to, and indeed to the detriment of, the security of the 'population'[360] is highlighted as a key finding within UNDP's 2016 assessment of Lebanon's 'security and justice sector,'[361] which heavily informed CSAJ's programmatic approach. In its post-assessment report on the sector, UNDP therefore concludes that the ISF must 'improve its compliance with international human rights standards'[362] a process that will 'require significant transformation [in] how [the institution] does its work, including through major improvements in accountability.'[363]

To this end, CSAJ pledges to 'improve the capacities' of the ISF's 'internal oversight bodies,'[364] identifying in particular its 'anti-torture committee' established in 2010 to perform an investigatory function [365] and the Human Rights Department, which acts as the secretariat of the anti-torture committee.[366] However, this objective though positive in theory is presented within the project document in a vague and haphazard manner, which quite clearly reflects less consideration than that allocated to other, more security-centered CSAJ initiatives (such as the training and equipping of the ISF Gendarmerie).[367] The text does not specify which 'capacities' the program aims to improve within these two oversight bodies (i.e., administrative, operational, investigative, outreach and communications, etc.), nor the efforts and activities it will undertake to do so. UNDP's 2016 assessment report does, in fact, outline several measures to promote 'the development" of the ISF's anti-torture committee, such as: the formalization of its mission and structure, the creation of standard operating procedures, and the provision of basic torture prevention training, among others.[368] Yet none of these nor any alternative proposals, for that matter appear within the CSAJ project plan.

This absence of detail and the limited programmatic planning and forethought, and substantive investment that it suggests coincide with, and are likely the result of, a similar lack of funding. Of the $8 million originally budgeted for the first three years of the program, less than $182,000 was allocated to supporting the ISF's internal oversight mechanisms.[369]

Closing Observations

Throughout the MENA region, countless international development programs have been undertaken with the approval and cooperation of state officials to implement prison reforms in the name of strengthening the 'rule of law.' Yet as this text has sought to illustrate, the RoL paradigm does not intrinsically correlate to, or promote one fixed and homogeneous set of reforms. On the contrary, it is as the cases above convey adopted and accordingly adapted to advance either (1) security-centric or (2) justice-centric objectives.

This bifurcation reflects, but also further entrenches, the fundamental discrepancy that puts these two agendas at odds. Indeed, while the aim of the former is to maintain secure prisons, that of the latter is to ensure 'regard for the rights' of prisoners.[370] Whereas security-centered RoL reforms seek to strengthen the prison administration's coercive capacities then, justice-focused reforms intend to qualify, regulate, and otherwise curtail them.

Experience demonstrates, however both within the MENA region and beyond that given the choice between effective or accountable law enforcement institutions, states (and donors) will almost invariably compromise accountability in favor of operational efficacy, purportedly doing so in order to establish and maintain 'law and order,' and to serve (often arbitrarily defined) security interests and imperatives. This is especially true in countries beset by conflict and precarious political transitions, as prison reforms in Libya and Tunisia attest. Of course, this disproportionate emphasis on security-centric initiatives has repeatedly proven problematic and even counterproductive. It is precisely these volatile settings in which prison officers and wardens perpetrate some of the most 'flagrant and widespread human rights abuses,'[371] further aggravating the already 'heightened vulnerability of prisoners and detainees.'[372] It is, therefore, precisely these settings in which the pressing need for competent monitoring and oversight bodies and accountability mechanisms is most urgent.

Yet the 'securitization' of RoL-based prison reform is not limited to countries experiencing violence and instability. In accordance with UN instruction, all reform initiatives including those introduced 'in the context of long-term development'[373] have come to 'closely mirror those activities being undertaken in the context of conflict and post-conflict societies.'[374] As a consequence, justice-focused reforms are now an aberration in prison programming. And in the rare instances in which they do appear, they are at best, piecemeal; at worst, perfunctory and symbolic lacking coherence, concerted programmatic attention, and financial support.

If the CCPCJ's December meeting is an accurate indication, prison initiatives will continue to be carried out across the MENA region under the professed banner of 'rule of law' promotion. Such initiatives are likewise set to prolong the international community's collective and perennial failure to adequately prioritize and resource reforms designed with the purpose of 'ensuring accountability, reinforcing norms, [and] building confidence in justice and security institutions' the original means and ends of rule of law promotion.[375]

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[1] United Nations Commission on Crime Prevention and Criminal Justice, '2022 CCPCJ Thematic Discussions,' CCPCJ Digest, 2022, https://indd.adobe.com/view/93e668cb-39a6-475d-a2e9-688973554fc8 (accessed January 25, 2023), p. 9.

[2] For the full list of participating organizations and entities, see: Ibid., p. 2.

[3] Moussa Diomandé, 'Statement 2nd Intersessional Meeting of the CCPCJ' (intervention presented at the UN Commission on Crime Prevention and Criminal Justice's Second Thematic Discussions on the Implementation of the Kyoto Declaration, Vienna and online, December 5-7, 2022), https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_31/TD_presentations/Day_2/Statement_2nd_Intersessional_meeting_of_the_CCPCJ_6.12.2022._Moussa_Diomande.pdf (accessed January 28, 2023), p. 1.

[4] Philipp Meissner, 'Thematic Session 2: Improving Prison Conditions and Reducing Reoffending through Rehabilitation and Reintegration' (remarks presented at the UN Commission on Crime Prevention and Criminal Justice's Second Thematic Discussions on the Implementation of the Kyoto Declaration, Vienna and online, December 5-7, 2022), https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_31/TD_presentations/Day_2/2._UNODC_CPCJS_Philipp_MEISSNER_Session_2.pdf (accessed January 28, 2023), p. 2.

[5] See, for example: Per Bergling, Erik Wennerström, and Richard Zajac Sannerholm, 'Rule of Law and Security Sector Reform: Casual Assumptions, Unintended Risks and the Need for Norms,' Hague Journal on the Rule of Law 4, no. 1 (March 2012).

[6] Andrew Rathmell, 'Security and Justice Development: What Next?,' Journal of Security Sector Management 7, no. 2 (November 2009), p. 2.

[7] See, for example: Albrecht Schnabel and Hans Born, 'Security Sector Reform: Narrowing the Gap Between Theory and Practice' (SSR Paper No. 1), DCAF Geneva Centre for Security Sector Governance, November 1, 2011, https://www.dcaf.ch/sites/default/files/publications/documents/SSR_Paper1_security-sector-reform.pdf (accessed December 21, 2022), p. 25.

Nicole Ball, 'The Evolution of the Security Sector Reform Agenda,' in The Future of Security Sector Reform, ed. Mark Sedra (Ontario: The Centre for International Governance Innovation, 2010), p. 37.

[8] Bernard Harborne and Caroline Sage, 'Security and Justice Overview: Security and Justice Thematic Paper' (World Development Report 2011 Background Paper), The World Bank, March 2010, https://web.worldbank.org/archive/website01306/web/pdf/wdr_background_paper_harborne_sage.pdf (accessed December 11, 2022), p. 2.

[9] Yasmine Bouagga, 'Une Mondialisation du 'Bien Punir?': La Prison dans les Programmes de Développement,' Mouvements 4, no. 88 (2016): p. 50-58.

[10] 'Administration of Justice and Law Enforcement,' United Nations Office of the High Commissioner for Human Rights, https://www.ohchr.org/en/topic/administration-justice-and-law-enforcement (accessed October 8, 2022).

[11] 'Detention,' United Nations High Commissioner for Refugees, https://www.unhcr.org/detention.html (accessed October 8, 2022).

[12] As such, legislative (especially penal code and code of criminal procedure), judicial, and police reforms though capable of having a direct, causal impact on prison conditions are not examined in this paper.

[13] Bergling, Wennerström, and Sannerholm, 'Rule of Law and Security Sector Reform: Casual Assumptions, Unintended Risks and the Need for Norms,' p. 100.

[14] Vera Gowlland-Debbas and Vassilis Pergantis, 'Rule of Law,' in Post-Conflict Peacebuilding: A Lexicon, ed. Vincent Chetail (Oxford: Oxford University Press, 2009), p. 321-22.

[15] Ursula C. Schröder and Johannes Kode, 'Rule of Law and Security Sector Reform in International State-Building: Dilemmas of Converging

Agendas,' Hague Journal on the Rule of Law 4, no. 1 (March 2012): p. 31.

[16] The origins of the 'rule of law' long precede the prevalence and, indeed, ubiquity that the concept experienced within political science and international development discourse throughout the 1990s a period that, according to scholar Thomas Carothers, does not denote the rule of law's inception, but rather its 'revival.' RoL's most immediate conceptual precursor is embodied through the 'law and development movement,' which emerged in the 1960s with the aim of advancing economic growth and 'modernization.' See, for example: Thomas Carothers, 'The Rule-of-Law Revival,' in Promoting the Rule of Law Abroad: In Search of Knowledge, ed. Thomas Carothers (Washington, DC: Carnegie Endowment for International Peace, 2006), 3-13;

David M. Trubek, 'The 'Rule of Law' in Development Assistance: Past, Present, and Future,' in The New Law and Economic Development: A Critical Appraisal, eds. David M. Trubek and Alvaro Santos (Cambridge: Cambridge University Press, 2006), 74 94.

[17] Thomas Carothers, 'The Rule-of-Law Revival,' in Promoting the Rule of Law Abroad: In Search of Knowledge, ed. Thomas Carothers (Washington, DC: Carnegie Endowment for International Peace, 2006), p. 3.

[18] Ibid.

[19] Muzaffer Ercan Yilmaz, 'Intra-State Conflicts in the Post-Cold War Era,' International Journal on World Peace 24, no. 4 (December 2007): p. 12.

[20] Intra-state armed conflicts affected more than 28 states and territories between 1990-1999, marking a significant shift from the previous decade, in which 'inter-state confrontations [posed] the main threat to peace.' See: Ibid.;

Louise Bosetti and Sebastian von Einsiedel, 'Intrastate-Based Armed Conflicts: Overview of Global and Regional Trends (1990-2013)' (Occasional Paper No. 2), United Nations University Centre for Policy Research (UNU-CPR), February 2015, https://collections.unu.edu/eserv/UNU:3213/unu_cpr_intrastate_based_armed_conflicts.pdf (accessed December 21, 2022): 2-10;

Mikael Eriksson, Margareta Sollenberg, and Peter Wallensteen, 'Appendix A1.: Patterns of Major Armed Conflicts, 1990-2001,' in Stockholm International Peace Research Institute (SIPRI) Yearbook 2002: Armaments, Disarmament and International Security, Stockholm

International Peace Research Institute (SIPRI), 2003, https://www.sipri.org/yearbook/2002/01/appendix1A (accessed December 21, 2022).

[21] Marwa Daoudy, 'State-Building,' in Post-Conflict Peacebuilding: A Lexicon, ed. Vincent Chetail (Oxford: Oxford University Press, 2009).

[22] Carothers, 'The Rule-of-Law Revival,' p. 3.

[23] Gowlland-Debbas and Pergantis, 'Rule of Law,' p. 322.

[24] Christoph Bleiker and Marc Krupanski, 'The Rule of Law and Security Sector Reform: Conceptualising a Complex Relationship' (SSR Paper No. 5), DCAF Geneva Centre for Security Sector Governance, June 11, 2012, https://www.dcaf.ch/sites/default/files/publications/documents/SSR_Paper5_the-rule-of-law-and-security-sector-reform.pdf (accessed December 11, 2022), p. 57.

[25] United Nations General Assembly Resolution 60/1, 2005 World Summit Outcome, A/RES/60/1, October 24, 2005, para. 24(b), https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.

[26] United Nations Security Council, 'Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict' (S/2002/1300), November 26, 2002, https://digitallibrary.un.org/record/480127#record-files-collapse-header (accessed December 14, 2022), para. 48.

[27] Ibid., para. 41.

[28] See, for example: Volker Türk, 'Capacity-building,' in Post-Conflict Peacebuilding: A Lexicon, ed. Vincent Chetail (Oxford: Oxford University Press, 2009).

[29] Carothers, 'The Rule-of-Law Revival,' p. 6.

[30] United Nations Security Council, 'Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict' (S/2002/1300), November 26, 2002, para. 41.

[31] 'What is the Rule of Law?,' United Nations, https://www.un.org/ruleoflaw/what-is-the-rule-of-law/#:~:text=For

%20the%20United%20Nations%20(UN,and%20which%20are%20consistent%20with (accessed September 28, 2022).

[32] Ibid.

[33] Gowlland-Debbas and Pergantis, 'Rule of Law,' p. 322.

[34] Ibid.

See also: Bleiker and Krupanski, 'The Rule of Law and Security Sector Reform: Conceptualising a Complex Relationship' (SSR Paper No. 5), p. 31.

[35] Gowlland-Debbas and Pergantis, 'Rule of Law,' p. 322.

[36] Douglass C. North, 'Institutions,' Journal of Economic Perspectives 5, no. 1 (1991): p. 97.

[37] Ibid.

[38] The drafting of such resources is consistently emphasized in several UN resolutions on rule of law promotion and penal reform. See, for example: 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. 3, https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/documents/2004/resolution-2004-25.pdf;

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. 8, https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/documents/2005/resolution-2005-21.pdf;

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, para. 8, https://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2000-2009/2006/ECOSOC/Resolution_2006-22.pdf;

United Nations Economic and Social Council Resolution 2006/25, Strengthening the Rule of Law and the Reform of Criminal Justice Institutions, Including in Post-Conflict Reconstruction, E/RES/2006/25, July 27, 2006, para. 2, https://www.refworld.org/docid/46c455ab1a.html.

[39] United Nations, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools,' 2011, https://peacekeeping.un.org/sites/default/files/un_rule_of_law_indicators.pdf (accessed December 13, 2022), p. v.

[40] Douglass C. North, Institutions, Institutional Change and Economic Performance (Cambridge: Cambridge University Press, 1990), 3-4.

[41] Carothers, 'The Rule-of-Law Revival,' p. 7.

[42] David M. Trubek, 'The 'Rule of Law' in Development Assistance: Past, Present, and Future,' in The New Law and Economic Development: A Critical Appraisal, eds. David M. Trubek and Alvaro Santos (Cambridge: Cambridge University Press, 2006), p. 88.

[43] Kylee DiGregorio, "Prison Reform' in the Middle East and North Africa: An International Development Project and the Means to Many Ends, Part I,' MENA Prison Forum, December 2, 2022, https://www.menaprisonforum.org/observer_detail/11/ (accessed December 11, 2022).

[44] Organisation for Economic Co-operation and Development (OECD), 'Linking Security System Reform and Armed Violence Reduction: Programming Note,' 2011, https://www.clingendael.org/sites/default/files/2016-02/20110420_cru_publicatie_mderks.pdf (accessed October 15, 2022), p. 15.

[45] Organisation for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC), 'Security System Reform and Governance: DAC Guidelines and Reference Series,' 2005, https://read.oecd-ilibrary.org/development/security-system-reform-and-governance_9789264007888-en#page1 (accessed October 14, 2022), p. 16.

[46] United Nations Secretary-General, 'Guidance Note of the Secretary-General: United Nations Approach to Rule of Law Assistance,' April 14, 2008, https://www.refworld.org/docid/4a54bbf64.html (accessed December 8, 2022), p. 6.

[47] Organisation for Economic Co-operation and Development (OECD), 'Enhancing the Delivery of Justice and Security: Governance, Peace and Security,'
2007, https://www.oecd.org/development/conflict-fragility-resilience/docs/38434642.pdf (accessed December 8, 2022), p. 3.

As analysts Christoph Bleiker and Marc Krupanski note, the rule of law framework assumes 'a service delivery mentality,' which is in turn integrated and reflected within the programming of RoL-based projects and the institutional capacity-building approaches that such initiatives adopt. See: Bleiker and Krupanski, 'The Rule of Law and Security Sector Reform: Conceptualising a Complex Relationship' (SSR Paper No. 5), p. 59.

[48] See, for example: Schröder and Kode, 'Rule of Law and Security Sector Reform in International State-Building: Dilemmas of Converging Agendas.'

[49] United Nations Secretary-General, 'Guidance Note of the Secretary-General: United Nations Approach to Rule of Law Assistance,' p. 6.

[50] According to the UN, strengthening the rule of law requires a recognition of the fact that it is 'the primary responsibility of States to protect their populations from genocide, crimes against humanity, ethnic cleansing and war crimes' atrocities which, it ought to be noted, are often perpetrated by the state via state security institutions. See: United Nations, 'What is the Rule of Law?.'

[51] 'International Human Rights Law,' United Nations Office of the High Commissioner for Human
Rights, https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law (accessed December 8, 2022).

[52] Bergling, Wennerström, and Sannerholm, 'Rule of Law and Security Sector Reform: Casual Assumptions, Unintended Risks and the Need for Norms,' p. 100.

[53] Gowlland-Debbas and Pergantis, 'Rule of Law,' p. 321.

[54] Office of the United Nations High Commissioner for Human Rights, 'Rule-Of-Law Tools for Post-Conflict States: Monitoring Legal Systems,' 2006,
https://www.ohchr.org/sites/default/files/Documents/Publications/RuleofLawMonitoringen.pdf (accessed December 10, 2022), p. 1.

[55] Schröder and Kode, 'Rule of Law and Security Sector Reform in International State-Building: Dilemmas of Converging Agendas.'

[56] Ibid., p. 34.

[57] Ibid., p. 43.

[58] Ibid., p. 33.

[59] Ibid., p. 52.

[60] Organisation for Economic Co-operation and Development (OECD), 'Enhancing the Delivery of Justice and Security: Governance, Peace and Security,' 2007, p. 9.

[61] Bleiker and Krupanski, 'The Rule of Law and Security Sector Reform: Conceptualising a Complex Relationship' (SSR Paper No. 5), p. 56.

It is important to point out that while 'security' and 'justice' are often characterized in these terms (i.e., 'public goods,' 'state functions,' etc.), they also each constitute an internationally recognized and legally enshrined right that the state is obligated to respect, protect, and fulfill without emphasizing or pursuing one to the detriment of the other. See, for example: United Nations General Assembly, International Covenant on Civil and Political Rights, December 19, 1966, https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf.

[62] Bergling, Wennerström, and Sannerholm, 'Rule of Law and Security Sector Reform: Casual Assumptions, Unintended Risks and the Need for Norms,' p. 117.

[63] Harborne and Sage, 'Security and Justice Overview: Security and Justice Thematic Paper' (World Development Report 2011 Background Paper), p. 2.

[64] United Nations Security Council, 'Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict' (S/2002/1300), November 26, 2002, para. 42.

[65] Office of the United Nations High Commissioner for Human Rights, 'Rule-Of-Law Tools for Post-Conflict States: Monitoring Legal Systems,' p. 1.

[66] Bergling, Wennerström, and Sannerholm, 'Rule of Law and Security

Sector Reform: Casual Assumptions, Unintended Risks and the Need for Norms,' p. 101.

[67] See, for example: United Nations General Assembly, 'Report of the Secretary-General: In Larger Freedom - Towards Development, Security and Human Rights For All' (A/59/2005), March 21, 2005, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CPR%20A%2059%202005.pdf (accessed December 7, 2022), chapter IV, section A, para. 137;

United Nations Security Council, 'Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict' (S/2002/1300), November 26, 2002, para. 52.

[68] United Nations Secretary-General, 'Guidance Note of the Secretary-General: United Nations Approach to Rule of Law Assistance,' p. 6.

[69] Harborne and Sage, 'Security and Justice Overview: Security and Justice Thematic Paper' (World Development Report 2011 Background Paper), p. 2.

See also: Bleiker and Krupanski, 'The Rule of Law and Security Sector Reform: Conceptualising a Complex Relationship' (SSR Paper No. 5), p. 28-29;

Jane Stromseth, David Wippman, and Rosa Brooks, Can Might Make Rights?: Building the Rule of Law After Military Interventions (Cambridge: Cambridge University Press, 2006), p. 134-177;

Organisation for Economic Co-operation and Development (OECD), 'Service Delivery in Fragile Situations: Key Concepts, Findings and Lessons' (OECD/DAC Discussion Paper), 2008, https://www.oecd.org/dac/conflict-fragility-resilience/docs/40886707.pdf (accessed December 12, 2022), p. 19.

[70] Bergling, Wennerström, and Sannerholm, 'Rule of Law and Security Sector Reform: Casual Assumptions, Unintended Risks and the Need for Norms,' p. 108.

[71] See: Rathmell, 'Security and Justice Development: What Next?.'

[72] Schröder and Kode, 'Rule of Law and Security Sector Reform in International State-Building: Dilemmas of Converging Agendas,' p. 33.

[73] Bleiker and Krupanski, 'The Rule of Law and Security Sector Reform: Conceptualising a Complex Relationship' (SSR Paper No. 5), p. 67.

[74] Ibid., p. 59.

[75] United Nations Development Programme, 'Justice and Security Sector Reform: The Bureau for Crisis Prevention and Recovery's (BCPR) Programmatic Approach,' November 2002, https://mdrp.org/bcpr/jssr/docs/jssrprogramaticapproach.pdf (accessed December 28, 2022), p. 5.

[76] Ibid., p. 6.

[77] Organisation for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC), 'Security Issues and Development Co-operation: A Conceptual Framework for Enhancing Policy Coherence,' The DAC Journal 2, no. 3 (November 2001).

[78] Ball, 'The Evolution of the Security Sector Reform Agenda,' p. 36.

[79] Despite espousing a two-pronged approach (in which security and justice imperatives are in theory granted equal importance and consideration), the SSR framework has nonetheless led to the prison's progressive incorporation and assimilation into the 'security sector,' and by extension its classification as a 'security sector actor.' Although SSR maintains the prison's conventional (civilian) function within the criminal justice system, it approaches this function first and foremost through the lens of security, thereby imbuing it with security-oriented aims. Through this process of 'securitization,' the prison has come to be increasingly regarded as a security institution, as the above text indicates. For a more detailed overview of the 'securitization' of both 'the prison' and prison reform, see Part I of this series.

[80] Organisation for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC), 'Security System Reform and Governance: DAC Guidelines and Reference Series,' 2005, https://read.oecd-ilibrary.org/development/security-system-reform-and-governance_9789264007888-en#page1 (accessed December 14, 2022), p. 20.

[81] Ibid., p. 16.

[82] Ibid., p. 20.

[83] United Nations General Assembly, 'Report of the Secretary-General on

Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform' (A/62/659-S/2008/39), January 23, 2008, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/SSR%20S%202008%2039.pdf (accessed December 14, 2022), para. 17.

[84] United Nations General Assembly, 'Report of the Secretary-General on Securing States and Societies: Strengthening the United Nations Comprehensive Support to Security Sector Reform' (A/67/970-S/2013/480), August 13, 2013, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_480.pdf (accessed December 14, 2022), section II, para. 8.

[85] Heiner Hänggi, 'Conceptualizing UN Support to Security Sector Reform,' in The United Nations and Security Sector Reform: Policy and Practice, eds. Adedeji Ebo and Heiner Hänggi (Münster: LIT Verlag, 2020), p. 8.

[86] United Nations General Assembly, 'Report of the Secretary-General on Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform' (A/62/659-S/2008/39), January 23, 2008, section V, para. 41.

[87] Ibid., section III, para. 15(a).

[88] United Nations Secretary-General, 'Guidance Note of the Secretary-General: United Nations Approach to Rule of Law Assistance,' p. 6.

[89] United Nations General Assembly, 'Report of the Secretary-General on Securing States and Societies: Strengthening the United Nations Comprehensive Support to Security Sector Reform' (A/67/970-S/2013/480), August 13, 2013, section IV, para. 55.

[90] United Nations Security Council, Security Council Resolution 2151 (2014), on The Maintenance of International Peace and Security: Security Sector Reform Challenges and Opportunities, S/RES/2151 (2014), April 28, 2014, para. 5, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2151.pdf (accessed December 15, 2022).

[91] DCAF Geneva Centre for Security Sector Governance, 'Security Sector

Reform: Applying the Principles of Good Governance to the Security Sector' (SSR Backgrounder Series), 2019, https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_02_SecuritySectorReform_Nov2022.pdf (accessed December 16, 2022), p. 2;

Heiner Hänggi, 'Conceptualising Security Sector Reform and Reconstruction,' in Reform and Reconstruction of the Security Sector, eds. Alan Bryden and Heiner Hänggi (Münster: LIT Verlag, 2004), p. 9;

Organisation for Economic Co-operation and Development (OECD), 'The OECD DAC Handbook on Security System Reform: Supporting Security and Justice,' 2007, https://read.oecd-ilibrary.org/development/the-oecd-dac-handbook-on-security-system-reform_9789264027862-en#page1 (accessed December 14, 2022), p. 10.

[92] United Nations General Assembly, 'Report of the Secretary-General on Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform' (A/62/659-S/2008/39), January 23, 2008, section III, para. 18.

[93] Ibid., section I, para. 1; section III, para. 15.

See also: United Nations Security Sector Reform Task Force, 'Security Sector Reform: Integrated Technical Guidance Notes,' 2012, https://peacekeeping.un.org/sites/default/files/un_integrated_technical_guidance_notes_on_ssr_1.pdf (accessed December 16, 2022), p. 83.

[94] United Nations Security Council, 'Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies' (S/2004/616), August 23, 2004, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/PCS%20S%202004%20616.pdf (accessed December 14, 2022), section III, para. 6.

[95] Ibid., section III, para. 7.

[96] United Nations General Assembly, 'Report of the Secretary-General: In Larger Freedom - Towards Development, Security and Human Rights For All' (A/59/2005), March 21, 2005, chapter IV, section A, para. 133.

[97] United Nations General Assembly, 'Report of the Secretary-General on

Securing States and Societies: Strengthening the United Nations Comprehensive Support to Security Sector Reform' (A/67/970-S/2013/480), August 13, 2013, section II, para. 8.

[98] Organisation for Economic Co-operation and Development (OECD), 'Service Delivery in Fragile Situations: Key Concepts, Findings and Lessons' (OECD/DAC Discussion Paper), 2008, p. 19;

See also: Fairlie Chappuis and Heiner Hänggi, 'Statebuilding Through Security Sector Reform,' in The Routledge Handbook of International Statebuilding, eds. David Chandler and Timothy D. Sisk (New York: Routledge, 2013), 168-184;

Organisation for Economic Co-operation and Development (OECD), 'The OECD DAC Handbook on Security System Reform: Supporting Security and Justice,' 2007, p. 113.

[99] Mark Sedra, 'e-Conference Report: The Future of Security Sector Reform' (paper published as a summary of the main findings to emerge from the e-Conference on The Future of Security Sector Reform, web-based conference hosted by the Centre for International Governance Innovation (CIGI) in partnership with Governance Village, May 4-8, 2009), https://www.cigionline.org/static/documents/e-conference_report_final.pdf (accessed December 16, 2022), p. 9.

[100] Mark Sedra, 'Towards Second Generation Security Sector Reform,' in The Future of Security Sector Reform, ed. Mark Sedra (Ontario: The Centre for International Governance Innovation, 2010), p. 103.

[101] Ibid., p. 103; 18; 104.

[102] Jane Chanaa, Security Sector Reform: Issues, Challenges and Prospects (Oxford: Oxford University Press for the International Institute for Strategic Studies, 2002), p. 62.

[103] Ibid., p. 115; 111.

[104] Paul Jackson, 'Statebuilding, Security-Sector Reform, and the Rule of Law,' in The Oxford Handbook of Peacebuilding, Statebuilding, and Peace Formation, eds. Oliver P. Richmond and Gëzim Visoka (Oxford: Oxford University Press, 2021), p. 477.

[105] Schröder and Kode, 'Rule of Law and Security Sector Reform in International State-Building: Dilemmas of Converging Agendas,' p. 31.

[106] Ibid.

[107] The UN's rule of law indicators have been designed 'to measur[e] the strengths and effectiveness of law enforcement, judicial and correctional institutions' [italics added for emphasis].

See: United Nations, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools,' p. v.

[108] Ibid., p. 3.

[109] According to the security-centric rule of law approach, the primary 'responsibility of all prison and correctional systems' is to 'maintain the security and safety of prisoners, prison staff, all other persons present in prison facilities, and the general public.'

See: United Nations Office on Drugs and Crime (UNODC), 'Handbook on the Classification of Prisoners' (Criminal Justice Handbook Series), 2020, https://www.unodc.org/documents/dohadeclaration/Prisons/HandBookPrisonerClassification/20-01921_Classification_of_Prisoners_Ebook.pdf (accessed December 13, 2022), p. 5.

[110] United Nations, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools,' p. 8.

[111] Organisation for Economic Co-operation and Development (OECD), 'The OECD DAC Handbook on Security System Reform: Supporting Security and Justice,' p. 199.

[112] United Nations, 'What is the Rule of Law?.'

See also: United Nations General Assembly, 'Report of the Secretary-General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January, 1992: An Agenda for Peace Preventive Diplomacy, Peacemaking and Peace-Keeping' (A/47/277-S/24111), June 17, 1992, https://digitallibrary.un.org/record/144858?ln=en#record-files-collapse-header (accessed December 3, 2022), section VI, para. 59;

United Nations General Assembly Resolution 60/1, 2005 World Summit Outcome, A/RES/60/1, October 24, 2005, section II, para. 24(b).

[113] United Nations, A More Secure World: Our Shared Responsibility (Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change),

2004,
https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/hlp_more_secure_world.pdf (accessed December 14, 2022), part I, chapter II, section B, para. 27.

For a theoretical explanation and empirical analysis of this dynamic, see:

The World Bank, 'World Development Report 2011: Conflict, Security, and Development,'
2011,
https://documents1.worldbank.org/curated/en/806531468161369474/pdf/622550PUB0WDR0000public00BOX361476B.pdf (accessed December 12, 2022), p. 7-10.

[114] Bleiker and Krupanski, 'The Rule of Law and Security Sector Reform: Conceptualising a Complex Relationship' (SSR Paper No. 5), p. 24-25.

[115] Charles T. Call, 'Introduction: What We Know and Don't Know about Postconflict Justice and Security Reform,' in Constructing Justice and Security After War, ed. Charles T. Call (Washington, DC: Endowment of the United States Institute of Peace, 2007), p. 5.

[116] United Nations, A More Secure World: Our Shared Responsibility (Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change), part I, chapter 1, para. 16.

[117] Ibid., part I, chapter II, section B, para. 27.

[118] Ibid., part I, synopsis, p. 9.

[119] United Nations Security Council, 'Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies' (S/2011/634), October 12,
2011,
https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/ROL%20S2011%20634.pdf (accessed December 14, 2022), chapter I, para. 6.

[120] United Nations, A More Secure World: Our Shared Responsibility (Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change), synopsis, pg. 1.

[121] Ibid.

[122] Charles T. Call, 'Introduction: What We Know and Don't Know about

Postconflict Justice and Security Reform,' p. 4.

[123] Ibid.

[124] Commission Européenne, 'Décision d'Exécution de la Commission du 28.9.2012 approuvant le programme d'appui à la réforme de la justice en faveur de la Tunisie sous la programme SPRING à financer au titre du budget gé né ral de l'Union europé enne' C(2012) 6858 final, Septembre 28, 2012, https://neighbourhood-enlargement.ec.europa.eu/system/files/2017-04/c20126858_parj_spring_tunisie_part_1_2012_fr_financing_decision.pdf (accessed December 2, 2022).

[125] 'Programme d'appui à la réforme de la justice (PARJ)' (Projets en Bref Fiche numéro 10/01), Délégation de l'Union européenne en Tunisie, https://ue-tunisie.org/userFiles/projets/216/FicheProjet-216_10-01_programme_dappui_a_la_reforme_de_la_justice.pdf (accessed December 2, 2022).

[126] Eileen Byrne, 'Tunisian Opposition Leader Shot Dead,' The Guardian, February 7, 2013, https://www.theguardian.com/world/2013/feb/06/tunisian-politician-shot-dead (accessed December 4, 2022).

[127] Carlotta Gall, 'Second Opposition Leader Assassinated in Tunisia,' The New York Times, July 25, 2013, https://www.nytimes.com/2013/07/26/world/middleeast/second-opposition-leader-killed-in-tunisia.html (accessed December 4, 2022).

[128] Tarek Amara, 'Suicide Bomber Attacks Tunisian Resort Town,' Reuters, October 30, 2013, https://www.reuters.com/article/us-tunisia-blast-idUKBRE99T0DV20131030 (accessed December 4, 2022).

[129] 'Tunisian Soldiers Killed in Ambush Near Algeria Border,' France 24, July 29, 2013, https://www.france24.com/en/20130729-eight-tunisia-soldiers-killed-ambush-algerian-border (accessed December 4, 2022).

[130] 'Al-Qaida Claims Attack on Tunisian Minister Home,' Associated Press, June 13, 2014, https://apnews.com/article/569c5c67dd1641af8383c2b39ab7a60e (accessed December 4, 2022).

[131] 'Tunisian Troops Killed,' Deutsche Welle, July 17, 2014, https://www.dw.com/en/tunisian-soldiers-killed-in-militant-

attack/a-17791731 (accessed December 24, 2022).

[132] 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 (London: Palgrave Macmillan, 2018), p. 154.

[133] In French, Direction générale des prisons et de la rééducation.

[134] Bouagga, 'Prison Escape and Its Political Imaginary in Times of Political Crisis: Tunisia, 2011-2016,' p. 153.

[135] Tarek Amara and Mohamed Argoubi, 'Gunmen Storm Tunisian Museum, Kill 17 Foreign Tourists,' Reuters, March 18, 2015, https://www.reuters.com/article/us-tunisia-security-idUSKBN0ME18E20150318 (accessed December 4, 2022).

[136] 'Dozens Killed in Tunisia Beach Resort Attack,' Al Jazeera, June 27, 2015, https://rb.gy/hbiqvn (accessed December 4, 2022).

[137] 'Islamic State Claims Responsibility for Fatal Tunis Bus Attack,' The Guardian, November 25, 2015, https://www.theguardian.com/world/2015/nov/25/islamic-state-claims-responsibility-for-fatal-tunis-bus-attack (accessed December 4, 2022).

[138] 'Réhabilitation des infrastructures et dotation d'équipement pour la réforme de la justice,' Union Européenne Tunisie, https://ue-tunisie.org/projet-192-11-157_rehabilitation-des-infrastructures-et-dotation-d-equipement-.html (accessed December 24, 2022).

[139] Schröder and Kode, 'Rule of Law and Security Sector Reform in International State-Building: Dilemmas of Converging Agendas,' p. 34; 45.

See also: Ball, 'The Evolution of the Security Sector Reform Agenda,' p. 37;

Mark Sedra, 'Introduction: The Future of Security Sector Reform,' in The Future of Security Sector Reform, ed. Mark Sedra (Ontario: The Centre for International Governance Innovation, 2010), p. 18.

[140] Union Européenne Tunisie, 'Réhabilitation des infrastructures et dotation d'équipement pour la réforme de la justice.'

[141] Bouagga, 'Prison Escape and Its Political Imaginary in Times of Political Crisis: Tunisia, 2011-2016,' p. 153.

[142] Olfa Belhassine, 'Inside Tunisia's Prison Hell,' Justice Info, June 9, 2015, https://www.justiceinfo.net/en/576-inside-tunisia-s-prison-hell.html (accessed December 7, 2022).

[143] 'Tunisia: Prison Reforms Through International Influence,' Prison Insider, September 7, 2020, https://www.prison-insider.com/en/articles/tunisie-reformes-des-prisons-sous-influence-internationale (accessed December 2, 2022).

[144] Elie Abouaoun, 'Tunisia Timeline: Since the Jasmine Revolution,' United States Institute of Peace, July 12, 2019, https://www.usip.org/tunisia-timeline-jasmine-revolution (accessed December 2, 2022).

[145] Bouagga, 'Prison Escape and Its Political Imaginary in Times of Political Crisis: Tunisia, 2011-2016,' p. 145.

[146] 'Tunisia: Listening to Detainees Affected by the Prison Riots,' International Committee of the Red Cross (ICRC), February 18, 2011, https://www.icrc.org/en/doc/resources/documents/interview/2011/tunisia-interview-2011-02-18.htm (accessed December 12, 2022).

[147] 'Tunisia: Many Dead in Jail Unrest After Ben Ali Exit,' BBC, January 15, 2011, https://www.bbc.com/news/world-africa-12198396 (accessed December 7, 2022).

[148] Bouagga, 'Prison Escape and Its Political Imaginary in Times of Political Crisis: Tunisia, 2011-2016,' p. 153.

[149] 'Tunisia Prison Fire 300 Inmates Escape,' News 24, April 29, 2011, https://www.news24.com/news24/tunisia-prison-fire-300-inmates-escape-20110429 (accessed December 7, 2022).

[150] Office of the United Nations High Commissioner for Human Rights, 'Report of the OHCHR Assessment Mission to Tunisia: 26 January 2 February 2011,' 2011, https://www.ohchr.org/sites/default/files/Documents/Countries/TN/OHCHR_Assessment_Mission_to_Tunisia.pdf (accessed December 6, 2022), para. 38.

[151] 'Dozens Escape Tunisian Jail in New Breakout: TAP,' Reuters, May 5, 2011, https://www.reuters.com/article/us-tunisia-prison-idUSTRE7442XP20110505 (accessed December 7, 2022).

[152] 'Official: 49 Tunisia Prisoners Break Out of Jail,' Associated Press, September 2, 2013, https://apnews.com/article/2a8bc3aedafa433da961af2762c38d69 (accessed December 7, 2022).

[153] Bouagga, 'Prison Escape and Its Political Imaginary in Times of Political Crisis: Tunisia, 2011-2016,' p. 155.

[154] Ibid., p. 154.

[155] 'Tunisia: EU Funds Rehabilitation and Extension of Gabes Prison and Probation Office,' EU Neighbours South, November 18, 2019, https://south.euneighbours.eu/news/tunisia-eu-funds-rehabilitation-and-extension-gabes-prison-and-probation/ (accessed December 13, 2022).

[156] The EU allocated 2.8 million to the rehabilitation and expansion of Gabès prison, which makes up approximately 30% of the 9.6 million budget awarded to 'Réhabilitation des infrastructures et dotation d'équipement pour la réforme de la justice' ('Infrastructure Rehabilitation and Equipment Provision for Justice Reform').

See: 'Inauguration du projet de réhabilitation et d'extension de la prison et du bureau de probation de Gabès,' Delegation of the European Union to Tunisia, November 15, 2019, https://www.eeas.europa.eu/node/70497_en (accessed December 13, 2022).

[157] Bouagga, 'Prison Escape and Its Political Imaginary in Times of Political Crisis: Tunisia, 2011-2016,' p. 154.

[158] Commission Européenne, 'Décision d'Exécution de la Commission du 28.9.2012 approuvant le programme d'appui à la réforme de la justice en faveur de la Tunisie sous la programme SPRING à financer au titre du budget gé né ral de l'Union europé enne' C(2012) 6858 final, Septembre 28, 2012, https://neighbourhood-enlargement.ec.europa.eu/system/files/2017-04/c20126858_parj_spring_tunisie_part_1_2012_fr_ad_1_024316.pdf (accessed December 2, 2022), Annexe 1, p. 8.

[159] Commission Européenne, 'Décision d'Exécution de la Commission du 13.10.2014 relative au programme d'action annuel et au programme 'faîtier' 2014 en faveur de la Tunisie à financer sur le budget gé né ral de l'Union europé enne' C(2014) 7273 final, Octobre 13, 2014, https://cdn.nawaat.org/wp-content/uploads/2015/05/aap-umbrella-2014-tunisia-financing-commission-decision-20141013.pdf

(accessed December 2, 2022), Annexe 2, p. 6.

[160] Ibid.

[161] For insights into how Tunisia's national prison service endeavored to 'convince foreign donors to fund a more security-oriented reform agenda,' see: Bouagga, 'Prison Escape and Its Political Imaginary in Times of Political Crisis: Tunisia, 2011-2016,' p. 153-155.

[162] Union Européenne Tunisie, 'Réhabilitation des infrastructures et dotation d'équipement pour la réforme de la justice.'

[163] United Nations Office on Drugs and Crime, 'Handbook on the Classification of Prisoners,' p. 4.

[164] Prison information systems can, in theory, be used to record and track prisoners' needs including those related to mental and physical health, as well as broader rehabilitative requirements and thus facilitate the development of individualized case and sentence planning and, in turn, improve service delivery. In practice, however, these systems are shown to be utilized almost exclusively for the explicitly security-centric purpose of (1) assessing a prisoner's threat level and in accordance with the results of this assessment (2) detaining him/her in the appropriate 'supervision regime (e.g., maximum, medium, minimum security).'

See: Ibid., p. 7; 3.

See also: United Nations Office on Drugs and Crime, 'Handbook on Dynamic Security and Prison Intelligence' (Criminal Justice Handbook Series), 2015, https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Handbook_on_Dynamic_Security_and_Prison_Intelligence.pdf (accessed December 13, 2022), p. 15-16.

[165] See: United States Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL), 'INL Guide to Corrections Assistance,' November 2022, https://www.state.gov/wp-content/uploads/2022/09/INL-Corrections-Guide-508-compliant-version_.pdf (accessed December 11, 2022), p. 14.

[166] United Nations Office on Drugs and Crime, 'Handbook on Dynamic Security and Prison Intelligence,' p. 44.

[167] Commission Européenne, 'Décision d'Exécution de la Commission du 13.10.2014 relative au programme d'action annuel et au programme 'faîtier'

2014 en faveur de la Tunisie à financer sur le budget gé né ral de l'Union europé enne,' Annexe 2, p. 7.

See also: 'Relations Tunisie - Union Europé enne: Un partenariat privilé gie Plan d'action 2013-2017,'
2013,
https://www.eeas.europa.eu/sites/default/files/plan_action_tunisie_ue_2013_2017_fr_0.pdf (accessed December 4, 2022), p. 11.

[168] Council of Europe Committee of Ministers, Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules, January 11,
2006,
https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d8d25 (accessed December 13, 2022), part IV, rule 52.1.

[169] Ibid., part IV, rule 51.3a.

See also: United Nations Office on Drugs and Crime (UNODC), 'Handbook on Dynamic Security and Prison Intelligence,' p. 14-15.

[170] In accordance with Rule 51.4 of the European Prison Rules.

See also: United Nations Office on Drugs and Crime (UNODC), 'Handbook on Dynamic Security and Prison Intelligence,' p. 15;

United Nations Office on Drugs and Crime (UNODC), 'Handbook on the Classification of Prisoners,' p. 3.

[171] Bouagga, 'Prison Escape and Its Political Imaginary in Times of Political Crisis: Tunisia, 2011-2016,' p. 153.

[172] Ibid., p. 154.

[173] Commission Européenne, 'Décision d'Exécution de la Commission du 13.10.2014 relative au programme d'action annuel et au programme 'faîtier' 2014 en faveur de la Tunisie à financer sur le budget gé né ral de l'Union europé enne,' Annexe 2, p. 2.

[174] 'Tunisia: Prison Reforms Through International Influence,' Prison Insider.

[175] 'Bureau of International Narcotics and Law Enforcement Affairs: Libya Summary,' US Department of
State, https://www.state.gov/bureau-of-international-narcotics-and-law-

enforcement-affairs-work-by-country/libya-summary/ (accessed December 15, 2022).

[176] In Dutch, Dienst Justitiële Inrichtingen

[177] 'Desk Study Matra South The Dutch Programme for Democratic Transition in the Arab Region: Final Report' (produced by Ecorys on behalf of the Ministry of Foreign Affairs of the Netherlands), September 5, 2014, https://english.iob-evaluatie.nl/publications/publications/2015/09/01/400---desk-study-matra-south---the-dutch-programme-for-democratic-transition-in-the-arab-region (accessed December 13, 2022), Annex I, p. 109.

[178] The Judicial Police Authority operates under the purview of Libya's Ministry of Justice.

Ibid., Annex I, p. 110.

[179] Ibid., p. 17.

[180] Ibid., p. 18.

[181] 'Enhancing Professionalism in the Libyan Prison Service,' Netherlands Helsinki Committee, https://www.nhc.nl/programmes/criminal-justice-reform/prison-reform-probation/enhancing-professionalism-libyan-prison-service/ (accessed December 13, 2022).

[182] 'Desk Study Matra South The Dutch Programme for Democratic Transition in the Arab Region: Final Report,' Annex I, p. 110.

[183] Ministry of Foreign Affairs of the Netherlands' Policy and Operations Evaluation Department (IOB), 'Evaluation of the Matra Programme in the Eastern Partnership Countries 2008-2014' (IOB Evaluation No. 409), September 2015, https://www.government.nl/documents/reports/2016/01/11/iob-evaluation-the-matra-programme-in-the-eastern-partnership-countries (accessed December 13, 2022), p. 38.

[184] Netherlands Helsinki Committee, 'Enhancing Professionalism in the Libyan Prison Service.'

[185] Ibid.

[186] 'Desk Study Matra South The Dutch Programme for Democratic Transition in the Arab Region: Final Report,' Annex I, p. 110.

[187] See, for example: International Centre for Prison Studies, 'Prison Staff and Their Training' (Guidance Note No. 8), 2004, https://www.prisonstudies.org/sites/default/files/resources/downloads/gn8_6.pdf (accessed December 10, 2022), p. 3.

[188] UN RoL indicator 126 'Training on human rights' aims to assess '[t]he extent to which prison staff receive adequate human rights training.'

See: United Nations, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools,' Annex Project Tool No. 1, p. 63.

[189] 'Desk Study Matra South The Dutch Programme for Democratic Transition in the Arab Region: Final Report,' Annex I, p. 110.

[190] Ibid., p. 110; 111.

[191] Ibid., p. 110.

[192] Netherlands Helsinki Committee, 'Enhancing Professionalism in the Libyan Prison Service.'

[193] 'Desk Study Matra South The Dutch Programme for Democratic Transition in the Arab Region: Final Report,' Annex I, p. 110.

[194] United Nations Security Council, 'Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies' (S/2004/616), August 23, 2004, section II, para. 4.

[195] Ibid., section VII, para. 17.

[196] Ibid.

[197] See: Bouagga, 'Prison Escape and Its Political Imaginary in Times of Political Crisis: Tunisia, 2011-2016,' p. 154.

[198] Jean-Marc Châtaigner writes that in transitional, conflict, and stabilization settings, the international community is most inclined to channel resources toward building and strengthening the state's enforcement, coercive, and even repressive capacities. This inclination, he adds, cannot be divorced from the national security concerns of (predominantly) western countries, whose actions and funding are perpetually and invariably aimed at combatting the threats that could directly affect them.

See: Jean-Marc Châtaigner, 'Aide Publique au Développement et Réformes des Systèmes de Sécurité: L'Improbable Rencontre du Dr. Jekyll et de Mr. Hyde,' Afrique Contemporaine 1, no. 209 (2004): p. 39-49.

[199] The lengths to which the EU has gone to prevent migrants and refugees from reaching EU territory, for instance, have been well-documented as have the egregious detention-related implications of such policies.

See, for example: Amnesty International, 'Between Life and Death': Refugees and Migrants Trapped in Libya's Cycle of Abuse, September 24, 2020, https://www.amnesty.org/en/documents/mde19/3084/2020/en/ (accessed December 14, 2022);

European Center for Constitutional and Human Rights, 'Interceptions at Sea and Returns of Migrants and Refugees to Libya Constitute a Crime against Humanity,' November 30, 2022, https://www.ecchr.eu/en/press-release/das-abfangen-auf-see-von-gefluechteten-und-migranten-und-deren-rueckfuehrung-nach-libyen-sind-ein-verbrechen-gegen-die-menschlichkeit/ (accessed December 13, 2022);

Hanan Salah, 'Already Complicit in Libya Migrant Abuse, EU Doubles Down on Support,' Human Rights Watch, February 8, 2023, https://www.hrw.org/news/2023/02/08/already-complicit-libya-migrant-abuse-eu-doubles-down-support (accessed February 13, 2023);

Harsha Walia, 'Fortress Europe,' in Border and Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism (Chicago: Haymarket Books, 2021);

Human Rights Watch, 'EU: Frontex Complicit in Abuse in Libya,' December 12, 2022, https://www.hrw.org/news/2022/12/12/eu-frontex-complicit-abuse-libya (accessed December 13, 2022);

Philip Oltermann and Angela Giuffrida, 'European Politicians Accused of Conspiring with Libyan Coastguard to Push Back Refugees,' The Guardian, November 30, 2022, https://www.theguardian.com/world/2022/nov/30/european-politicians-accused-of-conspiring-with-libyan-coastguard-to-push-back-refugees (accessed December 13, 2022).

[200] Ministry of Foreign Affairs of the Netherlands' Policy and Operations Evaluation Department (IOB), 'Evaluation of the Matra Programme in the Eastern Partnership Countries 2008-2014,' p. 38.

[201] In a December 2022 report on UNSMIL, the UN Secretary-General notes that a second phase of this program is scheduled to begin in 2023 and will include 'needs assessments on case management and human resources.' It is unclear, however, if such assessments will be conducted in regard to the prison system, and more generally whether this extension will address Libya's prison sector at all.

See: United Nations Security Council, 'Report of the Secretary-General on the United Nations Support Mission in Libya' (S/2022/932), December 9, 2022, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/N2273857.pdf (accessed December 13, 2022), para. 77.

[202] United Nations Support Mission in Libya and United Nations Development Programme, 'UNSMIL/UNDP Policing and Security Joint Programme: Revised Standard Joint Programme Document,' https://info.undp.org/docs/pdc/Documents/LBY/UNSMIL_UNDP_JP%20(signed).pdf (accessed December 13, 2022), p. 2.

[203] Ibid., p. 4.

[204] Ibid., p. 7.

[205] UN RoL indicator 125 'Competence of prison officers' aims to assess '[w]hether prison officers have the necessary skills and training to respond to various prison situations without excessive use of force.'

See: United Nations, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools,' Annex Project Tool No. 1, p. 63.

[206] UN RoL indicator 127 'Training capacity of the prison service' aims to assess '[w]hether the prison service has adequate resources and capacity to properly train new recruits.'

See: Ibid., Annex Project Tool No. 1, p. 64.

[207] Cliff Bernard Nuwakora, 'Final Evaluation of the UNSMIL/UNDP Policing and Security Joint Programme (2017-2022): Final Report' (Final evaluation conducted by CASE International Consultants Ltd. on behalf of UNSMIL and UNDP), July 2022, https://erc.undp.org/evaluation/evaluations/detail/13625?tab=documents (accessed December 15, 2022), p. 17.

[208] '1,800 Police and Judicial Police Officers to be Trained in Newly Rehabilitated Centres in Tripoli,' United Nations Support Mission in Libya (UNSMIL),' December 13, 2018, https://unsmil.unmissions.org/1800-police-and-judicial-police-officers-be-trained-newly-rehabilitated-centres-tripoli (accessed December 15, 2022).

[209] 'Bureau of International Narcotics and Law Enforcement Affairs: Libya Summary,' US Department of State.

[210] United States Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL), 'INL Guide to Corrections Assistance,' p. 17.

[211] Ibid., p. 6.

[212] Referenced on page 3 of the 'UNSMIL/UNDP Policing and Security Joint Programme' project document, these two quoted excerpts are attributed to a '2016/2017 rule of law assessment undertaken by UNDP,' though the text does not provide any additional citation information. An extensive internet search resulted in multiple secondary documents that also cite this UNDP assessment, albeit under slightly different titles. However, the primary source document does not appear to be available to the public at present.

See, for example: Executive Board of the United Nations Development Programme, the United Nations Population Fund and the United Nations Office for Project Services, 'Country Programme Document for Libya (2019-2020)' (DP/DCP/LBY/3), June 29, 2018, https://www.undp.org/sites/g/files/zskgke326/files/2022-06/Country-programme-document-for-Libya-%282019-2020%29.pdf (accessed December 19, 2022), footnote 11;

United Nations Development Programme, 'Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development: 2016 Annual Report,' June 2017, https://www.undp.org/publications/rule-law-annual-report-2016 (accessed December 19, 2022), p. 93.

[213] United Nations Support Mission in Libya and United Nations Development Programme, 'UNSMIL/UNDP Policing and Security Joint Programme: Revised Standard Joint Programme Document,' p. 7.

[214] Ibid., p. 8.

[215] Ibid., p. 4.

[216] Ibid.

[217] Ibid., p. 7.

[218] Ibid., p. 4.

[219] Ibid.

[220] Ibid., p. 8.

[221] Mark Downes and Robert Muggah, 'Breathing Room: Interim Stabilization and Security Sector Reform in the Post-War Period,' in The Future of Security Sector Reform, ed. Mark Sedra (Ontario: The Centre for International Governance Innovation, 2010), p. 149.

[222] 'Bureau of International Narcotics and Law Enforcement Affairs: Libya Summary,' US Department of State.

[223] Such are the efforts and initiatives in which UN special political missions (SPMs) including the UN Support Mission in Libya (UNSMIL) engage. For more information on the distinction between SPMs and UN peacekeeping operations, see footnote 228.

'DPPA Around the World,' United Nations Department of Political and Peacebuilding Affairs, https://dppa.un.org/en/dppa-around-world (accessed December 17, 2022).

[224] United Nations Support Mission in Libya and United Nations Development Programme, 'UNSMIL/UNDP Policing and Security Joint Programme: Revised Standard Joint Programme Document,' p. 4.

[225] United Nations Security Council, Security Council Resolution 2213 (2015), on the Extension of the Mandate of the United Nations Support Mission in Libya (UNSMIL) until 15 September, 2015, S/RES/2213 (2015), March 27, 2015, preamble, p. 2, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2213.pdf (accessed December 16, 2022).

[226] Since 'the situation in Libya' was first designated 'a threat to international peace and security' in March 2015, the UN Security Council has extended the mandate of the UN Support Mission in Libya (UNSMIL) 15

times, and each consecutive Security Council resolution has cited this designation (and its continued relevance and applicability) as the basis on which such mandate extensions are warranted. See Security Council Resolutions: S/RES/2213 (2015), S/RES/2238 (2015), S/RES/2273 (2016), S/RES/2291 (2016), S/RES/2323 (2016), S/RES/2376 (2017), S/RES/2434 (2018), S/RES/2486 (2019), S/RES/2542 (2020), S/RES/2595 (2021), S/RES/2599 (2021), S/RES/2619 (2022), S/RES/2629 (2022), S/RES/2647 (2022), and S/RES/2656 (2022).

[227] Prison reform initiatives are not limited to special political missions (SPMs), however. On the contrary, prison reforms have, in fact, been incorporated into and carried out through the mandate of UN peacekeeping missions. In 2008, for example, the UN Security Council authorized the (now inactive) UN Mission in the Sudan (UNMIS) to 'assist in promoting the rule of law and in restructuring the corrections services in Sudan, and to assist in the training of corrections officers.'

See: United Nations Security Council, Security Council Resolution 1812 (2008), on the Extension of the Mandate of the United Nations Mission in Sudan (UNMIS), S/RES/1812 (2008), April 30, 2008, para. 13, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Sudan%20SRES1812.pdf (accessed December 18, 2022).

[228] UN special political missions (SPMs) are civilian missions that are overseen by the UN Department of Political and Peacebuilding Affairs (DPPA). UN peacekeeping operations, on the other hand, include military personnel and are conducted under the purview of the UN Department of Peace Operations (DPO). For a list of all past and present UN peacekeeping operations and SPMs differentiated by category see:

'United Nations Peacekeeping Operations, Special Political Missions and Other Political Presences,' United Nations Missions, https://www.unmissions.org/#block-views-missions-peacekeeping-missions (accessed December 18, 2022).

[229] 'United Nations Support Mission in Libya,' United Nations Department of Political and Peacebuilding Affairs, https://dppa.un.org/en/mission/unsmil (accessed December 17, 2022).

[230] United Nations Security Council, Security Council Resolution 2009 (2011), on the Establishment of the UN Support Mission in Libya (UNSMIL), S/RES/2009 (2011), September 16, 2011, para.

12(a),
https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya%20S%20RES%202009.pdf (accessed December 17, 2022).

[231] United Nations Security Council, Security Council Resolution 2376 (2017), on the Extension of the Mandate of the United Nations Support Mission in Libya (UNSMIL) until 15 September, 2018, S/RES/2376 (2017), September 14, 2017, para.
1(iii),
https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2376.pdf (accessed December 17, 2022).

[232] Ibid., para. 2(i).

[233] United Nations General Assembly, 'Report of the Secretary-General on Strengthening and Coordinating United Nations Rule of Law Activities' (A/63/226), August 6,
2008, https://digitallibrary.un.org/record/636991?ln=en (accessed December 17, 2022), chapter IV, para. 76(e).

[234] United Nations General Assembly, 'Report of the Secretary-General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January, 1992: An Agenda for Peace Preventive Diplomacy, Peacemaking and Peace-Keeping' (A/47/277-S/24111), June 17, 1992, https://digitallibrary.un.org/record/144858?ln=en#record-files-collapse-header (accessed December 3, 2022), section VI, para. 59.

[235] For example, the UN Economic and Social Council (ECOSOC) passed a resolution in 2004 in which it '[r]ecogniz[ed] the importance of the rule of law in post-conflict reconstruction and the consolidation of peace,' and thus called upon other UN agencies 'to consider specific practical strategies to assist in promoting the rule of law in countries emerging from conflict.' The World Summit Outcome adopted by the UN General Assembly in 2005 likewise affirms that 'peace and security, domestic stability,' and the rule of law are 'mutually reinforcing.'

See: 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, preamble; para. 1;

United Nations General Assembly Resolution 60/1, 2005 World Summit Outcome, A/RES/60/1, October 24, 2005, section II, para. 24(b).

For a conceptual analysis and empirical examination of this relationship, see:

Neil J. Kritz, 'The Rule of Law in Conflict Management,' in Leashing the Dogs of War: Conflict Management in a Divided World, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: Endowment of the United States Institute of Peace, 2007), p. 403;

The World Bank, 'World Development Report 2011: Conflict, Security, and Development,' p. 7-10.

[236] 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. 2.

[237] United Nations Security Council, Security Council Resolution 1806 (2008), on the Extension of the Mandate of the United Nations Assistance Mission in Afghanistan (UNAMA), S/RES/1806 (2008), March 20, 2008, para. 22,

https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Afghan%20S%20RES%201806.pdf (accessed December 17, 2022).

[238] 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. 2.

[239] United Nations General Assembly, 'Report of the Secretary-General on Uniting Our Strengths: Enhancing United Nations Support for the Rule of Law' (A/61/636-S/2006/980), December 14, 2006, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/SSR%20S%202006%20980.pdf (accessed December 18, 2022), section V, para. 41.

[240] Ibid., section V, para. 42.

[241] United Kingdom Foreign and Commonwealth Office, United Kingdom Ministry of Defence, and UK Aid, 'Stabilisation Issues Note: Security Sector Reform and the Rule of Law,'

2011, https://issat.dcaf.ch/download/2667/23058/SIN%20Security%20Sector%20and%20Rule%20of%20law%2004102010.pdf (accessed December 18, 2022), p. 4.

[242] Ibid.

[243] Ibid., p. 3.

[244] Bleiker and Krupanski, 'The Rule of Law and Security Sector Reform: Conceptualising a Complex Relationship' (SSR Paper No. 5), p. 29.

See also: Stromseth, Wippman, and Brooks, Can Might Make Rights?: Building the Rule of Law After Military Interventions, p. 134-177.

[245] United Kingdom Foreign and Commonwealth Office, United Kingdom Ministry of Defence, and UK Aid, 'Stabilisation Issues Note: Security Sector Reform and the Rule of Law,' p. 3.

[246] Fiona Mangan and Rebecca Murray, 'Prisons and Detention in Libya,' United States Institute of Peace, September 2, 2016, https://www.usip.org/publications/2016/09/prisons-and-detention-libya (accessed December 19, 2022), p. 5; 20.

[247] See, for example: United Nations, 'United Nations System Common Position on Incarceration,' April 2021, https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf (accessed December 21, 2022), p. 8.

[248] United Nations Office on Drugs and Crime, 'Handbook on Dynamic Security and Prison Intelligence,' p. 7.

[249] United Kingdom Foreign and Commonwealth Office, United Kingdom Ministry of Defence, and UK Aid, 'Stabilisation Issues Note: Security Sector Reform and the Rule of Law,' p. 3.

[250] Schröder and Kode, 'Rule of Law and Security Sector Reform in International State-Building: Dilemmas of Converging Agendas,' p. 38.

[251] United Kingdom Foreign and Commonwealth Office, United Kingdom Ministry of Defence, and UK Aid, 'Stabilisation Issues Note: Security Sector Reform and the Rule of Law,' p. 2.

[252] Mangan and Murray, 'Prisons and Detention in Libya,' p. 5.

[253] Ibid.

[254] Ibid., p. 20.

[255] Ibid., p. 18.

[256] Ibid., p. 5.

[257] Ibid., p. 21-22.

[258] According to USIP, the visits that were conducted throughout 2015 and 2016 took place in consultation with the Ministry of Justice (just as those organized in 2012), but required 'the consent of officials from Libya's two rival governments in the east and the west.' In both cases, the Judicial Police Authority facilitated prison access. For additional details regarding the methodology and approach that USIP adopted to carry out its multi-year assessment, see: Ibid., p. 9-11.

[259] Ibid., p. 21.

[260] Ibid., p. 23.

[261] Ibid.

[262] For examples of instances in which prisoners escaped from convoys while being transferred to/from courts or hospitals, see: Ibid., p. 22.

[263] United Nations Support Mission in Libya and United Nations Development Programme, 'UNSMIL/UNDP Policing and Security Joint Programme: Revised Standard Joint Programme Document,' p. 4.

[264] 'UN Welcomes 'Historic' Signing of Libyan Political Agreement,' UN News, December 17, 2015, https://news.un.org/en/story/2015/12/518412-un-welcomes-historic-signing-libyan-political-agreement (accessed December 20, 2022).

[265] National Legislative Bodies and Authorities, Libyan Political Agreement, December 17, 2015, Article 33, para. 3, https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf.

[266] Ibid., Article 36.

[267] United Nations Support Mission in Libya and United Nations

Development Programme, 'UNSMIL/UNDP Policing and Security Joint Programme: Revised Standard Joint Programme Document,' p. 7.

[268] Ibid., p. 5.

[269] National Legislative Bodies and Authorities, Libyan Political Agreement, Article 33, para. 3.

[270] Ibid., Article 34, para. 4.

[271] United Nations General Assembly, 'Report of the Secretary-General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January, 1992: An Agenda for Peace Preventive Diplomacy, Peacemaking and Peace-Keeping' (A/47/277-S/24111), June 17, 1992, section VI, para. 55.

[272] See, for example: Schröder and Kode, 'Rule of Law and Security Sector Reform in International State-Building: Dilemmas of Converging Agendas.'

[273] Harborne and Sage, 'Security and Justice Overview: Security and Justice Thematic Paper' (World Development Report 2011 Background Paper), p. 2.

[274] See: United Nations Office on Drugs and Crime, 'Handbook on Dynamic Security and Prison Intelligence,' p. 9-12.

[275] See: Ibid., p. 12-23.

[276] Council of Europe Committee of Ministers, Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules, January 11, 2006, part IV, rule 51.2.

[277] See: Chapter 2 in United Nations Office on Drugs and Crime, 'Handbook on Dynamic Security and Prison Intelligence.'

[278] For the UN's brief explanation of this indicator and what it aims to assess, see footnote 205.

[279] United Nations Office on Drugs and Crime, 'Handbook on Dynamic Security and Prison Intelligence,' p. 30.

[280] Office of the United Nations High Commissioner for Human Rights, 'Human Rights and Prisons: A Manual on Human Rights Training for Prison Officials' (Professional Training Series No. 11),
2005,

https://www.ohchr.org/sites/default/files/Documents/Publications/training11en.pdf (accessed January 29, 2023), p. 86.

[281] United Nations Office on Drugs and Crime, 'Handbook on Dynamic Security and Prison Intelligence,' p. 31.

[282] Ibid., p. 34.

[283] Ibid., p. 31.

[284] UN RoL indicator 128 'Vetting process for prison officers' aims to assess '[w]hether the existing vetting process is adequate to ensure that individuals who committed gross human rights abuses and other serious crimes are identified and prevented from serving as prison officers.'

See: United Nations, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools,' Annex Project Tool No. 1, p. 64.

[285] For the UN's brief explanation of this indicator and what it aims to assess, see footnote 206.

[286] United Nations Office on Drugs and Crime, 'Handbook on Dynamic Security and Prison Intelligence,' p. 35.

[287] Ibid., p. 31.

[288] Sedra, 'Towards Second Generation Security Sector Reform,' p. 111.

[289] Ibid., p. 104.

[290] Harborne and Sage, 'Security and Justice Overview: Security and Justice Thematic Paper' (World Development Report 2011 Background Paper), p. 2.

[291] In French, Instance nationale pour la prévention de la torture.

[292] National Preventive Mechanisms (NPMs) are domestic bodies that in accordance with the Optional Protocol to the Convention against Torture (OPCAT) are mandated to conduct regular visits to places of detention and to 'examine the treatment of persons deprived of their liberty,' with the aim of 'strengthening their protection against torture and other cruel, inhuman or degrading treatment or punishment.'

See: United Nations General Assembly, Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading

Treatment or Punishment, December 18, 2002, Article 19 (a), https://treaties.un.org/doc/Treaties/2002/12/20021218%2002-38%20AM/Ch_IV_9_bp.pdf.

For additional information regarding NPMs and their functions, see: United Nations Office of the High Commissioner for Human Rights, 'Preventing Torture: The Role of National Preventive Mechanisms A Practical Guide' (Professional Training Series No. 21), 2018, https://www.ohchr.org/sites/default/files/Documents/Publications/NPM_Guide_EN.pdf (accessed January 3, 2023).

[293] 'Tunisia Elects the First National Preventive Mechanism in the MENA Region,' Association for the Prevention of Torture, April 7, 2016, https://www.apt.ch/en/news_on_prevention/tunisia-elects-first-national-preventive-mechanism-mena-region (accessed December 27, 2022).

[294] 'Tunisia Torture Prevention: UN Body to Make Advisory Visit,' United Nations Office of the High Commissioner for Human Rights, April 8, 2016, https://www.ohchr.org/en/press-releases/2016/04/tunisia-torture-prevention-un-body-make-advisory-visit (accessed December 27, 2022).

[295] United Nations Development Programme and United Nations Office of the High Commissioner for Human Rights, 'Appui à l'Instance nationale pour la prévention de la torture (Phase II): Rapport final, Juillet Décembre 2017,' March 2018, https://info.undp.org/docs/pdc/Documents/TUN/Rapport_Final_%20INPT_2017_%20FR.pdf (accessed December 27, 2022), p. 5.

[296] See, for example: United Nations Office of the High Commissioner for Human Rights, 'Preventing Torture: The Role of National Preventive Mechanisms A Practical Guide,' Annex 4, p. 48-49.

[297] United Nations Development Programme and United Nations Office of the High Commissioner for Human Rights, 'Appui à l'Instance nationale pour la prévention de la torture (Phase II): Rapport final, Juillet Décembre 2017,' p. 6.

[298] 'Projet d'Appui à l'Instance Nationale pour la Prévention de la Torture et l'Instance Nationale de Lutte Contre la Traite des Personnes,' United Nations Development Programme, https://www.undp.org/fr/tunisia/projects/projet-dappui-%C3%

A0-linstance-nationale-pour-la-pr%C3%A9vention-de-la-torture-et-linstance-nationale-de-lutte-contre-la-traite-des-personnes (accessed December 28, 2022).

[299] United Nations Development Programme and United Nations Office of the High Commissioner for Human Rights, 'Projet d'appui à l'Instance nationale pour la prévention de la torture et l'Instance nationale de lutte contre la traite des personnes' (Dossier de projet), https://info.undp.org/docs/pdc/Documents/TUN/PRODOC_Projet%20(INPT%20-%20INLTCP).pdf (accessed December 28, 2022), p. 17.

[300] This text examines only those reforms that address the institutional capacity of a country's prison service.

[301] Heiner Hänggi, 'Conceptualising Security Sector Reform and Reconstruction,' in Reform and Reconstruction of the Security Sector, eds. Alan Bryden and Heiner Hänggi (Münster: LIT Verlag, 2004), p. 5.

[302] United Nations Commission on Crime Prevention and Criminal Justice, Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development, adopted in May 2021, para. 51, https://www.unodc.org/documents/commissions/Congress/21-02815_Kyoto_Declaration_ebook_rev_cover.pdf.

[303] United Nations Security Council, 'Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies' (S/2004/616), August 23, 2004, section III, para. 7.

[304] Ibid.

[305] United Nations General Assembly, International Covenant on Civil and Political Rights, December 16, 1966, Article 10 (1), https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch_iv_04.pdf.

[306] 'OHCHR: Law Enforcement and Human Rights,' United Nations Office of the High Commissioner for Human Rights, https://www.ohchr.org/en/law-enforcement (accessed January 11, 2023).

[307] Ibid.

[308] United Nations, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools,' p. 9.

[309] United Nations General Assembly, 'Report of the Secretary-General on Securing States and Societies: Strengthening the United Nations Comprehensive Support to Security Sector Reform' (A/67/970-S/2013/480), August 13, 2013, section IV, para. 55.

[310] See, for example: Former United Nations High Commissioner for Human Rights Michelle Bachelet, 'Introduction to the 47th session of the Human Rights Council,' July 12, 2021, https://www.ohchr.org/en/2021/07/ohchr-report-promotion-and-protection-human-rights-and-fundamental-freedoms-africans-and (accessed January 12, 2023).

[311] United Nations General Assembly, 'Report of the Secretary-General on Securing States and Societies: Strengthening the United Nations Comprehensive Support to Security Sector Reform' (A/67/970-S/2013/480), August 13, 2013, section IV, para. 55.

[312] Schröder and Kode, 'Rule of Law and Security Sector Reform in International State-Building: Dilemmas of Converging Agendas,' p. 35.

[313] United Nations General Assembly, International Covenant on Civil and Political Rights, December 16, 1966, Article 9 (1).

[314] Schröder and Kode, 'Rule of Law and Security Sector Reform in International State-Building: Dilemmas of Converging Agendas,' p. 35.

[315] United Nations Secretary-General, 'Guidance Note of the Secretary-General: United Nations Approach to Rule of Law Assistance,' p. 5.

[316] United Nations General Assembly, International Covenant on Civil and Political Rights, December 16, 1966, Article 9 (5).

[317] United Nations Office on Drugs and Crime (UNODC), 'Handbook on Prisoner File Management' (Criminal Justice Handbook Series), 2008, https://www.unodc.org/pdf/criminal_justice/Handbook_on_Prisoner_File_Management.pdf (accessed January 14, 2023), p. 2.

[318] United Nations, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools,' p. 9.

[319] Detention safeguards are intended to protect individuals against

arbitrary detention, torture, and other forms of ill-treatment, and to ensure that the rights of detainees are respected. Such safeguards include, but are not limited to: the documentation of the detainee's arrest and all pertinent details; notification of a family member; prompt access to a lawyer, as well as a medical examination; and the timely appearance before a judge. For more information on detention safeguards, including additional examples, see:

United Nations General Assembly, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, December 9, 1988, https://www.ohchr.org/en/instruments-mechanisms/instruments/body-principles-protection-all-persons-under-any-form-detention;

United Nations General Assembly, International Covenant on Civil and Political Rights, December 16, 1966, Article 9 and 10;

Richard Carver and Lisa Handley, eds., Does Torture Prevention Work? (Liverpool: Liverpool University Press, 2016).

[320] See, for example: United Nations General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners, December 17, 2015, Rule 56 and 57, https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf;

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 January 28, 2023), p. 38.

[321] United Nations General Assembly, 'Report of the Secretary-General on Securing States and Societies: Strengthening the United Nations Comprehensive Support to Security Sector Reform' (A/67/970-S/2013/480), August 13, 2013, section IV, para. 55.

[322] See: United Nations Secretary-General, 'Guidance Note of the Secretary-General: United Nations Approach to Rule of Law Assistance,' p. 5.

[323] United Nations General Assembly, Code of Conduct for Law Enforcement Officials, A/RES/34/169, December 17, 1979, https://digitallibrary.un.org/record/10639?ln=en.

[324] United Nations General Assembly, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, A/RES/45/121, December 14, 1990, https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement.

[325] Schröder and Kode, 'Rule of Law and Security Sector Reform in International State-Building: Dilemmas of Converging Agendas,' p. 45.

[326] See, for example: International Centre for Prison Studies, 'Prison Staff and Their Training' (Guidance Note No. 8), 2004.

[327] United Nations General Assembly, Code of Conduct for Law Enforcement Officials, A/RES/34/169, December 17, 1979, Article 1.

[328] United Nations Office on Drugs and Crime, 'Prison Reform and Alternatives to Imprisonment' (Concept Note), February 2011, https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Prison_reform_concept_note.pdf (accessed January 18, 2023), p. 11.

[329] See, for example: International Centre for Prison Studies, 'Bringing Prisons Within the Rule of Law' (Guidance Note No. 6), 2004, https://www.prisonstudies.org/sites/default/files/resources/downloads/gn6_8_0.pdf (accessed January 22, 2023).

[330] Camille Tawil, 'Morocco's Stability in the Wake of the Arab Spring,' CTC Sentinel 6, no. 5 (May 2013): p. 18.

[331] United Nations Development Programme and General Delegation for Prison Administration and Reintegration, 'Plan d'initiation de projet,' https://info.undp.org/docs/pdc/Documents/MAR/00091234_Plan_d_Initiation_DGAPR.pdf (accessed January 8, 2023), p. 2.

[332] In French, Délégation générale à l'administration pénitentiaire et à la réinsertion.

[333] 'Appui à la Stratégie de l'Administration Pénitentiaire,' United Nations Development Programme, https://open.undp.org/projects/00091234 (accessed January 5, 2023).

[334] Mohamed Houmymid and Mohamed Benzyane, 'Evaluation du

projet appui à la mise en uvre de la strat égie de la DGAPR' (Livrable III: Rapport d'évaluation Version définitive), United Nations Development Programme, December 2021, https://erc.undp.org/evaluation/documents/detail/19829, p. 22.

[335] Ibid., p. 7.

[336] UN RoL indicator 114 'Performance monitoring' aims to assess '[w]hether the prison service has a performance monitoring system that holds officers accountable for infractions of prison regulations, absenteeism or poor performance.'

See: United Nations, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools,' Annex Project Tool No. 1, p. 61.

[337] Mohamed Houmymid and Mohamed Benzyane, 'Evaluation du projet appui à la mise en uvre de la strat égie de la DGAPR' (Livrable III: Rapport d'évaluation Version définitive), p. 49.

[338] UN RoL indicator 113 'Complaints procedure' aims to assess the 'adequa[cy] [of] existing mechanisms for hearing complaints registered by prisoners about their treatment in prison.'

See: United Nations, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools,' Annex Project Tool No. 1, p. 61.

[339] Mohamed Houmymid and Mohamed Benzyane, 'Evaluation du projet appui à la mise en uvre de la strat égie de la DGAPR' (Livrable III: Rapport d'évaluation Version définitive), p. 18.

[340] Ibid., p. 35.

[341] Ibid., p. 18.

[342] Ibid.

[343] Ibid., p. 19.

[344] Dima Smayra, 'Lebanon's 'Arab Spring': Exploring Identity, Security, and Change' (discussion paper presented as part of the HH Sheikh Nasser al-Mohammad al-Sabah Publication Series, Durham University, January 2013), https://dro.dur.ac.uk/10540/1/10540.pdf? (accessed February 8, 2023), p. 3.

[345] United Nations Development Programme, 'UNDP Lebanon Security

and Justice Sector Wide Assessment,' March 2016, https://www.undp.org/lebanon/publications/security-justice-sector-wide-assessment (accessed February 7, 2023), p. 23.

[346] Ibid.

*[347] United Nations Development Programme, 'Enhancing Community Security and Access to Justice in Lebanese Host Communities: Project Document,' https://info.undp.org/docs/pdc/Documents/LBN/Signed PD.pdf?_gl=1*dx6kzv*_ga*MTUxNDExNjc4NC4xNjc0OTk1ODEy*_ga_TGHFVBQ9DR*MTY3NjkyODc4MC41LjEuMTY3NjkyOTYxMC42MC4wLjA. (accessed January 13, 2023), p. 1.*

[348] Ibid.

[349] 'Community Security and Access to Justice,' United Nations Development Programme, https://www.undp.org/lebanon/projects/community-security-and-access-justice (accessed January 13, 2023).

[350] United Nations Development Programme, 'Enhancing Community Security and Access to Justice in Lebanese Host Communities: Project Document,' p. 14.

[351] Ibid.

[352] United Nations Development Programme, 'Community Security and Access to Justice.'

[353] United Nations Development Programme, 'Enhancing Community Security and Access to Justice in Lebanese Host Communities: Project Document,' p. 14.

[354] Ibid., p. 16.

[355] Ibid., p. 19.

[356] Ibid., p. 20.

[357] Operating under the purview of the Ministry of the Interior, the ISF is authorized to guard and manage Lebanon's prisons per Article 1 (3) (c) of Law No. 17 (1990). Day-to-day administration is entrusted to the Prisons Bureau, which functions under the auspices of the ISF's Gendarmerie. However, while the ISF is the primary force tasked with the management and administration of Lebanon's prison system, both General Security

(under the authority of the Interior Ministry) and Military Intelligence services (under the Defense Ministry) also run detention facilities. See: Republic of Lebanon's Interior Security Forces, Law Number 17 of 1990, https://www.isf.gov.lb/files/250603930law%2017.pdf (accessed February 7, 2023);

United Nations Development Programme, 'UNDP Lebanon Security and Justice Sector Wide Assessment,' p. 61; 32;

Amnesty International, "I Wished I Would Die': Syrian Refugees Arbitrarily Detained on Terrorism-Related Charges and Tortured in Lebanon,' March 23, 2021, https://www.amnesty.org/en/documents/mde18/3671/2021/en/ (accessed October 13, 2022);

'Lebanon,' Prison Insider, https://www.prison-insider.com/en/countryprofile/liban-2022 (accessed October 13, 2022).

[358] United Nations Development Programme, 'Enhancing Community Security and Access to Justice in Lebanese Host Communities: Project Document,' p. 11.

[359] United Nations Development Programme, 'UNDP Lebanon Security and Justice Sector Wide Assessment,' p. 12.

See also: United Nations Development Programme, 'Enhancing Community Security and Access to Justice in Lebanese Host Communities: Project Document,' p. 3.

[360] United Nations Development Programme, 'Enhancing Community Security and Access to Justice in Lebanese Host Communities: Project Document,' p. 3.

[361] See: United Nations Development Programme, 'UNDP Lebanon Security and Justice Sector Wide Assessment,' p. 12.

[362] Ibid.

[363] Ibid.

[364] United Nations Development Programme, 'Enhancing Community Security and Access to Justice in Lebanese Host Communities: Project Document,' p. 20.

[365] The 'anti-torture committee' was established on September 14, 2010 'to investigate cases of torture in holding cells and detention centres run by the Internal Security Forces.' According to its mandate, the committee is tasked with 'submitting regular reports' to the ISF's Director-General, who is then to 'take appropriate measures in each case.' However, this committee had still not developed standard operating procedures or an action plan as of March 2016. See: United Nations Human Rights Council, 'National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Lebanese Republic' (A/HRC/WG.6/23/LBN/1), September 25, 2015, https://digitallibrary.un.org/record/821208?ln=en (accessed January 18, 2023), chapter III, para. 10;

United Nations Development Programme, 'UNDP Lebanon Security and Justice Sector Wide Assessment,' p. 37.

[366] Despite acting as the secretariat of the anti-torture committee, which reports to the ISF's Director-General, the Human Rights Department reports to the ISF's Inspector-General. See: United Nations Development Programme, 'UNDP Lebanon Security and Justice Sector Wide Assessment,' p. 36.

[367] See, for example: United Nations Development Programme, 'Enhancing Community Security and Access to Justice in Lebanese Host Communities: Project Document,' p. 16.

[368] For the full list of proposed measures, see: United Nations Development Programme, 'UNDP Lebanon Security and Justice Sector Wide Assessment,' p. 89-90.

[369] United Nations Development Programme, 'Enhancing Community Security and Access to Justice in Lebanese Host Communities: Project Document,' p. 34.

[370] United Nations Security Council, 'Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies' (S/2004/616), August 23, 2004, section III, para. 7.

[371] United Nations General Assembly, 'Report of the Secretary-General: In Larger Freedom - Towards Development, Security and Human Rights For All' (A/59/2005), March 21, 2005, chapter IV, section A, para. 138.

[372] United Nations Security Council, 'Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies' (S/2004/616), August 23, 2004, section II, para. 2.

[373] United Nations General Assembly, 'Report of the Secretary-General on Uniting Our Strengths: Enhancing United Nations Support for the Rule of Law' (A/61/636-S/2006/980), December 14, 2006, section V, para. 42.

[374] Ibid.

[375] United Nations Security Council, 'Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies' (S/2011/634), October 12, 2011, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/ROL%20S2011%20634.pdf (accessed February 22, 2023), para. 4.