




# PRISONS IN AFRICA

EXPERIENCES, MODELS,  
AND CIRCULATIONS

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Why choose this BOOC, based on a MOOC on prisons in Africa?  
Prisons in Africa are often reduced to images of dilapidated, overcrowded spaces...  
ultimately, they become the sign of states in crisis.

In this context, these prisons are a fulcrum for the reform of the state.  
They are the object of local positionings, national projects, and international cooperation programmes.  
This booklet aims to help you to put these images, these discourses, and these practices into perspective.

It can help you to understand penitentiary trends on the African continent  
in all of their geographical and historical diversity: city prisons, rural prisons, colonial prisons,  
prisons used during democratic transitions, political prisoners and common law prisoners.  
It considers how we ought to analyse the prison phenomenon in Africa.

Prisons are unique spaces. We aim to analyse their social considerations,  
the experience of imprisonment, and the practices of those who imprison.  
We also seek to study transformations in the fields of health, security, and human rights.

Structured into five main chapters, this booklet offers theoretical analyses  
and interviews with researchers, prison administration staff, former inmates, and activists.

It is for anyone who wants to discover or broaden their knowledge of prisons in Africa;  
for example, state actors involved in the fields of prison, law, and health, among others;  
professionals and individuals working with associations and NGOs; students  
and researchers in the social sciences.

**We here put forward a new perspective on African prison culture,  
and this booklet will enhance your analytical ability and your capacity for action in the field.**

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# **Week 1**

**Marie Morelle**



Are prison systems in Africa specific?

We are going to study the prison trends on the African continent and compare them with global trends.

We want to show you the diversity of prisons in Africa, as well as the diversity of inmate situations. Who are these inmates?

Men? Women? Minors? Pre-trial detainees? Convicts?

We also want to encourage you to detect other forms of confinement on the continent. For example, what difference can you see between an Ebola Treatment Centre and a prison?

In short, this week should support you in the deconstruction of a number of common misconceptions about prisons in Africa



## **Week 1.1**

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# **Prison, Africa, and the world**

# Prison, Africa, and the world

**Frédéric Le Marcis**

Professor of social anthropology, ENS de Lyon, Triangle, programme Ecoppaf

**Marie Morelle**

HDR lecturer in geography, université Paris 1 Panthéon Sorbonne, Prodig, programme Ecoppaf

## A definition of prison



**Frédéric:** What are the incarceration trends on the African continent? Before we start, Marie, could you give us a brief definition of prison?



**Marie:** Prisons are penitentiary establishments where people are placed in detention after a decision by the justice system. These people are deprived of their freedom and they receive a penal sanction. We call this a penal prison. That said, there are extra-penal forms of imprisonment: psychiatric hospitals, administrative detention centres... But that does not mean that laws do not provide for the control of these places by judges.

## Observing incarceration rates



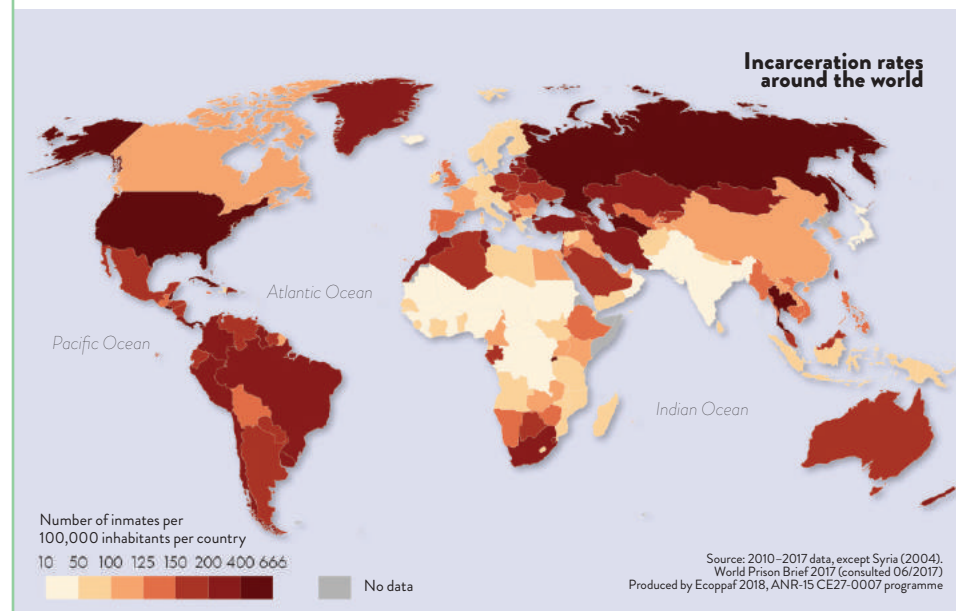
**Frédéric:** In recent years, various works have discussed the question of a global punitive shift. Some authors have spoken of carceral hyperinflation, especially based on the rates in the United States and Brazil, while others prefer to evoke the Scandinavian model in regard to the lower incarceration rates in Norway and Sweden. What is the situation in Africa?



**Marie:** You just mentioned incarceration rates. It is indeed important to look at these incarceration rates on a global scale, but one still needs to know what an incarceration rate is. This rate allows us to establish a relationship between the total population of inmates and the total population of a given country at time T. However, there are still some limitations to the incarceration rate. It does not take into account convicted persons who receive alternative sentences.

It does not take 'turnover' into account, in other words, the flow of inmates over the course of a year, for example, knowing that prisoners can be sentenced to prison terms of less than one year. That said, the incarceration rate remains an important reference point for establishing a first point of comparison, particularly on a global scale.

If we look at the map of incarceration rates around the world, what do we notice? Well, the African continent stands out! It stands out because incarceration rates are often much lower than elsewhere in the world.



## Analyzing incarceration rates



**Frédéric:** Can we say that there is an African model of incarceration?



**Marie:** If we look closer at the map of Africa, we can see that the situations are in fact rather disparate. In Rwanda, for example, the incarceration rate in 2015 was 434 per 100,000 inhabitants, because Rwanda suffered a genocide, after which there were investigations, trials, and many convictions.



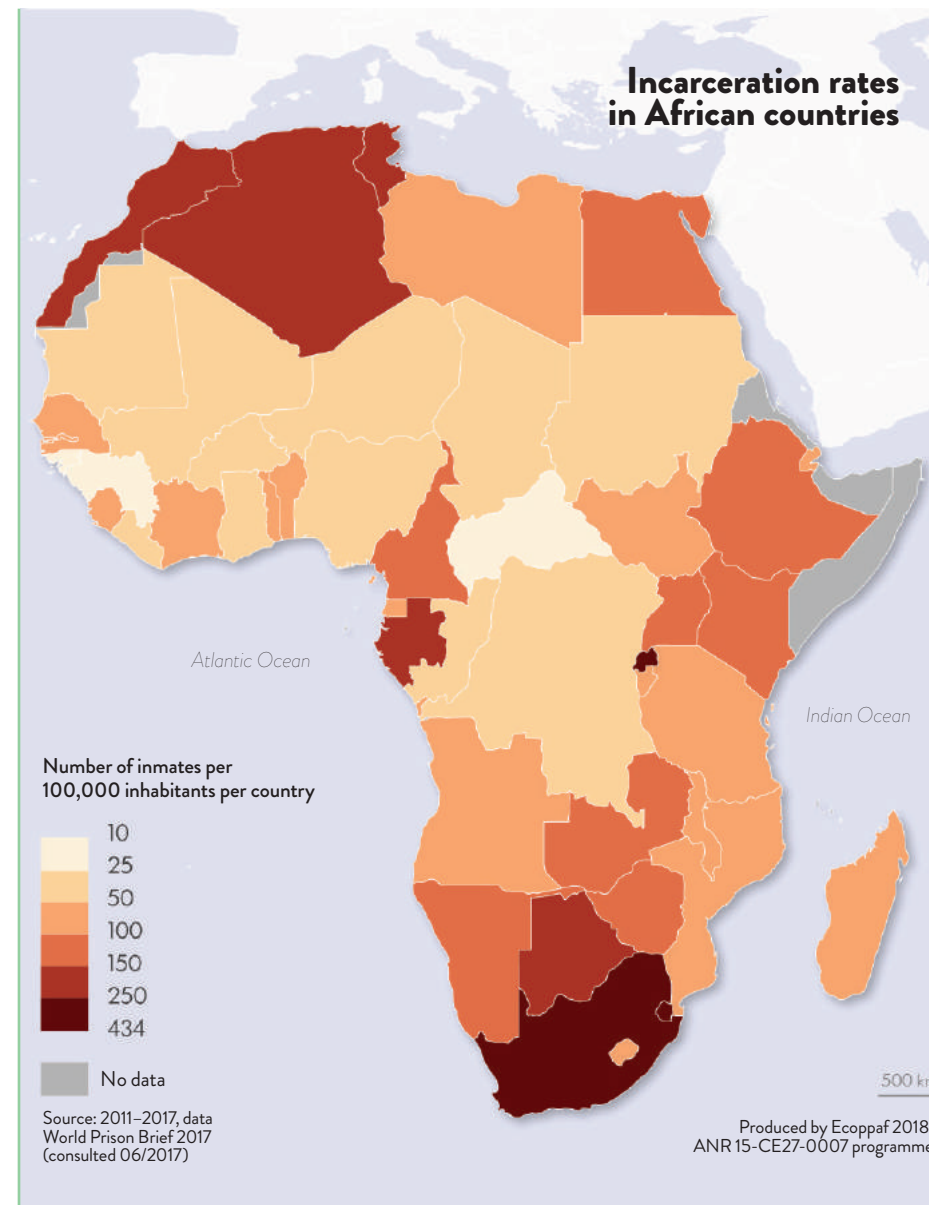
**Frédéric:** I notice that the rate in South Africa is also very high.



**Marie:** Yes, 291 per 100,000 inhabitants in 2016. This is due to the fact that penal policies are structurally repressive in South Africa: people are sentenced and sentenced to prison terms. There are also countries with demonstrably low incarceration rates, such as Burkina Faso, which had 41 per 100,000 inhabitants in 2015.



**Frédéric:** Here again, we could note that in recent years the rates have increased because the former supporters of Blaise Compaoré were imprisoned after the revolution and in particular after the coup d'état that followed the revolution. And also due to the development of a rather violent anti-terrorism policy.





## Prison and alternative forms of justice



**Marie:** Indeed, nothing is set in stone and we will return to this point. However, the rate in Burkina Faso remains quite low, as is the case in some other countries. How can we explain this? First, you have to be vigilant about the reliability of sources. We can also ask the question: Do low incarceration rates mean that the country in question is more likely to use alternative sentences? This is not necessarily the case, especially since these do not always exist. There is perhaps also the fact that people try to seek other forms of justice. And why do they do this?

The first idea is the fact that there may be a mistrust of institutions: police, gendarmerie, magistrates. There are also corrupt and clientelist practices that allow some people to avoid prison. To what source of justice, to what form of justice do people turn? We may end up discussing customary justice. However, these “customs” evolve, they are not fixed. Furthermore, these customary forms of justice (embodied by the village chief, the neighbourhood chief, or a religious leader), are sometimes mobilised to the detriment of minors, social inferiors, young people, or women. They are not necessarily the panacea.

## Prison et surpopulation carcérale



**Frédéric:** When we read the reports of NGOs or international organisations, we often find descriptions of overpopulated prisons. Is this a reality? How should we understand this overpopulation?

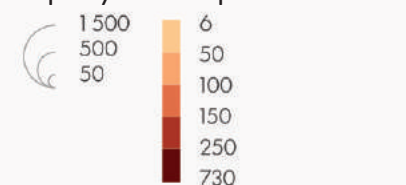


**Marie:** It is important to distinguish prison size from overpopulation. You can very well have small prisons that have limited capacity and are affected by overpopulation. And, inversely, there are large prisons with a high capacity that are not affected by overpopulation. Let us take the example of Cameroon and its prison population in 2010. Some prisons in the Centre Region, in Yaoundé, for example, have high occupancy rates and a situation of overpopulation. However, if we then look at the English-speaking region, around Bamenda, the occupancy rates are low.

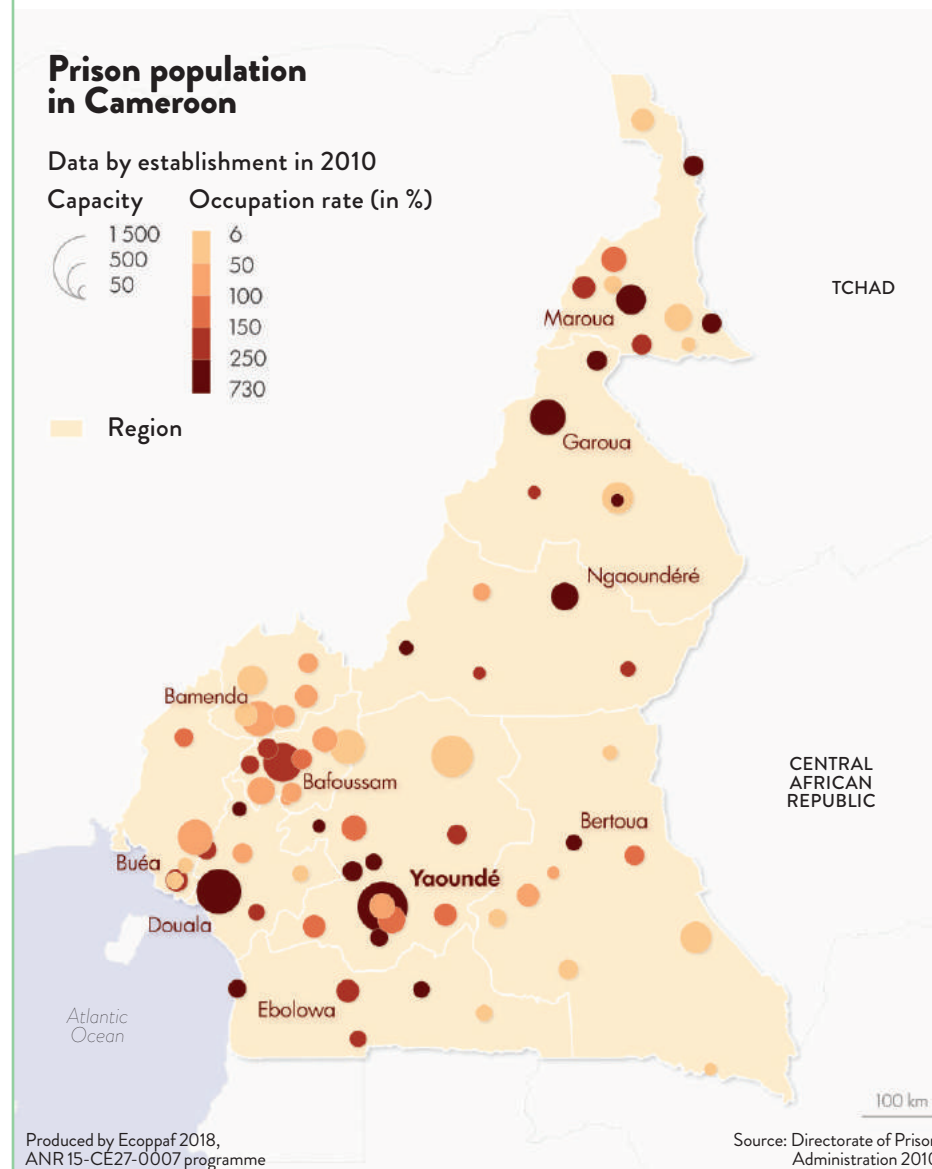
### Prison population in Cameroon

Data by establishment in 2010

Capacity Occupation rate (in %)



Region

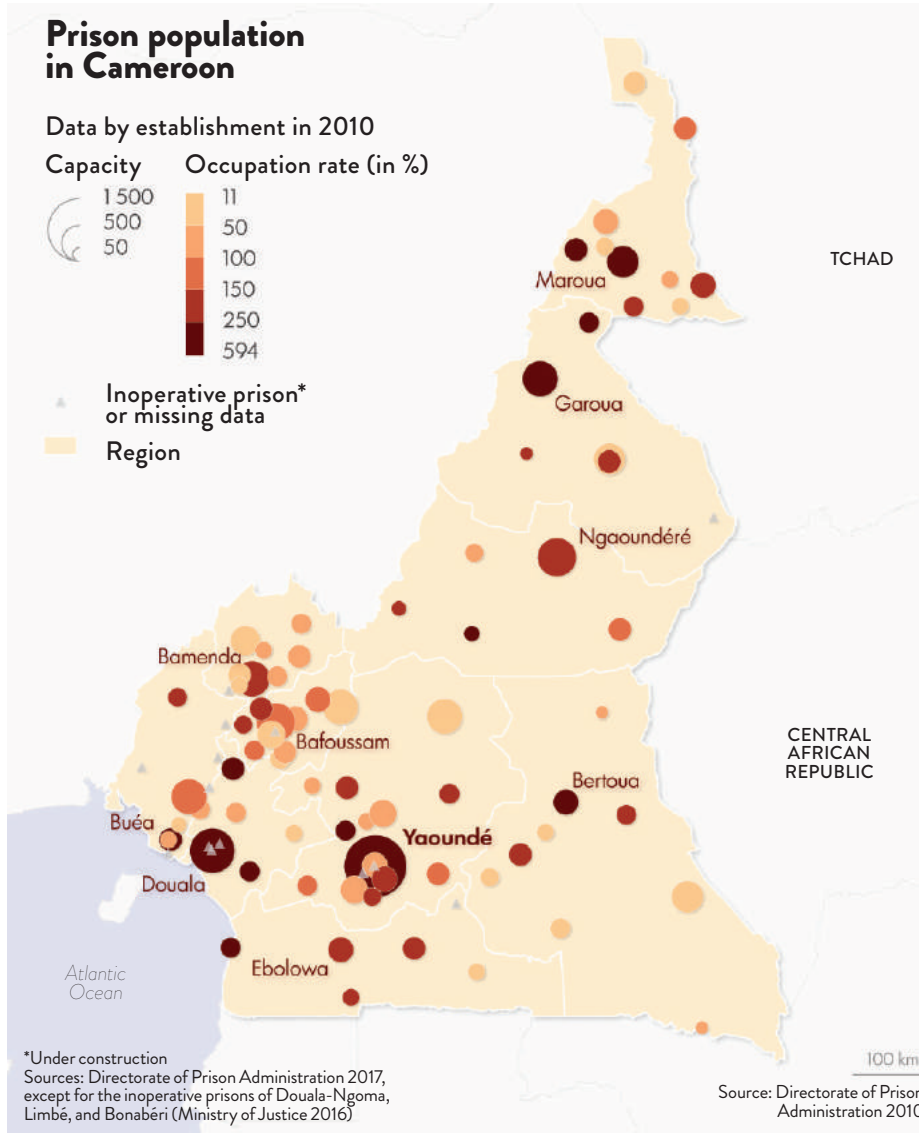
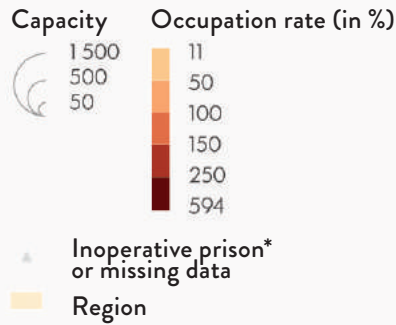




**Marie:** Let us look now at the 2017 map, where, in this English-speaking region, the occupancy rates increased significantly, and we start to see a situation of over-occupancy. How can this be explained? Well, it's linked to that fact that, since 2016, there have been a number of social movements, followed by repression, and the latent conflict is now causing the number of incarcerations to increase.

## Prison population in Cameroon

Data by establishment in 2010

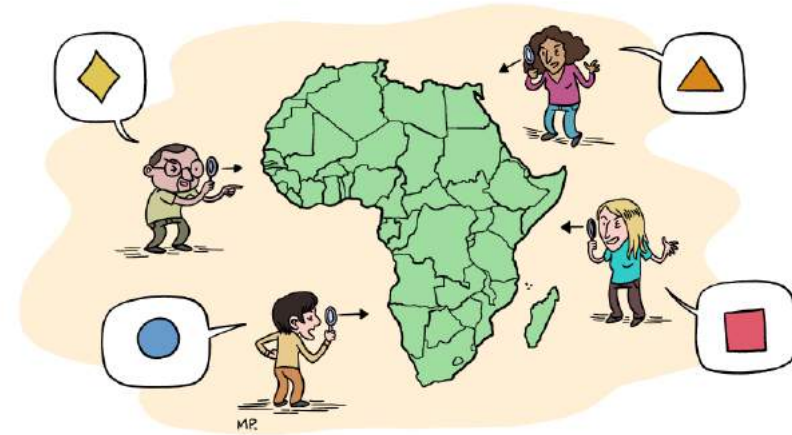


\*Under construction  
 Sources: Directorate of Prison Administration 2017, except for the inoperative prisons of Douala-Ngoma, Limbé, and Bonabéri (Ministry of Justice 2016)

Source: Directorate of Prison Administration 2010

## Key takeaways

It is important to bear in mind the diversity of prison situations on the African continent: from one prison to another, from one region to another, between countries, and within a single country. It is also important to consider how trends evolve over time: over the long term, medium term, and short term. We must consider the fact that certain African countries are characterised by low incarceration rates. Finally, it is important to distinguish prisons affected by overpopulation (they do exist) from the entire inmate population of a given country.



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## **Week 1.2**

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# **The plurality of prisons in Africa**

# The plurality of prisons in Africa

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**Frédéric:** People talk a lot about prisons in Africa, either in terms of overpopulation or in terms of disrepair. What is the reality of the situation?

## Prisons introduced as a matter of emergency in the colonial era



**Marie:** Not all prisons are the same. In fact, there is no single way of talking about African prisons. We must distinguish between them. First, we should resituate prison trends in a historical perspective in order to understand the logics underlying the adoption of the penal prison, and then, in concrete terms, the establishment, the construction of these prisons. In Africa, historians agree that penal prison arrived with colonisation at the turn of the twentieth century, even though forms of precolonial imprisonment did exist. In fact, in the colonial context, the first prisons were built as a matter of emergency. Administrators often very hastily turned a military fort or a police station into a prison. Gradually, prisons were built and penitentiary policies were established. Today, old or colonial prisons can be found alongside prisons built at the time of independence and prisons built extremely recently.



**Frédéric:** What are the priorities that underlie the construction of contemporary prisons?



**Marie:** You are talking about prison construction. That leads us to think about prison architecture, which is being debated even today! Architecture contributes to the reflection on what constitutes a prison and what are the objectives of a prison, which are often contradictory. The first issue in the construction of a prison is that of security. The intention is to separate inmates who are presumed dangerous from the rest of society. There is also the desire to avoid escapes, no matter the reality of the situation. A prison therefore starts with high, windowless walls and watchtowers. That is more or less the first priority.

There is also the issue of punishment. Are prisons and their architecture designed in order to punish? That is: How much of a role is given to light? Are inmates allowed to have a view of the outside? This goes hand in hand with the dissuasive purpose of prisons. There is the desire to frighten those who are free so that they avoid going to prison at all costs.

There is also the issue of surveillance and discipline, which is connected to the issue of rehabilitation as well. Architecture organises the space, it divides it up. It aims to foster the control of the daily lives of inmates. In prison, their movements and schedules are controlled. Therefore, at first glance, prison appears as a series of gates, doors, and bars.

## The twenty-first century prison?



**Frédéric:** But is the modern prison different?



**Marie:** There is still this dilemma between a security imperative and respect for human rights. In the past, people would have said that prisons need to be humanised, and today people say that detention conditions must be improved in order to respect human rights, often under pressure from institutional sponsors or NGOs.



**Frédéric:** Can you give us some specific examples?



**Marie:** Let us take the example of access to water, to drinking water, the setting up of cisterns. Many small projects related to these issues are often financed by NGOs. Another example: you can easily imagine what happens to a beaten-earth prison yard during the rainy season. Inmates end up with their feet in the mud, which can lead to various diseases and infections. An NGO can find the funds to pave the courtyard. There may also be the idea of protecting inmates from the sun and putting up sheet metal for shade. These are small-scale projects, but there can be much larger-scale projects. In Douala, in Cameroon, there is a very old, very dilapidated prison in the city-centre. The Cameroonian government launched a programme to build a large prison on the outskirts of the city. The architect in charge of the construction said that it would be an 'Amnesty International' prison, with the idea that there would need to be more space for inmates but also bathrooms, showers, and canteens. The issue of security was still relevant, and the architect also anticipated video surveillance and automatic doors, which relates to the issue of modernity. These techniques embody the modern prison. However, there are other things that must be taken into account: moving this prison to the outskirts of the city will have a significant financial impact on families when visiting their incarcerated relatives, not to mention the cost in terms of time!



**Frédéric:** Are open prisons being discussed on the continent?



**Marie:** Yes, they are being talked about today, as in the past! During the colonial period there was another dilemma: that of separating inmates but also putting them to work. For this reason, there were mobile prisons that moved from one worksite to another to put inmates to work, and these prisons are still found today. They are not 'mobile' but 'production' prisons, to borrow the Cameroonian expression, where inmates are expected to leave the prison during the day to work in the fields.



**Frédéric:** Is this also the case in big cities?



**Marie:** In big cities, this is not the case at all. First and foremost, in these 'open' prisons, which are mostly in rural areas, the authorities are confronted with a security issue and a risk of escape, which they seek to avoid in cities. In big cities, and especially in a political capital, there is the idea that the prison, with its high walls and the sense of enclosure it inspires, should embody the domination of the state. This is not the case for prisons in small towns or rural prisons. Let us take the case of Burundi, which is a good example. If we look at the map, we see that there is about one prison per province. In general in Africa, the map of prisons in a given country will more or less resemble the political-administrative network. However, other places of confinement should also be considered. There are also isolation cells, where people are kept when information is sought from them (people who are considered to be political prisoners). And, quite simply, in some neighbourhoods there are cells in police stations and cells in gendarmerie divisions where people are sometimes incarcerated for days, outside of the legal framework.

## Key takeaways

There are therefore old prisons and contemporary prisons; prisons in cities and prisons in the countryside; prisons in the city-centre and prisons in the suburbs—in short, the nature of prisons on the continent varies in space and time.

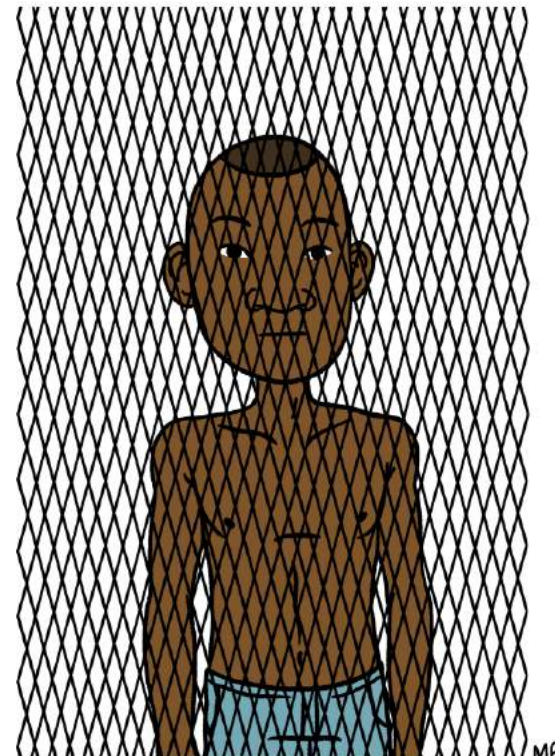
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## **Week 1.3**

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# **Prisons and prisoners**

# Prisons and prisoners

## Frédéric Le Marcis

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## Marie Morelle

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### Inmates: Varied situations



**Frédéric:** The situation of prisons on the continent is diverse and varied. What is the situation like for inmates?



**Marie:** There are differences and commonalities. On the one hand, you always have to keep in mind the extreme diversity of the situations of inmates in prisons. On the other, there are recurrences. For example, adults are incarcerated at much higher rates than minors and far more men are imprisoned than women. How can we explain this? Do women and minors commit fewer misdemeanours and crimes? Or is the justice system more tolerant towards them and gives them suspended sentences? There are also legal protections for minors in particular. What we should remember is that upstream of prison, we must understand the penal policies, their practical application, and a given society's representations of justice.



**Frédéric:** What is the situation for foreigners in prison?



**Marie:** There is a significant lack of information concerning them. There are foreigners in detention, but not necessarily due to a violation of legislation on foreigners. They may have committed a misdemeanour, a crime, or possibly both. In any case, if you are a foreigner, you are far away from your family and you find yourself in a very precarious situation, with difficulties finding food, taking care of

yourself, and advancing your case in court. There may be different forms of solidarity based on religious affiliation or nationality, but they are limited in prison. Ultimately, it is usually international organisations and NGOs who support these inmates. This may be the Office of the United Nations High Commissioner for Refugees (UNHCR) or the International Committee of the Red Cross (ICRC), for example.

### Pre-trial detainees and convicts: The influence of status on prison experience



**Frédéric:** Have all these incarcerated people already been convicted?



**Marie:** No, it is important to distinguish between convicts and people incarcerated in pre-trial detention. The latter have not yet been brought to trial or sentenced, but the law provides for placing them in pre-trial detention. We call these people pre-trial detainees and there is a significant number of them on the African continent. For example, in Côte d'Ivoire, the rate of people incarcerated in pre-trial detention is very high. What does this state of affairs mean when prisons are affected by overpopulation? What is the point of imprisonment when you can spend months on end in pre-trial detention? In Cameroon, there are people who have spent more than two years in pre-trial detention!



**Frédéric:** This is all the more problematic given that people held on remand, in other words, people who have not been convicted, do not have access to prison duties.





**Marie:** Yes. You mention duties, that is, the possibility for prisoners to work and potentially leave the prison to work. When you are in pre-trial detention, you do not have the same access to cells, to a bed... But there is something else to remember: even a person who has gone to trial and been sentenced in the first instance—to use the French expression *en première instance*—will tend to want to adjust their sentence and possibly have it reduced. They will want to go before a court of appeal. And after going before the court of appeal, they will want to go before another court (depending on the country, this may be a supreme court or a court of cassation). All inmates always have the desire to potentially reduce their sentence, to adjust it, or to contest it on points of order. An inmate can also hope to obtain a transfer, either to move closer to the court of appeal or to their family.

### An over-representation of working-class neighbourhoods in the prison system



**Frédéric:** What are the different types of incarceration and what are the sentences handed down to inmates?



**Marie:** We desperately lack information. And yet these penal and penitentiary statistics would really be very useful. However, these statistics would not necessarily tell us the exact number of crimes and misdemeanours committed. Not everyone presses charges and not all investigations are conclusive. There are also situations of corruption, but it would nonetheless let us see the main reasons for incarceration and, as you ask, who is incarcerated. If I looked at the files of the records office of the Yaoundé Central Prison, what would I see? I would observe that, in general, people are primarily incarcerated for theft. It is mostly young men from working-class neighbourhoods engaging in informal activity who are incarcerated. However, I'm not saying that all delinquents and criminals are from working-class neighbourhoods. In fact, we should rather ask to what extent the inhabitants of working-class neighbourhoods are more strictly monitored and suppressed.



**Frédéric:** This question has often been raised for Western prisons!



**Marie:** Yes, it is a universal and recurring question. When a Malagasy prison governor says, 'I have to establish a teaching programme because my inmates have a high rate of illiteracy and a lack of education', it raises questions! Yes, it is legitimate to want to establish a teaching programme, but perhaps we should ask why there are so many illiterate inmates in prison! What happens to those who are guilty of misuse of company assets, embezzlement of public funds, or fraud? Are they systematically prosecuted? Are they systematically given prison sentences? In reality, not everyone is equal when facing prison.

### The death penalty: Varying levels of application and abolition



**Frédéric:** What can you tell us about the death penalty?



**Marie:** For the death penalty, the situations are disparate. In Somalia, it still exists and there are executions. In Benin, however, the constitutional court abolished the death penalty, but there is not yet a law that would allow the concrete application of this abolition: there are still inmates on death row in Beninese prisons. In Chad, it is more of a partial abolition: although the death penalty has been abolished, people who have been incarcerated and convicted for terrorism can still be sentenced to death. Now, we know that Chad is currently engaged in a struggle against Boko Haram. There are other situations that should be noted. In Cameroon, the death penalty has not been abolished, but no death sentences have been handed out for decades. Those who have been condemned to death are therefore considered to have a life sentence, although they would like to have this recognised in court. And they are willing to do everything for this change to occur. If their sentence is commuted to a life sentence, that opens the possibility to ask for it to be reduced.



**Frédéric:** But what would they have to do to achieve this?



**Marie:** First, they would have to have the means, in particular the means to pay for a lawyer. Court-appointed lawyers are few in number and often lack motivation. They are not well paid at all and are often paid late by the state. Family support is also needed. However, when inmates are serving long sentences, this support tends to diminish. It is also necessary to understand the law, to understand what is happening to you. On this subject, I would mention that those inmates serving long sentences will have attended many hearings: not only their own, but also those of fellow inmates. They may have met lawyers, they may have hired lawyers at different times, depending on their means. They will have spoken with NGOs and they may have read penal codes in the prison library. In short, they can gain knowledge of the law and acquire practical knowledge. There are inmates today who call themselves prison lawyers. However, international organisations or NGOs are sometimes unaware of them or do not recognise them. Some magistrates look down on them. But it is important to remember that inmates can also be subjects of their rights.



**Frédéric:** You are talking here about informal practices, informal knowledge. Can you expand on this a little more?



**Marie:** I don't want to make generalisations. But let us take the example of those sentenced to death, in certain prisons, in certain countries. In general, they have a private cell that they share with two or at most three other inmates. So, they are not in areas affected by overpopulation. In a much more informal way, they have the right to move around the prison, to go to other detention areas, to

go to the yard, which is not the case for other inmates. They can also hire other inmates to cook and clean for them. This is important for these other inmates because, although they will not necessarily be paid or receive money, the fact of having access to an area that is not affected by overpopulation (in the case of overpopulated prisons) allows them, in pragmatic terms, to have easier access to the showers and the toilets. Furthermore, some inmates develop informal economic activities, such as preparing fish, selling doughnuts, or trafficking cigarettes or alcohol.

## Key takeaways

**To understand the prison experience and the diversity of situations, we must consider the penal status but also the social origins of inmates. We must also take into account their age, their gender, and finally all the informal statuses acquired over the course of their incarceration or incarcerations.**

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## **Week 1.4**

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**Informing, comparing,  
providing testimonies:  
Prison Insider**

# Informing, comparing, providing testimonies: Prison Insider

**Frédéric Le Marcis**

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**Clara Grisot**

Multimedia hub coordinator, Prison Insider

**Bernard Bolze**

Director and co-founder, Prison Insider



**Frédéric:** Clara Grisot and Bernard Bolze, you are among the co-founders of Prison Insider. Prison Insider is an association whose mission is to produce and spread knowledge on prisons throughout the world. How did Prison Insider start and what is the genealogy of this association?

## Spreading knowledge on prisons throughout the world



**Bernard:** This association is very new; it is only two years old. In practice, it came about due to the fact that, a long time ago, at the intersection of my activity as a journalist and community activist, I had the idea to create the Observatoire international des prisons in the early 1990s, which occupied about a decade of my life. After the international dimension of the OIP came to an end, I noticed twenty-five years later that no one had occupied this space. This question can be approached in different ways. In any case, the idea was to bring together friends and acquaintances with a variety of skills so that they could take up this question and find a contemporary formula for addressing the situation of prisons in the world. And thus, Prison Insider was born.



**Frédéric:** Prison Insider's raison d'être is based on the idea that prison is basically like a black box. Its presence reassures society because criminals are locked up there. But, ultimately, not many people are interested in what happens behind these walls. Do you agree with this assessment?

## Tackling preconceived ideas and showing what prison is like



**Clara:** Yes! And then, since Prison Insider tries to enter this black box, you realise that this idea does not stand up to reality. On the whole, it is the sick, the poor, and minorities that are imprisoned, and mass incarceration is the result of a political choice. It doesn't have much to do with a variation or increase in criminality. Furthermore, people who are imprisoned are in fact destabilised by the ordeal. When they leave prison, they are even more vulnerable, even more excluded, even more marginalised, and it is therefore a vicious circle. Since these people are excluded, little interest is shown in them, and you can observe a relative lack of interest in this question. It is not very encouraging, but it is important to work on this issue.



**Frédéric:** This lack of interest that you mention in terms of what happens inside prisons, is it shared throughout the world or do you see differences from one region to another?



**Clara:** It may be less a question of a lack of interest than a desire not to see and not to know. From the moment when a person commits a misdemeanour, an offence, or a crime, this person is stigmatised, excluded, and blacklisted by society, and often their families are too. The result is great disdain, great silence. Not everyone behaves in the same way with people who have experienced incarceration. You can see, for example, that some societies are more inclusive, and in other places the family is much more present, especially in Latin America.

## Connecting different sources of information on prison and developing a comparative approach



**Frédéric:** The Prison Insider website presents analyses, data, and summaries, as well as testimonies, what status do you give to these different sources of information?



**Bernard:** You could summarise our production of information according to three universes: the raw and factual information that we favour, in other words, being able to describe, to say what is happening in terms of physical integrity, in terms of access to care, and in maintaining family ties... there are many more examples of these rights. And then the idea quickly came that we could compare this data. It is very important for a region, for five countries in Europe or five neighbouring countries in a region in Africa to be able to compare practices between them: how visits are arranged, how inmates are fed, how health care is accessed, how inmates' basic level of hygiene is maintained. It is of enormous interest to us that this comparative data be used to lift each other upwards; that users, in a sense, that families or friends of prisoners can say, 'Look how they do it over there', or that community activists as well as NGOs can say, 'Look how they do it nearby, why couldn't we do the same, pull ourselves up?' The third thing is to provide testimonies: testimonies are very important for us because, beyond the somewhat chilly nature of the technical legal aspects, testimonies put a face to the issues, they provide humanity. They are people talking, they are not cases, not numbers, not prison register numbers: they are individuals. Testimonies serve to illustrate our aim.



**Frédéric:** In this project, do you now cover all countries with Prison Insider?



**Clara:** The organisation is still young, but that is of course the long-term goal. We had to start somewhere and so we began by collecting information, by identifying people in different countries who may or may not participate in identified organisations. We then decided to engage in research by geographic zone. We began with a first cycle on Latin America, where we covered around ten countries, then we continued with a cycle on Southeast Asia to see what was happening in Indonesia, Singapore, and the Philippines,

where we were able to highlight the mass incarceration of drug users, for example, and then we conducted a cycle on Africa. The idea of these geographic cycles was to discover the major regional trends while always maintaining the idea of comparing what is happening both within a region and between regions. And then this year we are maintaining these networks, we are deepening our ties with these countries, as well as with European countries. Our current network of correspondents is spread over five continents and includes around forty organisations. And it is clearly a dynamic to maintain and develop.

## Contributing to Prison Insider



**Frédéric:** How do you recruit these correspondents or rather how does one participate in this adventure?



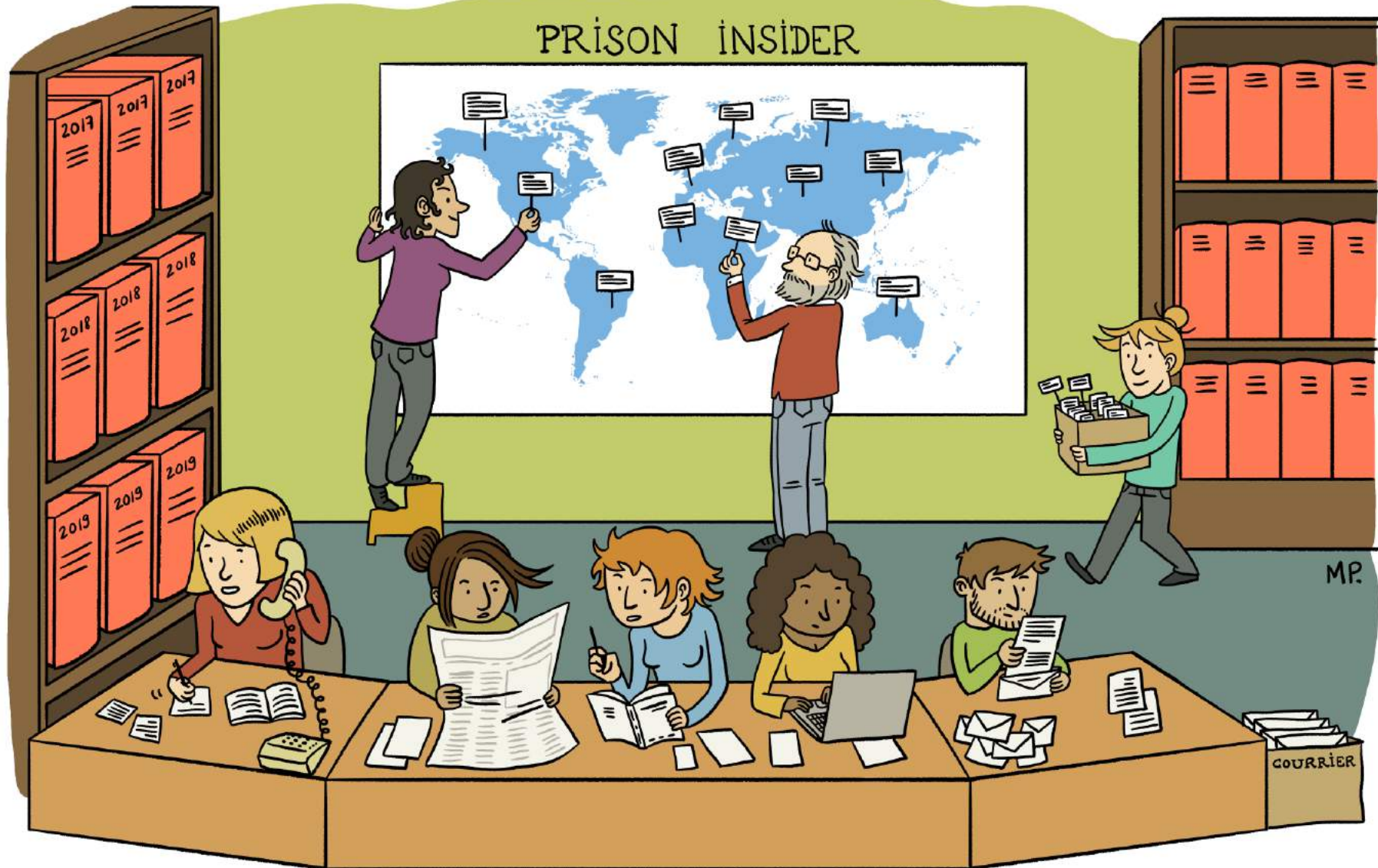
**Clara:** Prison Insider does not recruit correspondents, as Prison Insider contacts people who are interested in this question and who could give information on the organisation of a country in terms of all of its organisational aspects and on prison policies, for example. Beyond that, Prison Insider is a collaborative tool, and everyone can participate in it. We look at the question of incarceration as it is, that is, as a universal question that concerns everyone, and there are multiple ways to join the adventure of Prison Insider.



**Bernard:** At the start of the year, we install on our internet platform what may be called the template, in other words, the organisation of the penitentiary system for a given country. We invite the people who have watched this MOOC or read this BOOC, all the actors in civil society who want to join us and especially those who want to take account of the state of their own prisons. It is not for our own pleasure, but to say: 'I want to participate in the transformation of prisons on a global scale, but starting with where I live.' We therefore invite everyone to send to Prison Insider's address everything that arises over the course of the year: press clippings, press releases, reports, written documents, and images that concern their country. This information will be included in the country file so that at the end of the year we can close this file and continue the next year. We will therefore have a sort of annual report that is built up over time.

**Internet link:** <https://www.prison-insider.com>

# PRISON INSIDER





**Week 1.5**

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**Beyond  
penal confinement:  
Ebola Treatment Centres**



# Beyond penal confinement: Ebola Treatment Centres

**Frédéric Le Marcis**

Professor of social anthropology, ENS de Lyon, Triangle, programme Ecoppaf

**Veronica Gomez-Temesio**

Researcher in anthropology, postdoctoral researcher at the University of Copenhagen



**Frédéric:** We dedicate our session to the question of confinement beyond prison walls. In the social sciences, three places emerge as emblematic figures of confinement: first, prison, which Michel Foucault explained was there to discipline and punish; the psychiatric hospital, which Erving Goffman reminded us was there as a totalitarian institution to organise the lives of individuals, but which was met with resistance; and, more recently, the work of Michel Agier shows how the camp has become a major tool in handling refugees. On the African continent, however, another experience makes it possible to approach from a new perspective the question of confinement, its logics, its experience, but also its contradictions. This experience is that of the treatment of patients in Ebola Treatment Centres established between 2014 and 2015 in the three countries of the Mano River during the Ebola epidemic. These three countries are Guinea, Sierra Leone, and Liberia. Veronica Gomez-Temesio conducted ethnographic research over several months in a Guinean treatment centre in Wonkifong. Currently a researcher at the University of Copenhagen, she shares her analysis with us.



**Veronica:** Ebola Treatment Centres or ETCs are places where all the people infected with the Ebola virus are gathered and detained. Rather than simply being care centres, they are in fact quarantine centres, because when a virus starts to spread in society, epidemiologists recommend breaking the chains of transmission to keep the virus from spreading too far. With this goal in mind, all people infected, all sick people, are ideally placed in an enclosed space, in a quarantine centre like Wonkifong, which we can see in the photograph. To do this, enclosed centres are established throughout the countries affected by the epidemic, where staff in protective apparel treat patients.

## What is an Ebola Treatment Centre (ETC)?



**Frédéric:** What does an Ebola treatment centre consist of?



© Veronica Gomez-Temesio



**Frédéric:** Why does it seem relevant to consider Ebola Treatment Centres and prisons together?

## Epidemics and criminality share a common response: confinement



**Veronica:** It is very pertinent to think about them together, first of all because they are enclosed, shut-off spaces in which populations that are considered dangerous to the rest of society on the national and global level are detained. More than just a logic of care, ETCs follow a logic of risk control, like prisons. Populations are gathered in enclosed spaces in order to protect the rest of society.



**Frédéric:** Indeed, there is an inherent paradox in ETCs, where there is both a practice of promising care and a practice of control.



**Veronica:** Precisely! In the ETC project, there are two logics: isolating the virus and treating the patients. Here we see a caregiver with a young child, you could say that these two logics form the theory of ETCs, they underpin the construction of these centres. But in practice, it should be emphasised that the logic of control takes precedence over the logic of care. And this logic can spread even outside the centre. I will give you an example: during the epidemic, every person that was exhibiting rather general symptoms—like headaches, diarrhoea, vomiting—all these people were sent to centres for detection, to test for the disease. Therefore, during the epidemic, in neighbourhoods or villages that were thought to be at risk or where there were believed to be carriers of the virus, there were campaigns—which were called ‘search and sweep’ campaigns. People who had rather general symptoms were forced to go to centres where they stayed for several days at the risk of potentially fatal contamination if their symptoms were not Ebola-related. People were sorted into categories; there was a real logic of triage, because lives judged to be dangerous were separated to protect other lives that were judged to be important to protect. Here, I am referring specifically to the massive financial support sent by the United States and Europe to West Africa during the epidemic; funds that were intended to save lives, of course, but above all to keep Ebola from reaching us.



© Veronica Gomez-Temesio



**Frédéric:** The notion of controlling risk, whether it be an epidemiological risk in ETCs or the risk of criminality in prisons, is common to both ETCs and prisons. But are there other factors or other aspects or points that are shared by these two spaces?

## ETCs and prisons function according to similar logics: That of total institutions



**Veronica:** ETCs and prisons have many things in common. The most obvious is the architecture: they are enclosed spaces. When you are sent to an ETC, you are not asked your opinion. You are sent there involuntarily, and you only leave when you are told to. You can see the gates of Wonkifong here. You leave your personal belongings at the entrance, you leave your clothes and you receive new ones, you receive an identification number. There is a real redefinition of the person as soon as you step into the detention area. And it will no doubt

remind you of the experience of mortification described by Erving Goffman. Yet I think the most important point here is that ETCs and prisons share in some way a definition of life or a philosophy of life. In these places, patients and inmates undergo a process of dehumanisation; and I am referring here to the work of Hannah Arendt. Hannah Arendt thought of camps as places where the individual is removed from his or her political life. In this sense, in ETCs, the individual is reduced to a toxic body to be managed; a body that must be fed, washed, and clothed, but also an individual who will be stripped of all of his or her rights. The most frightening aspect is that this continues even in death: you can see here the graves of the patients of Wonkifong, the cemetery where more than 150 patients are buried, and they are all in anonymous graves. The families therefore often do not know where their relatives are buried and these people were buried without any other form of proceedings, without a funeral, without social or familial support.





**Frédéric:** The stigma outlasts the experience of the ETC, and it is striking that this logic also applies to inmates who still carry a stigma after prison. Faced with this dehumanisation, can we observe forms of resistance or even accommodations in prisons, like those described by Erving Goffman in psychiatric hospitals, for example?

## Resisting dehumanisation?



**Veronica:** There is resistance because clearly no one can ever be entirely reduced to a mere body. Thus, we see resistance in this opposition between biological life and political life. Compared with prisons, there is not really rebellion in the form of mutiny or riots in ETCs, but there is a struggle to remain human. Individuals demand contact with their family; families want to see them in ETCs, bring them food, and emphasise that these people have a first and a last name; that they are defined by more than just being a contaminated body.

## ETCs and putting to work?



**Frédéric:** We could perhaps expand on this comparison from a historical perspective. When colonial prisons were established on the continent, the logic of control of populations was accompanied by a logic of putting to work, and this notion of putting to work persists today in the penal camps found in rural prisons, where inmates are also there to work in the fields. Is it possible to speak of putting patients to work in ETCs?



**Veronica:** They are not really working because these people are seriously ill, and they stay at most fifteen days in the ETC, if they survive. However, although these patients do not produce anything, they perform work in that they are protecting society. Their body is working to protect society. Something happens within these quarantine tents: the work of patients is really to use their body as a barrier to the spreading of the virus. In fact,

they protect the rest of society by sacrificing their very person and that is very important work. Next, we should not forget that many clinical trials take place in ETCs. Medicines that have not yet been licensed are tested on patients. In order to study the virus, their blood, sperm, vaginal secretions, tears, and breast milk are taken. Therefore, the bodies of patients produce an economic value on the global pharmaceutical market.





## Key takeaways

ETCs should be included in the long-term history of the devaluation of black lives. The logic of ETCs therefore follows this process, this history of dehumanisation that is found in both slave policies and in the control of populations by the colonial power. The form of ETCs, the form of camps, is not new in Africa, since camps and confinement served as the model for managing epidemics in the colonial era, as shown by Guillaume Lachenal's book, *Le médecin qui voulut être roi*.

Does this arrangement save lives? Yes, it saves lives! But which ones? ETCs, along with other initiatives such as vaccine trials, have made it possible to suppress the virus. To speak a little provocatively, we can say that these arrangements have saved lives, but they have saved our lives! Because these places of confinement above all prevented the virus from leaving the African continent. We see here a caregiver in protective gear spraying the area around the centre to prevent the virus from spreading. Now, a little less provocatively, we can recognise that the efforts of the international community clearly helped people survive and leave the centres alive. But we should not forget that these places really put humanity to the test, because patients there were treated as bodies, not as human beings. And ETCs are truly places that reveal the persistence of racial and political segregation in the contemporary world. And, just like with prisons, we can no longer avoid questioning the legitimacy of these places.



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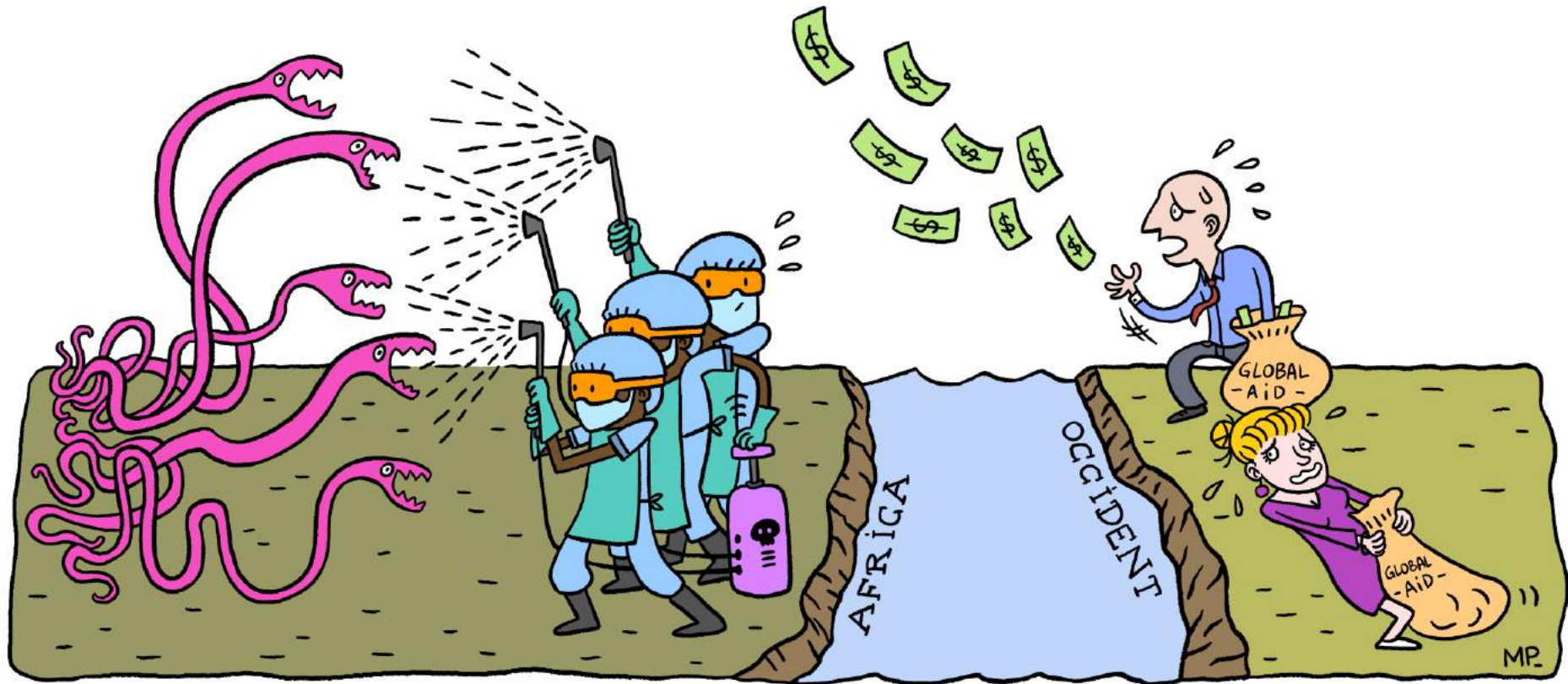
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# **Week 2**

## Christine Deslaurier



Prisons in Africa have a history; they were not simply imported during the colonial era, although this period was undoubtedly a time when policies of confinement multiplied and intensified on the continent.

The nature of confinement radically changed with colonial rule, when imprisonment became linked to the marginalisation and putting to work of African populations.

Prison systems are not static, but they evolve as a function of changing political regimes (colonial then postcolonial, authoritarian, crisis-ridden, transitional...).

We will discuss all of these configurations and changing logics over the course of these exchanges on the history of the prison phenomenon in Africa.





## **Week 2.1**

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# **The origins of prisons in Africa**

# The origins of prisons in Africa

**Yasmine Bouagga**

Research fellow in social sciences at CNRS, Triangle, Ecoppaf programme

**Christine Deslaurier**

Research fellow in history at IRD, IMAf, and the University of Burundi, Ecoppaf programme

## Reclusion and sanctions in precolonial Africa



**Yasmine:** What are the origins of prison in Africa? It is often said that prison was an invention of colonialism, that the European colonisers brought the idea of prison to Africa. What is the true story?



**Christine:** Actually, prison as a sanction—in other words, penal confinement for punitive reasons—was relatively absent from the African continent as a whole before European intrusion. There were, of course, forms of reclusion and claustration, but they were ritual, economic, or military forms of reclusion. For example, individuals were confined during an initiation period. People were thus confined for specific reasons and not as a punishment.



**Yasmine:** So, crimes were not punished in Africa?



**Christine:** Criminals were of course punished, like everywhere else, but in different ways! For example, persons found guilty were required to pay reparations or were made to suffer corporal punishment; they were executed in some cases. But one of the most widespread sanctions, especially in so-called lineage societies (that is, where the local community was the most important), was the extraction of the individual from their community, in other words, exile. Therefore, the person was not confined or was confined more or less 'outside'. They were not confined between four walls, but the fact of being taken out of their community was one of the harshest sanctions that someone could face.

## African 'proto-prisons' in centralised societies



**Yasmine:** Are we right in saying that prisons as enclosed and punitive spaces began with the colonial period?



**Christine:** Yes and no... No, because we were just talking about lineage societies, but there were also centralised and militarised societies in the precolonial period, empires, kingdoms, and sultanates, and in those cases there are traces, written and archaeological traces, that there existed what we could call 'proto-prisons'. This was very often the case in kingdoms: a sovereign who imprisoned those close to him or his deposed subordinates; a sovereign who feared for his power and wanted to maintain it. There are examples in the Ghana Empire, starting in the thirteenth century (the Ghana Empire, to clarify, straddled current-day Mali and Mauritania, not what is now Ghana). There are also traces in the Ethiopian Empire of the seventeenth century, in the Kingdom of Benin. Another well-known example is the proto-prisons in the sultanates of northern Nigeria.



**Yasmine:** I think there was also an example in Buganda?



**Christine:** Yes! The ruler of Buganda had his close friends, his sisters, his brothers, whom he suspected or at least feared would usurp his power, thrown into deep pits. These large pits protected by tall poles are now in a museum near Kampala. Therefore, there were some forms of precolonial imprisonment.

## The confinement of slaves, a precursor to colonial punitive imprisonment



**Yasmine:** We have discussed the confinement of members of high society that might threaten power, but wasn't there also the confinement of slaves in the context of the slave trade?



**Christine:** Yes, and this is extremely important. The confinement of slaves was a foreshadowing for Africans of what confinement and imprisonment could be on a more massive scale. And it is interesting to note that, at the start of the slave trade, in the fifteenth and sixteenth centuries, all along the Atlantic coast, but also on the eastern border (because there was also an East African slave trade), military forts were built where slaves were 'stocked' (this term is used because they were considered to be 'merchandise' at the time), as well as pontoon boats where slaves awaited the great crossing, and also what are called 'barracons', which were in fact very rudimentary camps of straw or bamboo in which slaves were confined or put into quarantine before departure. They were sometimes left dozens of days without food; the conditions were terrible. And what is interesting and what shows how this precolonial confinement truly marked the history of the continent is that in some African languages, in particular Kikongo and Lingala, for example, languages spoken in Congo, they use the word '*boloko*' to speak about prison, which comes directly from the word '*barracon*'

## The development of legal systems and colonial prisons



**Yasmine:** So, the turning point supposedly brought by the coloniser was prison as more of an administrative system, an organised structure?



**Christine:** Yes, precisely. It is somewhat difficult to establish a general chronology for the continent as a whole, since situations are highly varied given the size of the continent. But, in general, we can say that the earlier the Europeans settled in a territory, the earlier prisons and penitentiary systems were established. One of the most interesting cases of prisons in Africa (and the oldest) is that of the famous prison island of Robben Island off the coast of Cape Town, South Africa, which was inaugurated as a prison from the mid-seventeenth century with the arrival of the Dutch. And it remained a prison for more than three centuries, so it is an old prison... But elsewhere, it was mostly at the turn of the twentieth century, with the installation of colonial administrations and their establishment in territories, that prisons were set up and a legal system was developed that made it possible to imprison people.



**Yasmine:** Can we then say that it was at the end of the 1800s that prisons with walls were built in Africa?



**Christine:** Yes. In Nigeria, for example, in Lagos, the first prison that could be called 'modern' was built in 1872, and just before the First World War there were no less than 110 prisons across the country, which was occupied by the British at the time. There was quite a large number of prisons for several years; there were lots of penitentiary establishments. And then, in other places, it was the installation of legal systems and the evolution of colonial and indigenous law that determined the establishment of prisons.

Elsewhere, at the start of colonisation, it sometimes happened that people made do with what they had at hand, and colonial administrators and soldiers took care of things with the means available to them. They could therefore imprison an African in the food storage area of a fort or in a room in the residence of a colonial administrator: these were some of the improvised methods used to imprison individuals. For example, in the photo we see the boma of Gitega, a military fort built by the Germans in 1912, which was not really a prison: it was intended to house the German garrison. But it was there that the first so-called 'modern' prison in Burundi was established during the German period. There were no purpose-built 'prisons' at the time.



Boma de Gitega, © Jean-François Astoury

we can see the image of a prison in Gitega, Burundi, in 1926, built out of brick and stone; then, two years later, on a slightly more elaborate model but somewhat similar, we see the fort model with the construction of the prison of Stanleyville (now Kisangani in the Democratic Republic of the Congo); then, to bring this homogeneity in the architecture of Belgian prisons full circle, there came the construction of the Kigali prison in 1930. And we can see in these images something like a common architecture taking shape. This attests to a genuine intention to build prisons on very precise models.

## The construction of colonial prisons



**Yasmine:** And then genuine penitentiary policies were established with dedicated places of confinement?



**Christine:** Yes, especially from the beginning of the twentieth century, as colonial and indigenous law evolved on the continent. I say colonial and indigenous law to distinguish them slightly, because the penal systems differed depending on whether they were applied to indigenous people, in other words Africans, or to the Europeans living there. This distinction would also have an impact within prisons; Europeans and Africans were not treated in the same way. As legal systems were established, penitentiary policies truly began to take shape, and when you talk about penitentiary policy, you're talking about the construction of penitentiary buildings, buildings dedicated to the function of incarceration, to the confinement of convicts. To return to the case of Belgian Africa, one that I am more familiar with than the others, if we look at Belgian penitentiary policies, we see that in the 1920s and 1930s, when the penal system reserved for indigenous people was truly established, buildings were constructed:

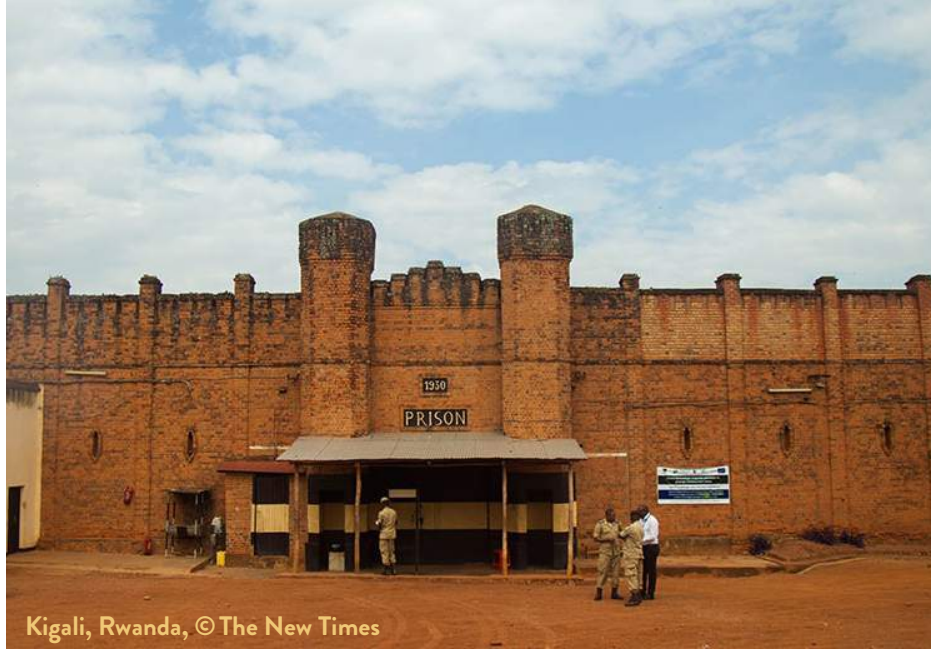


Gitega, Burundi, © Nathalie Mohadjer



Stanleyville, Congo  
© Courteville

CONGO BELGE — Série 8 No 10 — Prison de Stanleyville.  
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Kigali, Rwanda, © The New Times

## The prison in Africa, a long-standing social reality with foreign inspiration



**Yasmine:** These prisons are almost one hundred years old! Can we now say that the prison and confinement are an established social reality in Africa?

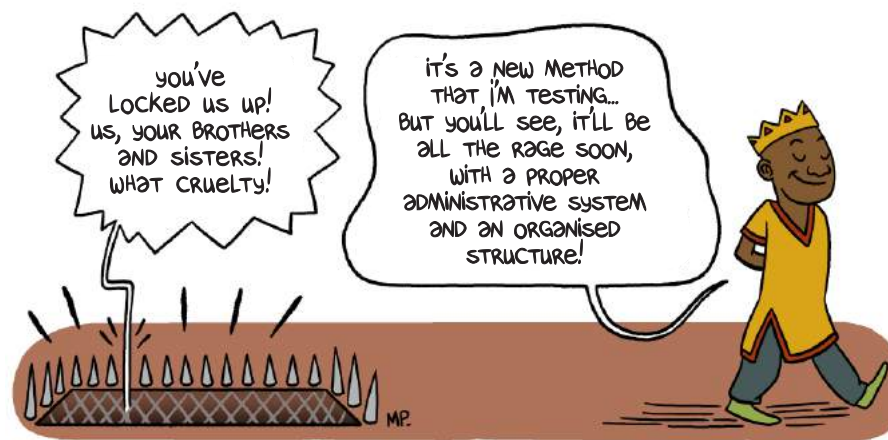


**Christine:** Yes, they are now a long-standing social reality that has been more or less appropriated in different countries, but whose instigation and inspiration largely came from abroad. Let's return to questions of vocabulary. These seem relevant, because the vocabulary that permeates a language is always symptomatic of something else. Earlier, I mentioned 'boloko', which means 'prison' in Lingala and Kikongo, coming from the Spanish term 'barracóns'. In languages like Kirundi, for example, which is the national language of Burundi (formerly part of Belgian Africa), they use 'agasho' for prison, which comes directly from the French word 'cachot'. Throughout East Africa, where Swahili is spoken as a *lingua franca*, they use the word 'jela' for prison, which comes directly from the English 'jail'. These semantic derivations exemplify the foreign influence of the prison phenomenon in Africa.

## Key takeaways

Punitive prisons were practically absent from precolonial Africa, although there were ritual, military, and economic forms of confinement, as well as 'proto-prisons' in some centralised states on the continent. The slave trade led to the establishment of quarantine areas and spaces for keeping captives, which gave Africans a taste of what was to come with prisons.

However, it was at the turn of the twentieth century that the punitive and correctional prison appeared, growing rapidly from the 1870s until the 1920s and 1930s. Today, semantic traces demonstrate the foreign influence of the prison phenomenon in Africa, since the vocabulary used in many African languages in relation to prisons and punitive confinement comes from European languages.



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## **Week 2.2**

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# **Prisons and colonisation**

# Prisons and colonisation

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**Christine Deslaurier**

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## The colonial prison: Behind the moral excuse, mass subjugation



**Yasmine:** What are the relations between prisons and colonisation? After the period of the slave trade and the conquest of Africa by the Europeans, institutions like the police and the army were developed, but so were prisons. How did the prison phenomenon become so widespread in Africa?



**Christine:** To understand the development of penitentiary institutions on the continent, we have to go back a bit and look at what the Europeans thought was their 'civilising mission'. The introduction of European penal justice was justified by the idea of moralising the punitive methods of old African societies, which were assumed to be too cruel, too savage, too violent. And indeed, torture and corporal punishment were used in precolonial African societies to punish deviants. So we should really analyse the introduction of prison sentences in the colonies from this perspective, as a break from old indigenous modes of punishment.



**Yasmine:** That echoes the debates over reform in Europe! Did it achieve its objective in Africa?



**Christine:** EWell, let's say that from the numerical perspective it did! In other words, there was a higher level of confinement, and the use of prison sentences as a sanction to punish criminals became

widespread. And, as the historian Ibrahima Thioub says, there was a massification of incarceration in Africa, essentially because everything was criminalised. Existing offences were multiplied, sometimes even invented on the spot, and therefore the number of incarcerations increased. However, corporal punishment did not completely disappear from the settlement of disputes in Africa, and, in particular, the meaning that reformers sought to give prison in Europe was completely transformed, even corrupted, once it came to the African continent, since confinement was completely reshaped for different uses that did not necessarily have to do with the moral reform of individuals.



**Yasmine:** You mentioned the ad hoc creation of offences, a perverted use of prisons... What do you mean by that exactly?



**Christine:** Simply that the so-called 'Western-style' or European prison was not just imported and used as-is on the continent. In the context that Foucault developed, it was a question of reforming individuals morally. In fact, in Africa, prison was mostly used as a tool for the subjugation of so-called 'indigenous' populations, and, as such, the penal dimension of confinement was made secondary. The aim of prison was above all to control territories, to lock down societies, and to put men to work. In fact, most of the time it was about putting inmates to work too, as a cheap and docile labour force, all in the framework of special legal regimes.

## The arbitrariness of the penal and prison systems in colonial Africa



**Yasmine:** You mention special regimes, why is that?



**Christine:** Because, almost everywhere on the continent, special laws were applied arbitrarily to populations that were judged differently based on their status. The most obvious example of the arbitrariness and confusion between administration and justice in Africa is that of French Africa. The Code de l'indigénat [The Native Code] was first established for the colony of Algeria in the mid-nineteenth century, then it was extended to French West Africa in 1881, and finally to the entire French Empire (including French Equatorial Africa and Madagascar) in the early twentieth century, around 1924. This Code de l'indigénat distinguished Africans ('indigenous people', therefore French subjects, colonial subjects) from Europeans or from those assimilated with them (a very small number: the few Africans who had citizenship, notably in the four communes in Senegal). The colonial administrator in the territories colonised by the French had practically absolute power to impose prison sentences and fines for all sorts of offences, some of which, as noted earlier, were created ad hoc when the populations showed resistance, or when the colonial administrator was seeking sufficient labour for works, roadworks, and other projects.



**Yasmine:** So, ultimately, the colonial administrator made laws that suited his own wishes and interests?



**Christine:** Yes! And he was usually the governor or the director of the prison. He was at the same time the *cercle*, regional, or territorial commander, depending on the location in French Africa, as well as the director of the prison.



**Yasmine:** What you are saying is that people were imprisoned when labour was needed. That is a true case of exploitation. Did this exploitation take place only in French colonial Africa or did it also occur elsewhere?



**Christine:** In the British colonial empire, in the Belgian colonial empire, and also marginally—since they did not last long—in the German and Italian colonies, what was practised in theory was what

was called 'indirect rule', which was supposed to be more respectful of African authorities. The judges were customary authorities, chiefs, and so on. In reality, very often when customary justice or native courts deviated slightly from the norms in force in the colonial metropole or when they were deemed inhuman by the colonisers, European penal justice would take over. Ultimately, native justice and European justice coexisted, but in the end, the level of incarceration in British, Belgian, and other colonies was just as high as in the French areas under the Code de l'indigénat.

## Racial segregation in colonial prisons



**Yasmine:** If I understand correctly, there was a two-tier justice system everywhere that distinguished between European citizens and African subjects?



**Christine:** Yes, precisely. In contrast with the prisons established in Europe, at least in theory, where inmates were citizens and legal subjects, colonial prisons participated in the construction of indigenous populations. In fact, colonial prison was like a mirror of colonial society itself in terms of its aspects of racial segregation and discrimination in social and political relationships based essentially on race.



**Yasmine:** You mentioned racial segregation, was that also expressed in different types of confinement, in the conditions of incarceration?



**Christine:** Absolutely! European criminals and offenders, for example, were not imprisoned—and, incidentally, this was written in the legal texts—with indigenous Africans. Even the worst criminals received special treatment in detention, in comparison with an indigenous person, for example, who did not pay a tax. This could be seen in better food and favourable individual confinement for Europeans, while Africans, who were considered to be gregarious, preferring to be in a community, tended to be kept in group cells. It was also found in the ease of access to visits, correspondence, treatment in the justice system, and more. So, clearly, yes, there was racial compartmentalisation and racial privilege for Europeans compared to indigenous people in prisons.



## Penitentiary rules and sanctions: The harshness of the colonial prison



**Yasmine:** What were the living conditions for indigenous prisoners?



**Christine:** Spartan! In general, African prisons, for Africans in any case, were built according to minimalist models. If we take the example of Belgian Africa, we have descriptions of how prisons should be built: a wooden plank to serve as bedding, and the volume of air and food rations were calculated based on the strict minimum necessary for the breathing and nutrition of inmates. And it is interesting to note that, in the case of Belgian Africa, the recommendations for inmates were based on the model of what was done for the soldiers of the Congolese Force publique. That shows that Congolese soldiers were treated no better than prisoners, although inmates of course had even fewer rights than Congolese soldiers.



**Yasmine:** You mention soldiers, was prison discipline also very military?



**Christine:** Yes, very military. There were sanctions for disorderly inmates, who could be placed on a chain gang or in solitary confinement; handcuffing and lashes were very widespread.

## Timid prison reformism after the Second World War



**Yasmine:** We can see that there was an extremely strict, repressive punitive regime. Did this last throughout the entire period of colonisation?



**Christine:** Let's say that after the Second World War the lines shifted slightly. First, because, in French Africa, the Code de l'indigénat was abolished in 1946, reducing the number of abusive incarcerations by administrators. Things also changed on the international level: international congresses of jurists and reformers were held where

they discussed the meaning of punishment and prison reform. Finally, the situation was simply calling out for a reaction because prison overpopulation, frequent epidemics (as a result of the overpopulation), a lack of privacy, and the poor treatment of inmates increased the likelihood of escapes, riots, and other situations. The colonial authorities therefore needed to respond to the situation. So there were some attempted reforms.



**Yasmine:** Did any of these attempts succeed?



**Christine:** Dolan's reforms in Nigeria are an interesting example here. Dolan was the director of prisons in Nigeria from 1946 to 1955, and he made significant efforts to improve the situation in prisons by doing things that seem simple and obvious to us today, but that were not necessarily so at the time: for example, separating juvenile and adult inmates, as well as men and women; making efforts to educate prisoners—and here we return to the Foucauldian vision—and therefore creating professional training for prisoners for after their release; and even paying prisoners for their labour so that they would have some savings to survive on once released.

## An impoverished prison legacy



**Yasmine:** Other than this example, what was the situation of prisons at the time of independence?



**Christine:** The colonial legacy for the states that achieved their independence in the 1960s and 1970s is a legacy of overcrowding, of prisons being at bursting point in terms of human capacity, of mostly dilapidated buildings, of frequent and recurring food shortages, and of utterly insufficient healthcare. There was also no vision for the future for the inmates or for the penitentiary system in general. And, unfortunately, the same can be found on the continent today to some extent.



**Yasmine:** Thank you, Christine. We can see how this colonial history sheds light on the contemporary prisons of Africa.

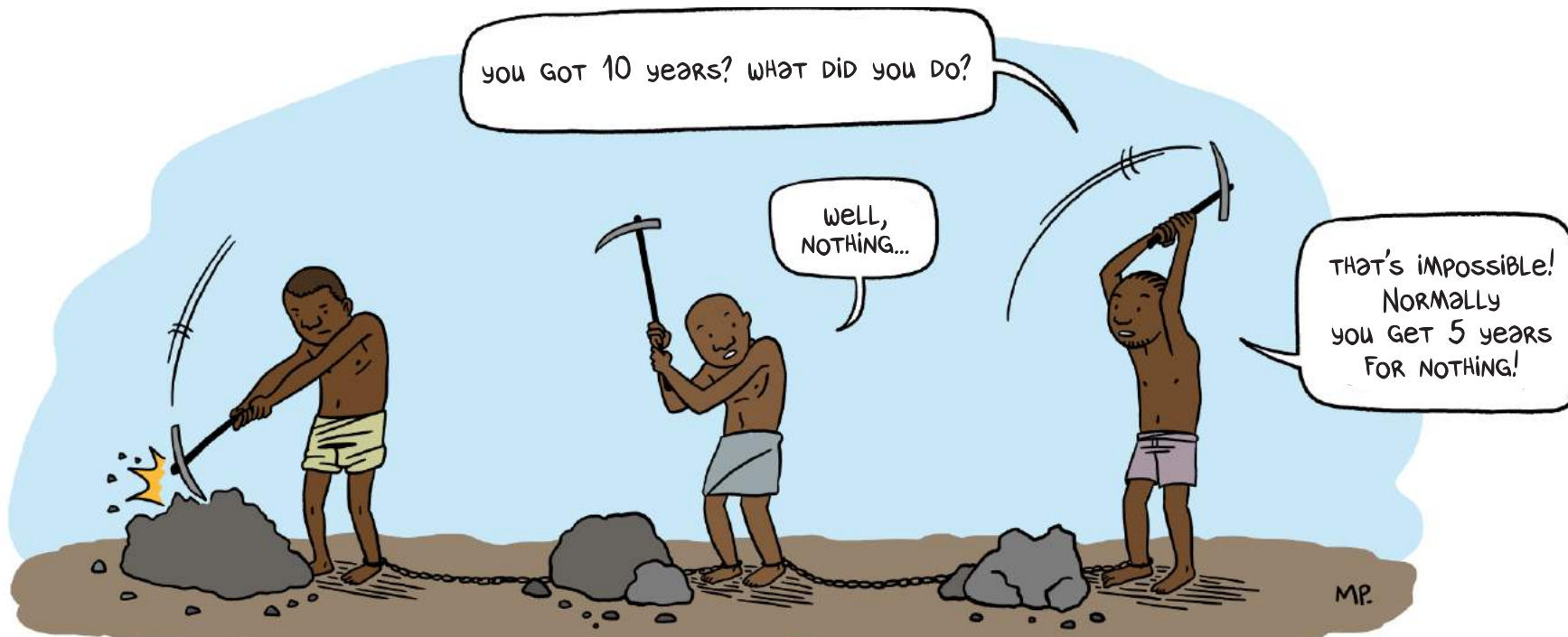
## Key takeaways

The establishment of colonial rule in Africa coincided with a significant increase in incarcerations, which, under the guise of the ‘civilising mission’, served primarily to subjugate and control African societies and populations.

In the territories colonised by the French, where the Code de l’indigénat fostered arbitrariness—as in the other colonial empires, where indirect rule was supposed to be more respectful of indigenous customs—, colonial justice represented a special legal regime. Prison reflected the racial segregation of colonial systems, and the harsh detention conditions led to destitution, health problems, and rebellions. Timid reforms after the Second World War had negligible effects on prison systems, which were left in a pitiful condition for the new independent African states in the 1960s.

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## **Week 2.3**

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### **Prison and penal labour in the colonies**

# Prison and penal labour in the colonies

**Christine Deslaurier**

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**Romain Tiquet**

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## Penal labour as an instrument of colonial economic exploitation



**Christine:** We will address the question of prison and penal labour in colonial Africa, a subject on which you have done extensive work. The Germans Rusche and Kirchheimer, in a rather well-known book, analysed the question of punishment and prison from the perspective of the capitalist economy, and they emphasised that systems of production tend to adapt their punitive methods and levels of imprisonment according to their needs. You work on questions of penal labour in the colonies: Have you taken an interest in these analyses?



**Romain:** The analyses developed by these two authors, Rusche and Kirchheimer, are interesting. They develop a useful argument for analysing penal labour in the colonial context: that of the positive determinants of punitive methods. In fact, they explain that, in addition to punishment as a sanction for a fault or a crime (which they qualify as a negative determinant), there is a positive counterpart to this sanction, rooted in the productive system itself. To quote them, they emphasise that slavery, for example, as a method of punishment, cannot exist outside a slave economy, or that prison labour would be unthinkable without industry. To stay in the colonial context, penal labour would in fact be meaningless if the exploitation of resources and the establishment of infrastructures to transport these resources had not been at the heart of colonial ambitions in Africa.



**Christine:** What do you mean by that, can you develop this point a little?



**Romain:** We have to keep in mind that the colonial enterprise was above all based on a desire for social control, but also on an obsession with putting to work and exploiting colonial subjects, who were called 'natives' at the time, in the French context of 'developing' the territories. Administrative requirements and forms of forced labour were established, as well as services, taxes, requisitions, forms of unpaid labour, and forced cultivation, which formed a very tight net of constraints from which it was difficult to escape. And when Africans, the so-called native populations, refused these constraints, they were sanctioned in the French context by the Code de l'indigénat and by other legal texts, and were sent to prison. Then, in prison, they were subjected to penal labour, which went along with the economic interests of the colonial metropolises.



**Christine:** So, everything that was said about the moral rehabilitation of natives, their intellectual or social rehabilitation, was nonsense?



**Romain:** You could put it that way! There was a moral discourse that presented education through labour as an issue of civilisation or moral rehabilitation, as you say. But, ultimately, penal labour primarily served economic objectives.

## The different forms of penal labour in the colonies



**Christine:** Christine: I know that, in Belgian colonial Africa or in British colonial Africa, prison populations were largely put to work to exploit the mines and to engage in public works. But for French Africa, which you are more familiar with, could you describe the different forms of penal labour that existed?



**Romain:** Penal labour could take place inside the prison, where, beyond their daily chores, inmates were used in productive work, such as in handicraft workshops, carpentry workshops, and so on. But they were also used outside the prison on private or public worksites to build roads and railways. And these forms of work, it is important to remember, also varied according to the specialisation of the colonies. Some colonies developed agricultural penitentiaries, like in Cameroon, Tunisia, and Algeria, where inmates participated in the cultivation of French colonial farms.

### 'Native' prisoners: A cheap workforce that could be subjected to unpaid labour



**Christine:** So, the idea to put inmates to work was clearly a productivist one? Was it a question of using a cheap labour force that could be subjected to unpaid labour at any time, because they were at the disposal of the prison authorities?



**Romain:** You could put it that way. The main goal, whether for the colonial administration or for private operators, was to minimise labour costs. In Senegal, I found an interesting document in the archives that compares the cost of a penal labour force for the construction of 100 kilometres of road with the cost of a private labour force. In the document, the cost of the penal labour force for 100 kilometres of road was 300,000 francs, while the private labour force would have cost 625,000 francs—so two times more. The following argument was developed in the document: 'Look, the use of penal labour is much more useful to the colonial administration because it is less expensive and makes it possible to exploit the colonies'.



**Christine:** From a capitalist point of view, it has much more of an interest. But was all this penal labour regulated, or did the prison directors do whatever they wanted?



**Romain:** In French West Africa, penal labour began to be regulated in 1927. It was made obligatory for all common law inmates and all inmates given a disciplinary punishment in accordance with the Code de l'indigénat. We should note that, at the time, European prisoners or those who had assimilated were not subjected to obligatory penal labour and often had much better living conditions in prison than indigenous inmates. To come back to these indigenous populations, they could be convicted for not paying taxes, for refusing to work or to provide services, and therefore subjected to penal labour, and this led to regulations that massively expanded the use of prisons in colonial Africa.

### The example of mobile penal camps in Senegal



**Christine:** In relation to the 100 kilometres of road to be constructed by inmates in Senegal, you mentioned in your research the notion of 'mobile penal camps'. Can explain what these are, exactly?



**Romain:** To put it into a more international context, in the 1930s the International Labour Organisation began to take an interest in and criticise the forms of forced labour in the colonial empires. The French colonial administration, particularly in Senegal, established three mobile penal camps in order to relieve congestion in civil prisons, to engage in a more rational use of the penal labour force, and to satisfy international public opinion that was increasingly critical of forced labour. These camps were prisons that used long-term inmates on worksites, which relocated on the discretion of the site. The camps exemplified the colonial economy of constraint, where there was a common use of low-cost inmates to develop the colonies in a context where penal labour was much more tolerated than other forms of forced labour.

### The ordeal of penal camps: Labour, surveillance, and forms of resistance



**Christine:** And do we have any idea, through the archives, of the living conditions of these inmates, these inmate-workers?



**Romain:** There is documentation in the archives, mainly from colonial doctors. The conditions were punishing and tragic. To put it briefly, there were inmates who worked ten hours a day, with a one hour break each day, and they had to travel ten kilometres to the worksite. They had rudimentary tools and the working conditions were terrible and led to frequent accidents. They returned at night to a camp with relatively basic architecture and were piled into dormitories with an alarming lack of privacy. These camps were surrounded by barbed wire like in penal camp C in Kelle, which I have studied extensively. Dogs were sent to prevent escapes. An interesting inspection report by a colonial doctor in 1942 records several wounds among the inmates, caused by vermin, working conditions, and other factors. The doctor describes the inmates as ‘human wrecks, sentenced irrevocably to death’.



**Christine:** Under these conditions, did the inmates ever revolt?



**Romain:** The inmates revolted daily, but in different ways: there could be collective actions, mutinies, or other alternative forms of resistance. In the archives, I mainly found complaints by inmates that got through censorship, criticising the hygiene, living conditions, working conditions, and the conditions of daily prison life. There were also many escapes. An interesting statistic from the 1930s shows that more than half of all inmates in Senegalese prisons had escaped at least once, often with help from the guards. And a final, somewhat peculiar form of resistance was self-mutilation, that is, intentional self-harm to avoid work.

### The value of detained bodies



**Christine:** I find this question of self-mutilation to be very interesting, because it appears that there are also documents from the time of the slave trade that show that many potential slaves intentionally harmed themselves to avoid deportation. So, what exactly does this say about inmates?



**Romain:** LHere again, it is an interesting question because it makes it possible to resituate the punitive system in a greater political economy, a political economy of the body, to borrow an expression from Foucault. The body is truly the first site of control of the penal space: as such, it can become a site of resistance. Populations, inmates, express their rejection of penal labour by

injuring themselves, by making themselves incapable of working. And it also makes it possible to think about the relationship between confinement and labour through the value given to individuals. The indigenous body takes on a certain value, since it must be in good health, capable of working, and if populations start to injure themselves, they will be incapable of working and will thus slow down, so to speak, the exploitation of the colonies. This relationship with the body is intimately linked to labour.

### The perpetuation of penal labour beyond forced labour



**Christine:** Returning to the mobile penal camps in Senegal that we were just discussing, how long did this form of penal labour exist?



**Romain:** The mobile penal camps in Senegal lasted until the eve of the independence era, with the interesting aspect that penal labour was tolerated, and you could say that it continued beyond an important date: 1946—the date when forced labour was abolished in the French colonies. Penal labour and penal camps continued beyond that point, with one interesting example: I have studied salt manufacturing, and there was a salt company in Senegal that was used during the Second World War, during the war effort, and because it could not find any free workers, it asked the administration to use penal labourers from the mobile camps. Inmates worked regularly and on a daily basis for this private company, from the 1940s until the eve of the independence era: that is, beyond the war, beyond the abolition of forced labour.



**Christine:** And what happened next? How long did it continue?



**Romain:** That is a rather interesting and delicate topic. We can consider that penal labour continues today. However, the situation is different. It is no longer a case of productive confinement in the proper sense of the term, as it was in the colonial period. Rather, it is more of a logic that responds to an absence, to a shortage in prisons: lack of health care, lack of materials, and so on. There are prisoners who use penal labour to ensure a brief respite, to improve their everyday conditions by building furniture, for example. The logic of penal labour is therefore really quite different today.



**Christine:** So, inmates now work for their own subsistence. Thank you very much, Romain.

## Key takeaways

In colonised Africa, prison enabled the control of the population, while at the same time providing a low-cost labour force for the public and private construction sites that participated in the 'development' of the colonies. We have therefore established a connection between penal labour and the use of prison as a means of social control.

Prison has fulfilled an important economic role for agricultural production and colonial infrastructure. The example of mobile penal camps in Senegal is representative of this usage, where inmates had no rights and were subjected to terrible daily conditions.

The colonial prison assumed a double role: that of a reserve labour force and that of the control of bodies. However, prisoners developed strategies of resistance to these constraints.

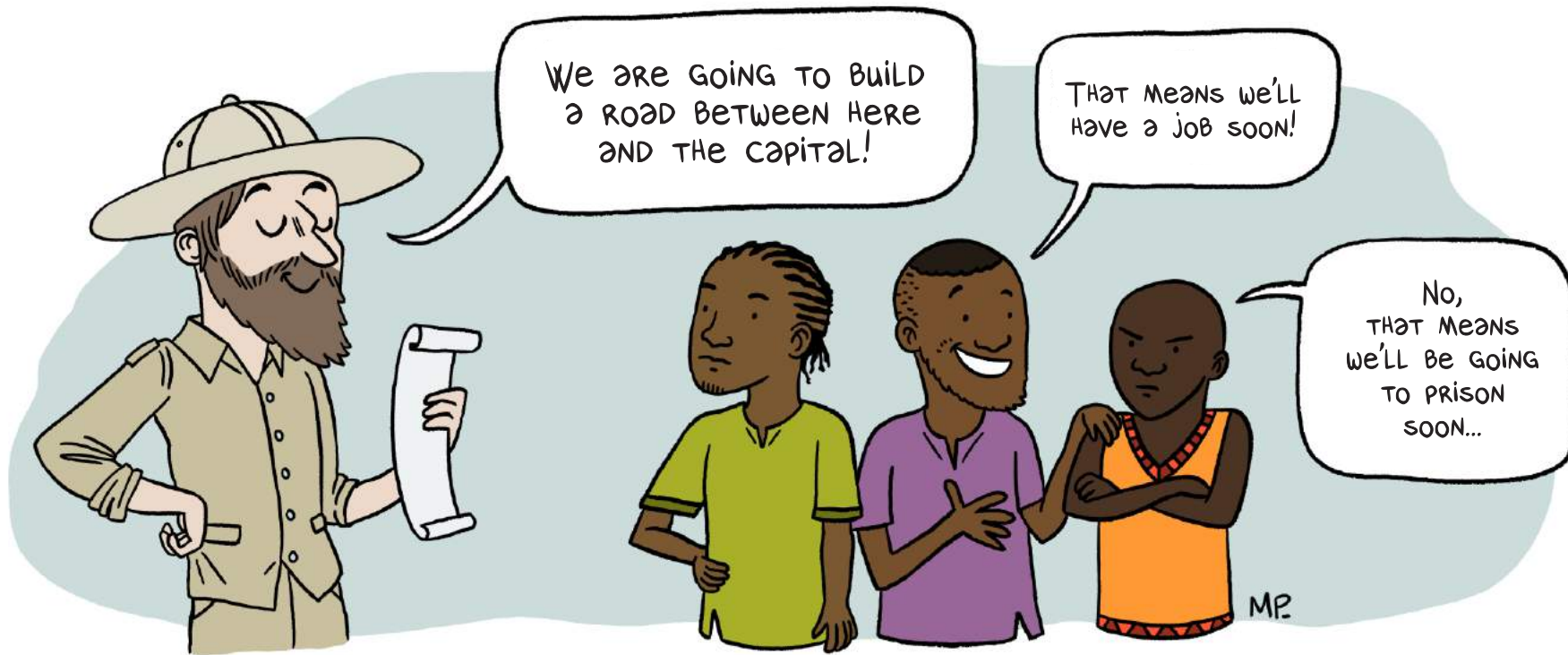
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**Week 2.4**

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**Prison  
and  
authorities**



# Prisons and authorities

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## 'Political' imprisonment in Africa and elsewhere



**Yasmine:** Today, we will be discussing the relationship between prison and authorities in Africa. When talking about African prisons, we often picture pathetic living conditions and overpopulation, but also political imprisonment, political prisoners. Is this one of the specific characteristics of African prisons?



**Christine:** Not at all. All authoritarian regimes around the world imprison their opponents and dissidents, and sometimes democracies do it too. As a reminder, the Groupe d'information sur les prisons [Prison Information Group] was founded by Michel Foucault and others in the early 1970s in a context where Maoist militants, for example, were being imprisoned. Therefore, democracies also have political prisoners.



**Yasmine:** Why do we have this persistent image of political imprisonment in Africa?



**Christine:** Because political imprisonment has a certain historical presence in Africa. Dictatorships flourished following independence in Africa, but also, certain African figures symbolised the 'political prisoner'. The most famous among them is certainly the figure of Nelson Mandela, who later became president of the Republic of South Africa. He was imprisoned for twenty-seven years. During his imprisonment, his face and his story were covered in the media beyond the continent. Thus, Mandela became an almost mythical figure of the political prisoner.

## Political imprisonment as a weapon of conquest and colonial control



**Yasmine:** You said that this political imprisonment flourished after the independence era, but did it also happen before?



**Christine:** Yes, indeed, the methods of repression used and abused by authoritarian and dictatorial regimes in post-independence Africa were widely used by the colonisers that preceded them. We could even go back further to the sovereigns who, in some kingdoms and empires, imprisoned their competitors or potential rivals, but it was really colonisation that kickstarted this process of imprisoning, marginalising, and deporting all dissidents and opponents, in fact anyone who did not go along with colonial conquest or, later, the colonial administration.



**Yasmine:** Is there is a sort of continuum to this political imprisonment?



**Christine:** Yes, a very clear historical continuum. I dare say that postcolonial dictatorial regimes found 'good' models in the colonial regimes that preceded them.



**Yasmine:** Do we have examples of this use of prisons by colonisers to establish their domination?



**Christine:** Yes, very clearly! During the colonial conquest, there was a very high number of imprisonments of African military leaders and war leaders who were fighting the advance of the colonial armies. One of the most emblematic examples is that of Samory Touré in the nineteenth century in West Africa. For years, he engaged in military struggles with rather sizeable armies against the French invasion. He was eventually captured after several years, then deported to Gabon to a prison island where several other political prisoners were incarcerated. He died on this island, very far from home and as a political exile.



**Yasmine:** Is this use of political imprisonment specific to particular moments of the colonial wars?



**Christine:** No, it is specific to colonisation as a whole, be it conquest, the establishment of colonial administrations, or, later, decolonisation. During or at the time of the establishment of colonial states, once they were in place and once administrations ruled the country, as soon as a leader, a deputy, or any person deemed subversive took a wrong step or spoke out in a way that might call into question this European domination, they were incarcerated or marginalised. There are some well-known examples that show that this was not only for political or nationalist speech. For example, Simon Kimbangu, who was the founder of a syncretic church called Kimbanguism, which is still active today, was convicted of sedition because he spoke of a return to African roots, of the struggle against the imposition of White domination, and he spent thirty years in prison, and he too died in detention. The Belgians, Belgian colonisation, even had a category in their legal texts for 'political prisoners' to isolate leaders and deputies from common inmates, from the 'hoi polloi', to avoid stoking too much emotion among the indigenous people, but this made it possible to remove all those who did not collaborate with the administration from colonisation and colonial governance.

### How spending time in prison paradoxically legitimised nationalist leaders



**Yasmine:** In order to avoid contamination, I imagine that the period of decolonisation was consequently a period of significant political imprisonment?



**Christine:** Absolutely! Many nationalist and independentist leaders were put in prison, and I would dare say that almost all of them spent time in prison at some point. And in a certain way, ironically, this also contributed to their legitimacy as leaders and to their later being seen as heroes. There are countless examples, you could mention Habib Bourguiba in Tunisia, Kwame Nkrumah in Ghana, Patrice Lumumba in the Congo, Jomo Kenyatta in Kenya, and many more. Many leaders went through prison before becoming the heads of state or prime ministers of their independent countries.

### Decolonisation wars and massive camps



**Yasmine:** We just spoke about the almost heroic figures of the fathers of independence, but by focusing on individuals, isn't there also a risk of forgetting the way populations were treated during this period of decolonisation struggles?



**Christine:** Precisely, and that was very important, particularly in the cases of decolonisations that did not go very well for the colonisers, with wars of independence and wars of liberation. In those places, there were mass imprisonments. I am thinking of the wars of independence in Algeria and Cameroon, but also in Kenya. What happened in Kenya was rather remarkable: thousands of people were put in internment camps who were not necessarily armed combatants of the insurrection, which was called the Mau Mau Uprising at the time, against which the British were fighting, but who were simply deemed to be complicit. And the camps were truly massive.



**Yasmine:** Some researchers even talk about a 'British gulag' in Africa?



**Christine:** Yes, exactly. And you have to remember that these thousands of inmates were not held in prisons. They were actually placed in camps that were built ad hoc and in a hurry, because, if I dare say, they were imprisoned by the shovel-load; there was truly a huge number of inmates. These camps were sometimes established in no man's land, surrounded by barbed wire, tents, rudimentary buildings; they almost remind you of refugee camps today—very rudimentary.

## Colonial legacy and postcolonial uses of political prison



**Yasmine:** Do these historical precedents from the colonial period help explain the very high levels of political imprisonment in Africa?



**Christine:** Yes, certainly. Because of the fact that there were these customs in the management of dissidence and criminality through violence, through prisons, postcolonial regimes in turn used prisons and brutality to silence dissidents. From the African point of view, however, in postcolonial regimes, the imposition of single parties, the personalisation of power, and authoritarianism also aggravated the situation.



**Yasmine:** In the postcolonial period, there is therefore a very significant political usage of prison; could you tell us more about this?



**Christine:** The litany of sordid cases and lengthy individual or mass imprisonments of dissidents is so extensive, especially in the 1970s and 1980s, that it would take too long to go through them all. But we can cite two very emblematic examples. For example, in Guinea, almost all Guineans remember Camp Boiro, the most sinister prison at the time of Sékou Touré, where thousands of opponents or even mere citizens were imprisoned and died under torture or due to what was called the 'black diet', where they stopped giving food and water to inmates. Another very symptomatic case of what happened in Africa with the personalisation of the treatment of inmates is what was called 'la piscine' ['the pool'], in Chad, where Hissène Habré, a dictator in the 1980s, imprisoned people individually in underground cells where many died or were tortured. We therefore have these emblematic cases of the nature of political prisons in Africa.



**Yasmine:** These are emblematic cases that captured people's attention, but how can we know precisely what was going on in these prisons?

## An abundant prison literature



**Christine:** Political inmates—or at least those who were able to leave prison or those who were able to get writings out—have spoken out. They have written testimonies about their living conditions. This was not the case of all inmates! Common law inmates often did not have the level of education or literacy required to produce a written testimony. However, the prison experience forms an entire genre of literature, to the point that there are even anthologies of prison accounts. Thanks to political inmates, we have a lot of examples, testimonies, and accounts of the prison experience. Some books are emblematic: you know *Cristal* by Gilbert Naccache, written on cigarette packs, or rather the paper wrapping of cigarette packs; Ken Saro-Wiwa, the eminent Nigerian poet and writer who, just before his public hanging, was able to get an account out of prison, which was later published. There were many accounts and testimonies published in Cameroon and in Côte-d'Ivoire, as well as novels on Mali and Egypt, that discuss the prison experience.

## Prison and political powers today



**Yasmine:** There is an entire literature of this experience of political imprisonment. Has the situation changed today?



**Christine:** Yes and no. No, because regimes continue to imprison many opponents using charges that are sometimes instrumentalised: corruption, threat to internal state security, even terrorism sometimes, which can serve to mask political imprisonment. But also, yes, it has improved in a way. Why? Because the actions of civil societies have greatly developed over the past twenty years; laws have also been developed and applied; there is national and international media pressure... And in all these contexts where there is a demand for democracy in Africa, it has become harder to keep political prisoners incarcerated for long periods. It is more publicised, and therefore it can be more difficult for political regimes to keep individuals or groups of individuals in prison for long periods for purely ideological or political reasons.

## Key takeaways

‘Political’ imprisonment is not specific to Africa, but the lasting representation of the incarceration of opponents on the continent is linked to widespread symbols and practices. There is a long colonial history of the political uses of imprisonment, from the period of colonial conquest to decolonisation, which fuelled the brutal practices of political imprisonment in certain postcolonial authoritarian regimes.

These practices have had a lasting impact on the memories of African societies, and a genuine ‘library’ on the prison experience has amassed, with the publication of the accounts and testimonies of political prisoners, which has contributed to the image and imaginary of the ‘political prison’ in Africa.

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## **Week 2.5**

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### **Prison and political transitions**

# Prison and political transitions

**Yasmine Bouagga**

Research fellow in social sciences at CNRS, Triangle, Ecoppaf programme

**Christine Deslaurier**

Research fellow in history at IRD, IMAf, and the University of Burundi, Ecoppaf programme

## The impact of political regime changes on prisons



**Yasmine:** What are the relations between prison and political transitions? Prison is a tool for constructing political domination and it is a key issue during changes of power. What can we say about the variations in the link between prison and authorities in Africa?



**Christine:** Prison has always been adjusted to the ideologies and discourses of the regimes in power or those that want to take power. Therefore, the filling of prisons, as well as the releases and pardons that can take place during a regime change, are always subject to the twists and turns of history. And, Yasmine, you are well aware of this in the case of Tunisia.



**Yasmine:** It's true! If we think about it, Tunisia post-independence, from Bourguiba to Ben Ali, used prison extensively in order to build power, be it for Bourguiba to build his power against the 'Youssefist sedition' in the 1960s and against the perspectivist movement in the 1970s and 1980s, or for Ben Ali to establish his political transition and mark a breakthrough through a large-scale liberation upon taking power, which he then counterbalanced with the imprisonment of Islamists in the 1990s and 2000s.



**Christine:** There are ebbs and flows, and it reminds me a bit of the recent political transitions that have taken place in Africa, in particular in Gambia and Zimbabwe in 2017. One of the first measures taken by the successors of toppled or deposed leaders (Yahya Jammeh in Gambia and Robert Mugabe in Zimbabwe) has been to announce or to actually carry out the liberation of prisoners. It is as if this moment of political transition was supposed to be a moment of action on prisons.



**Yasmine:** Can we then say that these political changes are opportunities for prisoners to be freed?



**Christine:** Let's say that to the extent that there are quote, unquote 'opportunities' to be imprisoned when there are political and military crises, correspondingly, when there are peace negotiations, crisis recoveries, and democratic transitions, then, yes, prisoners tend to become stakes in this peace or this crisis recovery. And in many discussions of peace treaties, this question of the liberation of prisoners, be they political or not—because they are sometimes denied the status of 'political prisoners'—is a central issue and a point of negotiation.

## Prisons and crisis recoveries: From prison disputes to penal reform, the example of Burundi



**Yasmine:** Since you work on Burundi in particular, I imagine that in the case of this country, the question of prisons must have been particularly important?



**Christine:** Absolutely. It is an interesting case. In Burundi, there was what was called the '*contentieux de 1993*' ['1993 dispute']. A civil war broke out between 1993 and 2000, with political and ethnic massacres. During this time, thousands of prisoners filled Burundian cells and jails. These included people accused of killing their neighbours, of participating in rebellions, among other things. When the negotiations between the armed factions and the government took place, in the 2000s, one key thing at stake in the negotiations (among others, of course) was the release of these prisoners.

It was rather complicated because some people argued, ‘They are real criminals, they killed my neighbour, etc.’, while others said, ‘Yes, but if they are not seen as political prisoners, if their demands and what they did are not seen as taking place in an ideological and political context at a given time, then the peace treaty will not be signed and the war will not end.’ Therefore, it was a crucial issue, and if this clause on the release of prisoners had not been included, if there had not been commissions established to free these prisoners by the thousands, the peace treaty would probably not have been signed or enacted.



**Yasmine:** But can this strategy for crisis recovery be reduced to the freeing of prisoners?



**Christine:** Relieving prison congestion and releasing prisoners are generally a result of crisis recoveries and democratic transitions. But they are not the only things that democratic transitions and crisis recoveries do. What also occurs is that more thought is given to the meaning of prison and the meaning of punishment. Not only about who we put in prison but why we put them in prison. Political transitions are in fact moments that are conducive to penitentiary reform.

Let us return to the case of Burundi that I am very familiar with. The results of the peace dialogue moved towards the release of some prisoners, but just after the establishment of a new government, or at least in the transition that preceded it, a new penal code and new penitentiary regulations were put in place; bodies were established to verify the living conditions of prisoners and the end of torture; and civil society associations were created and authorised to verify that these bodies and these penal codes or penitentiary regulations were respected. Therefore, it shifted the lines for prisons—that much is clear.

In this history of post-war reform in Burundi, Nelson Mandela played a role that deserves to be highlighted, not only because he was the lead negotiator of the peace treaties, but also because he was, I would remind you, one of the most famous political prisoners of his time. His intervention had a profound impact on penitentiary reform in Burundi.

## The paradox of post-apartheid prisons in South Africa



**Yasmine:** That echoes back to the political transition in Tunisia after 2011, after the fall of Ben Ali! But since you mentioned Nelson Mandela, was there was a Mandela effect on the situation in South Africa?



**Christine:** There was an effect, but it was a rather paradoxical one. We were talking earlier about relieving the congestion of prisons. In fact, after Mandela’s election as President of South Africa in 1994, there were reforms: a law was passed on correctional services and the death penalty was abolished in order to integrate the human rights of inmates into penitentiary policies. At the same time, however, the Penal Code or the Criminal Code was strengthened, and even though there was a phase of release associated with the end of apartheid and the victory of the former supporters of the African National Congress, suddenly the prisons were filled once again due to the criminality and violence in South Africa. Therefore, the effect was rather paradoxical.

## Prison-symbols: Heritage status and the denial of memory



**Yasmine:** So, paradoxically, there are more people in prison in post-apartheid South Africa, and yet I believe I heard that some prisons had been closed?



**Christine:** Yes, including the most famous one, Robben Island, which was the prison where Nelson Mandela was held for almost thirty years. It was not the only one to be closed, but, in any case, it was where many political prisoners were detained during apartheid. And, in fact, Robben Island is interesting because it became a prison... well, first it was closed in 1996, soon after Mandela’s election, then it became a national museum, and finally it was added to the UNESCO World Heritage List, which tells you something about the history of this prison! On this topic, I find it interesting to show that this heritage status is rather symptomatic of what the new regime wants to do with his memory, in particular his memory in relation to prison. Because not all prisons became museums. Sometimes prisons with a dark reputation are either abandoned, like Camp Boiro in Guinea, which, as if there were a denial of memory about this camp, people ‘forgot’ was a penitentiary camp;

or, conversely, there are prisons that have been maintained in their original state to serve as evidence in trials against dictators. I am thinking in particular of 'la piscine', or what was called 'la piscine', which was the personal prison of the dictator Hissène Habré in Chad, and which served as evidence in the trial against him.



**Yasmine:** So, there are different forms of giving heritage status, or, conversely, of denying prisons, that influence the way in which new powers identify themselves?



**Christine:** Yes, and sometimes prisons also continue to be used the same way as they were before. This is also a form of denial, since they just put on a coat of paint and hope that the memory and history will go away. But yes, there is something of interest in what happens to prisons once the transition has taken place.

## Key takeaways

Political transitions (regime changes or the end of conflicts) often represent opportunities for the mass release of prisoners, both political and otherwise. Beyond relieving prison congestion, they are also periods for reflection on the meaning of prison, and times when penal and judiciary reforms are launched.

These developments can have an immediate impact (in Burundi, the settling of the '1993 dispute' has been linked to the laying down of weapons) or paradoxical effects (in South Africa, the post-apartheid penal reform saturated the prisons that had just been emptied). In any case, it is clear that prison and its uses are subject to the twists and turns of history and construct the regimes that take an interest in them. The images of prisons that these regimes construct are reflected in the ways in which they deal with them—whether they are turned into museums, abandoned, or simply patched up.

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## The MUSEUMIFICATION OF PRISONS







**Week 3**

### Frédéric Le Marcis



Michel Foucault and Erving Goffman are two canonical authors in Western thought on prisons, but they are also important for those interested in prisons in Africa. Why? Because their theories are real toolkits! In short, Marie, their theories help us to understand how prison is organised, how it is administrated, and how it is managed.

### Marie Morelle



They also help us to gain a better understanding of the tangible effects of prison, as well as the social uses of prison sentences: Who do we imprison? Why do we imprison? Can we speak of a failure of prison? All of these questions have been addressed by these authors in relation to Western societies and they make complete sense for African societies, too.



## **Week 3.1**

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**What  
prison  
tells us**

# What prison tells us

**Frédéric Le Marcis**

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**Marie Morelle**

HDR lecturer in geography, université Paris 1 Panthéon Sorbonne, Prodig, programme Ecoppaf

## The birth of the prison?



**Frédéric:** Among the books on prisons, one essential work is *Discipline and Punish* by Michel Foucault. What can you tell us about the central theme of this book?



**Marie:** Michel Foucault focuses on the history of punishment and looks at the 'metamorphosis of punitive methods', as well as the 'birth of the prison', which is incidentally the subtitle of his work. Michel Foucault studies the turning point in methods of punishment in France between the eighteenth and nineteenth centuries. He looks at the moment when punishment shifted from torture to incarceration.



**Frédéric:** Is it the work of a historian then?



**Marie:** Not exactly. Michel Foucault wants to understand how prison came to be the only acceptable form of punishment. He wants to understand what makes it possible, what legitimises it. One thing that is interesting to remember is that Michel Foucault wrote *Discipline and Punish* in the 1970s. At the time, there were revolts in French prisons, leftist activists were incarcerated, and prison was truly a topic of critical debate. In this context, Michel Foucault signed a manifesto, along with others, in 1971, which led to the creation of the GIP, the Groupe d'information sur les prisons [Prison Information Group]. The aim of this group was to build knowledge on prisons with the goal of changing them.



**Frédéric:** He signed the manifesto along with Daniel Defert, Pierre Vidal-Naquet, and Jean-Marie Domenach.



**Marie:** Yes.

## The disciplinary society



**Frédéric:** What then is the meaning of prison for Foucault?



**Marie:** What is interesting is that Michel Foucault does not tell us that prison only serves to punish crimes. He tells us that it has another function: to monitor and discipline the individual. He studies a moment of change in French history: significant demographic growth, new agricultural and industrial technologies, and, finally, new production. And in this context, you have to think about how to situate bodies, how to use individuals, how to make them as useful as possible and increase their performance. In this context, prison becomes a disciplinary institution. But it is not the only one: there are also hospitals, barracks, schools, and factories. These allow the management of people.



**Frédéric:** Yes, later in his work, Foucault called it pastoral power, in other words, the way the state takes charge of the population like a good shepherd in order to improve the lives and health of populations. I was wondering how this system you mentioned works practically in prison.

## Prison as a way of understanding the exercise of disciplinary power



**Marie:** Let us take an example: the Yaoundé Central Prison, but we could take other prisons in other countries. As you approach the Yaoundé prison, the first things you see are walls and watchtowers. Then you come to a door monitored by guards. Normally, you can only come on certain days, visiting days, at certain times, and you must have authorisation. Let's imagine we have all of this and we enter the prison. You go



Yaoundé Central Prison 2013 ©Thomas Chatelet

through a first courtyard, then you enter a second courtyard, and in this second courtyard there are doors that lead to the cell blocks, and in these cell blocks, there are shared cells. There is therefore a real partition of the prison space.



**Frédéric:** I understand the architectural description, but how can this be analysed?



**Marie:** Prison excludes, suppresses, and prevents, but it also enables surveillance. The idea is to place bodies, to assign individuals to spaces, in order to be able to control their schedule, what they do, and, finally, to know them. And this project of knowledge about individuals should allow more power over them.



**Frédéric:** Could you give us an example of how it works in Cameroon?



**Marie:** In Cameroon, in the prison I just described, there is the idea that people are placed in certain cell blocks, in certain cells, in order to control their movements and their schedule. There are also other forms of rationalisation: meals are held at a given time during the day, collectively, with food distributed in a series of bowls.



**Frédéric:** Prison in Africa was introduced to divide up the territory, to categorize populations, to put some to work through forced labour, but also to separate others by punishing them with prison sentences?



**Marie:** Precisely. Prison teaches us about power relations, and on several levels: both inside the prison and in terms of what prison allows with regard to the control of a territory. That said, I have given you a first description of a prison, that of Yaoundé. However, we need to take a step back. There is a second description that is important. In the Yaoundé Central Prison, there is capacity for about 800 prisoners. And, in general, there are between 3,000 and 4,000 inmates. There are two cell blocks that hold 1,500 and sometimes more than 1,800 inmates.

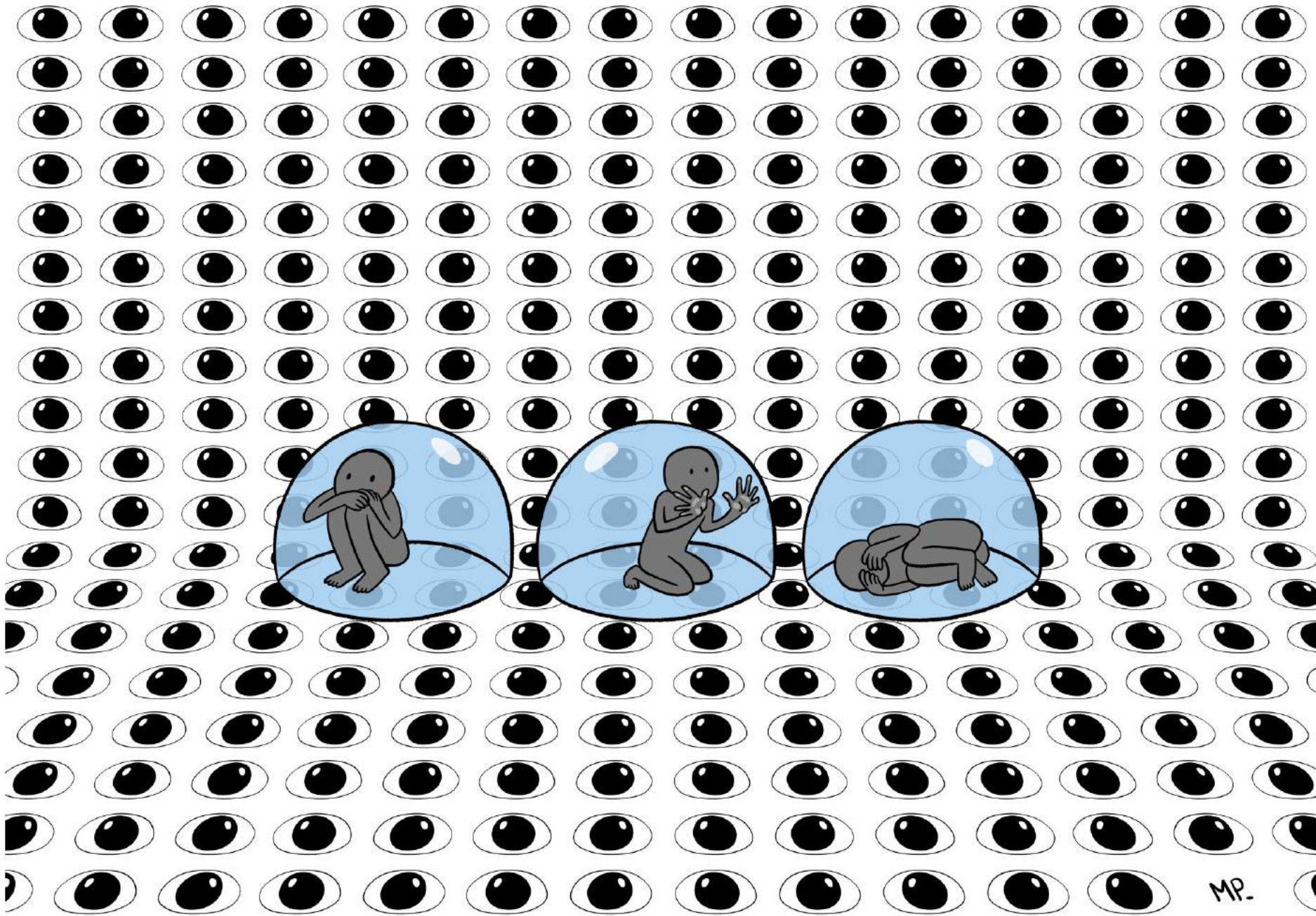
## Key takeaways: Moving beyond the idea of a deviation from the model

**If Foucault's model is so different to reality, what is the point of studying Foucault? There is certainly a gap between reality and what is described in Discipline and Punish. In reality, prison is often solely a place of relegation. There is not so much training or education activity, and what does exist is insufficient, useless, and ineffective. Several historians who have worked on prisons in Europe and Latin America as well as Africa have criticised Discipline and Punish. They have said that Foucault studied prisons without prisoners, that he did not pay enough attention to disturbances or forms of resistance.**

**However, Foucault never claimed to be creating a model, nor are African prisons avatars of one, and our goal is not to measure the deviation from such a template. Michel Foucault's reasoning, his idea, was to provide a toolkit. And these tools should help us to understand what prison is, what it tells us about a society, and how it punishes. In fact, studying prisons should help us to understand how power is exercised over individuals, their bodies, and their lives.**

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## **Week 3.2**

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### **Forms of work in prison**

# Forms of work in prison

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**Habmo Birwe**

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## The history of penal labour



**Marie:** Here we will discuss penal labour. Habmo, you are currently undertaking doctoral research in Cameroon, and your focus is on work in prisons. Is this a recent topic?



**Habmo:** Not at all. The history of penal labour should be placed in a historical perspective. In Africa, it overlaps with the history of colonisation. By using penal labour, prisons provided colonies with a low-cost labour force for public and private worksites. More broadly, penal labour was used to control populations and to punish them, including when they rejected certain administrative constraints. In Cameroon there were also agricultural penitentiaries.

## Work and prison reform



**Marie:** And what is penal labour like today?



**Habmo:** In Europe, in the 1930s, Rusche and Kirchheimer were the first to take an interest in the relationship between labour and prison. For them, specific methods of punishment and practices of putting to work correspond to a given moment, to a phase of economic development. Today, it is important to think about the different goals of work in prisons.



**Marie:** What are the contemporary justifications of penal labour?



**Habmo:** Today, African states are subjected to demands from many international organisations and institutional donors that call for a rethinking of the rule of law. Programmes related to prisons are therefore part of these projects. To humanise detention conditions, work becomes in a way one of the elements of prison reform, through rehabilitative work, as opposed to the strictly punitive dimension of incarceration.



**Marie:** How is it taking place in Cameroon?



**Habmo:** In Cameroon, thirteen years ago, some priests created a carpentry workshop in a prison. During its thirteen years of existence, this workshop has already trained around sixty inmates. While the operation and financing of this workshop are managed by priests of the archdiocese, and primarily by the service for charity work, the selection of the inmates participating in the training, the work schedule, and discipline all fall to the penitentiary administration. In 2008, European funding enabled the creation of a soldering and sewing workshop. The reorganisation of some prisons and the creation of workspaces are justified by a logic of rehabilitation and resocialisation.

## Questioning the functions of penal labour



**Marie:** So, penal labour serves a project of rehabilitation?



**Habmo:** It's not that simple. We are caught between different priorities here: following colonial penal labour, Cameroonian penitentiary laws in 1992 provided for the existence of production prisons. Once again, there was the intention to turn inmates into a labour force that would



benefit the exploitation of the territory. More recently, some donors and prison governors have defined the reinstatement of labour in the fields as a measure for improving prison rations. Financing agricultural activities then becomes a way to combat malnutrition and undernutrition. These projects unfortunately face the problem of escapes.



**Marie:** What do you mean?



**Habmo:** The imperatives to produce and to rehabilitate collide with the security imperative. Leaving the prison to go and work in the fields leads to the risk of escape. It has also led to a gendered management of these activities. In Cameroon, one governor wrote an internal rule limiting the number of women who could leave to work after several women returned pregnant.



**Marie:** Michel Foucault explains that prison is an institution with a disciplinary function. Here, you are telling me about escapes, pregnant women, and even labour that covers for deficiencies in prison. I'm a little lost!



**Habmo:** Let us take the example of the carpentry workshop. Its financing and operation are covered by the archdiocese. But the selection of inmates, the work schedule, and monitoring are the responsibility of the penitentiary administration. The person responsible for the carpentry woodwork, who is neither an inmate nor a prison agent, sometimes faces difficulties based on the dual hierarchy. On one side, there is the governor, and on the other, the chaplain. When this workshop was first created, the priests were involved in the selection process. Along with an evaluation of the motivation of candidates confirmed by the trainer, one of the head guards had to confirm or examine the good behaviour and good morals of the inmates. For their part, the priests had to encourage inmates who were candidates for the training programme to express their attachment to the Christian faith and the Catholic Church. In recent years, with the change in personnel and in particular a change at the head of the prison, the priests have been sidelined from the selection process.



**Marie:** What you are describing here is a logic of selection between good and bad inmates. Those who can be rehabilitated and those who cannot, those who would eventually be useful to society, is that right?



**Habmo:** Once again, it is not that simple. The carpentry workshop, because of its distance from the prison (five or six metres), also represents a place for trafficking and escape. Since the workshop opened, four of the inmates training there have escaped. And many others do not necessarily go out of love for the profession or for the training, but rather to traffic goods, to take advantage of the freedom to come and go between the city and the prison in order to bring in large amounts of products, pills, cigarettes, and drugs. In other prisons, workshops serve less as training spaces than as workspaces for inmates who are already trained in another trade. The workshop therefore produces wealth, but not through the training it provides.

## Informal work in prison



**Marie:** What then should we think about penal labour?



**Habmo:** In reality, professional activities in prison are rare. In any case, they are insignificant compared to the high number of inmates. Work in prison comes more from individual initiatives. Inmates negotiate with the guards and the prison directors. Some work as traders, other as barbers, and so on. For example, in Cameroon, a barber can charge 100 francs for a haircut; he can cut the hair of five to six people per day. He cuts both the guards' hair and his fellow inmates' hair. With this money, he can buy soap, he can buy food, and he can pay other inmates to wash his clothes.



**Marie:** Is this the case in other countries too?



**Habmo:** At the Abidjan Detention and Correctional Centre, the MACA, in Côte d'Ivoire, for example, the container where rubbish is placed is called SOCOCE by the inmates, after the name of a department store in the city. The name refers to the fact that inmates recover many articles from it that they recycle into the prison's informal economy. Items can range from fans with electrical resistors to old plastic sandals worn down to the last thread.



**Marie:** What do these activities tell us about prison and how it works?



**Habmo:** In a context characterised by scarcity, this panoply of informal activities generates a great deal of revenue. And it gives a certain status to inmates. It also grants them a certain influence within prison. In addition, it makes it possible to pacify the cell blocks by tolerating the existence of these activities, even when it is a question of illegal trafficking. Work is also a set of activities that exist alongside rehabilitation policies or work programs in penitentiary spaces and establishments: for example, washing fellow inmates' clothes or washing guards' motorcycles. In short, you have to think about all these informal activities that inmates perform in prison and that generate a lot of revenue. These activities are not always considered to be work in their own right, but they really should be.

### Working in prison, and after?



**Marie:** I have one last question. You spoke about training workshops. They are not sufficient and some inmates who work there already had training before their incarceration. When they leave prison, do they consistently find work?

**Habmo:** Good question! When it comes to rehabilitation, who is being trained? For what? With what future prospects in mind? What jobs will be found by these former inmates, who often come from working-class neighbourhoods? We may ask to what extent their incarceration comes more from a logic of marginalising and controlling working-class economies.



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## Key takeaways

Work has been an integral part of the functioning of prisons since the colonial era. Over the decades, it has fluctuated between a logic of exploitation of the prison labour force and a project of rehabilitation in the name of human rights. However, we observe that these efforts at rehabilitation are rare and often clash with other priorities, particularly in relation to security. We might also ask ourselves about the prospects for reintegration in various socio-economic contexts across Africa. Finally, there are other, informal, kinds of work that go unrecognised, but that play a key role in the functioning of the institution by generating revenue and structuring relations within prisons.





## **Week 3.3**

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**Who  
governs  
prisons?**

# Who governs prisons?

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**Jules Kabuye (pseudonym)**

Former inmate of the Mpimba prison in Bujumbura, Burundi

## Spaces and hierarchies



**Frédéric:** In *Discipline and Punish*, Michel Foucault considers prison to be an instrument of discipline. But when we learn about the rates of overpopulation, we have to ask how can you organise the movements, schedules, and activities of inmates?



**Marie:** Yes! But we must go beyond this impression of excess, of overflowing. When you arrive in prison, you first go to the prison records office and then you generally spend some time in a holding cell before being assigned to a cell block with available cells. Assignment to a block depends on certain criteria: age, sex, and sometimes the reason for incarceration.

There will also be another factor: your ability to negotiate your assignment and, potentially, your ability to pay. If I take the example of Yaoundé Central Prison, there are some inmates who are assigned to what is called the *upper* prison, the so-called blocks of 'leaders', where you find civil servants and sometimes former directors of major companies. These blocks are obviously contrasted with other areas, where people who have more trouble negotiating are likely placed. All these blocks are called the *lower* prison: they contain poor inmates, but also some veterans of the prison system.

## Institutional and informal logics



**Frédéric:** How is life in prison structured, in concrete terms?



**Marie:** You not only have to know how to negotiate your assigned cell block and cell, but also, in the situations of overpopulation that you mentioned, there is the issue of finding a bed or, more precisely, a bed frame. And if I take the example of Cameroon, the bed frame is a *mandat* [mandate]. Here, you can negotiate to have a *mandat*—you can become *mandataire* [mandatary]. Or, conversely, you become a *dorment-à-terre* [ground-sleeper].



**Frédéric:** In any case, this means that there are hierarchies in prison.



**Marie:** Yes, first and foremost there are inequalities. How you *faire sa prison* [do your time], as some inmates say, depends on your social origins. We mentioned beds, but there is also the question of food. This is what a former inmate of the Mpimba prison in Burundi states:



**Jules:** These blocks are really for those of low status: for prisoners that receive no assistance, not from their family and not from the government. These are prisoners that take advantage of or benefit from government rations. They're people of low status.



**Marie:** There are inequalities, as we just saw, and there are also hierarchies, as you said. Often, the way these hierarchies are put into words produces or echoes certain spheres, for example, the military sphere. This is another thing that the former inmate at the Mpimba prison in Burundi bears witness to.



**Jules:** Blocks are governed by generals. We call them generals, but they are not generals in rank, no, we just call them generals or *capitas*. They are the ones responsible for telling you about the organisation of the block you're assigned to. (...) The directors appoint them and they

have as many as they want. Because there are criteria that you have to meet just to be a *capita* or general. In other words, you have to be a convict. A pre-trial detainee, like I was, couldn't have these roles. Even a prisoner who has already been sentenced but whose case is on appeal isn't eligible for these roles. Being an already-sentenced prisoner is one of the conditions. The second condition is to be on good terms with the governor, with the directors. And now, when you learn that you have to be a member of the ruling party, it becomes even more complicated. (...) Being a general, when you go to the directors, you're not required to wear a uniform. When you're a general, you leave every day and return at 8 p.m. You don't have to be like the other prisoners when you're a general—obviously I'm talking about the main general and the deputy main general, the other generals remain in prison. And then there's the right to a telephone, a mobile phone. They have the right to some benefits, like a phone to call the authorities in case of a problem, in case of subversive activity in prison, yes. It becomes a work tool.

**Marie:** We can see that there are forms of delegation of authority to certain inmates. There are inmates who are responsible for monitoring the courtyard, cell blocks, and cells. They manage the distribution of beds, as I mentioned. They organise full participation in the cleaning of cells and common areas. Here again, not everyone participates equally: there are some who can pay and don't have to do anything; they sometimes even have television sets. On the other hand, there are those who have to pay fees to watch television, and when they have no money, they do certain things, like cleaning. What we can learn here as well is that guards do not know all the inmates, which is the reason for these forms of delegation.



## Being a prison guard



**Frédéric:** Guards seem to be absent from this description.



**Marie:** In fact, there are several points to think about. First: Who are these guards? This is a context where there are often not many salaried jobs. It is hard to get into the civil service. If there is a competi-

tive exam to become a guard and you succeed, then you're not going to hesitate, but it is not necessarily a job you choose by default. And there are many guards who feel like they are not held in high esteem, especially compared to the police or military.



**Frédéric:** All those that we call the 'uniformed services'?



**Marie:** Yes, that's right.



**Frédéric:** What does the career of these guards look like?



**Marie:** According to them, it does not look good. They say that their salary is low, that pay rises are infrequent and not very substantial. Some say that opportunities for career mobility are hard to find. Others say that they are often transferred, and, after a while, their families no longer follow them. There are also guards who say: 'I absolutely do not want to be assigned to a rural prison', because the inmates there have to be taken out into the fields and there is the risk of escape. And there are others who want to be assigned to large urban prisons because you can sometimes meet important people there, former CEOs or ministers. They say that it might widen their networks of contacts and make it possible to exchange favours. So we can observe in passing that guards participate in these forms of categorising inmates. And guards also categorise among themselves. Some do not want to search the cell blocks at all because they feel they will have to resort to force. And there are some who are much more comfortable in the records office. There are guards who become legal advisors for inmates. And then they say that they are able to stand the test of corruption. There are also guards who say that some of their colleagues are violent. Inmates also accuse some guards of violence. The coercive aspect of prison cannot be denied: disciplinary cells, handcuffs, chains, beatings... Guards are seen as both potential representatives for projects to improve detention conditions and as potential problematic factors in the prison space.

## Key takeaways

Behind the apparent disorder, we can observe certain logics underpinning placement. There is a co-production of space on the part of inmates and guards, following an informal normative register. These norms structure daily life in prison. They make it possible to know the inmates, to organise detention, to monitor, and to pacify.

Adhering to these norms, rather than rebelling against them, makes it possible to gain certain privileges, despite the constraints, shortages, and lack of privacy. The existence of violence should not be overlooked, but we should be aware that this government of prison, in both its formal and informal logics, produces norms that inmates are encouraged to follow for reasons of subsistence. Any project that fails to take these norms into account would soon reach an impasse.

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**Week 3.4**

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**Who  
is  
incarcerated?**

# Who is incarcerated?

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## What is the purpose of prisons?



**Marie:** What is the purpose of prison? To discipline and punish (to paraphrase Foucault), to protect society, to rehabilitate criminals?



**Fr d ric:** There are two key ideas to grasp here. The first is that prison materialises power. It incarcerates, it holds individuals within its walls, it organises their lives, their schedules, their activities. The second is that prison separates. It separates individuals from their environment, from their family. It de-socialises them. We can also speak of a disaffiliation, and this disaffiliation echoes precolonial practices, in particular banishment or enslavement. This expression is clearly expressed in the names given to prison in C te d'Ivoire, for example. People say about prison, 'it's blackness', to indicate this form of annihilation of the self. In Anyi (a language in C te d'Ivoire), prison is called *bisoua*. *Bisoua* means the house of waste. For Michel Foucault, in *Discipline and Punish*, with the advent of prison sentencing, we do not merely judge a crime, but we produce categories. The perpetrator of an infraction is classified. In fact, prison produces criminals, and it brands individuals instead of re-socialising them.

## The stigma of prison



**Marie:** Would you have any other examples?



**Fr d ric:** Yes. Marcel Bl hou  Angora is a doctor at the Abidjan Detention and Correctional Centre, in the tuberculosis treatment centre. He describes the experience of meeting inmates outside of

prison, inmates who reject the classification and the stigma of prison and who make great efforts to stop carrying them.



**Marcel:** I have seen some characters. I have been lucky, in the short time I have been here, to actually see politicians, economic operators, civil servants who are 'the top of the top', as someone said, but these characters practically run from us as soon as they leave the MACA. We smell like prison. We are not socially acceptable. Even if he was my friend when he was here, well, once he is outside, avoiding us is the highest priority. When they recognise us, they give a sign with their head to say, 'stay away from me' [laughter], 'you bring back too many memories', or something like that. That's what I wanted to say.



**Marie:** What does this account tell us?



**Fr d ric:** Prison de-habilitates more than it rehabilitates. And not all inmates are equal when faced with this stigma. Some can escape it, but the majority are somewhat confined within this identity. Prison is one of the institutions that is used to manage spaces and populations. We can nuance this assertion to an extent. For example, look at the incarceration rate in the United States: 655 inmates per 100,000 inhabitants. For the United States, we often speak of a prison-industrial complex. Now, compare this with Burkina Faso: 41 inmates per 100,000 inhabitants, which isn't very high. In fact, prison is one institution among others that is used to manage the population, along with the police, the justice system, and public health.



**Marie:** You mentioned incarceration rates, but you are asking us to go further, to think a bit about who is incarcerated?



## Tolerance or incarceration?



**Frédéric:** Absolutely! We should ask what crimes were committed by those who are incarcerated. Several forms of crimes can be identified, petty crimes like phone theft, water theft, or theft of fabric. There are also crimes with bloodshed, of course, economic crimes, or people who are accused for political reasons. More specifically, on the African continent, you can also encounter people in prison accused of witchcraft or accused of killing a person who they thought was performing witchcraft on them. In Burkina Faso, there are also entire families incarcerated for female genital mutilation. You should know that female genital mutilation is criminalised in Burkina Faso. You can therefore meet families put behind bars for this reason, with sentences relative to their participation in the excision. The sentences can go from four to six months and mothers are often punished less harshly than aunts or mothers-in-law. And it can go up to two or even four years for the excisor, especially if she repeated the practice several times despite being convicted before. Administration of the sentences, however, is not systematic. Not all families that practise female genital mutilation are sent to prison. Of course, you also see migrants who are incarcerated. For example, in Côte d'Ivoire: there are many Burkinabés in Ivorian prisons. Homosexuals are also imprisoned. Not directly because of homosexuality, but more for indecency. This is the case in Senegal and in Côte d'Ivoire too. Across the continent, it could be said that prison is scarcely and poorly used. In fact, Michel Foucault invites us to consider the relativity of sanctions. It is important to consider what is codified as an offence and the sanctions provided for by the law for a given offence. In parallel, we must also think about what is authorised and what is legalised or, of course, what is not tolerated in society.



**Marie:** Let's take an example from Yaoundé to make sure I have understood. In some neighbourhoods, there are cannabis dealers. Sometimes the police tolerate them, sometimes they negotiate with them, and, at other times, they crack down on them. They first put the dealers in a cell in the police station and then they transfer them to the public prosecutor's office. Sometimes they end up in prison, then leave, to be tolerated again, etc. I could also mention the fact

that, in relation to this idea of tolerance, many inhabitants of Yaoundé have the impression that embezzlement and corruption by major business owners, by senior public officials, is tolerated much more than crimes in sub-neighbourhoods.



**Frédéric:** With this balance between tolerance and punishment, the goal is simply to maintain order. To do this, you either allow transgressions or you crack down on them. Practices may be criminalised because they are written into the law, or they may be tolerated because they are not set in law or simply because we tolerate them. They are written in the law, but they are allowed to happen.

## The carceral continuum



**Marie:** In this context, what can you tell us about the carceral continuum, about the connections between some neighbourhoods and prison?



**Frédéric:** We can observe in some neighbourhoods a particular exercise of surveillance and punishment. Certain categories of the population may be punished, potentially the most impoverished, but that does not mean that the neighbourhoods targeted are naturally criminogenic or that the individuals are born criminals. That is not the case at all.



**Marie:** Could you also give us an example in the Ivorian context?



**Frédéric:** Yes, absolutely. Look at this photo of Koumassi-Campement. Koumassi-Campement is a sub-neighbourhood of the commune of Koumassi, which is one of the communes of Abidjan. In this neighbourhood, the activity of individuals is mostly informal. There is no water network, no sanitation, no school, and no health centre. The only tangible presence of the state is the police station that you see in the photo. This photo displays the strong presence of the police and the control of populations by the state. The young people who live in this neighbourhood mostly engage in informal activities, and



these informal activities are regulated by the ghetto culture and the clientelist relationships that are established between social inferiors, young children, people who are in the service of more established people—these may be social elders or powerful people that are called vieux pères [old fathers]. And the connections between these social inferiors and elders, between old fathers and bons petits [good kids], is what keeps the informal economy going in this society and space. It is what characterises the life of the ghetto. It is interesting to note that the ghetto life that develops in these informal spaces is also found in prison. You find old fathers and good kids; and this is what structures the relationships between powerful inmates and others who are less powerful. This ghetto culture shapes life in prison. In return, prison is also a required rite of passage in criminal careers, as the inmates in the prison of Abidjan often say. The MACA is the training school.



**Marie:** Could we talk about gangs?



**Frédéric:** We can talk about gangs in Côte d'Ivoire if you'd like. For example, the gang that runs the prison of Abidjan is called the Camorra, but it is less present than in other contexts, in particular South Africa. Jonny Steinberg, a South African political scientist and writer, very clearly describes the experience of inmates in South African prisons. His book is called *The Number*. The title comes from the names given to gangs in prisons. There are the '26s' or the '29s'. Each gang has a specific role in the prison, and inmates are required to adopt a gang or enter a clientelist relationship with a cell leader who himself is part of a gang. This clientelist relationship enables the inmate to access resources and to benefit from protection by the gang. But it also requires the inmate to accept providing services, which may include washing dishes, cooking, or often taking on the role of 'Wyfie', or symbolic wife, and accepting unwanted sexual relations. These circulations of culture and values are sustained in prison by a frequent turnover of people who re-enter and leave prison. There is therefore a link, a continuum between neighbourhoods and prison, such that the ways of acting in prison and in the ghetto, if they are part of a continuum, are common for both families and inmates.

## Key takeaways: The failure of prison?

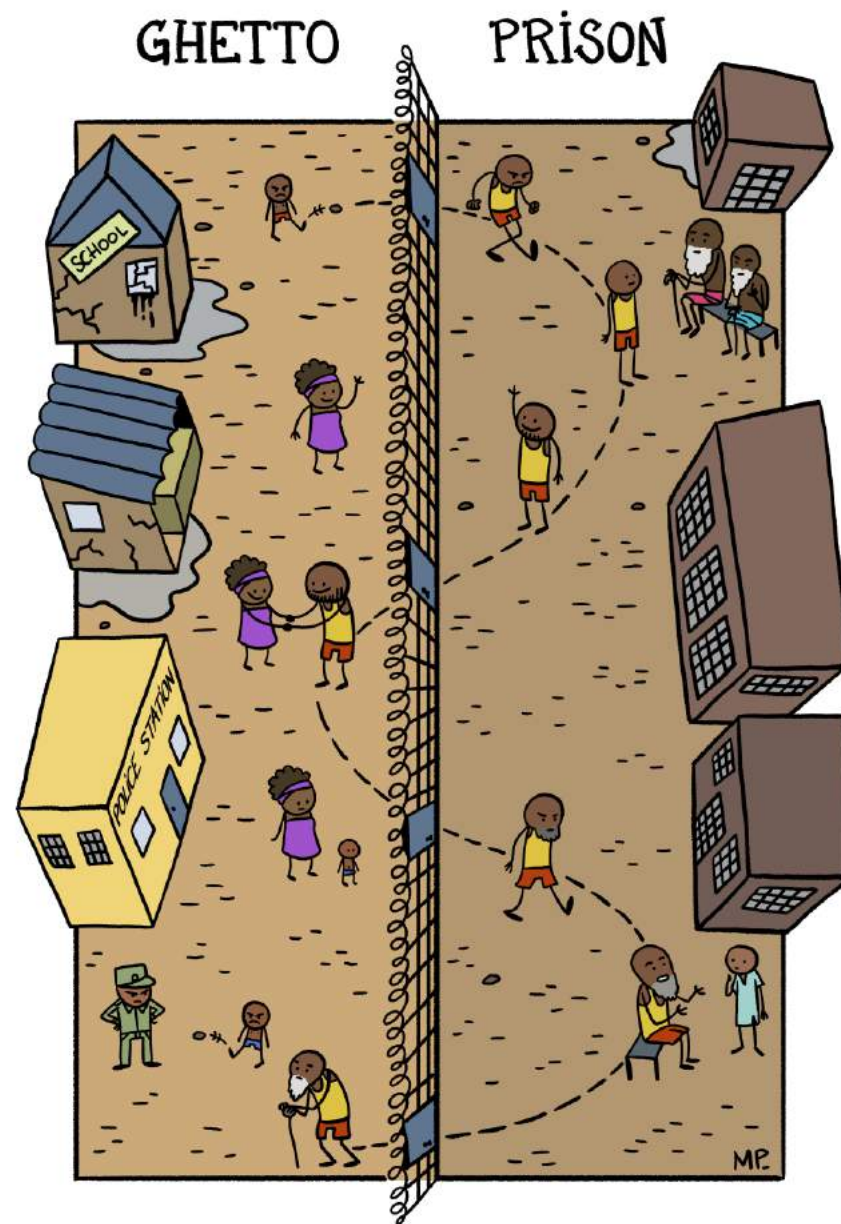
Over the centuries, depending on the country or from prison to prison, there have been many criticisms of this failure of prison. These criticisms may highlight the fact that crime rates do not fall despite the presence of prisons, they may point to recidivism, or they may simply suggest that prison is effectively a school for crime.

However, as Foucault explains, while prison brands, stigmatises and categorises, its very failure is part and parcel of the prison project. It was part of prison from its very beginnings. It is not simply a question of how to improve living conditions in prison, but of asking what the social and political logics and functions of prison are in a given society, in connection with the work of other institutions, such as public health, the police, or the justice system.

In fact, Foucault helps us to ask the following questions: What social order underpins the institution? Who are the undesirables placed in pre-trial detention and ultimately incarcerated? How does a given society define what a criminal is? Why do we decide to convict one person for a crime and not another? All of Foucault's questions help us to think in a universal way about the deeper meaning of what prison is.

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## **Semaine 3.5**

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**Prison,  
a total  
institution?**

# Prison, a total institution?

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## A project grounded in interactionist sociology



**Marie:** Erving Goffman is a key author in prison studies. In 1961, he published *Asylums*. Of what use can a work called *Asylums* be when thinking about prisons?



**Fr d ric:** Goffman's project consisted in understanding how confined spaces work. For this purpose, he chose an asylum—a psychiatric hospital—and his interest in this space departs from the stereotypes around mental illness. Instead, he sought to understand the nature of the interactions between actors in a confined space. To do so, he developed a project grounded in interactionist sociology. This way of approaching confined places makes it possible to analyse how they work and to prepare interventions.

## What is a total institution?



**Marie:** So, it was in this context that he developed the notion of the total institution?



**Fr d ric:** Absolutely! A total institution is a place that brings together all the features shared by asylums, military camps, monasteries, and all enclosed places where individuals have to develop forms of pre-constrained interactions.



**Marie:** What makes prison a total institution?



**Fr d ric:** Prison is part of the total institution family for rather simple reasons: they all involve interactions that are regulated, codified. They have rules that are strictly enforced and yet, despite the presence of these official rules, we can also observe forms of adaptation to these worlds, forms of negotiation and of resistance by the actors involved. This is what Goffman refers to as adaptations. What is more, these places are surrounded by borders and tall walls, like prisons for example. These borders are like all borders, they are meant to be crossed. They are sites for the flow of goods, people, ideas, and values. And these flows form the link between the outside and the inside of prison.

## The shock of prison



**Marie:** Could you give a specific example?



**Fr d ric:** Let's take the example of an inmate. When he enters prison, his first experience is one of shock. He discovers that the rules that applied to his life on the outside are turned upside down by the experience of entering prison. A former inmate of Mpimba prison in Burundi explains how he experienced this shock.



**Jules:** That's when I really did get a little scared for the first time, because you see inmates who are there, who are screaming, yearning for visits, for help from the people who are there. And right there, they open the gate and put you inside. It's scary, you get the feeling that they're beasts who want to devour you, but in the end, once you're inside, you find that it's completely normal.



**Frédéric:** This inmate's account aptly reflects the shock of entering prison. But we must nonetheless realise that this shock is not limited to time T. It is a process that starts with being locked up in a cell at the police station. It continues in the transit, in the vehicle that takes detainees from the police station to prison, or from court to prison, where the inmates will begin to take stock of the change in rules they are faced with. And then, for instance, at the Ouagadougou Detention and Correctional Centre, when inmates first arrive, they are sat in the courtyard, they are searched a first time, they are then sent to the cells, where they undergo a second search, organised by the inmates themselves; and that's when the cell leader teaches them and explains to them the new rules that apply to their lives, the rules of this confined space.



**Marie:** Do you have other examples in other prisons?



**Frédéric:** Yes, in other prisons the same process can be seen, but sometimes practised more violently. In some prisons, inmates are systematically made to strip naked at the prison records office. They are searched again even more violently by the inmates. For instance, I have accounts by inmates at the Abidjan Detention and Correctional Centre who were stripped and had their anus and all their orifices searched by inmates looking for money that may have been hidden or ingested. All these practices, all these shocking experiences, fall under a ritual of separation, that is, of the body's incorporation of the experience, of leaving one world to be part of another; a ritual of separation that is usually followed by a ritual of aggregation, allowing the inmate's acceptance into a new world. This issue of the ritual of separation and integration was addressed in Southern Africa by a British anthropologist named Victor Turner, who attempted to understand and compare initiation rituals in Africa regarding, for instance, entry into a monastery. He points out, for example, what Goffman calls mortifications, including the marking of this new rule of life by means of blows to the body: among monks, this is reflected in the shaving of one's head. This is observed in some prisons, where inmates are systematically shaved upon entering prison. I invite you to try to observe at home, in your daily life, what are those moments when this change of status is reflected on bodies. We all come across such experiences. For example, in the context of marriage and in the context of a baptism, where consecration is the ritual that materialises the individual's change of status.



**Marie:** To summarise, we observe a desire for isolation from the outside and a desire for control within the walls?



**Frédéric:** Yes, there is indeed a will to authoritatively legislate on all aspects of the individual's daily life: the time he eats, the time he gets up, whether he has the right to go out, when, and how. At times, even the individual's sexuality is regulated. All of this is presumably taken care of by the institution's regulations. But still, compared to this Goffmanian model, which appears to present a highly codified, very controlled image of individuals' ordinary lives, we are able to very quickly see an inflection when we look at how things play out in reality. For example, there is no irreversibility of roles between inmates and guards in this process of control. Indeed, everyone takes part in co-producing this space. Let's take the example of the Abidjan Detention and Correctional Centre, the MACA, in Côte d'Ivoire. At the MACA, the prison system is not just maintained by the guards; it is not the guards alone who ensure that the law is observed. The rule of the prison is also implemented by the inmates themselves in the context of a balance between guards and inmates, which enables the development of informal activity, which is central to the functioning of the prison.



**Marie:** Could you give an example or a number of examples of this?



**Frédéric:** A concrete example: a guard can obviously put an inmate in the *blindé* [the SHU—Solitary Confinement Unit—or “the hole”] to punish him for an action that contravenes the rules of the establishment. However, the prison's informal government, the *Camorra*, can also decide to send an inmate there for breaking the rules of the *Camorra*: for example, by revealing an internal secret of how the prison operates. Each block at the MACA is managed by a head of block. The head of block is the governor of the block. He operates with certain *elements*, inmates who are at his service, with whom he is also in a clientelist relationship, of rights and duties. And among these, there is for instance the *porte-clés* or key master, who opens the blocks in the morning to allow what is called the *décalage* [displacement], i.e., letting the inmates out into the courtyard or within the building, and who in the evening will also effectively help count the inmates and pass on the number of inmates in the prison. If an inmate is missing, the *requins* [sharks] will be called upon. These are other inmates who are engaged in upholding the prison's internal law.

They scramble in search of inmates who are not present at the time of the roll call, or at the day's end, they monitor homosexual practices, and they demand respect for the rules of the *Camorra*. All of these actors contribute to upholding the rules of the prison, which govern the lives of those known as the *Kaabacha* at the MACA. The *Kaabacha* are the men of the prison, and ironically the MACA is called the *Kaaba* in Côte d'Ivoire, because the *Kaaba*, as you know, is the black stone of Mecca. What the *Kaaba* and prison have in common is the fact of being imbued with a set of extremely strict taboos and rules. Therefore, it is not just the inmates who take part in this system; the guards are also actors in this system of control. They rely on this informal government to keep the prison running. Furthermore, this system benefits them: they profit from the trafficking generated by this informal system.

### Making sense of inmates' practices



**Marie:** I'm a little puzzled still, because Goffman gave importance to the practices of prisoners, of inmates?



**Frédéric:** What Goffman wanted to do was to provide an account of the ways of acting and thinking of the prisoners themselves, the detainees, the inmates. He sought to reveal their own frame of thought, and ultimately to understand how their action unfolds, and according to what logic, with regard to the confined space in which these actions take place. His book makes it possible to give the inmates a voice, and he summarises the adaptations made by actors in order to get by in this very constrained space. This is for instance what Pacôme speaks of in an interview I conducted with him in Côte d'Ivoire. Pacôme is a former inmate who was head of the infirmary block at the MACA. Pacôme, what does it mean to be in the infirmary and to be both an inmate who takes part in the prison system and who knows the rules of the *Camorra*—the unofficial government of the prison by inmates—and a health worker and head of the infirmary block? What does this entail on a day-to-day basis?



**Pacôme:** Firstly, as a care assistant, the inmates, my fellow inmates, respect me a lot. As for the management, almost all the agents know me, as I go to the main office on a daily basis. Every day, I might go into the main office five to six times, I may go to the blocks, the other

blocks, at least three, four, five times a day. All the inmates know me, and it's me they come to when they have serious problems in order to get through to the doctors. This means I am respected, both by my fellow inmates and by the prison management, as well as in the eyes of the medical staff. So this means that I juggle between these three entities, because when inmates come to deal in the infirmary, I have to turn a blind eye their way, so as not to harm their business or myself too perhaps, as I get a glimpse of the daily settling of scores at the MACA, so I must avoid being at the receiving end of their wrath. I also try to turn a blind eye to the authorities, because the prison guards are responsible for the supervision of these inmates, and it is the very same prison guards who supply them with drugs, alcohol, and cigarettes. As such, I can't go against it, I'm just there to take note, to pass on the report to the appropriate people, namely the medical staff.



**Frédéric:** This interview clearly shows that inmates find themselves in a position of multiple allegiances to various sources of authority: the prison management and the prison's internal hierarchies. And this means that *faire sa prison* [doing your time], as the inmates themselves say, is actually an art of negotiation between various official and unofficial norms. Inmates must constantly adapt in order to learn how to manage their relationships with these various sources of authority, which are sometimes clearly in conflict with each other. Indeed, through these practices of negotiation, all of the prison's actors, inmates, and guards sustain and reproduce the prison's fragile balance.

### Borders and porosities



**Marie:** The room for manoeuvre that you describe within prison, does it also exist in the relationship between prison and the outside? Are the borders a little more porous than one might be led to believe?



**Frédéric:** Yes, absolutely. Exchanges between the inside and the outside of prison do indeed exist. These exchanges are both material and symbolic. A very simple example: from the point of view of prison governance, the system that I just mentioned with these heads of buildings, who are often called *vieux pères* (old fathers) and *bons petits* (good kids), all of this actually takes up the codes and the value system of Nouchi society, which governs life in informal neighbourhoods, in the poorer neighbourhoods of Abidjan. The exercise of

power, the modalities of alliance, i.e., the forms of allegiance, the clientelism that governs prison life and its interactions, all of these are a continuation of life in poorer neighbourhoods.



**Marie:** Could you give other examples of flows?

**Frédéric:** Yes, certainly. Prison is not a closed world; it is a world that has multiple flows running through it. It is actually an echo chamber of tensions in society. In addition, prison, while being a situated, closed space, is also a space with numerous flows running through it. We see the entry of food, money, information, drugs, and goods permeating prison, thereby making it part of both legal and illegal networks. Finally, we must not forget that there are many actors who enter prison, and who ensure that prison is also placed in a context of de-totalisation.



**Marie:** Do you have examples of this?

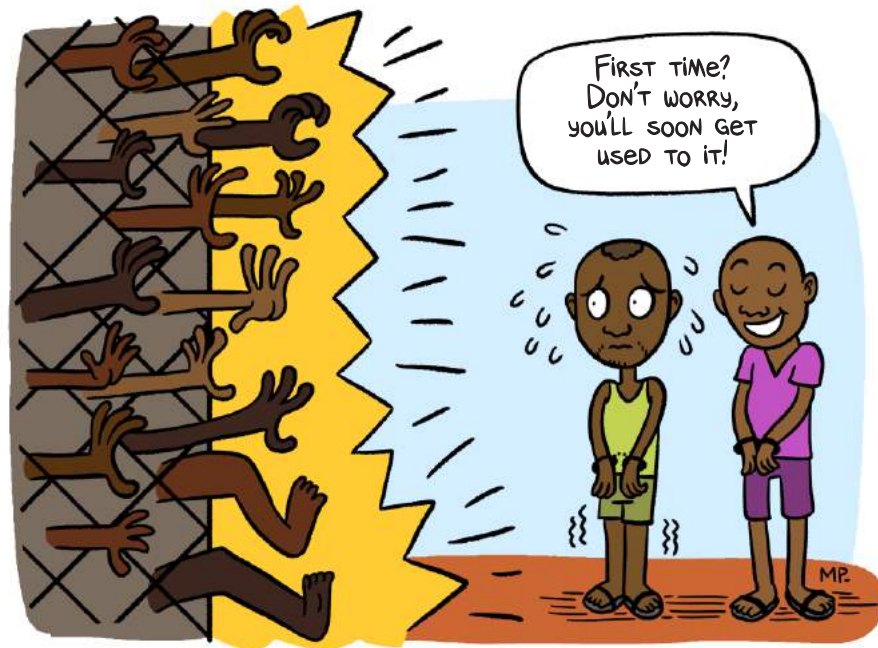
**Frédéric:** Yes, we could for instance think of the presence of institutional actors who intervene in prison. For example, in terms of health: the ICRC, Médecins du Monde, Expertise France. All of these actors intervene in prison alongside other actors, such as denominational actors: Protestant and Catholic churches, as well as some Muslim movements, which are generally a little less present than Christian movements. We also come across many private actors. For instance, in Burkina Faso's Ziniaré prison there is a healer called Seydou Bikienga, who is directly contacted by the inmates by mail to ask for help. And this healer has built within the prison shelters from the sun for inmates and for the families who come to visit, and he regularly provides food aid. Finally, we shouldn't of course forget that these actors who bring things into prison also represent open doors to the outside.

## Key takeaways

**The total dimension of the institution is a model. It is not an intangible reality that we should systematically search for in the field. The question raised by the description of the negotiations is that of the capacity of the prison institution to achieve a result that is in keeping with its aims and its mission, while being caught between the official regulations and daily practices discernible in its operation.**

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**Week 4**

## Frédéric Le Marcis



How should we consider health in prison?  
Should inmates be seen as precarious populations  
or illegitimate populations?  
Should prison be analysed as a space of therapeutic digression  
or as a place of risk?

Indeed, analysing health-related issues in prison equates  
to understanding the inequalities and power issues  
that structure the experience of actors in detention.

Examining health in prisons also requires a recognition  
of society's responsibility towards inmates.

While they have been convicted,  
an absence of care is not part of their sentence.  
It is important that we untangle the web  
of health-related issues in detention.

We must understand the power issues, the political issues,  
and the values that structure health care in prisons,  
in particular through the accounts of a number of implicated actors:  
inmates, healthcare professionals, national political figures,  
and agents who work with international organisations.



## **Week 4.1**

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### **Health in prison: A public health target and an object of the social sciences**

# Health in prison: A public health target and an object of the social sciences

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## Prison and health risks



**Marie:** In an article published in *The Lancet* in 2016, the authors discuss HIV, hepatitis B, and tuberculosis in prison, and they talk about a 'perfect storm in the making'. What do they mean by this?



**Frédéric:** This expression reflects both an epidemiological reality and a focus on health in prison. From an epidemiological point of view, prison brings together a particularly vulnerable population. Generally speaking, this prison population comes mainly from disadvantaged environments, from neighbourhoods where individuals benefit little from preventive actions or do not have much access to care. This is the case, for instance, of the Koumassi-Campement neighbourhood in Abidjan. All too often, for populations coming from these neighbourhoods, the prison experience amounts to an experience of insecurity and exclusion that repeats an experience of insecurity and exclusion that they have already experienced outside of prison. Moreover, this translates into epidemiological data that speak for themselves.

This table offers a comparison of HIV prevalence rates inside and outside prisons in the same country. Three examples: in Tanzania in 2012, the HIV prevalence rate in prison was 6.7%, while it was 4.7% on the outside in 2016, according to the WHO. In Burkina Faso in 2009, the prevalence rate in prison was 5%, while it was 0.8% on the outside, according to the WHO. Finally, in Togo, the prevalence rates in 2013 were 4.6% in prison, compared to 2.4% on the outside. In addition to this distinction between prison and the outside, there are other inequalities, especially gender inequalities. For example, we know that although women are incarcerated to a lesser extent than men, they nevertheless suffer from far higher rates of infection than

Country	HIV prevalence rate in prison	HIV prevalence rate for those aged 15–49, WHO 2016	References
Tanzania	6.7*	4.7	* TACAIDS/Ministry of Home Affairs (2012). <i>HIV Prevalence and Related Risk Factors in Prison Settings in Mainland Tanzania. Findings from a Rapid Situational Assessment.</i>
Burkina Faso	5**	0.8	** Diendéré E.A., Tiéno H., Bognounou R. et al. (2011). 'Prevalence and Risk Factors Associated with Infection by Human Immunodeficiency Virus, Hepatitis B Virus, Syphilis and Bacillary Pulmonary Tuberculosis in Prisons in Burkina Faso'. <i>Med Trop (Mars)</i> 71, 5: 464–7.
Togo	4.6***	2.4	*** Ekouevi D.K.; D'almeida S.; Salou M.; Kariyare B.G.; Coffie P.A.; Dagnra A.C.; Tchounga B.; Becquet R.; Prince-David M.; Pitche V.P. (2013). 'HIV seroprevalence among inmates in Togo'. <i>Médecine et maladies infectieuses</i> 43, 7: 279–85.

men. As an example, at the continent-wide level, there are estimates that HIV prevalence among incarcerated women is about twice that of incarcerated men, according to the WHO: 13.1% for women, compared to an HIV prevalence rate of 7.1% for men.

This vulnerability and exposure to risk among inmates of course varies depending on country and gender, but a recent global review on health in prison published by the WHO reminds us that worldwide HIV prevalence rates remain higher among prison populations than among the general population. In addition, the same literature review highlights the fact that even if inmates were not infected when entering prison, the practices that take place inside expose them to infections.

## High-risk practices in prison



**Marie:** What are these practices?



**Frédéric:** These practices include the injection of drugs, the use of syringes in the context of drug use. Although this practice is not yet all that widespread in African prisons, it is becoming increasingly prevalent, and therefore it is a trend that should be monitored. Sexual relations are also a source of contamination. These are all the more significant in contexts where resources are limited, as sex becomes a means to access resources and support, and sex in prison is not subject to preventive practices—specifically the distribution of condoms—because homosexuality is not acknowledged in African prisons. Finally, there are other practices, such as tattooing, where the shared use of needles can also help spread both HIV and hepatitis C.

## Prison: A public health opportunity



**Marie:** So, from a public health point of view, prison is a very strategic place?



**Frédéric:** OYes, and for at least two reasons! First, it is a place of opportunity for care, for populations who, as we have seen, are often in an insecure position and on the margins of the healthcare system. We therefore speak of prison as a therapeutic digression. Moreover, this issue also applies to prisons in Europe, and I refer you for example to the book by Gilles Chantraine, *Par-delà les murs*, which gives a very good account of how an inmate has his teeth treated by going into prison, leaves, and then returns a little while later to get treated again. Finally, it is also a place of risk of infection among inmates, where epidemics can be produced and then spread among the general population.



**Marie:** How is that?



**Frédéric:** Let's take an example from a non-African country. In his book *Pathologies of Power*, Paul Farmer tells of how in Russia, the prison system fosters the spread of a multidrug-resistant tuberculosis epidemic for two reasons: first, the justice system works poorly, which means that inmates are in pre-trial detention for a very long time, and when they are in pre-trial detention for a very long time, they have to endure very poor detention conditions, and they are particularly exposed to tuberculosis due to overcrowding. Then they're given treatment, but the treatment is not regular and they develop resistance. They end up leaving prison, and when they're out, they carry a TB virus that is resistant to the first line of antibiotics. This virus will spread to the general population, but antibiotics for multidrug-resistant TB are not available in the general health system.

## Health in prison as an international issue



**Marie:** So, prison is an important health issue at the national and international level?



**Frédéric:** Absolutely! Improving health care responds to multiple issues. But thinking about the quality of care does not just mean providing health care, it also implies taking on board the Ouagadougou Declaration, which was published following the conference of the same name that took place in 2002 in Ouagadougou, Burkina Faso. In the Ouagadougou Declaration, the African countries that took part in this conference (over thirty-three) committed to promote respect for the rights of inmates in the prison system and to improve their detention conditions. Therefore, respecting the rights of inmates is not just about the right to health care, it is about combining the right to health care with the right to justice. Rights to health care, as with the right to justice, were among the rights promoted by the Ouagadougou Declaration.



**Marie:** There was the Ouagadougou Declaration, and there were also the Mandela Rules. Ultimately, has this changed anything?

## The constraints on the development of a health policy in prisons



**Frédéric:** Yes, of course. There has been a plethora of declarations, political commitments, yet, in spite of everything, making good on the rights to health care is hampered by at least six points. I will list them:

- The first is inmates' lack of legitimacy in general society. Taking care of inmates in prison is really not a priority, neither for the general population nor for politicians. It is often considered that there are issues to be addressed among the outside population before taking care of those who are punished in prison.
- The second is the constraint posed by the prison context, which complicates access to care and the delivery of care, and in particular the use of health resources outside the prison.
- Thirdly, there is the issue of prison overpopulation. Clearly, this presents a challenge. Let's take the example of the MACA: in June 2018 it had 7,000 inmates, while the prison was built to accommodate 1,500. We can clearly see how this makes matters difficult.
- Fourthly, poor hygiene conditions: lack of access to water in prisons, no toilets in cells.
- The fifth point is that of the power dynamics and violence, including sexual violence, that take place within prison, both between inmates themselves and between guards and inmates, and which necessarily complicate the equitable and consistent delivery of care in prison.
- Finally, the sixth point is the fact that establishing a healthcare programme in prison always requires taking into account not just the inmates but also the guards, who come from the same neighbourhoods, who have the same socio-economic characteristics, and who also suffer from the stigma of prison. We can't do something for one group without doing the same for the other.

## Considering health in prison from the perspective of prison government



**Marie:** Okay, so we should understand how prison works in order to gain a better grasp of the health issues associated with it?



**Frédéric:** Yes, absolutely. It is important to think about health not just based on epidemiological data, as we have just pointed out, but also to think about health as a legitimate subject of study for the social sciences, and which we must also consider within the framework of issues of power and the politics of prison, if you will.

So, from this perspective, we can clearly see how health is the subject of definitions and practices that are in fact dependent on the internal power relations of prison: power relations that are characteristic of prison life. There is the issue of access to the infirmary, which is not merely a health issue for inmates but also a means of accessing resources, as they go there to engage in trafficking, or to the courtyard to get some fresh air and to buy goods and services. The infirmary no longer represents a place of care but a place of exchange, circulation, and trafficking. Regarding the recognition of health issues, one must also observe a form of hierarchisation in terms of what is legitimate as a health issue and what is less so.

## Defining health priorities in prison: Epidemiological issues and local priorities



**Marie:** What do you mean by this?



**Frédéric:** For example, everyone agrees that infectious diseases are a serious problem that threatens inmates, the societies where prisons are located, and the wider world. But when we speak with inmates or healthcare professionals working in prisons, we quickly discover that they highlight other problems regarding detention that are not the priority for international health programmes. I suggest that we listen to Dr Traoré in this regard. He is Director of Health and Social Welfare at the Ministry of Justice of Burkina Faso.



**Dr Traoré:** On the epidemiological front, in terms of the most common conditions encountered in prisons, I would like to talk about the top five: first, there is malaria, common malaria and

severe malaria, which are brutal; then there are respiratory diseases including tuberculosis and lower and upper respiratory tract infections—we recently had twenty-seven cases of tuberculosis in an epidemic in Bobo-Dioulasso. Then there are skin conditions. When I talk about skin conditions, this is most often the case during the hot season, in April [...].



**Frédéric:** So, beyond the issues highlighted by Dr Traoré, in terms of these somewhat ignored or orphaned pathologies, we must also add problems of addiction, which are rarely taken into account, even though drugs circulate around prisons. Psychiatric disorders are another forgotten child of health in prison. At best, inmates who have a psychiatric disorder, but who present a danger to their fellow inmates, will be put in solitary confinement, where they will be locked up for an indefinite period during their incarceration. Psychiatric consultations are extremely rare and hardly systematic in prison. For instance, to take the case of Côte d'Ivoire and the MACA once again, the MACA had 7,000 inmates in 2018, with a single psychiatric nurse for all inmates. These conditions, be they addictions or psychiatric disorders, therefore receive little funding from donors or states. And the fact that these conditions do not represent a problem in terms of epidemics is clearly not insignificant in this. One could imagine that if psychiatric disorders were transmissible through spitting, everyone would be dealing with them in order to fight against the risks of contagion.

## Providing care in prison



**Marie:** Ultimately, what do caregivers do to address everything you describe?



**Frédéric:** You are right to talk about caregivers. One could speak of a form of solitude of caregivers in prison, as they are often the sole recourse for inmates—inmates who have no other means but to place themselves in the hands of the caregivers, and who often cannot afford to pay for medication from outside. Listen to what Dr Angora says about this. He is a doctor at the MACA, in Abidjan.



**Dr Angora:** As doctors in prison, we are obliged to be able to handle all possible conditions. We are the last resort. In prison, an inmate sees but us, as the last resort. The conditions they present are multifaceted.

## The values of health



**Marie:** And these different ways of thinking of and practising healthcare in prison, do they coexist?



**Frédéric:** Yes, quite so! Indeed, it implies always thinking about health in prison, according to a context of interaction, depending on who you are and where you are speaking from. This is what we call the context of interaction or the context of utterance in social sciences, i.e., the place from which an individual produces speech, and which makes it possible to capture the intentionality of their speech. Well, the meaning given to health, the uses made of the notion, will vary depending on the context of utterance, and this is not to say that someone is speaking the truth and someone else is not, but it is simply an attempt to understand the logic of how things work, to grasp the deeper meaning of individuals' actions and ways of thinking and acting. We can thus think of health in the frame of an economy of value, which involves recognising the meaning and use of a notion such as health, and recognising that this notion is not a given; it is constantly negotiated, translated, and it is the subject of a transaction. To think about health in prison is to examine the legitimacy or illegitimacy of a particular inmate as a recipient of care, in a context of limited resources where the provision would not be satisfactory for the general population. I suggest that we listen again to Dr Angora in this regard.



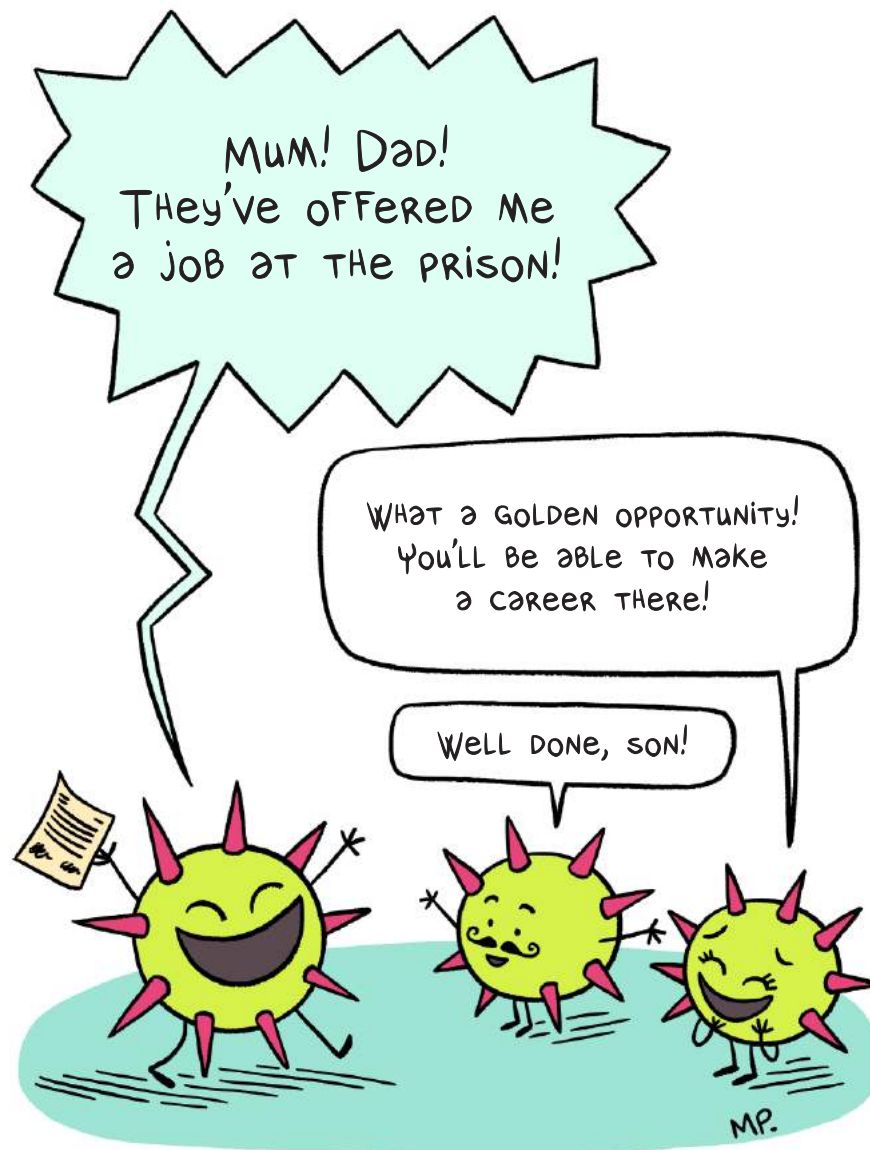
**Dr Angora:** I was based in Adiaké, then I asked to come to Abidjan to specialise. Being a general practitioner, I wanted to specialise, I wanted to do dermatology. I kept asking, but I had no joy. I insisted, I insisted, and then one morning I was told that I had been assigned to the MACA. I informed my eldest son. What does he say to me? He tells me, but that can't be right? With so many health centres in Abidjan, they go and put you in the MACA? In a prison? I said, well, I'm going to try, because if people are there, I can do it, I'll have plenty to do. And so, I put myself to the test.

## Key takeaways

We must understand the plurality of meanings and logics behind the involvement of health care actors in prisons, from epidemiological logics of controlling contagion to the resources of local health practices. The provision of health care in prison relies on a precarious balance between these different parameters.

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## **Week 4.2**

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# **The constraints on prison policies**

# The constraints on prison policies

**Marie Morelle**

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**Frédéric Le Marcis**

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**Dr Karim Traoré**

Doctor, Director of Health and Social Welfare at the Ministry of Justice, Burkina Faso

## The will and realism of prison health policies



**Marie:** Health policies are implemented under certain constraints in the prison context. This is what Dr Karim Traoré demonstrates. This doctor has long been involved in the care given to inmates at the MACO, the Ouagadougou Detention and Correctional Centre in Burkina Faso. He was recently appointed Director of Health and Social Welfare at the Ministry of Justice.



**Frédéric:** Yes, he speaks about the conditions and political significance of his appointment, but also about the practical conditions for the implementation of a progressive policy towards a socially illegitimate population.



**Dr Traoré:** My appointment as Director of Health and Social Welfare at the Ministry of Justice reflects the ministry's political will to really address the health issues that affect prison populations. The political project, as it was drafted, is very progressive. In 2017, we saw the enactment of Act 10 on the penitentiary system, which granted adequate health rights to prisoners, including free access to all medical care available at the infirmary, university hospitals, or district hospitals. This law also enshrines the exemption from all forms of paramedical assessments for these prisoners. This law also requires district doctors to visit prisons to perform medical consultations on a weekly basis. It also provides for the construction of secure hospital units at university hospitals and regional hospitals. So the political project is very progressive, but the problem is the lack of resources to be able to truly implement all the provisions of this law. Another problem is the issue of legitimacy: how can we defend

all the money that will be spent on these inmates, on a population whose legitimacy is a problematic issue for the general population. Inmates are rejected and there really is a problem of recognition with regard to spending to cover free health care and free food for people deemed illegitimate.

## The health consequences of the illegitimacy of inmates



**Marie:** Dr Traoré talks about the illegitimacy of inmates. What does this mean exactly?



**Frédéric:** For families, detention quite often amounts to a form of banishment. Many inmates are socially disaffiliated. They receive no visits, no financial support, no food parcels. But that has serious consequences for their health: an inmate in such conditions, if he needs to pay fees, pay for medicine, fund an external consultation, he will be unable to do so. He will need to rely on the involvement of NGOs and denominational actors, who are occasionally involved in prisons, or he could possibly approach the prison authorities. There are usually budgetary provisions to fund the care of this type of inmate, but the funds are either not requested by prison governors or they are simply insufficient. Moreover, the prison ration, the daily food ration given to inmates for their nourishment, is of really poor quality. As a result, inmates who rely wholly on this food for their nourishment become heavily exposed to dietary deficiencies and deficiency conditions. Dr Traoré explains what these deficiency conditions are.



**Dr Traoré:** In terms of deficiency conditions, these are primarily beriberi, which is a deficiency in thiamine or vitamin B, of course linked to inmates' diet, which is deficient in vitamin B1. There are also skin conditions. These conditions do not receive support from any specific programme, although they are quite numerous in our prisons. Unfortunately, they do not benefit from a support programme like those for HIV/AIDS and tuberculosis, for example.



**Frédéric:** In fact, from a political point of view, the illegitimacy of inmates translates into too high a political cost for investing in the health of inmates. For example, a health minister from a West African country explained to me that he could not justify investing in the health care of inmates as long as the entire general population did not have access to the same type of services. It's a problem.

## The tension between population-based and individual-based approaches to health



**Marie:** In this context of limited resources, could we not expect the involvement of international partners?



**Frédéric:** Not really! In fact, the international aid agenda does not necessarily meet the needs felt by actors on the ground. From the epidemiological point of view, at the national or even international level, it is of course entirely legitimate and appropriate to want to deal with contagious diseases such as HIV, tuberculosis, or hepatitis, because the prison system is a site of production and reproduction of this type of epidemic. However, this thinking at a population level ignores individual needs as expressed in the words of inmates or caregivers at the local level. Dr Traoré comes back to this question and helps us to understand the tension between individual-based and population-based approaches.



**Dr Traoré:** We have international partners who support us in addressing our inmates' health concerns. Among the rationales behind international aid actions, there are considerations such as

visibility, as well as predetermined themes that are not necessarily our priorities. Among our priorities are the issues of prison overpopulation and other health conditions that are quite significant in prisons and that do not benefit from a specific programme. I am referring to dermatosis, for example. So, such is the situation, meaning that we have partners who support us, but unfortunately they have predetermined themes and we make do with what the partner says. Meanwhile, we have priorities that are just as important. People will of course say that it is the government's responsibility to address issues of overpopulation; that it is the government's responsibility to address food issues; of course, but our priorities are still not necessarily the same as those of our international partners. These are some of the constraints we face in terms of collaboration.



**Marie:** Yes, it's very clear. So there is a population-based logic—the management of epidemics—and an individual-based logic—personal health. But what would be the watchword for health care in prison?

## Key takeaways

**To summarise, we could say that prison represents disruption. But biological disruption and the disruption of social bonds and of family life that incarceration represents should not be compounded by disruption in the chain of care. In other words, the administration of punishment that incarceration involves must not result in a withdrawal of care. What does that mean? It means that healthcare workers in prison must absolutely ensure the continuity of care.**

**This continuity of care is expressed in two ways: First, for inmates entering prison, it is right that an inmate who arrives with a condition and who is undergoing treatment should not be prevented from continuing his treatment once incarcerated. Second, an inmate who develops a condition in prison, or whose condition is discovered in prison, should be able to continue his treatment once he leaves. Dr Traoré, recalling the constraints in the implementation of this continuity of care in the context of prison healthcare services in Burkina Faso, provides us with a very enlightening example.**



**Dr Traoré:** Our constraints are many: constraints in terms of insufficient resources—material resources, logistical resources, human resources. There are also constraints when it comes to release from prison. How do we ensure continuity of care for some patients upon leaving prison? This presents us with enormous challenges. If I take the example of Bobo-Dioulasso last November-December, where we were able to detect twenty-seven tuberculosis patients, the real issue now is the continuity of care, because, out of these twenty-seven tuberculosis patients, there are five who have been released whose continuity of care we are uncertain of in an external environment. Our vision is to be able to turn the care of inmates into a central and overarching issue. Our vision is that, upon entry, care may be systematised through a number of care events, visits, physical examinations, a paramedical examination, and a full biological and radiological assessment, so that an inmate who arrives in prison cannot bring a disease with him to contaminate others. And also that, upon exit, this care be equally systematised, so that the host family, families, or the general population cannot be contaminated by conditions picked up in prison.

This very reasonable proposal remains dependent on two key factors: First, the will of the state and its ability to act in the field of prison health. Naturally, this requires a radical transformation of the way these populations are considered, and in particular a transformation of their depiction as illegitimate. Secondly, it implies a real transformation of the practical conditions for delivering care in the prison environment.

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## **Week 4.3**

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# **The delegation of health care**

# The delegation of health care

**Frédéric Le Marcis**

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**Pacôme (pseudonyme)**

Former inmate and head of the infirmary block at the Abidjan Detention and Correctional Centre, Côte d'Ivoire

## The delegation of tasks: A widespread reality in the public sector



**Frédéric:** Here, we will address the issue of the delegation of health care in prison. Before delving into this subject, it is worth remembering that the question of delegation is inseparable from prisons on the continent. Ever since the colonial era, there has been a delegation of authority from guards to inmates in managing the day-to-day running of prisons. Clearly, the issue of delegation is something that varies depending on the country and even, within countries, depending on the prison. Nevertheless, the fact remains that this issue is characteristic of prisons in the African context.

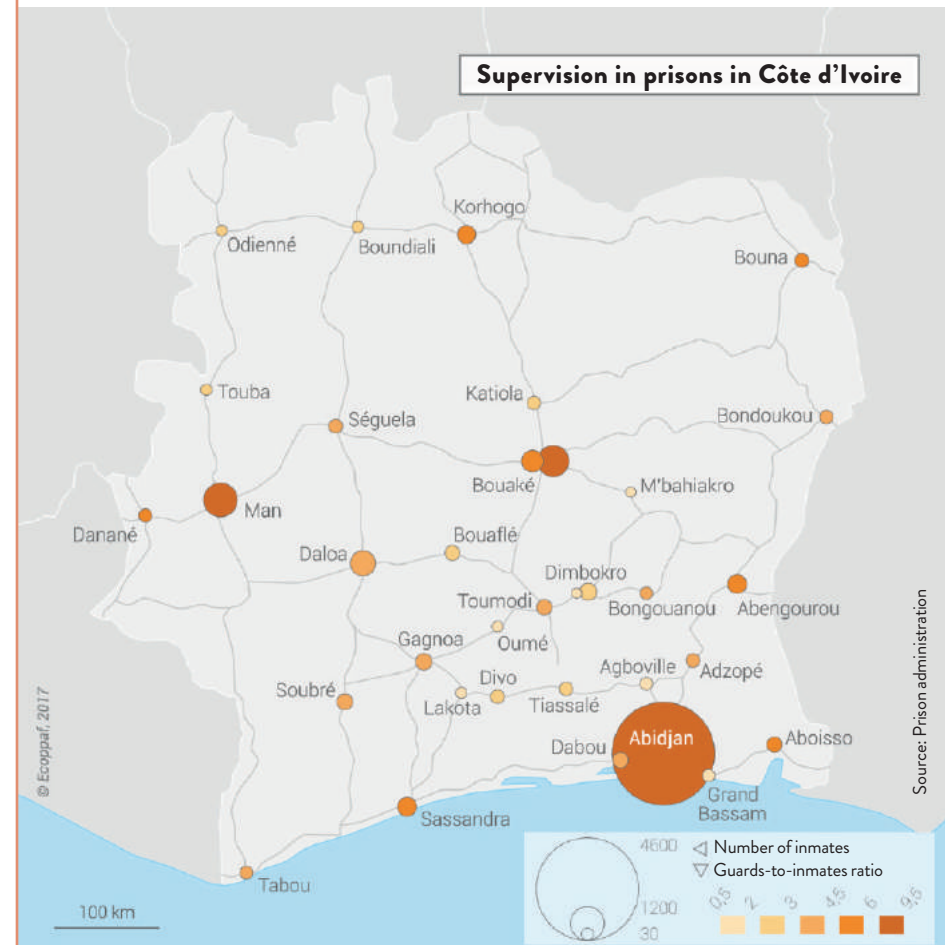


**Marie:** Yes, quite so! This specific mode of governance was the subject of a special issue of the *British Prison Service Journal*, entitled 'Everyday Prison Governance in Africa'.



**Frédéric:** Yes! From this point of view, health care really is no exception. Alongside official care actors in prisons, you also find (much like health centres in the outside world) a set of actors who are not officially registered as professional healthcare workers, but who 'act as such' within organisations. In prison, these are 'corvéables', or unpaid labourers, who take care of dressings and perhaps give injections, as well as recording vital signs or watching over patients during the night when the professionals have gone home; even if they are on call, the professionals do not spend the night on site. Let's take an example from the MACA, the Abidjan Detention and Correctional Centre. This is the largest prison in

Abidjan. In June 2018, there were 7,000 inmates, which is over half of the total prison population of Côte d'Ivoire. This map shows the guards-to-inmates ratio:





**Frédéric:** In a prison with a ratio like that of the MACA, it is clearly vital that inmates play a significant role in the day-to-day running of the prison. At the MACA, these inmates are called ‘*corvéables*’—those who intervene in health care, in the infirmary, are generally people who have some experience of health care in the outside world, but not exclusively so. We will also find people who play the role of care assistant, or perhaps a sort of nurse, and these will also be inmates. They may simply be there because they know one of the professionals in the infirmary who is from the same neighbourhood as them, who knows one of their relatives or a friend, and who will try and help that inmate by ensuring better conditions for their time in prison. Because, when working in the infirmary, you can move freely around the prison, you eat better, you can move around, you can have a point of entry to the outside, since you will naturally be in daily contact with professionals who are a kind of a ‘go-between’, a point of mediation between the inside and the outside.



**Marie:** Can you give a practical example?

## Healthcare tasks in prison: Accession, distribution, benefits



**Frédéric:** Pacôme was head of the infirmary block at the MACA for several years. We met for an interview in Abidjan, where he described what the activity of the head of the infirmary block at the MACA looked like in practice.



**Pacôme:** I became a *corvéable* at the infirmary building because, in civilian life, I worked in health care. I was a care assistant before entering prison. I was a convict, which meant that I met the conditions in the eyes of the authorities, and I was from a healthcare background, which allowed me to be in the infirmary to organise things for my fellow inmates and for myself and to help the medical staff treat the sick.



**Frédéric:** Could you tell us what are the necessary conditions to become a *corvéable* in the infirmary, and what are the benefits of that role in prison?



**Pacôme:** The benefits of being at the infirmary? I could move between the main office and within the prison without threat, without fear. It was as though I were free in a way.



**Frédéric:** Somewhat untouchable? Respected by...



**Pacôme:** Respected by everyone, by the prison authorities, by my fellow inmates, and by the healthcare team. At the block, I had my head employee who had employees that he was responsible for. There were two people who were at the records office, there were workers responsible for the wards and for the patients who can't move, there were key masters responsible for security at the infirmary, there were morgue workers who were also inmates, who were in charge of the morgue, and there were inmates who were at the anti-tuberculosis centre, who also cared for TB patients and who helped the TB care staff.



**Frédéric:** As head of block, you lived at the infirmary, you had your own personal cell at the infirmary. The other *corvéables* lived in the incarceration blocks, but were ‘*décalés*’ [‘shifted’], as they say, to leave their cell early in the morning to come to the infirmary.



**Pacôme:** I slept at the infirmary and the others lived in blocks A or B. In the morning, they came to do their tasks and, in the evening, from 6 p.m. onwards, everyone returned to their block.

## Unequal access to care as a result of inequalities in prison



**Frédéric:** Could you explain to us how the inmates in the blocks could access the infirmary, and in particular explain to us what the role of the sick book was?



**Pacôme:** In the other blocks, there are people who are responsible for taking note of all those who are sick, of entering them all in their sick book, in order to bring them to the hospital. This is what emerged from various consultations we had with the different heads of blocks. But things didn't work out the way we'd hoped, as those responsible for taking note of the names would ask the inmates for money in order to let them leave, to 'shift' them to the infirmary.



**Marie:** But in this system, the delivery of care is inevitably unequal, it depends on the finances or social networks of the inmates?



**Frédéric:** Yes, quite so! Pacôme also explained how inmates manage to access care outside the prison. Pacôme, in this context, who are those who manage, for instance, to go to the hospital or access specialist medicine, or have a consultation such as an x-ray, outside of the prison?



**Pacôme:** Well, that really depends on who the inmate is. Because most of those who are allowed out to go to a university hospital outside of the prison are inmates from the *assimilés*. The *assimilés* is a block where the bigwigs stay: ministers, company CEOs, civil servants, high-ranking officials who end up in prison; their kind have easy access to hospitals.

## The internal and external logics of the absence of care in prison



**Marie:** But does prison entail the systematic death of the poorest inmates?



**Frédéric:** Not necessarily. In fact, social representations of the illness, the way the illness is perceived and its gravity on the outside, in general society, also play a role in how people think about the illness in prison. Sometimes prison can be a place of care, but at the same time it can also be a place of death, where security issues may be put forward to justify the fact that a patient will not be cared for and may potentially be left to perish. Pacôme told me about something he himself witnessed in relation to this. Pacôme, could you tell us, regarding your prison experience, what was perhaps the moment when you were most satisfied with your work in the prison healthcare sector, and possibly the moment when you were most disappointed about your inability to do something?



**Pacôme:** I witnessed something one day. A new inmate arrived in prison, who had a bit of bad luck in his cell, and he came to the infirmary. He was hospitalised and, given that his condition was very critical, the doctor issued an evacuation ticket. The prison authorities found out that he was a newcomer who had no status. They held things up and held things up, until two days later, three days later, as he was being evacuated, the man sadly passed away. But even so, they pretended not to be aware of his death when they placed him in the ambulance; they left, and the university hospital reported his death.



**Frédéric:** Do you have a memory of a somewhat positive action?



**Pacôme:** On the other hand, there was a case of attempted suicide. An inmate climbed up to the esplanade on the fifth floor. He let himself fall, he had multiple fractures. I was the only health-care worker because it was a Saturday, so everyone was away. So I immediately got out my phone, which was banned in prison. In front of my supervisors, I called the nurse on duty who immediately came to have a look, and then a chain of solidarity ensued in the hours that followed. They came and evacuated the man. Some three to four months later, he returned in good health. I was truly relieved, and I was really happy for this man.





**Frédéric:** And, in your view, what made the difference between the man who was evacuated and the man you told us about who could not be evacuated in time? Why did one manage to go and not the other?



**Pacôme:** He was evacuated because it was something visible. Everyone saw his dislocated foot. He had fractures, all the inmates, all the prison guards were there. It was a real spectacle. He had broken his jaw, his hands, there was blood everywhere, so this worked in his favour and he was evacuated even without the need to prepare an x-ray file, an evacuation file. Whereas the other one, he was very big. The one who passed away, he was quite fit, very big, but his body was suffering, and upon seeing his medical chart, the doctor called for his evacuation; unfortunately, the prison authorities did not recognise it.

## Key takeaways

We must not conclude based on these accounts that health care in prison is limited to what happens within prison. When inmates begin a treatment in prison, they quite often become lost to the care services upon their release. This happens for two main reasons: First, when they return to their neighbourhoods, they cannot access healthcare services because these poor neighbourhoods lack services. Second, the stigma of prison follows them, and they do not dare present themselves at health centres admitting their prison origins, and, as a result, they abandon treatment.

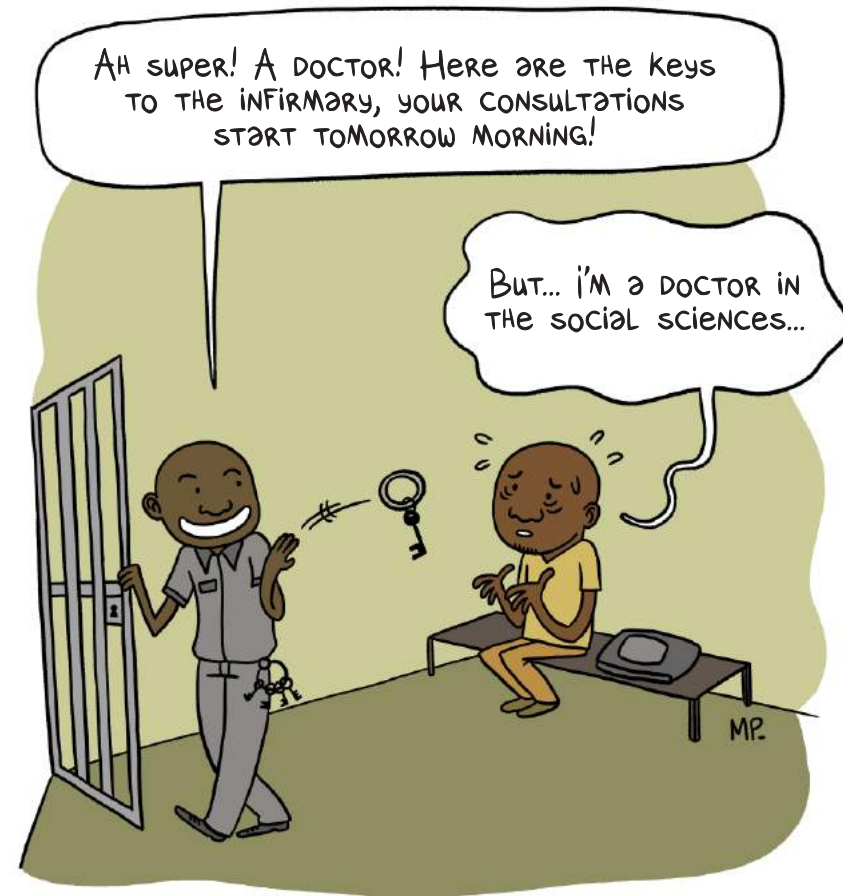
Pacôme reminded us during our interview in Abidjan that, upon his release from prison, he would have liked to have played a more important role in delivering care for these inmates who went off the radar, by seeking them out in their neighbourhoods, on account of the trust they had forged during their time in prison. It wasn't possible and he regrets it.

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**Week 4.4**

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**The treatment of HIV  
at the MACA:  
A case study**

# The treatment of HIV at the MACA: A case study

**Frédéric Le Marcis**

Professor of social anthropology, ENS de Lyon, Triangle, Ecoppaf programme

**Dr. Jeanne D'Arc Assemien-Ouattara**

Doctor, Health Coordinator at Expertise France, Côte d'Ivoire

## The epidemiological observations that inspired the programme



**Frédéric:** Today, we would like to come back to the implementation of the HIV and tuberculosis programme launched in 2008 in Côte d'Ivoire by Expertise France, with funding from the Global Fund. To talk to us about it, we have Dr Jeanne d'Arc Assemien. Jeanne D'Arc, you are the head of the health side of Expertise France in Côte d'Ivoire. Before going into the details of the programme, perhaps we could recall a fact, which is that Côte d'Ivoire is a country strongly affected by HIV, with a prevalence rate of 3.7% among the general population. By way of comparison, there is an estimated prevalence rate of 7% among women in prison. The treatment of HIV in prisons was not systematically present in Côte d'Ivoire prior to your intervention in 2008. In this context, Jeanne d'Arc, what was the driving force behind the intervention by Expertise France at the MACA?



**Dr Assemien:** The intervention of Expertise France was based on the principle of equal rights of access to health care for prison populations and populations on the outside.



**Frédéric:** What was the aim of your programme?



**Dr Assemien:** The aim was to provide preventive measures, treatment, and psychosocial follow-up to these patients.



**Frédéric:** How did you operate and how did you manage to find local representatives for your project?



## Bringing together and coordinating the different actors in prison health care

**Dr Assemien:** The representatives are politicians interested in our project, but also actors on the ground. We relied on the partnership that had been established between the infirmary of the Bordeaux-Gradignan prison and the infirmary of the Abidjan Detention and Correctional Centre. We organised placements, or at least study missions, for the main officials of the Ministries of Health and Justice, which therefore included the DGS (the Director-General of Health), the Director of Penitentiary Affairs, the governor of the Abidjan prison, and the prison's head doctor. These people made on-site visits, and they came to realise that the level there was so low that they were not even familiar with the realities in Abidjan within the context of Côte d'Ivoire. Upon their return, they undertook a situational analysis of nine operating prisons, and in May 2009 there was a feedback workshop on these two missions, which brought together all the leaders at the Ministry of Health, who wanted to consider medical conditions in the prison environment, as well as those at the Ministry of Justice and the DAP [Department for Prison Affairs] and the Ministry of Economy and Finance.



**Frédéric:** So you set up a network with national and international partners?



**Dr Assemien:** Absolutely. The ICRC, of course, and the UNOCI were also involved.



**Frédéric:** What were some of the stumbling blocks you came across in the programme?

## The constraints on health promotion in prison



**Dr Assemien:** The first stumbling block was food. Food, because it cost 150 francs per day per inmate. There was also the issue of referrals, i.e., treatment at the referral hospital. There were no essential medicines in the prisons. There was also the issue of care staff, who were not available across the board in prison infirmaries. Those were the big difficulties we faced.



**Frédéric:** You trained peer educators in the field. Did you encounter difficulties with these peer educators? And of what kind?



**Dr Assemien:** We trained not only peer educators but also community counsellors for the psychosocial care of patients. We trained nurses to the point of obtaining inter-university degrees, in particular in Ouagadougou; we financed placements abroad, especially in Bordeaux, so that all knowledge could be exchanged. But of course, with peer educators, the main difficulty was the turnover, that is to say, they came in and out. So, we trained people who were then released after two or three months or a year, meaning we were understaffed.



**Frédéric:** They were released in the context of presidential pardons, which are one of the ways of managing overpopulation in our prisons.



**Dr Assemien:** Exactly, that was one of the ways of dealing with this crisis.



**Frédéric:** You were losing the training capital that you had invested in these peer educators because they were being released.

## From the programme to prison policies



**Dr Assemien:** Absolutely. So this workshop allowed us to establish a joint committee on health in prison, which brought together all the departments of the Ministry of Health: the national AIDS programme, the national tuberculosis and malaria programmes, the programme for nutrition, as well as the directors of health facilities and professions in order to monitor all of this. This enabled the creation of the joint committee and the drafting of the prison health policy document, followed by the health standards and guidelines. This is a document that did not exist at all beforehand, so it was truly one of the results of the project.



**Frédéric:** This national policy document was presented to the Council of Ministers. However, it was not followed up by the publication of implementing decrees. How do you explain this situation?



**Dr Assemien:** I think it's due to the budget trade-offs that the state is faced with. And also the fact that the size of the prison population is by no means easy to gauge, since there are many entries and exits happening simultaneously, making budgeting a little risky. Finally, there is the fact that, due to a lack of funding, you sometimes have to set priorities, and so, faced with a population that is not exactly legitimate, you have other priorities. The minister tends to want to treat the entire population of Côte d'Ivoire, but with certain priorities.



**Frédéric:** Before we finish, could you give us some figures on the practical results of your programme in terms of the screening of patients?

## Key takeaways



**Dr Assemien:** Yes! We screened approximately 66,000 inmates between 2008 and 2017. We also diagnosed about 1,900 HIV-positive inmates using rapid tests. We gave treatment to around 680 people living with HIV, in accordance with the national guidelines. I must also mention that we were able to improve the working environment of the care staff through the refurbishment of hospitals. We gave them equipment; we were also able to make sure that these healthcare workers could truly benefit from training, conferences, and so on. Nurses have, for instance, been trained in the delegation of tasks, because doctors were the ones responsible for this previously, but we did this because they were resident nurses.



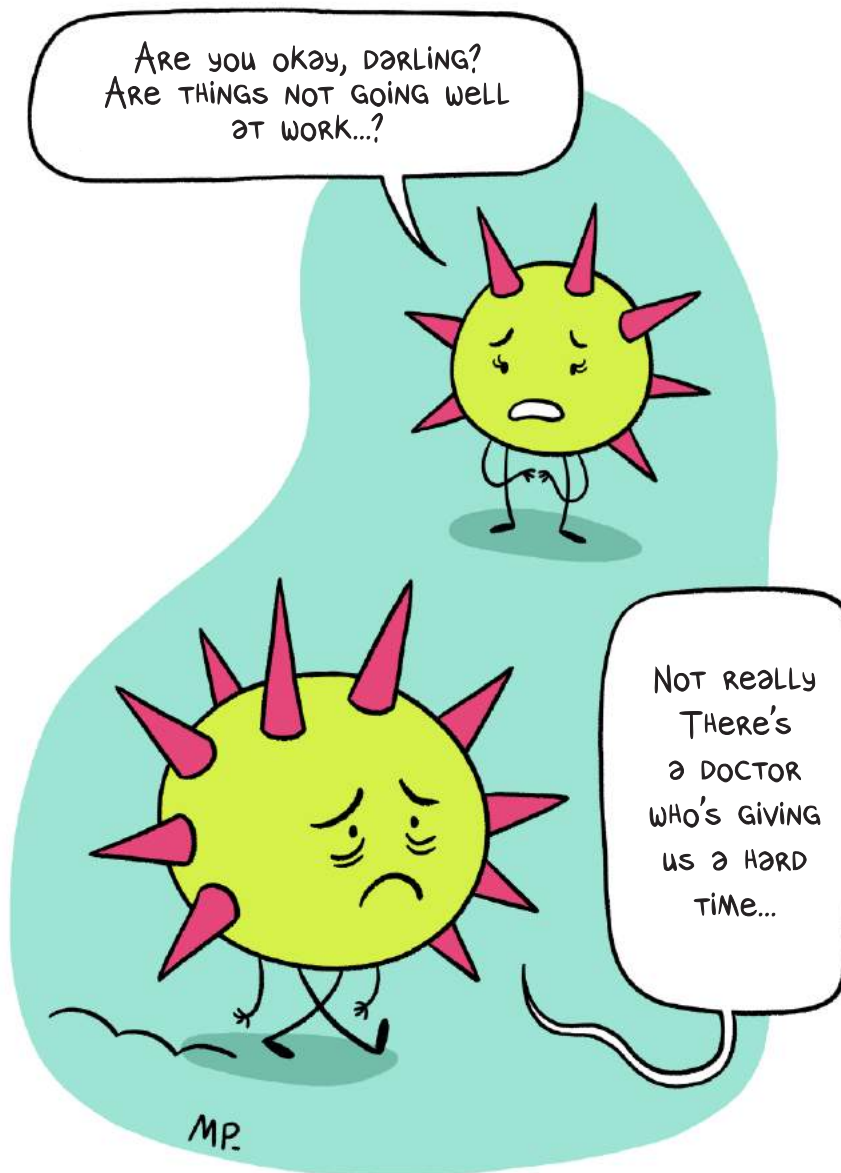
**Frédéric:** So, nurses have learned, for instance, to administer antiretrovirals?



**Dr Assemien:** Absolutely! But for first-line staff who work with a doctor who is not necessarily at the prison. Nowadays, we have doctors and nurses in the majority of prisons in Côte d'Ivoire.

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## **Week 4.5**

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**Supporting,  
influencing, mobilising.  
The ICRC and health in prison**

# Supporting, influencing, mobilising. The ICRC and health in prison

**Frédéric Le Marcis**

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**Dr. Carole Dromer**

Doctor, Coordinator of the Health Care in Detention programme of the International Committee of the Red Cross (ICRC)

## The ICRC's work in the field of health in prison



**Frédéric:** Carole Dromer, you are a doctor and the coordinator of the ICRC's Health Care in Detention programme. Could you tell us what is the nature of the ICRC's work in prisons?



**Dr Dromer:** The nature of the ICRC's work in prisons, or elsewhere for that matter, is humanitarian. I would even add that it is sustainably humanitarian, wherever possible and appropriate. We work on armed conflicts and other situations of violence; and we have major operating principles that have been followed for years, ever since the ICRC came into being. These are neutrality, independence, and impartiality. Neutrality means that the ICRC does not take a side. Independence means that the ICRC itself decides on its actions. And impartiality means that the ICRC does not discriminate between populations or individuals. New concepts are increasingly being added to how it operates, which include partnership, taking into account the desires of the people for whom and with whom the action is being led, and accountability to those people. Ultimately, the foremost value remains the dignity of every man and woman.



**Frédéric:** From a healthcare point of view, how do these principles apply in practice?



**Dr Dromer:** From a healthcare point of view, that's where we think from the outset about sustainable humanitarian action in prisons. This means that, from the beginning of the emergency itself, we will be thinking about the sustainability of the action, and, as part of a sustainable action, we will be thinking about what happens if there is an emergency. So our goal, when it comes to detention, becomes one of sustainably improving the living conditions of inmates. And in order

to achieve this, the ICRC has the opportunity not only to work with the authorities, but also to have multidisciplinary teams. This allows us to work on the determinants of health, and not just on access to care. So we will be working on water, on housing, on food, on education, on family ties, on leisure activities, on legal guarantees. All of this is important because every aspect of health, every aspect of detention, has an impact on people's health or even the health of societies, since these people will sooner or later be released into society.



**Frédéric:** You only intervene in crisis situations or post-conflict situations. Across the continent, how many countries do your interventions cover?

## The scope and duration of the ICRC's interventions in prisons in Africa



**Dr Dromer:** In terms of health care in detention, it's twenty countries, a figure that is slightly higher if we are talking about the ICRC's general presence. But as far as health care in detention is concerned, it's twenty countries. And that covers around 200,000 inmates and 250 detention sites.



**Frédéric:** What is the average duration of your interventions?



**Dr Dromer:** There really is no average duration, but anyway, the ICRC is in it for the long term. We stay for years and years. There are some exceptions, but we stay for years. Just as armed conflicts and situations of violence tend to last a long time, so does the work of the ICRC.



**Frédéric:** You operate all around the world. Does your intervention in African have any specificities, is there a healthcare issue specific to the continent?

## Malnutrition: The first characteristic of Sub-Saharan African prisons



**Dr Dromer:** There are specificities, as well as similarities, but they take on an entirely different dimension. One of the major specificities is the presence of malnutrition. This is not the case for all the countries where we operate. We operate in twenty countries in relation to health care in detention, and in sixteen of these we are working on malnutrition, that is, preventing or treating malnutrition. And last year, for instance, we treated just over 35,000 people who were suffering from malnutrition. So it's a major problem.



**Frédéric:** Does this concern the entire continent equally, or are there are disparities both between the continent's major regions and perhaps between regions within the same country?



**Dr Dromer:** There are mainly disparities from one country to another. North Africa is quite unaffected by all of this, as one of the primary causes of malnutrition in detention is a food ration that is inadequate in terms of quantity and quality. This is among the primary reasons. And we don't face such problems in North Africa.



**Frédéric:** You showed us a photo of a kitchen in a rural prison in Africa. This picture clearly demonstrates that the problems are not just about providing food, but also about being able to cook it. In what kind of prisons are these situations observed?



**Dr Dromer:** Well, this type of situation may appear extreme, but it is quite common, especially in rural prisons in Africa. It is quite clear that this person who has to cook for a thousand people is unlikely to manage to do so. With this lack of resources in the kitchen, even if there were food in the prison, it would be impossible to feed so many inmates. So, there are disparities within the same country. In general, the prisons that hold the most inmates and that are in capital cities are a bit better off than prisons in remote areas.



Worldwide: ICRC Health Care in Detention 2017



Date: 22.11.2017  
 DocRef: R0007 - WF - ICRC HealthCare - All 2017  
 Data source: ICRC, Prisoners & Detainees ICRC, 2017  
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The ICRC runs health care projects in over 65 countries



©Carole Dromer



## Little use of solitary confinement: A second characteristic of Sub-Saharan African prisons



**Frédéric:** Could you give us another example of a shared feature of African prisons?



**Dr Dromer:** There is another shared feature that happens to be rather more positive, and it is the fact that there is little use of solitary confinement. While this is not the case in North Africa, it is true in other parts of Africa. And I would say that this is positive, because solitary confinement is very harmful to people's health; very detrimental to both their family and their society, because it causes serious damage to health.

## Lack of treatment for mental health problems: A third characteristic of Sub-Saharan African prisons



**Frédéric:** One final shared feature, I believe, is the treatment of mental health problems?



**Dr Dromer:** Yes! This is a similarity found in all countries across the world. But in Africa it takes on significant proportions, because even the free population has very little access to mental health treatment. And prison populations have even less. What occurs in some countries is that because society is unable to come to grips with this problem, there is little understanding as to what to do with these people suffering from serious mental disorders, and so they end up being incarcerated. As a consequence, these people suffering from mental disorders find themselves incarcerated, locked up without treatment.

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## Key takeaways



**Frédéric:** So, we are also faced with a problem of a lack of resources?



**Dr Dromer:** Yes, that's another similarity that takes on huge proportions. It is indeed a question of a lack of resources. Many countries in Africa lack the means to provide inmates with even the bare minimum. I am not even talking about access to care in this case; I'm talking about sufficient drinking water, a balanced and healthy diet, clean living conditions—even that is a problem.



**Frédéric:** It is a political issue that is also related to the question of the legitimacy of inmates in the eyes of general populations.



**Dr Dromer:** Indeed, because states are largely just a reflection of their own societies. So, if their societies see inmates as people who can be abandoned or neglected, states will do the same.





# **Week 5**

## Yasmine Bouagga



The awful detention conditions in many African countries have made them the symbol of failing, unjust, and violent states. As a result, prison reform is now a primary concern for the transformation of the state, as well as a new site for international aid. Standards have been developed to guarantee inmates' fundamental rights, and international donors and development organisations are now focusing on the prison sector. A new reform market has thus emerged. Human rights associations and groups defending the rights of former political prisoners have also played a role in changing prison.

In order to gain a concrete understanding of the philosophies and practices of reform, we have gathered together the accounts of people directly involved, as actors or as association activists.

Reform projects take place within different political and social contexts and do not all have the same objectives: improving detention conditions, modernising the administration, training guards...

Different meanings of reform can at times come into conflict.

In summary, should transforming prisons be about having fewer inmates or about building better walls?



## **Week 5.1**

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**Defining prison 'standards',  
between human rights  
and security**

# Defining prison 'standards', between human rights and security

**Marie Morelle**

HDR lecturer in geography, University of Paris 1 Pantheon-Sorbonne, Prodig, Ecoppaf programme

**Yasmine Bouagga**

Doctor of social sciences, research fellow at CNRS, Triangle research unit (UMR 5206)

## Defining best practices for prison



**Marie:** In reformist discourse, there is a lot of talk about getting African prisons up to international standards. Could you explain this?



**Yasmine:** First of all, we have to point out that the discourse of prison reform is not specific to Africa! Rather, it has accompanied the development of the penal prison in Europe from the eighteenth century to the present day: reformers from different countries were shocked by the conditions of their prisons, and they travelled to other countries to learn from different models. International congresses on prisons regularly took place in Europe in the nineteenth century in order to establish international standards, setting objectives for reforms. This reformism, led by prison actors, judges, and philanthropists, was behind architectural models based on discipline and hygiene.



**Marie:** Do you have an example?



**Yasmine:** Yes! For example, the Tunis Civil Prison of 1906 was built to replace detention centres judged to be unsanitary based on the standards developed during international congresses. It was equipped with running water and electricity, and sought to approximate these models. Reformism is also behind the exchange of experiences (such as conditional release) and best practices in the treatment of inmates, such as the separation of prisoners into different categories: minors/adults, pre-trial detainees/convicts, and so on. Here we have a set of standards that will go on to spread on a global scale.



**Marie:** So, it was these exchanges of best practices that became international standards?

## The development of an international legal framework applicable to prisoners



**Yasmine:** Absolutely! And especially with the development of humanitarian principles. This was what the International Committee of the Red Cross (ICRC) proposed with the first international commitments on prisoners of war during the twentieth century. The Geneva Convention of 1929 set out the principles of detention with regard to these prisoners of war, and subsequently more general principles for all detainees were established with the Universal Declaration of Human Rights of 1948 in particular, including the prohibition of inhuman or degrading treatment or punishment.



**Marie:** But this was very general!



**Yasmine:** It was certainly very general, but it served as a basis for the later development of more precise standards during meetings that brought together prison professionals and jurists who discussed practices in order to develop standards that could spread globally regarding the proper management of institutions, or how inmates should be treated.



**Marie:** So, these are the standard minimum rules for the treatment of prisoners?



**Yasmine:** Absolutely, rules that were established and adopted in 1957, and which are referred to as the Standard Minimum Rules (SMR): they set principles, for example, with regard to the layout of premises, the fact that individual cells are preferable to collective ones, or principles relating to law, for example access to care, to medical care for inmates.



**Marie:** I see! Are there other international conventions?



**Yasmine:** These rules incorporated other principles of international law when they were updated in 2015. What have been termed the 'Mandela Rules' are an update of the standard minimum rules for the treatment of prisoners, which include new principles, in particular with regard to access to activities. In addition, there are other international conventions that have been adopted, and which are primarily aimed at specific populations: for instance, the Beijing Rules of 1985 (concerning minors) or the Bangkok Rules of 2010 (concerning women).



**Marie:** Is the enforcement of these standards effectively controlled?



**Yasmine:** This is an issue that is addressed in international law, especially through the OPCAT, the Optional Protocol to the Convention against Torture, which provides for the establishment of a system to monitor detention conditions among signatory states. In practice, this means that states commit to setting up an independent body to oversee prisons, psychiatric hospitals, police custody facilities, and immigration detention centres, and to ensure that national and international legislation on the respect for fundamental rights is effectively enforced in these places. In Tunisia, for example, a national prevention authority was created in accordance with this international convention.

## How to internalise international standards?



**Marie:** So, is there effective oversight?



**Yasmine:** The effectiveness of this oversight is open to question depending on local contexts. Everything hangs on whether this authority is actually independent. Does it have the means to operate? Are there courts that people can turn to in order to seek conviction for any violations found? In the end, everything depends on local contexts, on the ability of judges to handle complaints. But what we must note is that the fact that the state recognises these principles gives citizens and civil society organisations leverage to demand accountability in the event of violations.



**Marie:** In general, how do African states internalise these standards?



**Yasmine:** African states have developed national legislations, but also conventions at the regional level, especially through the African Commission on Human and Peoples' Rights, which has focused on prison, creating the role of a special rapporteur on prisons and adopting declarations in the context of various international conventions. For example, the 1996 Kampala Declaration on Prison Conditions in Africa, which advocates the use of alternative sentences to reduce prison overpopulation. There is also the 2002 Ouagadougou Declaration, which not only provides for principles relating to rehabilitation, but also principles relating to access to medical care in detention.



**Marie:** All of these declarations owe a great deal to the work of human rights activists!



**Yasmine:** Indeed, it is undoubtedly this advocacy work by local associations and international human rights NGOs that has made it possible for these declarations to be adopted. We could think about the work by the organisation Penal Reform International, which was founded by a former Tunisian political prisoner, Ahmed Othmani. This organisation has done a great deal to bring together reformers from different African countries and to develop standards for the reform of African prisons on a continent-wide level.



**Marie:** So, these texts and declarations, they aren't just a smokescreen?



**Yasmine:** What is remarkable is that international institutions and cooperation agencies have taken up this issue of prisons, in particular to help countries comply with the prison standards they have adopted. The next step is to agree on the practical interpretation of these standards. For example, when building new facilities, everyone refers to the Standard Minimum Rules, which establish that a minimum of four square metres of space is required per detainee. If we take the example of Tunisia, which is currently building new facilities in order to improve its incarceration conditions, we see that the theoretical capacity of facilities allows for four square metres per inmate. But given the chronic overpopulation of these facilities, it is doubtful whether that amount of space will actually be available to inmates. And as for the more philosophical principles of rehabilitation, one may well raise questions about their implementation in countries that have no basic social services at all, and for which even the feeding of inmates is a problem.



**Marie:** So, there is still an issue of internalisation of standards?



**Yasmine:** There is an issue of internalisation of standards, and there is an issue in terms of the tangible and material translation of these standards into practical law for individuals. It is a question of knowing whether they translate into national legislation, which may be very progressive, but sometimes without any means of effective implementation.

## The spreading of security standards, another consideration in prison transformation



**Yasmine:** Another issue involves understanding the place of legislation and practical standards with regard to security, which contribute to greatly transforming prison in a direction that sometimes differs from that of human rights.



**Marie:** But also provided that you have the material means to implement them?



**Yasmine:** Absolutely. For example, we could think about the fact that the US Supermax model, a very high-security unit whose aim is to control inmates (through solitary confinement), has pretty much been spreading all over the world. I am thinking in particular about Europe, North America, and South America. It has spread relatively little in Africa given its very high costs. Nevertheless, it is relatively attractive for security reasons, particularly in countries facing gang- or terrorism-related problems. While its spread is limited, it certainly exists in Africa. One example is Pretoria's C-Max prison in South Africa, which is modelled on this principle of a very sophisticated unit of inmate control.



**Marie:** What you describe in this circulation of standards is that there is a human rights issue, but also ultimately a security issue?



**Yasmine:** What we need to grasp is that in the globalisation of these punitive practices there is both a human rights dimension and a security technology dimension, and then we have to see how, on the ground, these international standards in terms of law and security are translated tangibly into local dynamics and in territories with highly contrasting material realities.

## Key takeaways

International debates on prison led to the development of more or less restrictive rules, which guaranteed the fundamental rights of prisoners and defined standards of best practice in prison.

International conventions and prison standards vary locally, and have multiple forms of internalisation.

In Africa, several declarations have established guidelines for a transformation of prisons in order to make them more respectful of inmates' rights and more focused on rehabilitation.

These texts, which serve as common points of reference for reform efforts, are rarely entirely effective on the ground, either due to material obstacles (the lack of resources of the penitentiary institution) or political obstacles: authoritarian contexts or, more commonly, security concerns may lead to local interpretations of standards that are very restrictive for prisoners, as seen in the case of high-security prisons.

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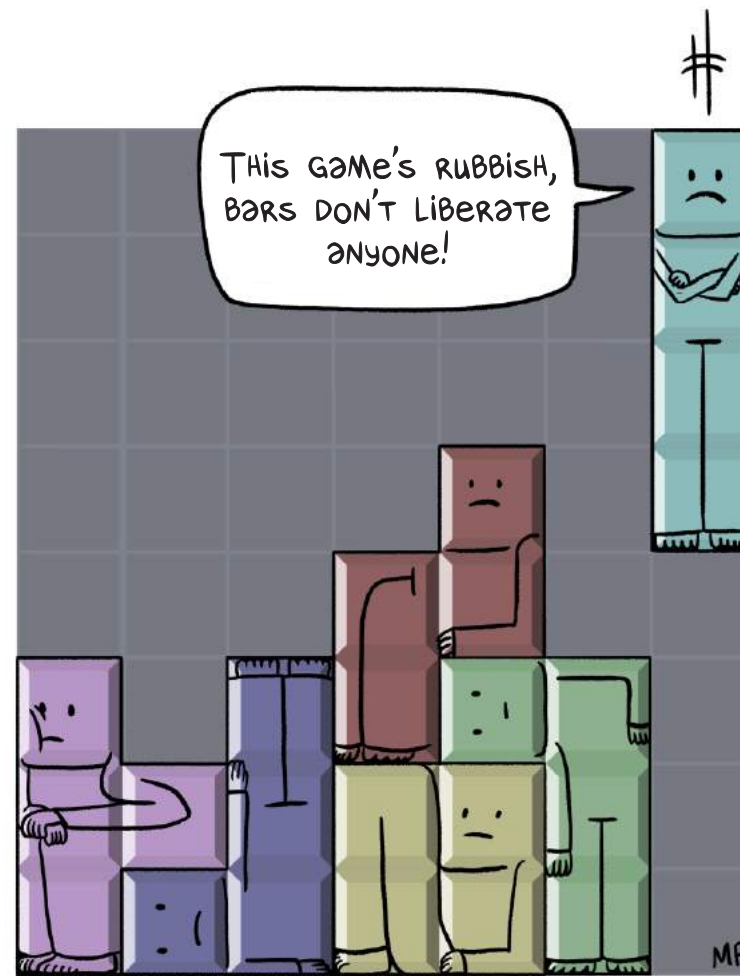
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DETENTION STANDARDS: 4 SQUARES PER PERSON







## **Week 5.2**

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### **Reform markets and the circulation of models**

# Reform markets and the circulation of models

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## Development aid and prison reform



**Marie:** There is always talk about development programmes in Africa, but do prisons have a place in these programmes?



**Yasmine:** Yes, and this is relatively recent. Until the 1990s, development was mostly understood in its socio-economic dimension; since then, international institutions have focused on issues of good governance and the rule of law, and, as a result, programmes in the field of justice and security have proliferated.



**Marie:** Are these security and justice reforms mostly important when it comes to political transitions?



**Yasmine:** Absolutely! The challenge of stabilising countries post-crisis means that prison becomes an important field of intervention at such moments in time.



**Marie:** And who provides funding?



**Yasmine:** It is international donors, who are mainly the world's wealthiest countries, who develop these programmes through their cooperation agencies, such as the French Development Agency, USAID, or Germany's GIZ. These wealthy states may also fund programmes indirectly through UN agencies or through NGOs. In this case, we are talking about international aid, but we could also talk about the market of prison reform.

## Logics of supply and demand



**Marie:** Why a market?



**Yasmine:** In the sense that there is supply and demand. There are some states that wish to finance certain reforms, certain transformations, and others that wish to implement some changes at home.



**Marie:** Where does their interest lie in funding prisons?



**Yasmine:** Well, there are of course ethical issues in terms of promoting human rights; pragmatic issues relating to the security guaranteed by the stability of neighbouring countries, and the effectiveness of their police and judicial system, which are also very important in advancing economic investments. For the European Union, justice and prison reform programmes are part of strategies to deter migration, by attempting to guarantee the same rights in migrants' countries of origin as those they would enjoy in EU countries.



**Marie:** So there also logics of influence!



**Yasmine:** Absolutely. We see that cooperation activities, regardless of their field of action, carry with them significant diplomatic stakes. That's why French cooperation has close ties with its former colonies, and so much so in the justice sector that the judicial systems are extremely closely related. However, for cooperation agencies, as well as for states, it is also a case of not losing influence to new powers, such as the United States or China.



**Marie:** Is China involved in prison reform?



**Yasmine:** Not all programmes are covered by international aid, but we know for instance that China is involved in the construction of dozens of prisons in Algeria; and it is also active in Cameroon. So, is it a reform actor or simply a construction industry actor? Things are not yet altogether clear.

## The case of the European Union



**Marie:** You talked about the European Union, could you come back to that a little?



**Yasmine:** The European Union is the main funder of prison and justice sector reforms in Africa. The EU funds programmes in Cameroon, Morocco, Chad, Mauritania, and so on. In the case of French-speaking countries, it is often the French who continue to hold a dominant position in such programmes, but not exclusively so. The European Union has brought with it a certain pluralistic logic, by imposing consortia wherein different states are brought together for the same project.



**Marie:** So the challenge is to contribute different experiences and models?



**Yasmine:** Yes, that's the goal, even if in practice it is often the same experts moving from one country to the next. This is because the European Union sets criteria, namely skills-based criteria based on years of experience in the justice or prison administration, and on the accumulation of this experience in international programmes. Hence, the number of experts who meet these criteria is relatively small, and you can see the same expert moving from a project in Chad, in Mauritania, then to Algeria, Tunisia, and Morocco, and, in so doing, spreading the same models.

## The circulation of models



**Marie:** Ultimately is it the same model being transferred?



**Yasmine:** Yes, there are recurring formulae. For example, the development of alternative sentences to reduce the use of incarceration. You see the same experts proposing reforms towards the establishment of probation in the different countries where they are involved. These practical methods are also the product of international recommendations.



**Marie:** Are the experts themselves the ones who decide on the directions their work takes?



**Yasmine:** It's not just them, because donors will list their expectations. These expectations will be in accordance with their interests and international recommendations, leading to a range of goals and activities that experts must implement. This is what is referred to as the 'terms of reference'. The terms of reference can be quite general, for example reducing the prison population, improving detention conditions, and promoting rehabilitation. They can also refer to specific activities relating to the training of prison staff or the implementation of a statistical management system for the prison population.



**Marie:** So it's up to the experts to spell out how to go about it?



**Yasmine:** Absolutely, but also to deal with the expectations, requirements, and constraints of the recipient authorities.



**Marie:** Do you mean the authorities directly affected by the reform?



**Yasmine:** That's right, the countries where the reforms will be implemented. And these authorities, of course, have their say: they express needs, they more or less take up certain proposals or certain demands by international donors. For example, regarding the gender approach, international donors will determine priority populations and reforms based on certain values and recommendations. In the key orientations of development, particular attention is paid to the specific vulnerability of minors and women. Therefore, even though women represent a very small proportion of the prison population, not least in Africa, they are the beneficiaries of programmes specifically designed to improve their detention conditions or their rehabilitation.



**Marie:** So, in order to get hold of aid, a country should develop at least a whole section on female inmates as part of a wider prison reform project?



**Yasmine:** Exactly! And this may commit it to take into account, to a certain extent, the specific problems of a neglected part of its prison population. But such recommendations may come into conflict with the way in which a prison problem is framed locally. In short, there is a market, in which the terms of reform will be determined more by the supply side—the supply of international funding—than by the demand side—the needs of the countries concerned.

## The actors of the reform market: Consultancy firms, development agencies, NGOs



**Yasmine:** It must be understood that, within this market, there are also a whole range of intermediaries, who are primarily the public and private operators of these programmes, including consultancy firms, NGOs, and cooperation agencies.



**Marie:** So, it's a business?



**Yasmine:** Absolutely. Especially since the sums involved are significant. Some companies have specialised in responding to calls for tenders. We could think of the British firm Adam Smith International or the French firm Sofreco. These firms are at the heart of an international economy of the circulation of expert knowledge, and they can work in consortium with NGOs, meaning that the borders between these for-profit private operators and non-profit operators are sometimes porous.



**Marie:** What about public-sector cooperation agencies?



**Yasmine:** These agencies have had to reorganise and transform themselves in order to become competitive in this reform market. This is the case, for instance, for Expertise France or JCI (International Justice Cooperation), which is the operator for the French Ministry of Justice, which has a very important role in the reform of prisons since it is able to call upon skilled people from its administrations, including the courts, prisons, etc., who are able to intervene abroad on account of their experience. As such, the agency is present in different countries of Africa and elsewhere in the world.

## The positioning of beneficiary countries



**Marie:** You talk about international donors, cooperation agencies, and private firms. I would like us to return a little bit to the countries in question and how they position themselves?



**Yasmine:** We must note that the administrations concerned are not monolithic. They are made up of individuals and professional groups with different stances with regard to reform. Some are more favourable, others are more resistant, and some do not agree with certain solutions put forward. For example, when it comes to combatting prison overpopulation, everyone agrees on the assessment of critical overpopulation and that something urgently needs to be done about it. International donors prefer solutions based on legislative reforms: changing penalties or promoting alternative alternatives. sentences.

However, this requires the effectiveness of the legislator and therefore of the parliamentary process. And for some people in the countries concerned, it's too long a wait for the laws to be changed. And so they would rather new prisons be built in order to respond immediately to these emergencies. This is particularly the case in post-crisis countries, such as Côte d'Ivoire.



**Marie:** That's somewhat ironic, because a prison reform project is going to be funded, there is going to be an attempt to develop alternative sentences, but what you're saying is that, in the end, they are going to build more prisons?



**Yasmine:** Yes, this can be a little discouraging; it is a frustrating assessment shared by some people working in these development programmes. But it would be an unfair assessment, since most of these reform projects have not been finished yet. It is a very big thing to change a penal philosophy, it takes a lot of time to change values, scales of punishment, and so on. Meanwhile, everything that has to do with facilities, security, and architecture can be changed much faster. On the other hand, on the ground, we must also note that we are actually seeing changes that are not necessarily part of these large funded projects and that are sometimes developed with more modest ambitions, much more locally, while still being of great importance for inmates. These may involve renovating the kitchens of a prison facility or fitting cells with fans, which can be very important in hot countries. These reforms are sometimes put in place by local philanthropists or by organisations such as the ICRC, and far more discreetly than in the case of large projects financed by international donors.



**Marie:** So, in short, although the transformation of prison is a market, not all actions aimed at transforming prison are necessarily part of this market.



**Yasmine:** Precisely, and local contexts always have an impact on shaping prison interventions. It is not always the "big projects" that have the most visible immediate effects.

## Key takeaways

**Prison reform is now a concern of development aid policies, with a focus on strengthening institutions and supporting the rule of law. Donors finance programmes, and a variety of different actors take up positions in relation to these programmes. These actors include cooperation agencies, consultancy firms, and NGOs.**

**As a result, there is what can truly be described as a reform market, defined by logics of supply and demand, which promote certain specific priorities or certain models.**

**However, the demands of the administrations of the countries in question transform these models in accordance with local concerns. In practice, we observe the rapid appropriation of security techniques and the adoption of projects for the construction of new prisons.**

**Despite all of this, reform projects are not disappearing. Rather, they are being led by more discreet actors, such as NGOs or charities working in prisons on a local level.**

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## **Week 5.3**

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**How to implement reform  
on the ground:  
An expert's account**

# How to implement reform on the ground: An expert's account

**Yasmine Bouagga**

Doctor of social sciences, research fellow at CNRS, Triangle research unit (UMR 5206)

**Philippe Pottier**

Prison expert, former director of the Penitentiary Integration and Probation Department in France, former director of the National School of Prison Administration



**Yasmine:** Today we will talk about how to undertake reform on the ground by listening to the account of an expert. Philippe Pottier, hello.

## Becoming a prison expert



**Yasmine:** You work as a prison expert on reforms in various African countries. What led you to undertake these missions?



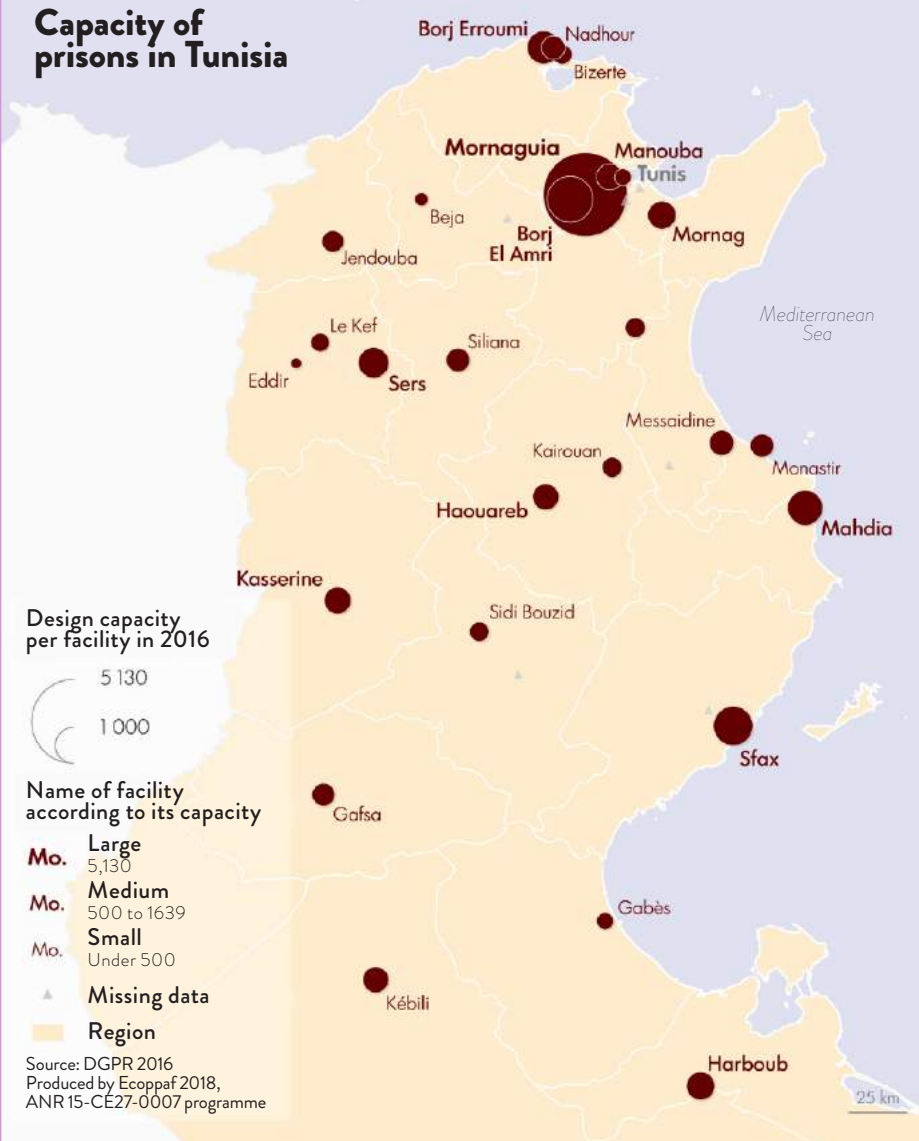
**Philippe:** What led me was basically my prison experience. I worked for around forty years in the prison administration as an educator in various prisons, in the probation service, and at the ministry as well. I was director of the National School of Prison Administration, and at the time, as director of this school, I rubbed shoulders with many colleagues from other countries, as the school had cooperation agreements with those countries. And that's how I began the more sustained work that I do now, as an international prison expert.

## Addressing the problem of prison overpopulation



**Yasmine:** Currently, you are operating in Tunisia, a country with a very high rate of prison overpopulation. We see the capacity of facilities on the map, a capacity that has exceeded 150–200%, and therefore this overpopulation is a major issue for reforms. What measures are being put forward to address this problem?

## Capacity of prisons in Tunisia





**Philippe:** There are two main lines of work: The first is that of developing alternatives to incarceration and penalty adjustments, which barely exist in Tunisia. These alternatives involve developing other forms of punishment than imprisonment, by punishing people outside of prison walls. Penalty adjustment involves developing forms of punishment complemented by prison sentences. So of course, these strategies should have the effect, if we are able to develop them, of reducing the number of inmates, since judges will be able to hand out other types of sentences and prison will not be the only available sanction. The other line of work involves working on detention conditions and improving daily life in prison—as much as that is possible in these difficult conditions—so that it does not hamper, or hampers as little as possible, the rehabilitation of inmates.

### Working with local actors



**Yasmine:** In concrete terms, how should we work? How do we convince stakeholders at different levels, at decision-making levels and at practical levels, that these changes are possible and desirable, and that they can lead to a better system for everyone?



**Philippe:** There is a climate of trust that needs to be established, because there are many international experts who do the rounds in these countries. I believe that in the case of experts such as myself, the fact of having worked for a very long time in the prison administration is a positive, because in a sense I am a colleague for my Tunisian counterparts. When I walk into a prison, it's clear that it's not the first time that I'm entering a prison, and that I simply know how it works. So there is a kind of trust that is established, and it is obviously very important, because these should not be reforms that fall from above and that merely come about because we decide to say in a contract that there is a need for reform. In addition, trust needs to be established with the country's authorities, be they political authorities, correctional officers, or judges. This means that we cannot implement such reform projects if the expert is confronted with a lack of desire for reform.

### The political context conducive to reform



**Yasmine:** Is there a political context that is more conducive to reform?



**Philippe:** Of course, it's clear. This may seem trite, but a context favourable to reform is one in which people in the recipient country—officials in the recipient country—are convinced of the need for reform, and in which this is not simply done in order to appear to be meeting international standards or to keep up appearances. This is not a given in all countries. I have experiences in other countries where, after a while, I have to ask myself: 'In the end, what will the work I'm doing actually achieve, other than being able to say that there were some experts who came and that we worked on a reform?' Currently in Tunisia, given a political context that is open to reforms, and also because of specific people, including the current head of Tunisia's prison administration, you get the feeling that there is a desire for reform and to bring about proper change. What does it mean to bring about proper change? It means ever better treatment of those entrusted to the prison service.

### The reference to international standards



**Yasmine:** As a reform actor, you act according to the requests of a recipient country. Does it sometimes happen that requests are out of step with what a donor wishes to fund? I am thinking, for instance, about measures to strengthen the security system of prisons. Are there discrepancies between visions for the reform in this kind of work?



**Philippe:** That can happen. As far as I am concerned, I only operate within a European framework. Therefore, all of my actions, and the actions of the experts I work with, are guided by the standards of the Council of Europe or the European Union, as well as United Nations standards; this includes European Prison Rules and European Probation Rules. This whole set of rules is based on human rights



declarations—taken from the Universal Declaration of Human Rights—and on the concept of human rights. So that is a key element that guides the work I do. Contracts are only possible if we place ourselves in this international context of advancing human rights. This inevitably eliminates a number of possible projects. And indeed, the idea is to implement prison reforms that seek to promote rehabilitation and avoid recidivism among persons entrusted to the prison administration. If this framework is fixed, the contract can go ahead, but it is generally well established in what is expected under the contract.

### Modalities of support for institutional reform



**Yasmine:** These different types of contracts fall into different categories. I particularly have in mind the fact that the European Union has different modalities of intervention for international aid: twinning, budget support, grants. Can you tell us about the differences between reform work in these different modes of intervention, and the advantages and limitations of these modes of intervention?



**Philippe:** Yes, it is indeed quite complex. There are several legal frameworks involved. I will explain a few of them. Twinning is an agreement between countries in the European area and beneficiary countries, under the auspices of the European Union. For instance, the twinning I just completed in Tunisia, on prison and probation issues, was led by France alongside Germany, with Tunisia as the recipient country. In this case, prison officials from the twinned countries were those who took part. This is really a country-to-country, state-to-state relationship. In terms of technical assistance, that's different. The European Union issues a call for tenders, organisations respond, and they send experts, who may be former prison officials, but not necessarily. So it's something that is generally more focused on a particular theme, whereas twinning is much more open-ended, and then there may be disagreements with NGOs and different types of agreement. As for the limitations and advantages of all this, based on my own experience? I find the formula of twinning to be particularly interesting, because it makes it possible

to bring into play professionals on prison matters—as I am involved in such matters—and it promotes the link with local stakeholders, since both sides are prison officials. We are not consultants who just come to do their work and then leave; we have a different motivation because it is our job to constantly work with inmates. I think it's a very appropriate framework. That said, it's a weighty framework—it's not easy to implement, because you need to have a certain number of officials available to intervene. It involves a rather hefty infrastructure. Technical assistance is easier, but its framework is perhaps less impactful.

### Can we change the philosophy of punishment?



**Yasmine:** In these different types of intervention, we observe that some focus more on legislative reform, on changing a legal framework, for example in order to create the possibility of probation, whereas others focus more on local experiments, such as setting up a pilot project. How do these approaches fit together and how might they contribute to changing a country's punitive culture?



**Philippe:** Changing a country's punitive culture is very difficult. It's difficult in any country. In France, the death penalty has been abolished. But I don't know what the result would be if we were to conduct a referendum right now. So there is work to be done at the level of policy, of law, there are choices that need to be made, which are inevitably political at any given time, so that the requirements for the reforms to take place can be written down in law, so that they have the right legal framework. But clearly a reform cannot just be a law. We have an example of this in Tunisia, where community service was instituted almost twenty years ago. It still hasn't been implemented because, although a law was passed, there was little thinking about how to put it into effect: Who is going to follow it up? Will services be created to implement it? No, and as a result no one talks about it. So, you need to act on both fronts: the law and the practical technical modalities—good professional practices that enable progress to be made. I spoke earlier about international standards; in these standards, there are many things that do not require laws to come into being, which are primarily matters of good professional practices.



**Yasmine:** From what you have said, it is clear how negotiations of an almost diplomatic nature on the adoption of international standards can fit together with the implementation of this transformation by practitioners on a day-to-day basis within the institution.

## Key takeaways

**Prison reform experts are people who circulate experiences, models, and standards from one country to another. They work in different institutional and political contexts, in accordance with the demands of the so-called beneficiary institution and the context set by the donor.**

**This expertise in reform can lead to proposals for organisational or legislative changes, or for staff training. On the other hand, transforming the entire philosophy of punishment is an ambitious enterprise that should be considered in a long-term perspective.**





## **Week 5.4**

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### **The role of NGOs and civil society**

# The role of NGOs and civil society

**Marie Morelle**

HDR lecturer in geography, University of Paris 1 Pantheon-Sorbonne, Prodig, Ecoppaf programme

**Yasmine Bouagga**

Doctor of social sciences, research fellow at CNRS, Triangle research unit (UMR 5206)

**Sasha Gear**

Director of the NGO Just Detention International—South Africa (JDI-SA), specialising in combatting sexual violence in prison in South Africa

## Associations acting as whistle-blowers or reform partners



**Marie:** Prisons appear as the sovereign domain of the state, yet we see NGOs and associations involved in their reform?



**Yasmine:** This may indeed seem surprising, because the prison world is difficult to access. You need to ask for authorisation to enter, and this is sometimes refused for security reasons, or because the authorities do not want you to see how they exercise power. However, human rights associations have long taken an interest in prison, because it is a place where many violations of fundamental rights occur, and also where people who are repressed by the state are confined. These associations can act as whistle-blowers, thus enabling prison reforms to be triggered.



**Marie:** Do you have any examples?



**Yasmine:** Many associations publish public reports on violations in a given type of facility, in a given remote region, or concerning a given population category, and, more generally, they produce studies on the dysfunctions of the justice system that prompt the prison world, the penitentiary system, to be called into question. These associations sometimes operate as part of transnational networks, such as Amnesty International or the International Federation of Human Rights Leagues, and such networks allow prisons to be problematised, while also making them a sector for intervention: for example, to improve detention conditions or to change penalties that are too repressive.



**Marie:** So, in this case, are they against the state?



**Yasmine:** To a certain extent, yes, because they speak critically of the state, but they can also become partners of the state in order to lead it to reform its practices and bring them in line with its own laws. This is particularly the case of Prison Reform International, Prisonniers Sans Frontières, and Just Detention International-SA, which operates in South Africa. Sasha Gear works for this organisation, and she explains how his NGO came to be involved in prisons in South Africa, which has the highest incarceration rate on the continent.

## Combatting sexual violence in South African prisons



**Sasha:** During apartheid, prisons were among the main institutions of black oppression, and they were part of the state apparatus. With the advent of democracy and the end of apartheid, transforming the nature of our prisons seemed vital to everyone. So it was mainly a debate about what our prisons should look like, and the purpose they should fulfil.

Some of the most discriminatory laws were removed, and that was very positive... Our criminal justice policies became very progressive in a way. But at the same time, the reality of prison for those behind bars continues to be absolutely terrifying. Prisons do not serve any positive purpose; in reality, they are of no use in rehabilitation, contrary to what we had hoped. And many people continue to suffer violence in detention. We have a situation where, contrary to our dreams, we are confronted with a very damaging prison system post-apartheid. But what has also happened, after apartheid, is that

there has been a real openness towards civil society, and civil society organisations have been strongly involved in the development of legislation and of new policies. In the early 2000s, there were three officials working in the pre-trial detention section of Pollsmoor Prison in Cape Town, which is one of our largest prisons, and among the most notorious due its violence. These officials were shocked by the sexual violence they witnessed, so they sought out organisations that could help them find out how to solve this problem of sexual violence. So they did a Google search and they found our parent organisation, which at the time was called 'Stop Prisoner Rape', which is now called Just Detention International (JDI): they invited the organisation to come to South Africa, to study the problem and see how they could help solve it.

At the time there was a very open and progressive director of correctional services, and he was very concerned about the problem of sexual violence. He invited JDI and another organisation, the Centre for the Study of Violence and Reconciliation, to help the administration develop a policy to combat sexual violence. As in other countries across the world, sexual violence in prison is something that people have heard about, but it is considered part of prison life, something that you can't do anything about, and people often joke about it. There is a lot of prejudice and stigma attached to it. Now, at JDI-SA, we are working to help the government implement this policy, which is about developing tools to examine where an inmate will be held when he arrives at a facility. This is a really important decision. Is he particularly vulnerable or not? Does he present the risk of being an aggressor or not?

In addition to these tools, we provide prison staff with training to help them recognise situations where someone may have been the victim of assault, because, given the stigma involved, it is very difficult for someone to come forward and report what they have experienced. It is crucial that guards are sensitive to the dynamics surrounding assault and that they are able to notice these dynamics, as well as the various risks or signals that indicate that an inmate may be in difficulty. So we carry out this work with the government, and we also do a lot of work with the victims.

## Changing the image of prisoners in society



**Marie:** What we can learn from this account is the very important role of NGOs in changing the image of prisoners in society?



**Yasmine:** Indeed, they play a key role in working on representations of prisoners and of prison. They can help to combat prejudices and promote greater awareness of injustices. Associations, in this regard, enhance awareness of prisoners' rights both inside and outside the institution. The commitment of civil society is thus key to changing prisons.



**Marie:** Yes, but what is 'civil society'?



**Yasmine:** It's true that the term 'civil society' is a catch-all term; it's vague and unclear. What it refers to is a heterogeneous set of non-state actors, which are both human rights associations—run by lawyers, for example—and international organisations. But we must not forget the role of the media, which acts as a major opinion former. And we can think of other actors, such as artists, whose work, and whose perspective, can lead to changing the representations of prisoners.



**Marie:** What I get from what you're saying is that, in order to change prisons, you have to be able to change representations...



**Yasmine:** Absolutely, because, ultimately, prison is just the end of the chain! And to change what happens there, we must first change the way the justice system works. To have effective leverage on prisons, we must act on how the justice system, the courts, and the judicial system work, and we must also change representations in society of what is just, what order means, and what is fair.

To this effect, we must act more broadly on how people conceive of these notions. There are certain moments that are more or less opportune for raising these questions, and moments of political transition in particular make it possible to question the role of the state and the definition of democracy and of the justice system more generally. But as we saw from Sasha Gear's account, these moments can also be times of instability that lead to feelings of insecurity and a wider use of incarceration. And that's why it's very important to work on the image of prisons and prisoners, because this is what will enable a wider questioning of the meaning of punishment in society, and to think of a way of delivering fairer security for all of its members.

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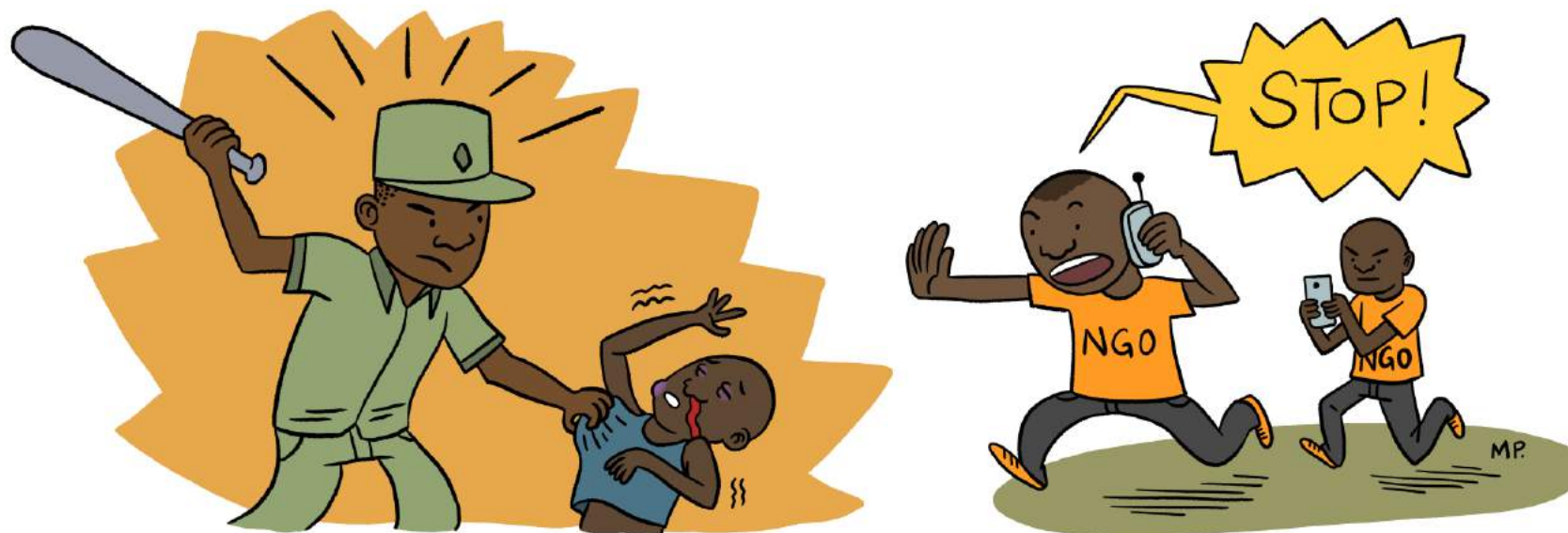
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## Key takeaways

Although prison appears to be the sovereign domain of the state, associations, NGOs, and civil society more broadly can nonetheless play an important role, both as whistle-blowers, drawing attention to potential violations of prisoners' rights, and as partners for improving detention conditions and discussing the meaning of punishment.

The South African case demonstrates an instance in which prison staff—hoping to resolve the problem of sexual violence in prisons—called on the help of an NGO to develop training and awareness programmes.

The work of these NGOs and associations is also important in changing how prison and prisoners are viewed: in this sense, artists and the media can also play a role in supporting prison reforms by questioning representations of incarceration and criminality.





## **Week 5.5**

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**The experience of reform from  
the perspective of a former prisoner:  
Pierre Claver Mbonimpa**

# The experience of reform from the perspective of a former prisoner: Pierre Claver Mbonimpa

**Yasmine Bouagga**

Doctor of social sciences, research fellow at CNRS, Triangle research unit (UMR 5206)

**Pierre-Claver Mbonimpa**

President of the Association for the Protection of Human Rights and Incarcerated Persons (APRODH), Burundi

## The involvement of associations in prison reform



**Yasmine:** When we talk about detention reforms, we often forget that they may have their origins in individuals' personal experiences of imprisonment. Pierre Claver Mbonimpa, you are a politically committed activist, and you yourself have experienced prison, as a result of which you have become specifically committed to defending the rights of prisoners, creating an association to this end. You talk about this experience in your book, *Still Standing*, which gives a first-hand account of this experience and the origins of this commitment. Could you tell us what led you to become a committed advocate of prison reform in Burundi?



**Pierre-Claver Mbonimpa:** Yes, I am a committed human rights activist. I became involved in the protection of the rights of individuals and inmates in general, and human rights in particular. I was incarcerated and I saw what happens in prison. And personally, I was abused, I was tortured, and after seeing what had happened to me, I told myself that others must be protected so that the awful things that happened to me do not happen to others. That's why I often say 'do not do unto others that which you would not have them do unto you'. That's the wink that I often give the authorities, because I know that prison... it isn't good, but it's a necessary evil. You don't know if tomorrow you will be the one going to prison, because there is no formula to going to prison. So that's why, seeing how I had an awful time in prison, seeing how my fellow inmates were abused, I told myself that I needed to set up an association defending the rights of prisoners. Later on, I broadened the scope of action and created an association that defends human rights in general, and the rights of prisoners in particular.



**Yasmine:** So, initially, you created an association in support of prisoners' rights while you were still in prison. How were you able to do that?



**Pierre-Claver Mbonimpa:** I had the idea when I was in prison, but I put it into practice upon my release. And, if I remember correctly, it was in April 1997.



**Yasmine:** And the aim of this organisation was to improve prisoners' detention conditions. You say that you have created libraries in prison, for example?



**Pierre-Claver Mbonimpa:** I did exactly one year and eight months without being brought before a judge. The other inmates used to come to me and tell me that they had just done three years, four years, five years, without being tried. That frustrated me, that hurt me. I told myself that we had to help these prisoners, these people who are left to their own fate. That's why I thought of helping them, through the organisation that defends prisoners' rights.



**Yasmine:** You just mentioned people detained without trial. One of the first victories of your organisation was to produce a report for the Ministry of Justice that showed the extent of this detention without trial, where people could go to eight years without being brought before a judge. And you tell us that the minister himself was very surprised to learn about this, and that he decided to release many people.





**Pierre-Claver Mbonimpa:** Yes, I approached the Minister of Justice and I told him that there were inmates who had spent many years in prison without being tried. The minister didn't know why that was the case, so he observed, he analysed, and he found out that there were judicial police officers who put people in prison and did not pass on the files. So the minister carried out an inspection of all of the country's prisons and found that there was a large number of prisoners who had gone a long time without being tried. He decided to release them. There you go, I thought, this is our victory. If I remember correctly, they released over 700 prisoners who were being held without having been tried.



**Yasmine:** So your association has truly managed to create a partnership with the authorities in order to improve the functioning of the judicial and penitentiary system?



**Pierre-Claver Mbonimpa:** Indeed, when I created this association, my idea was to work in partnership with the authorities, especially with the Ministry of Justice, with the Department of Prison Affairs. Fortunately, they gradually got to understand me, which is why our goal was achieved, because we found later on that the inmates had been humanised. That's really something I'm delighted with. I told you earlier that I was personally tortured. Now, torture is awful, it's damaging. So when I looked at my fellow prisoners, many of them had been tortured in custody, particularly by the police, but the perpetrators were not prosecuted. Afterwards, I had the chance to learn about the Convention Against Torture, which I applied in Burundi. We held seminars, we organised meetings with prison authorities, with judicial authorities, with authorities from the justice system, in order to combat torture. Fortunately, I was successful, as torture was later criminalised.



**Yasmine:** And in what you are saying, international law has a very important role in supporting prison reform. Have international organisations and other associations been able to help develop partnerships to change prison in Burundi?



**Pierre-Claver Mbonimpa:** Yes, indeed, the experience I have, where did I get it from? From international organisations. I could mention, for example, Penal Reform International, the ICRC, Amnesty International, Human Rights Watch. All of these organisations helped me to make positive progress in the field of prisoners' rights, in human rights. I remember that when Penal Reform International organised an international conference on detention in Africa, I was invited as an expert on places of detention to explain to other countries how I managed to set up an association that defends human rights, and also how I managed to convince the government, the authorities, to accept that there was an association that defended prisoners' rights, despite the fact that many of those in power were saying that defending the rights of prisoners equates to defending the rights of wrongdoers.



**Yasmine:** It is true that it is difficult to have this external perspective accepted, and you mentioned Penal Reform International, which was also created by a former political prisoner, Ahmed Othmani, who was imprisoned in Tunisia before creating this organisation in exile. And as for you, you showed in Burundi that it was possible to bring to bear the perspective of civil society in order to bring about prison reform. In your book, you also speak about an important visit by Nelson Mandela to Burundi's prisons, which came as a real shock to the country's prison administration.



**Pierre-Claver Mbonimpa:** Yes, I had the good fortune of meeting Ahmed Othmani of Penal Reform International. That's why I told you I had been invited as an expert on places of detention; it was thanks to Ahmed Othmani of Penal Reform International. I also had the good fortune of Mandela visiting Burundi's prisons, and I myself visited the prison where Mandela was detained; I saw where he had been detained. The message he sent to the Burundian authorities when he visited Burundi's prisons gave me a great deal of comfort, because it made it possible to change things for the better, when Mandela said: 'Are there really people in Burundi who believe in God while abusing prisoners in this way?' And that truly delighted us because it allowed us to achieve our goal.



**Yasmine:** What was your goal? Could you summarise the goals of the association?



**Pierre-Claver Mbonimpa:** First of all, with regard to prisoners, our goal was that prisoners' rights be respected. Even if you are a prisoner, you have rights just as you have duties. That's why, as a human rights advocate, I took that path. A prisoner should learn that he has rights as well as duties. There were prisoners who were being arbitrarily detained without trial, before being released by the Minister of Justice. Torture was criminalised, in 2006 I believe, and, as a result, the Penal Code of Burundi, which criminalised torture, became a very powerful weapon for us in combatting torture. I can safely say that, up until 2015, torture was no longer something we saw in Burundi. Even for judicial police officers; before, it had been their work tool, but, up until 2015, torture was no longer seen! That was another one of our victories. But, unfortunately, since 2015, torture has resurfaced. Abuse has resurfaced. Our country is sick after all. Prison overcrowding had been relieved. But today, if we look at the number of prisoners, which amounts to over 11,000, this is the first time we have reached a figure this high. Why? Because of poor political conditions, because of poor governance, because of the absence of civil society, and because, in Burundi today, there are no longer any civil society organisations that are allowed to visit prisons or jails—none. This is why we have a great many problems today with regard to respect for human rights.



**Yasmine:** You have shown that you achieved important victories that were brutally undermined in 2015 due to the political crisis, but, in your opinion, how might it be possible to firmly establish a sustainable prison reform, in such a way that it cannot be undermined by the prevarications of the authorities?



**Pierre-Claver Mbonimpa:** And that's what hurts for me. I spent years doing this work, and it was destroyed in less than a month, I would say. So now, I would say that we are back to square one, when torture was permitted. Today, we are trying to see how we can return to reason, how to respect the law. That's why we released the book, *Still Standing*. What does it mean? It means still standing up for human rights, still standing up for justice, still standing up for peace, still standing up for security. That's what its title means—'Standing up'! For me today, frankly, I have trouble understanding how Burundians live in fear, in misery, when we, we had done everything to advance human rights.



**Yasmine:** Pierre Claver Mbonimpa, thank you very much for sharing your experience with us. Today, we have seen how reforms can be put in place thanks to the commitment of civil society, how victories can be achieved in partnership with the authorities. But equally, we have seen how these victories can be fragile and undermined with the onset of political crises.

## Key takeaways

**Some prison reforms originate in the associative work of people who have personally experienced incarceration, as in the case of Pierre Claver Mbonimpa. Having observed the very high proportion of people incarcerated without trial in Burundi, he decided to create an association dedicated to the defence of human rights, which has worked in partnership with both international organisations and public authorities in order to find solutions to the serious dysfunctions of the justice system. This work enabled the release of hundreds of people who had been incarcerated without trial. It also led to the condemnation of torture, which was made an offence punishable by the penal code. However, these advances in prison reform are fragile and could still be undermined by changes in the political situation.**

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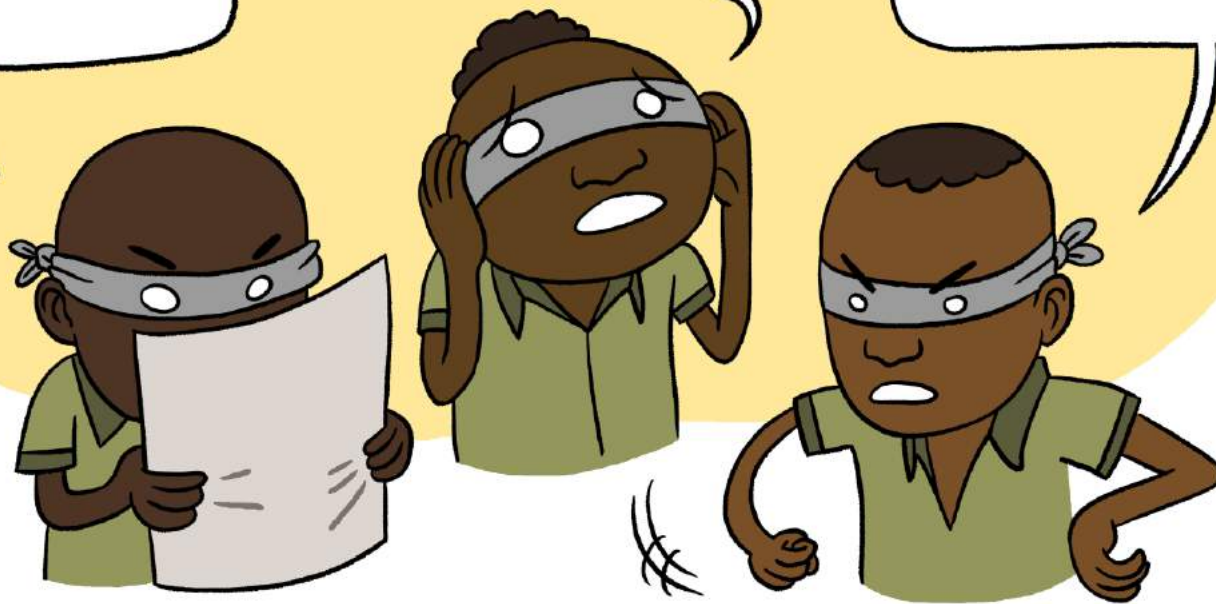
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# CONFERENCE OF TORTURERS

My dear colleagues,  
this reform will put  
us all out of a job...

OH NOOOOOOOOOOOO!

This is all  
MR MBONIMPA'S FAULT...  
We can't let  
this happen!



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