

## WORKSHOP 2 OF THE FOURTEENTH UNITED NATIONS CONGRESS ON CRIME PREVENTION AND CRIMINAL JUSTICE

### Introduction

1. Workshop 2 of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice



was held from 8-9 March 2021 in the Committee Room at the Kyoto International Conference Center in Kyoto, Japan. Dr. Matti Joutsen, the chair of Committee II, introduced the workshop theme of reducing reoffending and desistance. The chair introduced Director SETO Takeshi of UNAFEI as the scientific moderator of the workshop and its three panels. The chair explained that he would summarize the outcome of the workshop and would then report it to the committee.

2. Dr. Kittipong Kittayarak, former Executive Director of the Thailand Institute of Justice (TIJ), observed that the Mandela Rules established the importance of prison-based rehabilitation programmes, yet overcrowding has undermined the ability of prisons to rehabilitate offenders, underscoring the importance of community-based treatment and multi-stakeholder partnership. As Covid-19 has limited the ability of justice systems to engage in offender rehabilitation, practitioners should exchange best practices to ensure the effectiveness of rehabilitation and reintegration programmes.



### Keynote Speech

3. Dr. Fergus McNeill, Professor of Criminology and Social Work at the University of Glasgow, reported that as many as half of all people incarcerated return to prison. The costs of reoffending are economic and human, and the Covid-19 pandemic has exacerbated the failure of the state to rehabilitate offenders through punishment. Punitive responses have enhanced social disintegration, leading to more reoffending. The destabilization of societies due to these policies is in direct conflict with the Sustainable Development Goals (SDGs). There is a growing evidence base to suggest that stigmatization and criminal punishment slow the rehabilitative process. Thus, rehabilitative interventions must be guided by three principles: parsimony (no more intervention than necessary), proportionality, and productiveness (personal, judicial, moral and social rehabilitation). Dr. McNeill introduced the Risk-Need-Responsivity (RNR) Model as a specific form of “personal rehabilitation” and stated that pro-social modelling by correctional staff plays an important role in offender rehabilitation. The Good Lives Model was also introduced as a rehabilitation model that promotes “primary human goods”, by focusing on offenders’ personal strengths. Desistance is linked to physical and psychological maturation, the development of new social connections, and a shift in personal identity, requiring respect for diversity, enhancing social relations, enabling self-determination, providing practical support (housing, employment etc.), and recognizing and celebrating change. Public participation and social reintegration programmes are critical to helping



offenders along their paths to lasting change. As reconviction data is a limited measure of the success of desistance, research should focus on efforts to reduce barriers to reintegration imposed by the state with the goal of keeping penal systems small and judging criminal justice by its ability to enable reintegration and promote desistance.

### **Panel I: Creating rehabilitative prison environments**

4. Ms. Vera Tkachenko, Crime Prevention and Criminal Justice Officer of the United Nations Office on Drugs and Crime (UNODC), introduced the UNODC's technical assistance programmes, which shifted policies toward crime prevention and social reintegration. Enhanced investment in personnel is crucial to ensure rehabilitation, and rehabilitative prisons actually increase prison security. Rehabilitative prisons can also improve public health by addressing addiction and other issues, while social reintegration of offenders requires active participation of the public and relevant community stakeholders to reinforce progress made during prison-based programmes.
5. Ms. Mariana Martin, Commissioner of Rehabilitation of the Namibian Correctional Service introduced offender treatment practices in Namibia, which implemented its offender risk management correctional strategy, focusing on individualized treatment as a means for reducing reoffending. Since implementing the RNR model, the correctional service has improved its ability to understand which programmes will be most effective for each offender and for allocating resources effectively. Namibia's experience has demonstrated that offenders need to have their criminogenic needs addressed, but they also require support for desistance.
6. Dr. Emiliano Blanco, former National Director, Federal Prison Service of Argentina, presented on efforts to address corruption in Argentina's prisons, noting the links between anti-corruption, reducing reoffending and creating rehabilitative prison environments. He shared Argentina's experience in promoting a culture of integrity in prison, which led to prisoners' reports that they were treated with more respect and enjoyed a greater quality of life in prison. Dr. Blanco recommended prisoner surveys to measure corruption perception, and continual monitoring and measurement is fundamental to detecting and responding to corruption trends.
7. Ms. Heidi Bottolfs, Deputy Director General of the Directorate of Correctional Service of Norway, addressed the "principle of normality" and its application in Norwegian prisons. The principle of normality implies that every prisoner should enjoy the same rights as all other persons living in Norway. These rights include placement in the least-restrictive security regime with a prison environment that resembles life outside prison. To create rehabilitative prison environments, principles and values matter. Instilling principles and values requires the hiring of officers with a positive attitude toward rehabilitation and training them to improve their treatment skills.

### **Panel II: Community-based approaches that support desistance**

8. Dr. Matti Joutsen, Special Advisor, TIJ, delivered the keynote address for Panel II, noting that non-custodial approaches are more effective at reducing reoffending (at lower cost) than custodial alternatives. Custodial treatment is under-resourced and overburdened, resulting in harmful prison environments and more reoffending. Both research and practical experience demonstrate that short-term imprisonment tends to increase reoffending. As most offenders will be released into the community, treatment in the community works in connection with high-quality, well-targeted, well-resourced and well-supported interventions. Most low- and medium-risk offenders need no

support; however, members of vulnerable populations – the poor, migrants, and other marginalized groups – are in great need of support, along with higher-risk offenders. Good practices found in the UN standards and norms, such as the Tokyo Rules and the Bangkok Rules, can be replicated and adapted, but policymakers and practitioners should be aware of and avoid net widening – expanding the overall offender population through the application of non-custodial measures. Dr. Joutsen identified six keys to the wider use of community-based sanctions: (i) an adequate range of non-custodial sentences must be available to judges, (ii) substantive and procedural criminal laws should be reviewed, (iii) stakeholders should be provided with necessary information and training, (iv) partnerships between criminal justice decision makers and community-based services should be improved, (v) a steady resource base should be ensured and (vi) a continuous research component should be ensured. Dr. Joutsen stated that non-custodial sanctions are in line with the SDGs, and the issues are cross-cutting, meaning that we must consider the impact of criminal justice decisions on the victim, the offender and the community. Ultimately, greater use of non-custodial measures should lead toward a “development-led criminal justice system”.

9. Ms. Jennifer Oades, Chairperson of the Parole Board of Canada, addressed how community-based approaches facilitate rehabilitation and reintegration and the importance of community partnerships to the provision of services. Ms. Oades identified the keys to success as gradual and structured release, quality case information, evidence-based risk assessment, highly qualified board members and specialized training. Parole hearings are now more gender and trauma informed. She also stressed the importance of public awareness, citing the “Judges to Jail” programme in which judges gain an understanding of the effects of sentencing.
10. Ms. Jana Špero, Assistant Minister of Justice of Croatia, presented on the step-by-step introduction of probation in Croatia. Although prisons are necessary, short-term custodial sentences are extraordinarily damaging to offenders’ lives through the disruption of employment, family and social connections, etc. Ms. Špero emphasized that building public trust is a key aspect of developing new probation systems. Probation enhances public safety by providing counselling and support in the community. Providing these services requires extensive cooperation with courts, the police, prosecutors, the prison service, social services, health care institutions, NGOs, etc. She encouraged new probation systems, and those in formation, to work with other countries and organizations to develop ideas and tailor them to the local context.
11. Justice Theresa Matheka of the High Court of Kenya spoke on community approaches to juvenile desistance in Kenya. To overcome the punitive approach engrained in Kenya’s juvenile justice system, Justice Matheka created multi-agency Child Protection Teams (now called Children Court Users Committees) to address challenges and identify solutions. Due to a capacity-building programme using an integrated approach (judges, police, probation officers, prison officers and children officers), bureaucratic barriers were removed, and as a result, service delivery improved, there was greater use of social inquiry reports, and the best interests of the child were addressed.
12. Dr. Manuel Co, former Administrator of the Parole and Probation Administration (PPA) of the Philippines, spoke on *barangay* (village) justice and the probation system. As in the *barangay* system, restorative principles are applied to probation and parole. Mediation, conferencing and circles of support involve community members, volunteer probation assistants, offenders, etc. The

*barangay* system and the work of the PPA apply restorative justice principles in similar ways, providing forums for people to solve their problems without resorting to the criminal justice system.

### **Panel III: Taking a multifaceted approach to ensure continuous support and services for rehabilitation and reintegration of offenders**

13. Mr. IMAFUKU Shoji of the Rehabilitation Bureau of the Ministry of Justice of Japan presented on government-led multi-stakeholder partnership. He introduced Japan's practice of reintegration coordination among correctional officers and probation officers, noting that this approach begins as early as possible upon incarceration and continues after release. He also stressed that it is important for probation officers to work with local partners, such as welfare and medical institutes, self-help groups, local government and the private sector, including halfway houses and volunteer probation officers (VPOs), to connect offenders with support services. VPOs also help to promote public understanding of the need for reintegration support.



14. Ms. Sodiqua Williams of the Safer Foundation presented on building safe pathways to successful re-entry for returning residents in Chicago, Illinois. Many people with arrest and conviction records are either stigmatized or stripped of rights, threatening their ability to obtain housing, employment and other basic services. Re-entry must be viewed through a holistic lens that addresses a litany of underlying social issues. To achieve racial justice and equity, vulnerable populations need support, and governments need to invest in re-entry services and support.

15. Ms. Olivia Rope, Executive Director of Penal Reform International, presented on gender-responsive rehabilitation, introducing PRI's work in Georgia and in Thailand. PRI's research shows that women face common barriers to rehabilitation, such as poverty, violence, stigmatization, mental health needs, and status as sole caretakers. In Georgia, health and counselling, employment and childcare were identified as the top needs of women re-entering society. Shelters provide safe spaces for women as they re-enter society, and they enable the provision of legal and psychological counselling. Economic empowerment to tackle poverty is important to help returning women earn livelihoods, as is coordinating multi-stakeholder re-entry support.

16. Mr. Ali Reunanen of Criminals Return Into Society (KRIS), a Sweden-based peer-support group, introduced himself as an addict and offender, explaining his own history of trauma and victimization and how it led him toward crime and addiction. He underscored that change comes from within, requiring the offender to ask for help. Thus, peer support groups are important to the development of self-esteem and efficacy. The path toward recovery often requires treatment in prison, drawing inspiration from hope and faith, self-help groups, housing support etc.



17. Ms. Cristina Mattei of Hedayah, presented on MASAR, Hedayah's online monitoring, measurement and evaluation tool and its applicability to all forms of offender rehabilitation and reintegration programmes. MASAR helps frame the "theory of change" to project long-term impact, track progress towards goals and activities, generate indicators to measure impact and

performance, identify data collection methods, etc. By enhancing evaluation capability, MASAR helps practitioners design and identify smarter goals for treatment programmes, select appropriate indicators and analyse the results.

### Summary

18. The moderator briefly summarized the workshop presentations and interventions as having generated consensus on the importance of the following approaches to reducing reoffending: (i) individualized treatment drawing on the principles of the RNR Model, the Good Lives Model and Desistance Theory; (ii) less restrictive sanctions while avoiding mass supervision and net-widening; (iii) continuity of support throughout the process of rehabilitation and reintegration through a multi-stakeholder approach. He also noted that, during the discussion, there was a recommendation to create model strategies on reducing recidivism.