



**Fourteenth
United Nations Congress
on Crime Prevention and
Criminal Justice**



Kyoto, Japan, 20–27 April 2020

Distr.: General

3 February 2020

Original: English

Item 4 of the provisional agenda*

**Integrated approaches to challenges facing the
criminal justice system**

**Workshop 2. Reducing reoffending: identifying
risks and developing solutions****

Background paper prepared by the Secretariat

Summary

Reducing reoffending is critical to building inclusive, sustainable societies as envisioned in the 2030 Agenda for Sustainable Development. To reduce reoffending effectively, criminal justice systems must prioritize offender rehabilitation and social reintegration. The background paper explores the creation of rehabilitative prison environments, the adoption and implementation of community-based approaches that contribute to reducing reoffending, and multi-stakeholder approaches that ensure continuous support and services for offender social reintegration, as solutions to reduce reoffending.

* A/CONF.234.1.

** The Secretariat wishes to express its appreciation to the members of the United Nations crime prevention and criminal justice programme network of institutes, especially the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, for assisting in the preparation and organization of the workshop.

I. Introduction

1. Sustainable Development Goal 16 of the 2030 Agenda for Sustainable Development (General Assembly resolution 70/1) is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. To achieve this goal, it is important for criminal justice authorities to take measures that ensure the rehabilitation and reintegration of offenders into society as productive and law-abiding citizens. Reoffending¹ refers to the perpetration of a new criminal offence by a person who has already been the subject of a criminal justice intervention. Although reliable global statistics on reoffending rates are currently not available, both developed and developing countries experience reoffending. Reducing reoffending leads to fewer victims, greater community safety and less pressure on, and lower costs for, the criminal justice system. To reduce reoffending, there must be effective offender rehabilitation and social reintegration practices in prison, in the community and throughout the offender's time in contact with the criminal justice system. Yet seamless and rehabilitative interventions cannot be accomplished by criminal justice authorities alone. It is imperative that criminal justice authorities develop robust partnerships with various public and private sector stakeholders, engaging them throughout the process towards the offender's social reintegration.

2. The United Nations standards and norms in the field of crime prevention and criminal justice recognize and encourage rehabilitative approaches. The revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (General Assembly resolution 70/175, annex), in particular, highlight the fact that the purposes of imprisonment, namely, "to protect society against crime and to reduce recidivism", can only be achieved if the period of imprisonment is used to ensure the reintegration of offenders into society upon release, so that they can lead a law-abiding and self-supporting life. The Rules recognize the necessity to tailor treatment to the individual needs of offenders by assessing the risks that prisoners may pose and the needs that they may have and preparing a programme of treatment suitable to their needs, capacities and dispositions. With regard to offenders with special needs, in particular women and juveniles, careful individual assessments taking account of those needs should be undertaken, and specific rehabilitation and reintegration programmes should be developed, as emphasized in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (Assembly resolution 65/229, annex) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Assembly resolution 45/113, annex). Similarly, the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (Assembly resolution 45/110, annex) promote the use of non-custodial measures, such as probation, parole and fines, and emphasize the importance of the involvement of volunteers and other community resources in the process of offender rehabilitation and reintegration.

3. In practice, rehabilitative responses should be based on reliable empirical evidence. This evidence base, which incorporates the monitoring, measuring and evaluation of programmes, should serve to

¹ The term "reoffending", a synonym of "recidivism", has been used in the present paper in line with the wording used by the General Assembly in its resolution 72/192 for the topic of the workshop.

plan and improve future interventions. Significant research has been dedicated to the development of empirical tools to identify appropriate treatment goals and improve the effectiveness of rehabilitation and reintegration. In particular, the risk-needs-responsivity² framework identifies dynamic risk factors associated with reoffending, also referred to as “criminogenic needs”, that must be addressed by treatment. In addition to risks and needs, the framework also encompasses “responsivity”, which considers the elements that have an impact on treatment effectiveness, such as how and in what context it is delivered, and the motivation, characteristics and situation of the offenders. Cognitive behavioural therapy has been identified as one of the most effective treatment measures from the standpoint of responsivity. Similarly, the desistance theory emphasizes the provision of support to offenders “to see themselves in a new [and more positive] light”,³ encouraging them to find hope for the future and helping them to build new prosocial identities by focusing on family relationships and employment.

4. The United Nations standards and norms and collective professional knowledge gained through practice have brought forth the following important issues that bear consideration:

(a) It is well known that imprisonment alone is insufficient to prevent reoffending and that it has a large adverse effect on social reintegration prospects caused by stigmatization, restricted contacts with the outside world, including the offender’s family, and the risk of institutionalization, that is, the risk for people to spend long periods of time in prison and to develop deficits in their social and life skills. Thus, imprisonment should be imposed as a measure of “last resort”, without prejudice to the principle of proportionality, the protection of society and the rights of the victims;

(b) Imprisonment can have a positive impact on reducing reoffending, in that imprisonment can be the “hook for change”⁴ in the lives of offenders if the prison environment is appropriate and if prison administrations follow a rehabilitative approach to prison management compliant with human rights standards;

(c) The use of imprisonment as the “default option”⁵ leads to prison overcrowding, which continues to undermine severely proper prison management, and thus has a negative impact on the quality and quantity of rehabilitative interventions in prisons;

² James Bonta and D. A. Andrews, *The Psychology of Criminal Conduct*, 6th ed. (New York, Routledge, 2017).

³ United Nations Office on Drugs and Crime (UNODC), *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders*, Criminal Justice Handbook Series (Vienna, 2018), p. 8.

⁴ Peggy C. Giordano, Stephen A. Cernkovich and Jennifer L. Rudolph, “Gender, crime, and desistance: toward a theory of cognitive transformation”, *American Journal of Sociology*, vol. 107, No. 4 (January 2002), pp. 990–1064.

⁵ Matti Joutsen, “International patterns in the use of community-based sanctions”, paper presented at the Twenty-fifth Anniversary Seminar of the United Nations Standard Minimum Rules for Non-custodial Measures, held by the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders in Tokyo, from 7 to 9 September 2015. “Throughout the world, imprisonment has solidified its position as the main punishment imposed for medium-level and more serious offences, and as the ‘default option’ against which other sanctions are compared. The assumption that imprisonment fulfils the various functions of punishment and thus is suitable for medium-level and more serious offences has resulted in a general growth in the number of prisoners.”

(d) Community-based treatment, as compared to imprisonment, is more cost-effective and better supports the social reintegration of offenders, as it enables offenders to benefit from necessary interventions and support while maintaining their lives in the community and avoiding social barriers stemming from institutionalization;

(e) The overuse of non-custodial measures, as well as their use without appropriate community support, can lead to “mass supervision” and “net widening”, whereby the number of persons controlled by the criminal justice system increases.⁶ The excessive use of supervision for low-risk offenders may increase the reoffending risk, owing to unnecessary interventions;⁷

(f) Interventions and support must be gender-responsive and tailored to each offender’s individual risk and needs, which need to be continuously assessed and reassessed;

(g) Preparation for re-entry into society should commence in prison, and interventions should continue until a successful reintegration is completed;

(h) In the pursuit of rehabilitative goals, multi-stakeholder involvement is indispensable.

5. Reducing reoffending is critical to building inclusive, sustainable societies as envisioned in the 2030 Agenda. To reduce reoffending effectively, criminal justice systems must prioritize offender rehabilitation and social reintegration by creating rehabilitative prison environments, adopting and implementing community-based approaches that contribute to reducing reoffending and taking a multifaceted, multi-stakeholder approach.

II. Crime prevention and criminal justice issues, policies and practices to reduce reoffending

A. Creating rehabilitative prison environments

6. Rehabilitative prison environments are necessary for the successful rehabilitation and reintegration of incarcerated offenders. Prisoners in facilities affected by high levels of violence, rampant drug use, organized crime, violent extremist ideologies and human rights abuses will find it difficult, if not impossible, to start their paths toward desistance from crime⁸ and rehabilitation. Prison environments plagued

⁶ See, for example, Fergus McNeill and Kristel Beyens, “Offender supervision in Europe: COST Action IS1106–final report” (March 2016), p. 2; Michelle S. Phelps, “Mass probation and inequality: race, class, and gender disparities in supervision and revocation”, in *Handbook on Punishment Decisions: Locations of Disparity*, vol. 2, Jeffery T. Ulmer and Mindy S. Bradley, eds. (New York, Routledge, 2018), pp. 45–47; Marcelo F. Aebi, Natalia Delgrande and Yann Marguet, “Have community sanctions and measures widened the net of the European criminal justice systems?”, *Punishment and Society*, vol. 17, No.5 (November 2015), pp. 589–590.

⁷ See, for example, James Bonta, Suzanne Wallace-Capretta and Jennifer Rooney, “A quasi-experimental evaluation of an intensive rehabilitation supervision program”, *Criminal Justice and Behavior*, vol. 27, No. 3 (June 2000), pp. 312, 314 (“The risk principle suggests that the intensity of treatment should be matched to the risk level of the offender. That is, low-risk offenders require few (or no) services, and higher risk offenders require intensive levels of service.”).

⁸ “Desistance” is a term used in criminology to refer to the cessation of criminal behaviour.

by overcrowding and corruption are guaranteed to exacerbate criminal tendencies among prisoners, increasing their risk of reoffending upon release. The emerging threat of violent extremism in prison and correctional settings has often been met with attempts to introduce highly specialized counter-terrorism strategies and initiatives for violent extremist prisoners. However, it is often overlooked that, for such strategies and initiatives to be effective, they need to be built on stable, sound and well-run prison management systems, which are compromised in many countries.⁹

7. Estimates suggest that there were more than 11 million people in prison globally in 2018, including both pretrial and sentenced prisoners.¹⁰ Prison overcrowding remains one of the greatest challenges that stand in the way of creating rehabilitative prison environments, with the number of prisoners exceeding the official prison capacity in 121 countries.¹¹ In overcrowded facilities, there is no capacity, in terms of space, infrastructure and human resources, to provide prisoners with tailor-made interventions, treatment and support. Also worrying is the trend towards harsher sentencing policies and long-term sentences. The number of persons sentenced to life imprisonment increased by almost 84 per cent between 2000 and 2014, and an estimated 479,000 persons are currently serving formal life sentences worldwide, which poses fundamental questions about their treatment and rehabilitation prospects, as well as challenges to manage and care for people who are ageing and dying in prison.

8. Some countries are prioritizing efforts to reduce overcrowding. In response to prison overcrowding, Kazakhstan thus drastically reduced its imprisonment rate to 194 prisoners per 100,000 people and closed eight prisons.¹² This was achieved through justice reform driven by strong political will, reducing the length of prison terms and increasing the use of non-custodial sanctions for minor offences.

9. Lack of access to legal representation and inability to pay monetary bail are closely linked with poverty and result in excessive pretrial detention and imprisonment. To ensure equal access to a fair justice system and the elimination of unnecessary pretrial detention, criminal justice systems should enhance, inter alia, the offenders' unrestricted access to a legal advisor, including through adequate legal aid mechanisms, fair bail practices, the use of proper offender file management and, resource permitting, electronic monitoring.

10. Corruption and violence inside prison environments¹³ also undermine the implementation of rehabilitative approaches. Transparency and accountability in prisons can be ensured through strict adherence to all safeguards outlined in the Nelson Mandela Rules, including internal and external monitoring and inspection schemes, as well as external investigations into all cases of torture or other ill-treatment, death in custody, disappearance or serious injury, conducted by an authority independent of the prison or corrections administration. The Federal Penitentiary Service of Argentina has taken

⁹ UNODC, *Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons*, Criminal Justice Handbook Series (Vienna, 2016).

¹⁰ *Ibid.*, p. 2.

¹¹ Roy Walmsley, "World prison population list", 12th ed. (London, World Prison Brief, Institute for Criminal Policy Research, Birkbeck, University of London, 2018).

¹² Yerbolat Uatkhonov, "Kazakhstan's prison population drops dramatically in criminal justice reform breakthrough", *Astana Times*, 17 February 2018.

¹³ UNODC, *Handbook on Anti-Corruption Measures in Prisons*, Criminal Justice Handbook Series (Vienna, 2017).

steps to tackle corruption through preventive and punitive approaches, such as the creation of the Corruption Prevention Service, a complaint hotline, whistle-blower protection rules, staff training and monitoring and inspection services.

11. Prisoners face a range of social, economic and personal challenges that tend to complicate significantly their social reintegration, such as a history of social isolation and marginalization, physical and emotional trauma or abuse, physical or mental disabilities, poor interpersonal skills or low levels of education, among many others. Simply putting offenders in prison does not prevent them from reoffending, nor does it facilitate their rehabilitation, in particular if imprisonment fails to address their needs. Without effective programmes to help offenders to face their multiple challenges, the likelihood of their successful social reintegration is very poor. Institutional programmes and interventions designed to prepare offenders for social reintegration include tailored physical and mental health-care interventions, such as programmes to treat drug use disorders, sports activities, counselling, psychosocial support, education and vocational training courses, creative and cultural activities, work opportunities and regular access to well-stocked library facilities. Within the prisoners' rehabilitation component of the Global Programme for the Implementation of the Doha Declaration, the United Nations Office on Drugs and Crime (UNODC) has developed a *Roadmap for the Development of Prison-based Rehabilitation Programmes* and supported Member States in the establishment or enhancement of education, vocational training and work programmes for prisoners, with a view to their effective rehabilitation and social reintegration. UNODC also specifically promotes gender-sensitive prison-based rehabilitation programmes and post-release services in line with the Bangkok Rules.

12. Prisoners should be assessed as soon as possible upon admission to prison, as treatment programmes and interventions are most effective when they are based on such assessments and individualized treatment plans. Individual risk and needs assessments are key components of prisoner rehabilitation and are essential for ensuring that prisoners are allocated to facilities that are equipped to meet their education and training needs, taking into account social, legal, health-care and other rehabilitation considerations. Assessments that are exclusively based on the prisoner's criminal offence are insufficient. Rather, some evidence based on risk-needs-responsivity shows that specific risk and needs factors, such as criminal history, pro-criminal attitudes, pro-criminal associates, antisocial personality pattern, family and marital relationships, school or work relationships and performance, substance abuse and leisure and recreation activities, can assist in predicting future crime and should be targeted in treatment programmes and interventions.¹⁴ Attention should also be given to responsivity considerations that may influence how the correction or prison officer will relate with the offender and supervise the case, such as motivational barriers, denial or minimization of the offence, interpersonal anxiety, gender-specific, cultural or ethnicity issues, communication barriers, mental disability or disorder and psychopathy.¹⁵ In addition, research demonstrates that positive outcomes are more likely to be achieved when interventions and services are based on a "strength-based" approach to make use of "human capital", which refers to the capacity of the individual to make changes and achieve goals, and "social

¹⁴ Andrews and Bonta, *The Psychology of Criminal Conduct*, p. 44.

¹⁵ D. A. Andrews, James L. Bonta and J. Stephen Wormith, "Level of Service/Case Management Inventory (LS/CMI)" (Toronto, Canada, Multi-Health Systems, 2004).

capital”, which helps offenders to address personal challenges to ensure a successful reintegration, such as employment and family support.¹⁶ Providing prisoners with the resources and motivation to achieve their goals constructively is likely to reduce their prospects of getting involved in criminal behaviour upon release.

13. To achieve effective interventions, prisons must ensure sound programme delivery, good case management practices and the presence of well-trained staff with the skills and expertise necessary to manage and deliver the interventions.¹⁷ Prison officers can be key players in prisoners’ rehabilitation, encouraging them to participate in education and training activities and offering other support. Positive and prosocial relationships between prisoner and staff are also important to the success of rehabilitation. This approach is captured in the concept of dynamic security, which focuses on the creation and maintenance by staff of daily communication and interaction with prisoners based on professional ethics. Creating a sound therapeutic alliance with prisoners is a pivotal component of effective intervention. Working collaboratively with them in developing treatment goals, displaying empathy and warmth and offering encouragement and rewards for progress facilitate the change process.¹⁸ Furthermore, the capacity and willingness of prison officers to communicate openly with prisoners, to use a non-authoritarian manner and to respond firmly and fairly are the requisite ingredients of appropriate prison management. Acknowledging the crucial role of prison officers, including with regards to fostering a rehabilitative approach to prison management, UNODC has developed an e-learning course on the Nelson Mandela Rules¹⁹ tailored to prison staff and other persons working in prison. This innovative tool couples theoretical learning with 25 interactive videos, which were filmed in selected prison facilities in Algeria, Argentina and Switzerland. In those scenarios, the user needs to choose among various options on how to react to a given situation of daily prison life, including five that address the role of prison officers in the field of rehabilitation and social reintegration. In Kyrgyzstan, UNODC supported prison authorities in building the capacity of prison officers to establish prosocial relationships with violent extremist prisoners and to introduce vocational training, including for such prisoners.

14. Treatment programmes pursue the goals of desisting from crime and achieving social preadaptation by focusing on changing offenders’ attitudes and behaviours. Risk-needs-responsivity calls for the use of cognitive behavioural techniques to influence change because they are the most effective techniques to help offenders to develop new attitudes and behaviours. In addition, preliminary empirical research suggests that the desistance approach can enhance approaches based on risk-needs-responsivity, especially in terms of improving the subject’s engagement in treatment.²⁰ Cognitive behavioural therapy has a well-developed theoretical basis and is adaptable to a range of offenders and many cultural and social contexts. By providing rehabilitation

¹⁶ Steve Pitts, “The effective resettlement of offenders by strengthening ‘community reintegration factors’”, in *Resource Material Series No. 82* (Tokyo, Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, 2010).

¹⁷ UNODC, *Introductory Handbook on the Prevention of Recidivism*, pp. 6, 12 and 20.

¹⁸ See, for example, Tony Ward and Claire A. Stewart, “The treatment of sex offenders: risk management and good lives”, *Professional Psychology: Research and Practice*, vol. 34, No. 4 (2003), pp. 353–360.

¹⁹ UNODC, UNODC Global eLearning, Public courses, “The Nelson Mandela Rules”. Available at www.unodc.org.

²⁰ See, for example, Theresa A. Gannon, and others, “Good Lives sexual offender treatment for mentally disordered offenders”, *British Journal of Forensic Practice*, vol. 13, No. 3 (August 2011), pp. 153–168.

programmes, the Namibian Correctional Service not only aims to adhere to evidence-based practice, but also aspires to address the specific needs and characteristics of the Namibian offender population. Programmes are tailor-made for, and respond to, the Namibian population, realities and environment. Like most other prison-based programmes, they can also be offered successfully in the community.

15. The fundamental aim of rehabilitation is to enable prisoners to return to their community with skills and attitudes that will help in preventing reoffending. Education, vocational training and work programmes allow prisoners to engage in constructive activities while gaining new skills for potential future work. Many jurisdictions have made efforts to provide vocational training, education programmes and prison employment opportunities.²¹ Studies have confirmed that prisoners who receive education and vocational training during imprisonment are less likely to reoffend and more likely to find work than those who do not receive such opportunities.²² Efforts should be made to closely link vocational training programmes to actual demands in the outside labour market, and to implement those programmes in close cooperation with vocational training providers in the outside community.

16. Furthermore, as indicated in the Bangkok Rules, efforts should be made to address the special social reintegration requirements of women and to ensure that women prisoners have access to a balanced and comprehensive programme of activities that takes account of gender-specific needs without falling into gender stereotyping. Indeed, training women in “feminine” occupations often limits their prospects of obtaining well-remunerated employment after release. The UNODC Global Programme for the Implementation of the Doha Declaration has thus supported the Plurinational State of Bolivia in providing vocational training to women prisoners in the construction sector, giving women prisoners a real chance to find employment upon release by training them in a sector where their skills are in demand.

17. The more isolated and confined a prison environment is, the harder it will be for a person to return to freedom successfully. The principle of normality (or “normalization”),²³ that is, the idea that life in prison should be as close as possible to life in the community, is one of the cornerstones of the modern Norwegian Correctional System. Prison authorities in Norway seek to maintain the lowest possible security level, and prisoners retain as many rights as possible within the framework of deprivation of liberty. During incarceration, crucial services for reintegration are delivered to the prison by local and municipal service providers. This means that the staff delivering medical, educational, employment, clerical or library services are providing these services in the same manner as they would in the community.

18. Owing to social barriers to re-entry, it is not easy for incarcerated offenders to return to the community and restart their lives upon release.

²¹ The importance of “vocational training, education programmes and prison employment opportunities” for offenders was observed in the report of the Asia and Pacific Regional Preparatory Meeting for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 22 to 24 January 2019 (A/CONF.234/RPM.1/1, para. 34 (e)).

²² Sharon Critoph, *The Rehabilitation and Social Reintegration of Women Prisoners: Implementation of the Bangkok Rules*, Martha Crowley, ed. (London, Penal Reform International and Bangkok, Thailand Institute of Justice, 2019), p. 29.

²³ UNODC, *Roadmap for the Development of Prison-based Rehabilitation Programmes*, Criminal Justice Handbook Series (Vienna, 2017), pp. 4–5.

Continuity in interventions and support, achieved through collaboration between prison staff and community-based treatment providers, are extremely important to facilitate rehabilitation and reduce reoffending risks. Interventions and support in prisons should be aimed at preparing prisoners for their return to the community. Thus, prisons should encourage prisoners to establish and maintain regular contacts with their family members or other significant others who will support them after their release.

19. Advances in technology provide prisons with new ways of delivering education programmes for prisoners. The prevalence of electronic devices holds great promise for cost-effective prison-based use, including the use for videoconferencing in legal proceedings, family visits and medical consultations. The use of videoconferencing should not, however, replace face-to-face meetings, as this would be contrary to the principle of normalization and further reduce a prisoner's contact with the outside world. In Singapore, the use of video-counselling is being explored, and a mobile application to help former offenders to reintegrate has been created.²⁴ In Kyrgyzstan, with UNODC support, the Skype application is used for some family visits to reduce the financial and travel burdens for those living far away.

B. Community-based approaches that contribute to reducing reoffending

20. Community-based approaches, including non-custodial measures and restorative justice processes, can effectively reduce reoffending by ensuring that offenders receive appropriate support and, when necessary, treatment, which maximizes the opportunities for them to live productive and independent lives as responsible members of society. In many countries, people with drug use disorders represent a significant part of the prison population or population in contact with the criminal justice system. For that population, evidence-based treatment and care interventions have proven to be effective.²⁵ In their joint publication entitled *Treatment and Care for People with Drug Use Disorders in Contact with the Criminal Justice System: Alternatives to Conviction or Punishment*, UNODC and the World Health Organization examine various options to divert into treatment people with drug use disorders who are in contact with the criminal justice system.

21. Non-custodial measures can be applied at any stage of the justice process. At the pretrial stage, they include conditional discharge, bail and diversion from prosecution, such as through a restorative justice process, for example, victim-offender mediation. In the case of people with drug use disorders, treatment and care can be provided as an alternative to conviction or punishment. Sentencing-phase options include fines, community service orders, probation and suspended sentence. Post-sentencing options for incarcerated offenders include parole and conditional release. Furthermore, restorative justice programmes at various phases can pave the way for or be used in conjunction with non-custodial measures or early release. Some of these non-custodial sanctions involve community supervision or other interventions. In many countries, new methods of supervision, such as

²⁴ Aquil Haziq Mahmud, "Prisons exploring use of digital platforms to help ex-offenders better reintegrate into society", *Channel News Asia*, 11 January 2019.

²⁵ For cases related to personal consumption and other relevant cases of a minor nature, the international drug control conventions allow for treatment and rehabilitation measures to be applied as an alternative to conviction or punishment (United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, art. 3, para. 4 (c) and (d)).

electronic monitoring, are increasingly used as a component of community supervision in case of conditional release.

22. Sentencing or case-disposition decisions must be made in line with the principle of proportionality, as well as the fundamental rights of the offenders, the rights of the victims and concern for public safety. The practical application of those principles has its challenges, including gaps in legal and policy frameworks, a lack of capacity among criminal justice practitioners or insufficient public awareness and acceptance of alternatives to imprisonment. The use of non-custodial measures is more likely in jurisdictions where the general public has a positive attitude towards offender rehabilitation in the community and where the system is capable of delivering rehabilitative community interventions (“community-based treatment” or “community corrections”). Some jurisdictions have codified legislative options for non-custodial sanctions, but those have little to no application in practice owing to low levels of public understanding and acceptance or the lack of authorities or institutions responsible for, or familiar with, delivering community-based treatment.

23. In deciding adequate penalties or case dispositions and providing rehabilitative interventions, assessments are necessary to identify the offenders’ individual risks, needs and environmental factors that may have a positive or negative impact on their chances of successful social reintegration. Thus, relevant information needs to be collected at the relevant stages of the criminal justice process, for example, through the use of pre-sentencing or social inquiry reports at the sentencing stage and of risk and needs assessments in prison. Furthermore, several countries have developed sentencing guidelines or established advisory sentencing councils or commissions to ensure fairness and incorporate rehabilitative perspectives in the sentencing process.

24. In order to incorporate rehabilitative perspectives in pretrial or sentencing decisions, it is also important to make the judiciary or other decision-making institutions aware of rehabilitative perspectives, in particular the role of prisons and of those responsible for community-based treatment in offender rehabilitation. In Canada, the “Judges to Jails” programme gives opportunities to judges to learn about prisons and parole, including through visits to prisons and listening to parole hearings. In Kenya, the police department, prison department, children services department, prosecution, judiciary and probation department engage in continuous collaboration and information-sharing throughout the juvenile justice process, so that each authority, including the judiciary, may perform its role effectively.

25. Restorative justice programmes can contribute to reducing reoffending when they are implemented in accordance with procedural safeguards, giving due regard to the rights and needs of both offenders and victims.²⁶ As a flexible approach to dealing with crime, they can be implemented at any stage of the criminal justice process (police, prosecution, courts and prisons), or even independently from it. By giving offenders an opportunity to fully understand and recognize the consequences of their actions and the impact that those actions have had on the victims, their families and members of the community, restorative justice programmes can contribute to reducing reoffending by increasing the chance that offenders will take responsibility for their behaviour and desist from crime. The participatory, flexible and

²⁶ Basic principles on the use of restorative justice programmes in criminal matters (Economic and Social Council resolution 2002/12).

problem-solving approach of restorative justice programmes encourages a more prosocial attitude, which can reduce reoffending. When community members participate in a restorative justice process, their informal support can help offenders to acquire prosocial behaviours, thus motivating them to change.²⁷ In Austria, for example, it is reported that 84 per cent of offenders who participated in victim-offender mediation did not reoffend afterwards.²⁸ In the Philippines, the *barangay*, the smallest unit of local government, plays an important role in the restorative justice process. Stakeholders who participate in the process typically include *barangay* officials, religious members, family members of the offender and the victim and community volunteers.

26. It is crucial that community-based approaches be implemented with the individual situations of offenders and community in mind. Data on persons serving community or semi-custodial sanctions and measures from the Council of Europe SPACE II project show that an increase in the use of community sentencing does not automatically result in a reduction in the use of imprisonment.²⁹ The indiscriminate and excessive use of community sanctions without adequate attention given to individual cases and the community's capacity brings risks of mass supervision and net-widening by imposing community supervision in cases that might previously have resulted in financial sanctions or other less restrictive options. This practice would not alleviate prison overcrowding and may exceed the capacity of the community corrections agency, posing difficulties in delivering appropriate interventions to those who need them. Furthermore, unnecessary supervision and interventions for low-risk offenders increase their reoffending risks.

27. Community-based treatment can facilitate the social reintegration of offenders subject to non-custodial sanctions or dispositions or released from imprisonment. The goal is to provide the appropriate balance of supervision and support through effective collaboration between criminal justice agencies and community-based stakeholders, including by seeking community participation. This will create favourable conditions for the reintegration of offenders into the community under the best possible conditions, considering their situation.

28. A common strategy to establish and implement effective community corrections is to make full use of existing community resources. For example, the active use of volunteers has been an effective way to engage the community and provide necessary support to offenders with multiple needs while, at the same time, saving governmental resources. In Japan, the volunteer probation officers play a vital role in community corrections by assisting professional probation officers in conducting community supervision and pre-release coordination of the offender's social environment. Similar systems are in place in other countries, including Kenya, Malaysia, the Philippines, the Republic of Korea, Singapore and Thailand.³⁰ While the duties of

²⁷ See, for example, Andrew Day and others, "Promoting forgiveness in violent offenders: a more positive approach to offender rehabilitation?", *Aggression and Violent Behavior*, vol. 13, No. 3 (June–July 2008), pp. 195–200.

²⁸ Veronika Hofinger and Alexander Neumann, "Legalbiografien von Neustart Klienten" (Vienna, Institut für Rechts- und Kriminalsoziologie, 2008).

²⁹ Vicki Prais and Frances Sheaban, *Global Prison Trends 2019*, Martha Crowley, ed. (London, Penal Reform International and Bangkok, Thailand Institute of Justice, 2019), p. 40.

³⁰ Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, "Report of the second Asia Volunteer Probation Officers meeting", in *Resource Material Series No. 104* (Tokyo, March 2018), pp. 149–150.

those volunteers vary from country to country, the core concepts are to conduct community-based supervision and counselling in a prosocial environment, using the local knowledge of an established member of the community to connect the offender with local resources and creating positive personal relationships that last beyond the term of supervision. In Croatia, a new probation system was introduced by taking a step-by-step approach after long and thoughtful planning. Croatia established its probation service in 2009 upon enacting enabling legislation but chose to establish only a small number of offices in the first three years, to focus on quality over quantity of service delivery. In 2017, Croatia merged its prison and probation services, which facilitated the exchange of information and promoted cooperation between prison and probation practitioners, who often serve the same clients.

29. When prisoners are released into the community, they frequently encounter a wide range of social barriers to re-entry, such as challenges in access to employment, housing, treatment for drug use disorders and prosocial support. The continuum of care from prison to the community through robust coordination, in particular between institutional and community corrections services, is crucial. Ensuring an adequate period of support facilitates a smooth transition to society. This can take the form of a support staff assigned to work with the offender in prison and in the community during an initial transition period, to assist the offender in finding housing and employment, and generally helping the offender to navigate through the initial stages of re-entry. In Canada, “statutory parole” is granted when two thirds of the sentence has been served; furthermore, “full parole” allows for earlier release with community supervision upon the decision of the Parole Board. Full parole had an extremely high completion rate of more than 98 per cent from 2017 to 2018. The Parole Board of Canada carries out initiatives to make the parole process transparent and accessible to the public.

30. Simply monitoring offenders’ compliance with conditions of release is insufficient for successful community supervision. Appropriate supervision involves managing the offenders’ risks, coordinating resources to meet their needs, and developing and maintaining a trust-based human relationship with them.³¹ Other critical activities include teaching, support, reinforcing positive behaviour and enforcing consequences for negative behaviour.³² The process of supervision must be informed by an understanding of reoffending and must focus on developing the offenders’ motivation and capacities for change. Supervision can contribute to reducing reoffending when it is based on an adequate assessment of the offenders’ needs, motivation and situation and on a sound case management approach. Staff training and guidance are particularly important for officers and volunteers involved in supervision. The Practice Guide for Intervention³³ developed in New South Wales, Australia, is a series of structured exercises and activities designed to guide interventions and enhance the behaviour-change focus of supervision sessions. The Strategic Training Initiative in Community Supervision,³⁴ which is used in a number of jurisdictions and has contributed to a remarkable decrease in

³¹ UNODC, *Introductory Handbook on the Prevention of Recidivism*, p. 59.

³² Ibid.

³³ Mark V. A. Howard and others, “Innovations in a model for enhancing the behavior change content of supervision with community-based offenders,” *Advancing Corrections Journal*, 7th ed. (June 2019).

³⁴ James Bonta and others, “Taking the leap: from pilot project to wide-scale implementation of the Strategic Training Initiative in Community Supervision (STICS),” *Justice Research and Policy*, vol. 15, No. 1 (June 2013), pp. 17–35.

reoffending, trains parole and probation officers to better adhere to the risk-needs-responsivity-based model in their interviewing techniques.

C. Taking a multifaceted approach to ensure continuous support and services for rehabilitation and reintegration of offenders

31. The importance of public-private partnership and of engaging members of society in the pursuit of sustainable societies is emphasized in both the Sustainable Development Goals (in particular in target 17 of Goal 17) and the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation adopted at the Thirteenth Congress on Crime Prevention and Criminal Justice (General Assembly resolution 70/174). In the criminal justice context, the rehabilitation and social reintegration of offenders cannot be accomplished by criminal justice authorities alone. All segments of society need to be involved at all stages of the process towards social reintegration. Public-private partnerships and the active involvement of the community are particularly important to ensure the continuity of interventions and support for the prisoners' smooth reintegration into the community. Moreover, community-based approaches cannot be achieved without the understanding and acceptance of the community and the public at large. It is of vital importance to take a multifaceted approach by incorporating the active participation of a wide range of relevant sectors and persons into the rehabilitation and reintegration process. Political will plays a key role in involving relevant stakeholders in multifaceted initiatives. Criminal justice authorities must also identify, activate and mobilize existing public and private community resources and make efforts to build robust partnerships with relevant stakeholders. For example, Japan has adopted comprehensive government-wide strategies whereby various rehabilitative initiatives addressing employment, housing, education, social welfare, health care and family relations are undertaken on the basis of enhanced public-public and public-private partnerships.

32. Stakeholder engagement is critically important in coordinating employment, housing, education, social welfare, health-care, family and peer support, enhancing the offenders' human and social capital, community supervision and other interventions, awareness-raising and technical assistance. Stakeholders can be from the public sector (at the State and local levels, as well as representing international or regional bodies), from the private sector (including non-governmental organizations (NGOs), employers and peer support groups) or individuals (family members, experts, volunteers or community members). It is imperative that criminal justice authorities, in particular corrections and rehabilitation authorities, engage those stakeholders and develop cooperative partnerships with clearly defined roles.

33. Employment is a key factor for successful reintegration, as it is not simply a source of income but helps offenders to reconnect with the community and contributes to the enhancement of their self-esteem, self-confidence and self-efficacy.³⁵ A number of interventions to help

³⁵ Joe Graffam and others, *Attitudes of Employers, Corrective Services Workers, Employment Support Workers, and Prisoners and Offenders towards Employing Ex-Prisoners and Ex-Offenders* (Burwood, Melbourne, Victoria, Deakin University, School of Health and Social Development, 2004), p. 4.

offenders to find and sustain employment can be delivered as in-prison or community-based programmes, such as vocational training, teaching job application and interview skills, and offering job placement and career counselling services. Effective support should also be provided to employers, such as public subsidies for employing former offenders, compensation for damage, preference in public procurement and tax credits or deductions. Furthermore, matching the needs of the offenders and businesses is key to successful support. The Safer Foundation, an NGO based in the United States of America and working independently and in partnership with government, offers a range of services to help formerly incarcerated individuals to secure employment and has achieved a high rate of sustained employment.

34. The lack of suitable housing poses a reoffending risk and is a major challenge that former prisoners face at the time of re-entry.³⁶ Many offenders coming out of prison are or become homeless and face strong stigmatization, including from their own families, which impede them from returning to live with their families. Without adequate accommodation, it is extremely difficult to sustain employment and live independently. Thus, housing support should start in prison as an important preparation for re-entry. Since accommodation forms the basis of life in the community, each offender's individual circumstances should be taken into account, and special consideration will be necessary for offenders with special needs, such as those with physical or mental disabilities, the elderly and those suffering from drug dependence. Housing support will function best when linked with initiatives to support employment, social welfare, health care and recovery from drug use disorders by community development bodies, housing authorities and non-profit and faith-based organizations. Prison and community corrections authorities should work together with such initiatives and organizations to coordinate housing. In the United States, the Safer Foundation operates adult transition centres accommodating former offenders in partnership with the Government of the State of Illinois. In Japan, the probation service begins coordinating offenders' post-release accommodation at the time of incarceration. If the prisoner cannot rely on family, relatives or friends, the Government provides offenders with temporary housing options, including publicly run or subsidized rehabilitation facilities and private housing. In addition, accommodation in social welfare facilities can be arranged for the elderly or disabled.

35. The Nelson Mandela Rules point to the need to provide prisoners with education and to integrate such programmes into the country's educational system. Access to the job market requires a level of functional literacy and numeracy, as well as other basic working skills, which many prisoners have simply not achieved. Functional literacy and a secondary school diploma, or a higher-level degree, facilitate employment. Robust and continuous partnerships with public and private education need to be developed. The EQUAL Initiative of the Directorate-General for Employment, Social Affairs and Inclusion of the European Commission has taken steps to improve access to education and training for prisoners in order to facilitate their reintegration into the labour market, such as distance learning in prisons.³⁷ The Global Programme for the Implementation of the Doha Declaration is supporting the Government of El Salvador in setting up e-learning university and technical studies in several prisons.

³⁶ UNODC, *Introductory Handbook on the Prevention of Recidivism*, p. 45.

³⁷ *Ibid.*, p. 50.

36. Prison- and community-based rehabilitative approaches should be sensitive to offenders with specific needs, such as women, young people, the elderly, persons with disabilities, foreigners, the poor and marginalized groups. Accordingly, building partnerships with stakeholders that can address those specific needs is crucial. Female offenders, for example, require gender-specific reintegration initiatives, as outlined in the Bangkok Rules. Fewer rehabilitation opportunities are available to women, and the opportunities that exist tend to be less varied and of poorer quality than those offered to men. In Georgia, Penal Reform International, an international NGO, works with local partner organizations to deliver rehabilitation and support services to female prisoners and their children who have experienced violence and discrimination.

37. The offender's family is usually the most important stakeholder for successful reintegration, because they provide offenders with social, financial and mental support. Therefore, it is crucial to involve family members in the rehabilitative process whenever possible by facilitating continued contact with the offender during the incarceration period, with appropriate exceptions in domestic violence cases. However, many families also face negative impacts from the incarceration of offenders, whom they may not be willing or able to support upon release. Therefore, support for family members may be necessary, including timely notification of the offender's release and assistance offered to family members in emotional, financial and interpersonal aspects.

38. Peer support and mentoring by former offenders is valuable to social reintegration because mentors can empathize with the offenders, and their input is less likely to be viewed with suspicion. Peer support focuses on attitude, spirituality and other factors that facilitate social reintegration. Operating in Sweden and several other countries, Kriminellas Revansch I Samhället (Criminals Return into Society), is an NGO operated by former offenders that helps other offenders on their path to reintegration by listening to offenders' concerns and giving them advice.

39. The use of volunteers is an efficient way to involve the community and provide necessary support. The importance of the role of supervised volunteers properly trained in the social reintegration of offenders is stressed in the Tokyo Rules. In addition to the use of volunteer probation officers in Japan and a growing number of countries, other examples include community member participation in mediation and restorative justice programmes and volunteer-led NGOs that support offender rehabilitation.

40. Awareness-raising activities will foster understanding and cooperation of stakeholders and generate public acceptance. Awareness-raising efforts should be directed to various target groups, including policymakers, and conducted in an appropriate manner. For example, fostering among the general public a general understanding of the importance of offenders' social reintegration is necessary. A good way to convince the general population could be to showcase success stories. Various electronic media, such as the Internet, short message services and mobile phone applications, can be effective means to raise awareness both in terms of cost and impact, allowing for a wide dissemination of information and interactive communications. To convince specific stakeholders to engage in rehabilitative support, face-to-face consultation or other forms of direct communication can also be effective.

41. Over the past 15 years, the Yellow Ribbon Project in Singapore has made significant progress in achieving awareness, generating acceptance and inspiring community action. The joint efforts by community members and partners, coupled with sustained media outreach, have built a national culture of acceptance and empathy towards former prisoners and their families. In a survey conducted in 2018, about 65 per cent of the respondents indicated that they were ready to accept former prisoners at school, in the workplace, in the family and in the community. Beyond its success as an awareness-raising campaign, the Yellow Ribbon Project has been linked to a decrease in the reoffending rate.³⁸

42. Technical assistance can be and has been provided by various players, including UNODC, the Programme Network Institutes of the United Nations Crime Prevention and Criminal Justice and other international or regional organizations. For example, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders has undertaken long-standing capacity-building for criminal justice personnel around the world through international training courses focusing on the reduction of reoffending, paying particular attention to the United Nations standards and norms and the Sustainable Development Goals. The private sector and NGOs can be key partners by leveraging relationships within the community and making use of their expertise, skills and knowledge of the social, religious and cultural backgrounds of the area that they serve. Technical assistance in partnership with non-criminal justice sectors may also be effective in addressing root causes of crime, such as poverty and discrimination.

43. Penal Reform International and the Thailand Institute of Justice have developed a practical guide for the rehabilitation of female prisoners with many innovative examples of promising practices from various jurisdictions, which can be used for capacity-building around the world.³⁹ Hedayah, the international centre of excellence for countering violent extremism, has developed and launched a monitoring, measurement and evaluation smartphone and desktop application to help to design programmes to counter violent extremism and to forecast programme impact. Although focused on countering violent extremism, the application is well suited to the design of any offender rehabilitation or reintegration programme. Known as “MASAR”, the application is a free online tool that provides step-by-step guidance on developing a “theory of change” to guide each programme, identifying community-based resources and designing frameworks for effective evaluation.

III. Conclusions and recommendations

44. Reducing reoffending is critical to building inclusive, sustainable societies, as envisioned in the 2030 Agenda. To reduce reoffending effectively, criminal justice systems must prioritize creating rehabilitative prison management and environments, adopting and implementing community-based approaches that contribute to reducing reoffending, and taking a multifaceted, multi-stakeholder approach. To those ends, criminal justice systems should ensure rehabilitative processes and environments throughout all stages and pathways leading to successful reintegration.

³⁸ Santhi Pandian and others, “Singapore’s Yellow Ribbon Project: unlocking the second prison”, *Advancing Corrections Journal*, 7th ed. (2019), pp. 60–72.

³⁹ Critoph, *The Rehabilitation and Social Reintegration of Women Prisoners*, p. 29.

45. The attainment of rehabilitative processes and environments requires continuing efforts by criminal justice actors, including prosecution, judicial, prison and probation authorities, as well as actors in the community, to solve problems stemming from overcrowding, avoid excessive use of imprisonment, ensure seamless interventions and smooth transition from prison to community, properly implement community corrections, enhance offenders' abilities to live crime-free lives and foster acceptance by and cooperation of the community. As such measures encompass many fields, reducing reoffending requires a multifaceted approach with active and robust partnerships among a wide range of public and private stakeholders. These stakeholders must act in a concerted manner, taking account of the diversity among justice systems and the social, cultural and other backgrounds of each jurisdiction.

46. Bearing this in mind, and considering the recommendations adopted at the regional preparatory meetings, the participants in the workshop may wish to consider the following recommendations:

(a) Member States should ensure rehabilitative processes and environments throughout all stages and pathways leading to successful reintegration, with special focus on: (i) where appropriate, the imposition of less restrictive sanctions and the active and adequate use of non-custodial penalties and dispositions in line with the Tokyo Rules and the Bangkok Rules; (ii) effective interventions and support responding to each individual's specific needs, based on empirical evidence both in prison and in the community; (iii) the continuity of interventions and support throughout the process, in particular from prison to the community; and (iv) adopting a multifaceted, multi-stakeholder approach;

(b) Member States should take consistent steps to establish a rehabilitative environment in all prisons by: (i) ensuring proper prison administration and case management and eliminating corruption, overcrowding and violence in prisons; (ii) providing interventions, treatment programmes, education, vocational training and work to help offenders to develop skills to lead law-abiding lives; (iii) enabling offenders to maintain their community and family ties; and (iv) ensuring that prisoners are treated fairly and with the respect due to their inherent dignity as human beings. The provisions of the Nelson Mandela Rules and the Bangkok Rules should be adhered to and applied in practice;

(c) Member States should seek to develop and implement interventions and treatment options that contribute to reducing reoffending, based on empirical evidence. They should undertake to collect relevant statistics, conduct research and share such information nationally and internationally;

(d) Member States should develop and implement specific gender-responsive rehabilitation and reintegration policies and programmes in line with the Bangkok Rules and based on existing good practices;

(e) Member States should tailor interventions and treatment programmes to the individual needs of each offender, in particular for those with specific needs, such as young people, the elderly, persons with disabilities, the poor and marginalized groups, and eliminate barriers to social reintegration;

(f) Member States should recognize the importance of rehabilitative community-based interventions and support to reduce reoffending and should endeavour to develop effective community-based approaches. In introducing or implementing community-based treatment, Member States should identify and strengthen existing community resources, involve community stakeholders, including volunteers, enhance their capacity through guidance and training and ensure that a mandated and sufficiently resourced public entity is in place to manage, supervise and support offenders in the community, such as a dedicated probation service;

(g) Member States, in implementing multi-stakeholder approaches to reduce reoffending, should establish, foster and improve mechanisms and platforms and establish an organizational culture to continuously involve all relevant stakeholders, including the public sector at both the State and local levels, the private sector, faith-based organizations, academia, volunteers and community members, so that all relevant stakeholders are able to work together towards the social reintegration of offenders. Member States should seek to promote public-public and public-private partnerships, inter alia, to help offenders to secure timely job placement and housing after release and access to social and medical services, educational opportunities and vocational training;

(h) In the introduction and implementation of effective rehabilitative mechanisms, Member States should seek a realistic, step-by-step approach that considers the availability of resources and the feasibility of steps to be taken within a certain time frame and that allocates adequate resources. Taking such an approach, Member States should make full use of existing resources, including those in the community, refer to established measures and experiences in other jurisdictions and explore the cost-effective use of information technology;

(i) Acknowledging that public understanding and cooperation are key elements to offender rehabilitation and reintegration into society, Member States should undertake, and allocate adequate financial and human resources for, awareness-raising activities directed to the general public, the private sector, NGOs, volunteers, employers and the family members of offenders;

(j) Member States are encouraged to offer or seek technical assistance, as appropriate, for the adoption or implementation of effective rehabilitative measures. Furthermore, Member States should actively share information on promising practices and support capacity-building efforts for criminal justice practitioners aimed at reducing reoffending. Member States may also consider seeking technical assistance from UNODC, the Programme Network Institutes of the United Nations Crime Prevention and Criminal Justice, other international and regional organizations and relevant non-governmental stakeholders.