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## WORKSHOP REPORT

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# Fourteenth United Nations Congress on Crime Prevention and Criminal Justice

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Agenda item 4

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

1. Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, which is part of the United Nations crime prevention and criminal justice programme network, assisted the United Nations Office on Drugs and Crime (UNODC) in the preparation and organization of the workshop. The Committee had before it the following documents:

(a) Background paper prepared by the Secretariat for the workshop on reducing reoffending: identifying risks and developing solutions (A/CONF.234/9);

(b) Working paper prepared by the Secretariat on developments regarding crime prevention and criminal justice as a result of the coronavirus disease (COVID-19) pandemic (A/CONF.234/15);

(c) Discussion guide for the Fourteenth Congress (A/CONF.234/PM.1);

(d) Reports of the regional preparatory meetings for the Fourteenth Congress (A/CONF.234/RPM.1/1, A/CONF.234/RPM.2/1, A/CONF.234/RPM.3/1, A/CONF.234/RPM.4/1 and A/CONF.234/RPM.5/1).

2. At the 1st meeting of Committee II, on 8 March, the Chair of the Committee opened the workshop. Opening remarks were delivered by Kittipong Kittayarak of the Thailand Institute of Justice. The workshop was moderated by Seto Takeshi, Director of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. The keynote address was delivered by Fergus McNeill of the University of Glasgow, United Kingdom of Great Britain and Northern Ireland. Presentations were made by the following panellists: Vera Tkachenko, UNODC; Mariana Martin, Namibian Correctional Service; Emiliano Blanco, Latin America Chapter of the International Corrections and Prisons Association; and Heidi Bottolfs, Directorate for Correctional Services, Norway. Statements were made by the representatives of

Morocco, Mexico and the Philippines. Statements were also made by the observers for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the International Federation of Action by Christians for the Abolition of Torture.

3. At the 2nd meeting of Committee II, on 8 March, the keynote address for the workshop was delivered by the Chair of the Committee. Presentations were made by the following panellists: Jennifer Oades, Parole Board of Canada; Jana Špero, Ministry of Justice and Public Administration of Croatia; Teresia Matheka, High Court of Kenya; and Manuel Co, Parole and Probation Administration of the Philippines. Statements were made by the representatives of Japan, Honduras, France, the Philippines and Italy.

4. At the 3rd meeting of Committee II, on 9 March, presentations were made by the following panellists: Imafuku Shoji, Ministry of Justice of Japan; Sodiqa Williams, Safer Foundation; Olivia Rope, Penal Reform International; Ali Reunanen, Criminals Return into Society (KRIS); and Maria Cristina Mattei, Hedayah. Statements were made by the representatives of Canada, Japan, the United States of America and China.

#### **Chair's summary**

5. During the opening remarks, the importance of employing a holistic approach to reducing reoffending, including through multi-stakeholder cooperation, was stressed. The keynote speaker, in his opening of the first panel discussion, on creating rehabilitative prison environments, emphasized the principle of proportionality that should guide interventions aimed at the personal, judicial, moral and social rehabilitation of offenders. He recalled the importance of evaluating interventions, including the offenders' perspectives of them, with the aim of identifying barriers to reintegration. It was noted that the most vulnerable populations suffered the most as a result of the State's failure to prevent reoffending. He concluded with the suggestion that criminal justice systems should be assessed by their ability to enable social reintegration.

6. The first panellist highlighted the alarming rates of prison overcrowding in the world, identified measures that contributed to creating rehabilitative prison environments and shared the experiences of Kazakhstan and Kyrgyzstan. The second panellist shared the Namibian experience in applying the "risk-need-responsivity" model, which demonstrated potential for reducing reoffending. The third panellist discussed corruption in prisons as a major obstacle to rehabilitation efforts and the experience of Argentina in reducing corruption and the risk of corruption in prisons, including through the enhancement of the status of prison staff and integrity training. The fourth panellist shared the Norwegian experience in adopting the "principle of normality" in prison administration, by promoting continuity of service and community participation, and other efforts that increased the quality of life of prisoners.

7. During the discussion, several speakers highlighted the importance of establishing legislation and using non-custodial measures, combined with efforts to raise awareness of the benefits of such measures among criminal justice practitioners and the wider public. Some speakers shared national examples of rehabilitation programmes in prisons and described the health, educational and vocational training components of those programmes. One speaker noted that Governments

must keep detailed statistics in order to measure and monitor reoffending.

8. The second panel discussion, on community-based approaches that support desistance, began with a keynote speech in which it was emphasized that community-based approaches were less costly and often more effective than imprisonment in supporting desistance. It was noted that community-based approaches could strengthen implementation of the Sustainable Development Goals, for example, through improved access to social services, education, employment and reduced social inequality.

9. During the first presentation, the use of community-based approaches to reduce reoffending in Canada was shared, and the fundamental importance of effective partnerships within and outside the criminal justice system was stressed. The role of the parole board in Canada in reviewing the conditional release of offenders was also outlined. The second presentation covered the Croatian experience in creating a professional probation system, which had significantly increased the use of non-custodial measures and reduced the prison population since its establishment in 2009. The promotion of the concept, benefits and results of probation were mentioned as critical to its expanded use. In the third presentation, the panel heard about the judiciary-driven multi-agency approach in Kenya in cases involving children, which had led to more children benefiting from non-custodial measures and to reduced pretrial detention, increased provision of counselling and successful diversion from the criminal justice system. The focus of the fourth presentation was the *barangay* (village) justice system of the Philippines, under which the smallest unit of local government facilitated access to justice through restorative justice. Information was also shared on the parole and probation administration in that country.

10. During the discussion, many speakers highlighted that having a wide range of community-based approaches was effective in rehabilitating and reintegrating offenders. One speaker noted the efficacy of using community probation volunteers as a measure to involve the community and mobilize its resources in rehabilitating offenders. One speaker stressed the need to provide systemic support for children in conflict with the law, with a strong emphasis on prevention. Speakers stressed that providing fair and effective opportunities for rehabilitation to former offenders was the most effective way of reducing reoffending and promoting public safety.

11. The third panel discussion, on a multifaceted approach to ensure continuous support and services for the rehabilitation and reintegration of offenders, began with a presentation on the Japanese experience in preventing reoffending through identifying and meeting diverse needs for rehabilitation, including housing, employment and social welfare. The second presentation covered the disproportionate impact of criminal justice policies on minority communities and highlighted the need for government and private investment in effective rehabilitation and reintegration programmes. The third presentation was focused on a gender-sensitive approach to rehabilitation, covering identified needs, common barriers and appropriate services for rehabilitating women in prisons. In the fourth presentation, the importance of providing support that met the individual needs of the offender, including by understanding the offender's history and background, was highlighted. The role of civil society in that effort was also highlighted. The fifth presentation featured the panellist organization's step-by-step

monitoring and evaluation framework, called *masar* (“pathway” in Arabic), designed to help policymakers and practitioners design effective programmes for rehabilitation and reintegration.

12. During the discussion, several speakers shared their national experiences and reiterated the importance of employing a multi-stakeholder approach in reducing reoffending. It was noted that rehabilitation programmes should provide support that met individual needs, and that housing and employment opportunities were often the most critical needs of former offenders. One speaker noted the importance of collecting and maintaining detailed statistics on reoffending rates so as to inform the development of criminal justice policies. Another speaker stressed the importance of funding for community-based programmes that supported reintegration.

13. The Chair recalled that reducing reoffending was critical to building inclusive, sustainable societies as envisaged in the 2030 Agenda for Sustainable Development. He emphasized that criminal justice interventions should be in line with the principle of the least restrictive sanction and the principle of proportionality, with the aim of rehabilitating offenders in the community whenever possible, and that programmes to reduce reoffending needed to be multifaceted, involve all relevant stakeholders and ensure the necessary continuity of care within rehabilitative environments. In that context, he invited participants to consider the following points raised during the discussions:

(a) With a view to reducing reoffending, Member States should undertake to collect relevant statistics, identify the root causes of offending and reoffending, including the impact of poverty, unemployment, homelessness, discrimination and health – in particular mental health – issues, evaluate social reintegration approaches, and share data, research and evaluation outcomes nationally and internationally;

(b) Member States are encouraged to develop effective interventions for the rehabilitation and social reintegration of offenders, recognizing that this is crucial to public safety and social inclusiveness, applying 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, refers to experiences in other jurisdictions and explores the cost-effective use of information technology;

(c) Member States are also encouraged to apply a multi-stakeholder approach towards the social reintegration of offenders, involving the public sector at both the State and local levels, the private sector, faith-based organizations, academia, volunteers and community members. Member States should seek to promote public-public and public-private partnerships, to ensure continuity of support and to help offenders to secure employment and housing and access to legal, social and medical services, as well as educational opportunities and vocational training;

(d) Acknowledging that public understanding and cooperation are key elements of the reintegration of offenders into society, Member States are invited to undertake awareness-raising activities directed at the general public, the private sector, non-governmental organizations, volunteers, employers and the family members of offenders to increase understanding of the impact of both imprisonment and non-custodial measures on victims, on the social reintegration of offenders and on

public safety, and elicit public support for the community reintegration of offenders;

(e) Member States are invited to recognize the effectiveness of rehabilitative community-based interventions and ensure that a mandated, sufficiently resourced and adequately staffed public entity, such as a dedicated probation service, is in place to manage, supervise and support offenders in the community. Member States are also invited to take inspiration from successful experiences with the involvement of community volunteers who support the reintegration of offenders;

(f) Member States are encouraged to implement penal responses guided by the principle of proportionality and assessed by their ability to enable the reintegration of offenders; use imprisonment as a last resort, recognizing that the prison environment is generally less conducive to rehabilitation and social reintegration than community-based measures; make use of an adequate and innovative array of non-custodial measures as alternatives to imprisonment and to pretrial detention, building on the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules); and consider the use of gender-responsive, child-friendly and human rights-compliant restorative justice interventions, in view of their potential benefits for victims, their value for the community affected by crime and their positive impact on the social reintegration of offenders;

(g) Member States are invited to establish rehabilitative prison environments, in line with the Nelson Mandela Rules and the Bangkok Rules, by ensuring that prisoners are treated fairly, with the respect due to their inherent dignity as human beings, and supported in their personal, judicial, moral and social rehabilitation; ensuring that prisoners' lives in prison reflect life in the community; ensuring proper prison administration and case management and addressing overcrowding, poor prison conditions, violence in prisons and corruption; providing interventions, treatment programmes, education, vocational training and work that are responsive to each individual's specific risks and needs; enabling offenders to maintain their community and family ties; and ensuring the recruitment of prison staff who display an attitude supportive to the rehabilitation of offenders and investing in multidisciplinary training for staff;

(h) Member States are encouraged to tailor interventions and treatment to the 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;

(i) Member States are also encouraged to develop and implement specific gender-responsive rehabilitation and reintegration policies and programmes in line with the Bangkok Rules, based on research on specific barriers faced by women in their rehabilitation, such as stigmatization, and on existing good practices;

(j) In dealing with alleged offenders who are children, Member States are further encouraged to widen the use of diversion from judicial proceedings and non-custodial measures and to ensure that deprivation of liberty is used as a measure of last resort and that any action taken promotes the rehabilitation and social reintegration of the child. Multisectoral

cooperation was identified as a key requirement for achieving those objectives;

(k) Member States are encouraged to share information on promising practices and consider the development, under the auspices of the Commission on Crime Prevention and Criminal Justice and with the support of UNODC, of model strategies to reduce reoffending that reflect, among others, the good practices discussed during the workshop;

(l) Member States are also encouraged to support capacity-building efforts for criminal justice practitioners aimed at reducing reoffending and are invited to consider seeking technical assistance from UNODC, the United Nations crime prevention and criminal justice programme network, other international and regional organizations and relevant non-governmental stakeholders.

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