

PREVENTION OF CRIME AND TREATMENT OF OFFENDERS

UNAFEI'S RESOURCE MATERIAL SERIES

ANNUAL REPORT FOR 2020 and RESOURCE MATERIAL SERIES NO. 112

FEATURED ARTICLES

REDUCING REOFFENDING: THE KYOTO CONGRESS WORKSHOP AND FUTURE DEVELOPMENTS
ISHIHARA Kayo (UNAFEI)

PROMOTING THE IMPLEMENTATION OF REHABILITATIVE ENVIRONMENTS
IN THE ASEAN REGION
TAKAI Ayaka (UNAFEI)

THE KYOTO CRIME CONGRESS AND THE "DECADE OF ACTION":
FRAMING THE GLOBAL NARRATIVE ON REDUCING REOFFENDING
Thomas L. Schmid (UNAFEI)

**The United Nations Asia and Far East Institute
for the Prevention of Crime and the Treatment of Offenders**

PREVENTION OF CRIME AND TREATMENT OF OFFENDERS

**ANNUAL REPORT FOR 2020
AND
RESOURCE MATERIAL
SERIES NO. 112**



UNAFEI

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INTRODUCTORY NOTE

It is with pride that the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) offers to the international community this issue of *Prevention of Crime and Treatment of Offenders*, UNAFEI's Resource Material Series No. 112. Due to the global impact of the Covid-19 pandemic and the severe restrictions on international travel, it was necessary to postpone all our international training courses and seminars scheduled in Fiscal Year 2020. However, I am pleased to report that, as of the date of this publication, we have resumed our international training programmes, beginning with the 23rd UNAFEI UNCAC Training Programme, which is being held exclusively online from September to October 2021.

In lieu of publishing papers and reports from our international training programmes, this issue contains the Annual Report for 2020 and papers presented by UNAFEI staff members at the 12th Annual Meeting of the Asian Criminological Society. These papers reflect on the outcome of Workshop 2 of the 14th United Nations Congress on Crime Prevention and Criminal Justice, which was held in Kyoto, Japan, in March 2021. Workshop 2 addressed the theme of “Reducing reoffending: identifying risks and developing solutions”, and UNAFEI, as the UN Programme Network Institute in the host country, took the lead in organizing the workshop in close cooperation with the United Nations Office on Drugs and Crime.

In looking back at the outcome of Workshop 2, we have also taken the opportunity to reflect on UNAFEI's activities over the past decade to establish rehabilitative environments in Southeast Asia and to explore the links between the fields of sustainable development and crime prevention and criminal justice. These reflections have offered unique perspectives on the preparation of the new Model Strategies on Reducing Reoffending – proposed UN standards and norms in crime prevention and criminal justice that are currently in the drafting stage. I hope our readers find Resource Material Series No. 112 informative and thought provoking.

I would like to pay tribute to the contributions of the Government of Japan, particularly the Ministry of Justice, the Japan International Cooperation Agency and the Asia Crime Prevention Foundation, for providing indispensable and unwavering support to UNAFEI's international training programmes and other activities.

Finally, I would like to express my heartfelt gratitude to all who so unselfishly assisted in the publication of this series.

October 2021



MORINAGA Taro
Director of UNAFEI

PART ONE

**ANNUAL REPORT
FOR 2020**

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- *Main Activities of UNAFEI*
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UNAFEI

MAIN ACTIVITIES OF UNAFEI (1 January 2020 – 31 December 2020)

I. ROLE AND MANDATE

The Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) was established in Tokyo, Japan, in 1962 pursuant to an agreement between the United Nations and the Government of Japan. Its goal is to contribute to sound social development in the Asia and the Pacific region by promoting regional cooperation in the field of crime prevention and criminal justice, through training and research.

UNAFEI has paid utmost attention to the priority themes identified by the Commission on Crime Prevention and Criminal Justice. Moreover, UNAFEI has been taking up urgent, contemporary problems in the administration of criminal justice in the region, especially problems generated by rapid socio-economic change (e.g., transnational organized crime, corruption, economic and computer crime and the reintegration of prisoners into society) as the main themes and topics for its training courses, seminars and research projects.

II. TRAINING

Training is the principal area and priority of the Institute's work programmes. In the international training courses and seminars, participants from different areas of the criminal justice field discuss and study pressing problems of criminal justice administration from various perspectives. They deepen their understanding, with the help of lectures and advice from the UNAFEI faculty, visiting experts and ad hoc lecturers. This so-called "problem-solving through an integrated approach" is one of the chief characteristics of UNAFEI programmes.

Each year, UNAFEI conducts two international training courses (six weeks' duration) and one international seminar (five weeks' duration). Approximately one hundred government officials from various overseas countries receive fellowships from the Japan International Cooperation Agency (JICA is an independent administrative institution for ODA programmes) each year to participate in UNAFEI training programmes.

Training courses and seminars are attended by both overseas and Japanese participants. Overseas participants come not only from the Asia-Pacific region but also from the Middle and Near East, Latin America and Africa. These participants are experienced practitioners and administrators holding relatively senior positions in the criminal justice field.

The global Covid-19 pandemic had a significant impact on UNAFEI's activities during the 2020 calendar year. The 174th International Senior Seminar was held in January 2020, but all subsequent in-person training courses were postponed, specifically the 175th and the 176th International Training Courses and the 23rd UNAFEI UNCAC Training Programme. These programmes have been rescheduled to 2021, and they will be held online due to the global health situation.

Despite the sudden and severe impact of the pandemic on UNAFEI's in-person training programmes, UNAFEI adapted quickly to the new environment and shifted its activities online. In September 2020, UNAFEI held its first alumni webinar, which brought together over 100 members of the UNAFEI family from all parts of the world. The alumni webinar series has quickly become an important part of UNAFEI's strategy to promote best practices in the field of crime prevention and criminal justice and to strengthen its global network of alumni.

By the end of 2020, UNAFEI had conducted a total of 174 international training courses and seminars. Over 6,100 criminal justice personnel representing 139 different countries and administrative regions have participated in these seminars. UNAFEI also conducts a number of other specialized courses, both country and subject focused, in which hundreds of other participants from many countries have been involved. In their respective countries, UNAFEI alumni have been playing leading roles and hold important posts in the

fields of crime prevention and the treatment of offenders, and in related organizations.

A. The 174th International Senior Seminar

1. Introduction

The 174th International Senior Seminar was held from 13 January to 7 February 2020. The main theme was “Prevention of Reoffending and Fostering Social Inclusion: Policy Making and Good Practices”. Twenty-four overseas participants and seven Japanese participants attended the Seminar.

2. Methodology

Firstly, the Seminar participants introduced the roles and functions of criminal justice agencies in their countries in regard to the main theme. After receiving lectures from UNAFEI professors and visiting experts, the participants were then divided into group workshops as follows:

Group 1: Effectively Incorporating Rehabilitative Perspectives into Penalties and Case Dispositions

Group 2: Promoting Intervention, Treatment and Support Tailored to Offenders’ Individual Needs

Group 3: Fostering Public Understanding and Multi-Stakeholder Partnerships for Acceptance of Offenders

Each Group elected a chairperson, co-chairperson(s), a rapporteur and co-rapporteur(s) in order to facilitate the discussions. During group discussion, the group members studied the designated topics and exchanged views based on information obtained through personal experiences, the Individual Presentations, lectures and so forth. The Groups presented their reports during the Report-Back Session, where they were endorsed as the Reports of the Seminar. The full texts of these Reports were published in UNAFEI Resource Material Series No. 111.

3. Outcome Summary

(i) Effectively Incorporating Rehabilitative Perspectives into Penalties and Case Dispositions

Group 1 considered the problems, challenges and solutions to the inclusion of rehabilitative perspectives in criminal justice dispositions. Despite the adoption of the Tokyo Rules almost 30 years ago to promote the use of non-custodial measures, incarceration and punitive approaches remain popular and overutilized. By considering the barriers to the use of non-custodial measures, Group 1 sought to identify solutions that might promote the inclusion of rehabilitative perspectives throughout all relevant stages of the criminal justice process.

The group found that all of the participating countries had adopted common non-custodial measures such as non-prosecution, suspended proceeding, suspended sentence and fines, but the adoption of other measures (community work, community fine, and restorative justice) varied widely. Even where available, the mindset of criminal justice authorities was considered an impediment to the use of non-custodial measures. One of the fundamental problems with the underuse of non-custodial measures is that it results in prison overcrowding—an environment that undermines the effectiveness of offender treatment and rehabilitation. Other barriers to the inclusion of rehabilitative perspectives in the criminal justice system include legal impediments, the prevailing public attitude that supports punitive justice, the lack of analysis of individual risk and needs (i.e., the lack of individually tailored treatment), and the lack of synergy between various agencies.

After considering the problems and challenges, the group proposed a number of possible solutions: first, adopting laws and policies to foster the inclusion of rehabilitative perspectives, such as depenalization of minor drug-use crimes; second, alternatives to pre-trial detention through the use of bail, electronic monitoring, house arrest and similar practices; third, designing evidence-based programmes to provide treatment as an alternative to incarceration; fourth, conducting risk-needs assessments and tailoring treatment to the individualized needs of each offender; fifth, promoting awareness of the benefits of the use of non-custodial measures among criminal justice practitioners, the general public and the media; and sixth, the creation of synergies among communities and key stakeholders to foster the rehabilitation and reintegration of offenders into society.

In conclusion, the group found non-custodial measures to be more effective in terms of treatment and cost

MAIN ACTIVITIES OF UNAFEI

to the correctional system. It was noted that most jurisdictions are better prepared to incorporate rehabilitative perspectives into juvenile dispositions than adult dispositions. Accordingly, the group encouraged criminal justice practitioners to include rehabilitative perspectives at all relevant stages of the criminal justice system and to expand the use of non-custodial measures.

(ii) Promoting Intervention, Treatment and Support Tailored to Offenders' Individual Needs

Group 2 reported that reoffending is a common issue faced by criminal justice systems throughout the world and, thus, discussed the importance of breaking the cycle of crime by providing offenders with individually tailored treatment based on effective risk assessment. The group considered the challenges and good practices faced by the participating countries in providing tailored treatment by considering five key issues: the justice system, human resources, assessment, specific treatment programmes, and community awareness.

Regarding *the justice system*, prison-based treatment programmes are often hindered by overcrowding, while treatment in the community suffers from a lack of human resources or even the lack of functional probation or community supervision systems. Citing a prison reform model in the Dominican Republic and the use of probation officers and volunteer probation officers in Japan, the group suggested that countries can enhance their own practices by reviewing those of other countries.

Regarding *human resources* and *assessment*, quality assessments require thorough examination of offenders' risks and needs, but such assessments require personnel with the qualifications and skills necessary to conduct assessment and subsequent treatment. Countries must invest in human resources and assessment by providing relevant training and developing effective assessment tools.

Regarding *specific treatment programmes*, offenders resort to crime due to a wide variety of reasons, such as family conflicts, chronic drug use, history of abuse, and physical and mental impairment. Treatment programmes must be designed to address these unique needs, and they must also be evaluated to confirm effectiveness.

Finally, regarding *community awareness*, the community has an important role to play in the rehabilitation and social reintegration of offenders. In fact, the community will only harm itself by excluding offenders or by failing to provide them with necessary support. Under those circumstances, offenders will return to crime. Thus, public awareness programmes like the Yellow Ribbon Project in Singapore hold great promise in building trust between the community, government and offenders.

The group concluded by offering the following recommendations: first, all countries should consider establishing or improving probation systems to implement community-based treatment; second, correctional treatment programmes should be tailored to offenders' individual needs and should be provided in custodial and non-custodial settings; third, improving the quality of risk-needs assessments in order to conform treatment programmes to offenders' needs; fourth, building the capacity of practitioners who conduct assessment and treatment through education and training; fifth, enhancing public awareness of and support for the importance of offender rehabilitation and reintegration.

(iii) Fostering Public Understanding and Multi-Stakeholder Partnerships for Acceptance of Offenders

Group 3 considered the importance of public understanding and multi-stakeholder partnerships to the social reintegration of offenders. The group found that overcoming public stigma against offenders is a prevalent issue faced by many countries. This issue was approached by discussing the challenges, best practices and solutions to fostering public awareness, acceptance of offenders into the community and acceptance of ex-inmates into the community.

The group noted a number of good practices aimed at fostering awareness in the participating countries. These practices included national strategies to support offender rehabilitation, holding exhibitions to promote offender rehabilitation, the implementation of crime prevention plans by local agencies, and community support programmes like volunteer probation officers in Japan and community probation volunteers in Kenya and Indonesia. Despite the existence of such practices, many offenders face stigmatization, social exclusion and other burdens as they attempt to reintegrate into society—these burdens often lead to reoffending. Former inmates face the harshest stigma and discrimination compared to other offenders. They

are viewed as vicious criminals who are likely to reoffend. This makes it difficult for them to find housing, obtain employment, receive health care or otherwise lead normal lives. Even though members of the public sympathize with former inmates' need to be accepted into society, they nevertheless refuse to accept former inmates as neighbours when they return to the community.

To overcome these challenges, the group stressed the importance of changing public perceptions of offenders. To raise public awareness, the group highlighted the role of awareness-raising campaigns such as the Yellow Ribbon Project in Singapore and the "Hogo chan" mascot in Japan. To ensure that offenders are provided with necessary support in the community, the group encouraged the expansion of community support services like probation, employment support, and community work orders (community service), which helps to demonstrate the value that offenders can bring to the community. Halfway houses and employment support were raised as important measures to reintegrate and destigmatize former inmates upon their return to the community. Finally, the group emphasized the importance of persuading community members of the value of supporting offenders upon re-entry by demonstrating how such support can be effective at reducing crime and reoffending.

In conclusion, Group 3 stated that multi-stakeholder partnerships and increased public awareness of the challenges faced by offenders upon reintegration into society are important factors to reduce or eliminate stigmatization of and discrimination against offenders.

III. SPECIAL TRAINING COURSES, TECHNICAL ASSISTANCE AND OTHER ACTIVITIES

A. Workshop on Community Corrections in Cambodia

On 13 January, a workshop organized by the Regional Office for South-East Asia and the Pacific of the United Nations Office on Drugs and Crime (UNODC) and UNAFEI was held in Cambodia, at which 71 officers from the Ministry of Interior and the Ministry of Justice of Cambodia discussed the potential advantages of community corrections.

B. Training Course for Corrections Officers in Timor-Leste

From 10 to 13 February, a workshop was held by the UNODC Regional Office for South-East Asia and the Pacific and UNAFEI in Dili, Timor-Leste, during which 33 corrections officers discussed the management of offenders to prevent violent extremism.

C. The Comparative Study on Criminal Justice Systems of Japan and Nepal

From 19 to 27 February, 12 Nepalese criminal justice practitioners discussed challenges to the implementation of the new Criminal Procedure Code in Nepal.

D. Training Course for Corrections Officers in the Philippines

Once a week from 12 October to 9 November, an online training was held by the UNODC Regional Office for South-East and the Pacific in Bangkok, together with UNAFEI, at which 40 corrections officers from the Manila City Jail, Philippines, discussed offender assessment and rehabilitation programmes.

E. The Fourteenth Regional Seminar on Good Governance for Southeast Asian Countries

Due to the global pandemic, the 14th Good Governance Seminar, originally scheduled to be held in December 2020, was rescheduled to March 2021.

IV. ALUMNI WEBINARS

A. First Alumni Webinar

On 30 September 2020, UNAFEI, together with JICA, held its first alumni webinar, which was attended by approximately 110 practitioners. Two UNAFEI professors and four alumni from the 173rd and 174th International Training Courses presented updates on recent criminal justice issues, mainly in the field of the treatment of offenders, including responses to the coronavirus pandemic. The alumni-presenters – from Kenya, Sri Lanka, Brazil and Japan – also reported on how they had made use of their experiences at UNAFEI in their daily work. After the presentations, participants were able to ask questions to the speakers and share their own experiences. The webinar also included brief updates from our former Visiting Experts

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on the situation in Europe (Mr. Stephen Pitts, International Ambassador of the Confederation of European Probation (CEP)) and the situation in Latin America (Dr. Miriam Estrada-Castillo from Ecuador, Vice Chair on Communications of the OHCHR's Working Group on Arbitrary Detention). After the formal session, an online reunion took place in which approximately 70 participants were able to provide personal and professional updates.

B. Second Alumni Webinar

On 19 November 2020, approximately 90 practitioners participated in UNAFEI's second alumni webinar, which focused on investigation, prosecution and adjudication issues. A UNAFEI professor presented on the measures to respond to the pandemic in investigation and prosecution practice in Japan. Then, alumni from the 172nd International Training Course (Panama and Lao PDR) and the 22nd UNCAC Training Programme (Ukraine and Armenia), which were both held in 2019, presented on how they had made use of their experiences at UNAFEI in their daily work and shared updates on criminal justice issues faced in practice, including responses to the Covid-19 pandemic. Like the first alumni webinar, a Q&A session and brief reunion event were held following the presentations.

V. INFORMATION AND DOCUMENTATION SERVICES

The Institute continues to collect data and other resource materials on crime trends, crime prevention strategies and the treatment of offenders from Asia, the Pacific, Africa, Europe and the Americas, and makes use of this information in its training courses and seminars. The Information and Library Service of the Institute has been providing, upon request, materials and information to United Nations agencies, governmental organizations, research institutes and researchers, both domestic and foreign.

VI. PUBLICATIONS

A. Annual Publications

Reports on training courses and seminars are published regularly by the Institute. Since 1971, the Institute has issued the Resource Material Series, which contains contributions by the faculty members, visiting experts and participants of UNAFEI courses and seminars. In 2020, the 110th and 111th editions of the Resource Material Series were published. Additionally, issue 161 of the UNAFEI Newsletter (on the 174th Senior Seminar) was published, which included a brief report on the seminar and other timely information. These publications are also available on UNAFEI's website at <http://www.unafei.or.jp/english>.

B. Publications of Research Studies by UNAFEI Professors

1. Background

The main work of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) is to conduct international training courses and seminars for personnel in crime prevention and criminal justice administration from developing countries around the world, as well as to conduct regional and bilateral research and provide technical assistance in the field of crime prevention and criminal justice. Through its activities since 1962, UNAFEI has accumulated knowledge on criminal justice in various countries.

Based on this knowledge, we have published the journal *Prevention of Crime and Treatment of Offenders*, also known as UNAFEI's Resource Material Series, and other publications to promote awareness of the UN standards and norms in the field of crime prevention and criminal justice and to disseminate good practices being implemented around the world.

Due to the global coronavirus pandemic, many of the training programmes planned for the 2020 fiscal year were postponed. We decided to use this as an opportunity to share the knowledge and information gained through our activities by publishing the results of our research in Japanese. These efforts resulted in two publications in Japanese: "Criminal Justice and Criminal Treatment Systems in Countries Supported by UNAFEI – Cambodia, Kenya, Myanmar, Nepal and Viet Nam" and "Anti-Corruption Strategies in Southeast Asia".

2. Criminal Justice and Criminal Treatment Systems in Countries Supported by UNAFEI – Cambodia, Kenya, Myanmar, Nepal and Viet Nam

This publication is a collection of research papers on criminal justice systems by professors at UNAFEI. The five countries surveyed are those in which UNAFEI has provided bilateral technical assistance in the field of crime prevention and criminal justice. Upon request from recipient countries around the world and the United Nations, UNAFEI provides bilateral technical assistance. Such assistance mainly includes training courses and seminars both at UNAFEI and overseas locations.

UNAFEI, in cooperation with the Japan International Cooperation Agency (JICA), began to support the improvement of juvenile justice practices in Kenya in the 1990s. Since 2013, UNAFEI has conducted a series of programmes called the “Joint Comparative Study on the Criminal Justice Systems of Japan and Nepal”. Upon taking over the Viet Nam training programme from the International Cooperation Department of the Research and Training Institute of the Ministry of Justice in 2014, UNAFEI has supported Viet Nam's efforts to reform and improve its criminal justice system through conducting a series of programmes called the “Joint Comparative Study on the Criminal Justice Systems of Japan and Viet Nam”. UNAFEI also provided technical assistance in the field of prison reform in Myanmar since 2015, which was focused on the capacity-building of prison officers in Myanmar.

An overview of the bilateral assistance to, and the organizations of, each targeted country are described in detail below. As overseas travel is severely restricted, we could not conduct on-site inspections to supplement our research. However, the criminal justice system of each country is introduced by making full use of the data accumulated by UNAFEI.

(a) Cambodia

From 2013 to 2015, the member countries of the Association of Southeast Asian Nations (ASEAN) and the three countries of Japan, China and the Republic of Korea (ASEAN+3) met to discuss cooperation in the area of treatment of offenders. UNAFEI participated in the ASEAN+3 meeting and, based on the results of the meeting and the seminars that evolved from the meeting, began support for efforts to enhance community-based corrections in four countries: the Kingdom of Cambodia, the Republic of the Union of Myanmar, the Lao People's Democratic Republic, and the Socialist Republic of Viet Nam. Japan continues to provide support for the establishment and implementation of community-based treatment systems through international cooperation efforts led by the Ministry of Justice. The publication provides an overview of the treatment of offenders in Cambodia, as well as the current situation and issues for the establishment and implementation of community-based corrections.

(b) Kenya

In order to improve the serious situation concerning juveniles in Kenya, UNAFEI, in cooperation with JICA, began to support the improvement of juvenile justice practices in the 1990s. As a summary of UNAFEI's technical assistance, the “Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System” was implemented from 2009 to 2013. As a result, a training curriculum for officials of juvenile justice organizations was developed, and a training facilitator manual (module) was also developed. The Kenyan Constitution was amended in 2010, which strengthened the powers of public prosecutors in juvenile justice procedures. As a result, it became necessary to revise the module. UNAFEI professors were involved in revising the module, which enriched UNAFEI's knowledge on the juvenile justice system of Kenya. This publication summarizes the knowledge gained as a record for the future.

(c) Myanmar

The publication summarizes the treatment of offenders in the Republic of the Union of Myanmar, which had been guided by UNAFEI since 2013, through training, consultation, and joint research with the Correctional Service of the Interior Ministry of the Republic of Myanmar, concerning appropriate prison administration. In addition, in order to gain a deeper understanding of the efforts of the Myanmar Prison Service and to consider measures to enhance treatment of offenders, it is important to understand the offender treatment system and related laws and regulations in Myanmar. Therefore, this section also provides information on the provisions of laws and administrative guidelines. Various suggestions have been made by international organizations and human rights organizations regarding prison management in Myanmar, where the prison system of the former British colonial period and the military regime remain.

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(d) Nepal

In Nepal, the Murki Ain (national code) was established in 1854. This Code was influenced by the Civil Code of the French (the Napoleonic Code). Murki Ain was amended in 1963 and functioned as the law governing civil and criminal cases in Nepal until August 2018. However, the legal code, with the history over 150 years, lacked differentiation between the civil law and criminal law, and the failure of the code to differentiate between substantive law and procedural law was regarded as a problem. Therefore, Murki Ain was repealed and new legislation – the Civil Code, the Code of Civil Procedure, the Penal Code, the Code of Criminal Procedure and the Sentencing Law – was drafted. This section outlines the criminal procedures in Nepal, focusing on the new Code of Criminal Procedure and introduces the contents of the Penal Code and the Sentencing Law. Nepali criminal justice practitioners have participated in UNAFEI's international training programmes, and since 2013 UNAFEI has been conducting comparative joint research on the judicial systems of Japan and Nepal with Nepalese judges and prosecutors. The publication introduces UNAFEI's findings on criminal justice practices in Nepal.

(e) Viet Nam

Japan has been supporting Viet Nam in the development of various aspects of its legal system. These efforts were pioneered by the International Cooperation Department (ICD) of the Research and Training Institute of the Ministry of Justice, which started providing legal technical assistance to Viet Nam in 1994, within the framework of Official Development Assistance (ODA) by the Japan International Cooperation Agency (JICA). Upon taking over the Viet Nam training programme from the ICD in 2014, UNAFEI has supported Viet Nam's efforts to reform and improve its criminal justice system through conducting a series of programmes called the "Joint Comparative Study on the Criminal Justice Systems of Japan and Viet Nam".

In Viet Nam, in addition to basic laws such as the Civil Code and the Penal Code, the Code of Civil Procedure and the Code of Criminal Procedure, were revised in 2015. The current Code of Criminal Procedure in Viet Nam is an amendment of the former Code of Criminal Procedure of 2003. It was enacted in 2015, but as the implementation of the amended Penal Code was postponed, the amended Code came into force on 1 January 2018 as well. This section provides an overview of criminal procedures in Viet Nam with a focus on the provisions of the 2015 Viet Nam Code of Criminal Procedure.

3. Southeast Asian Anti-Corruption Legislation

Corruption is a complex social, political and economic phenomenon that affects all countries. Corruption undermines democratic institutions, slows economic development and contributes to governmental instability. Therefore, countermeasures against corruption continued to be one of the most important issues for developing countries, including Southeast Asian countries.

In 2007, UNAFEI launched the Regional Seminar on Good Governance for Southeast Asian Countries, known as the Good Governance Seminar, in order to enhance the capacities of anti-corruption agencies and to establish and strengthen the network of competent authorities within Southeast Asia. The seminar is held in support of activities to establish the rule of law and good governance in Southeast Asian Countries, to contribute to capacity-building for criminal justice practitioners, and to promote mutual understanding and cooperation among Southeast Asian countries. One of the main aims of the seminar is to strengthen international cooperation and enhance the capacity and human resources of institutions involved in investigating and prosecuting corruption crimes, such as bribery, embezzlement and abuse of authority, committed by government officials.

In principle, the seminar is held every two years, and has been held in Japan and countries other than Japan, such as Thailand (2007-2008), the Philippines (2009-2010), Malaysia (2013-2014), Indonesia (2015-2016), and Viet Nam (2017-2018). When these seminars are held outside of Japan, they are held jointly with designated criminal justice or international cooperation agencies in those countries, and they have been useful in deepening cooperative relationships with these organizations. The thirteenth Good Governance Seminar was hosted solely by UNAFEI from 17 to 19 December 2019. Twenty-three criminal justice practitioners who deal with corruption issues from ten ASEAN countries participated in the seminar. The seminar marked the first occasion on which Timor-Leste participated in the Good Governance Seminar, which increased the number of participating countries to eleven.

UNAFEI was able to accumulate knowledge on the legislation against corruption in Southeast Asian countries through the Good Governance Seminar. The seminar provides us with information on the current situation of corruption in the region and on developments in anti-corruption measures. The accumulated knowledge and information resulted in this publication, a collection of UNAFEI professors' research papers on anti-corruption legislation in the eleven Southeast Asian countries listed below:

- Brunei Darussalam
- Kingdom of Cambodia
- Republic of Indonesia
- Lao People's Democratic Republic
- Malaysia
- Republic of the Union of Myanmar
- Republic of the Philippines
- Republic of Singapore
- Kingdom of Thailand
- Democratic Republic of Timor-Leste
- Socialist Republic of Viet Nam

In addition, since 2000, UNAFEI has conducted an international training programme called the "International Training Course on the Criminal Justice Response to Corruption (UNCAC Training Programme)" which focuses on the effective implementation of the United Nations Convention against Corruption (UNCAC) of which almost all countries of the world are Member States. Some of the participants of the Good Governance Seminar have also participated in this training programme in which they and their fellow participants shared information on the current state of measures against corruption crimes in their respective countries.

As overseas travel is severely restricted, we could not conduct on-site inspections to supplement our research. However, the publication in Japanese introduces Southeast Asia's anti-corruption legislation by making full use of the data we have accumulated. Each section, aligned with the provisions of UNCAC, discusses the legal system to combat corruption crimes in Southeast Asian countries, specifically an overview of corruption crimes and corruption-related crimes, an overview of the investigating and prosecuting organizations and their roles, and international cooperation.

VII. OTHER ACTIVITIES

A. Public Lecture Programme

On 31 January 2020, the Public Lecture Programme was conducted in the Grand Conference Hall of the Ministry of Justice. In attendance were many distinguished guests, UNAFEI alumni and the participants of the 174th International Senior Seminar. This Programme was jointly sponsored by the Asia Crime Prevention Foundation (ACPF), the Japan Criminal Policy Society (JCPS) and UNAFEI.

Public Lecture Programmes increase the public's awareness of criminal justice issues, through comparative international study by inviting distinguished speakers from abroad. In 2020, Ms. Jana Spero, Assistant Minister, Directorate for Prison System and Probation, Ministry of Justice of the Republic of Croatia, and Matthew Wee Yik Keong, Chief Executive Officer of the Singapore Corporation of Rehabilitation Enterprises, were invited as speakers. They presented on "Prison and Probation Service in the Republic of Croatia" and "Empowering Lives, Transforming Communities", respectively.

B. Creation of Video Materials for On-demand Training

1. Background

The Covid-19 pandemic has greatly restricted UNAFEI's activities and has made it impossible to carry out international training courses and seminars in person. UNAFEI has been seeking to conduct its programmes online, but there have been challenges, for example, due to time differences among participating countries and the inability to visit relevant institutions during online training.

On the other hand, UNAFEI has accumulated valuable experience through conducting webinars for UNAFEI alumni and other online activities, which has demonstrated the benefits of online seminars. Indeed,

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time differences are a challenge, but utilizing on-demand video materials enables participants to learn at home when they are available without incurring travel costs. From the viewpoint of providing updated information continuously and easily, online training courses have advantages.

In order to conduct effective online training, appropriate teaching materials, in terms of both quality and quantity, are essential. Because in-person training and online training have different characteristics, materials cannot simply be reused for in-person training. For example, on-demand materials cannot offer the same degree of interactivity as in-person training. Simply adding the lecturer's voice to the slides is not enough to keep participants focused during on-demand lectures.

In addition, it was assumed that even if in-person international training programmes could be resumed, there would still be considerable restrictions on visits to relevant institutions, which is one of the features of the training, from the perspective of infection prevention measures, for the time being. Since visiting relevant institutions and learning actual procedures are one of the most important factors for the effectiveness of training, it was also considered important to create training materials that could substitute for actual visits as much as possible.

2. Planning of Video Materials

Based on this situation, from a relatively early stage of the Covid-19 pandemic, UNAFEI recognized that it would need to conduct online training courses and seminars with on-demand video materials. From June to August 2020, with the cooperation of JICA, which has conducted many international training programmes and has experience in creating training materials, we began to research and discuss the creation of video materials.

As a result, the following ideas were shared on the creation of video materials:

- a) Materials should cover all criminal justice procedures in Japan from investigation, prosecution, adjudication to offender treatment;
- b) Materials should contain mock procedural demonstrations, and filming should be conducted on location as much as possible;
- c) The mock procedural demonstrations should be based on a single case from investigation to treatment in order for the audience to be able to understand how the case is handled, step by step.

3. Preparation for Filming

In this project, the goal was to create effective materials by incorporating a fair number of mock procedural demonstrations. On the other hand, in order to create such materials, it is necessary to create detailed scenarios for the demonstration, secure locations and performers, and actually perform the demonstration, in addition to the slide materials or manuscripts for ordinary lectures. With this understanding, the following preparations were carried out to film mock demonstrations and lectures from December 2020 to January 2021.

The most time-consuming part of the project was writing the scenario. From September to November 2020, we prepared the basic case settings and the detailed scripts for each scene. From the perspective of providing as much explanation as possible about the current criminal justice procedures in Japan, we set the subject as a case for a *saiban-in* trial, in which citizens are randomly selected to hear cases together with professional judges. We also decided that the mock procedures include not only the mock trial but also the investigation process, the *saiban-in* appointment procedure, interviews at penal institutions and rehabilitation facilities, and interviews with probation officers, which are not open to the public. As the UNAFEI faculty is composed of active judges, prosecutors, correctional officers, and probation officers, draft scripts were prepared based on practical expertise in each field.

We also coordinated with the institutions to see if they would permit filming at their facilities. Fortunately, many of the relevant institutions understood the significance and usefulness of the project, and we were able to conduct interviews on the prison grounds, and filmed in the mock cells at the Training Institute for Correctional Personnel and at a halfway house. As a result, the material covered more scenes than could be covered in a single training course or seminar and included a wealth of mock procedures including non-public procedures.

4. Filming and Editing

The mock procedural demonstrations were filmed by a professional film crew, and professional editing made it possible to create video materials that ensure the accuracy of the content and enhance the effectiveness of the training. The scene that took the most time to film was the mock trial. It took more than 6 hours to film a 20 minute mock trial movie.

5. Summary of the On-Demand Materials

(a) *Kono's case*

Mr. Kono cut and injured the victim with a knife in a bar. As a result of the investigation, the prosecutor indicted Mr. Kono with attempted homicide¹ because he had the intention to kill when he cut the victim. In response, the defendant disputed the intent to kill and argued that his actions only constituted injury.² As a result of the trial, the court found the defendant guilty of attempted homicide and sentenced him to four years' imprisonment. Mr. Kono was incarcerated and received treatment that included a violence prevention programme. Then, he was finally granted parole and released. Since he did not have a home to live in after release, he was admitted to a halfway house to facilitate his reintegration into society.

(b) *Oda's case*

In addition to Kono's case, we also created another version of the case (Oda's case), which is a violence case that took place under similar circumstances but the defendant did not use a weapon. This was done to explain community-based correctional treatment by placing the offender on probation.

(c) *Use of the on-demand materials*

The materials were either filmed in English or subtitled in English, and we believe that this is the first time video training materials have been created that simulate the Japanese criminal justice procedure in English. These materials can be expected to have a great training effect in terms of providing intuitive understanding of the Japanese system and practice.

(d) *An outline of the materials (Refer to annex for more details)*

- <Chapter 1> Overview of the Criminal Justice System in Japan
- <Chapter 2> Overview of Investigation and Prosecution in Japan
- <Chapter 3> Trial
- <Chapter 4> Treatment of Offenders–Prison
- <Chapter 5> Treatment of Offenders–Community Corrections

Annex: Description of the Video Material

<Chapter 1> Overview of the Criminal Justice System in Japan (lecture)

A lecture which delivers a comprehensive view of the criminal justice system in Japan.

<Chapter 2> Overview of Investigation and Prosecution in Japan (lecture and mock procedural demonstration)

A lecture that covers the reporting of the crime to the public prosecutor's decision to prosecute. This material includes the following mock procedural demonstration:

Kono's case: Mr. Kono was arrested on suspicion of attempted homicide, and underwent a caution procedure at the public prosecutors' office. At the beginning of the procedure, the rights of the suspect, such as the right to remain silent and the right to counsel, were explained to him, and he stated that he did not intend to kill the victim. The prosecutor requested the judge to permit pre-indictment detention, and Mr. Kono was questioned before a judge. The judge also explained the rights of the suspect, and Mr. Kono again stated that he did not intend to kill.

¹ Under the Japanese Penal Code, the crime of attempted homicide should be constituted when an actor commits an act against a victim with the intent to kill and the act has a real risk of causing the victim's death, but the victim does not die.

² Under Japanese law, in a case where the defendant is charged with attempted homicide, if the court cannot find defendant's intent to kill, the defendant should not be convicted as attempted homicide. However, in such cases, if the defendant injured the victim, the court should convict the defendant of the crime of injury. This argument can be a defence because the applicable punishment for the injury is less severe than the attempted homicide.

MAIN ACTIVITIES OF UNAFEI

<Chapter 3> Trial (lecture and mock procedural demonstration)

A lecture covering the indictment, preparation for trial, trial, deliberation on the judgment and on the appointment procedure for *saiban-in*. This material includes the following mock procedural demonstrations:

Mr. Kono was indicted for attempted homicide. The case was tried by a *saiban-in* trial, which is tried by a hybrid panel of 3 professional judges and 6 citizens selected randomly, after preparation for the trial in the pre-trial conference procedure. Prior to the trial, a procedure for appointing *saiban-in* to hear the case was held, in which *saiban-in* were selected by lottery from among citizens. The appointed *saiban-in* took an oath of office and began their duties, and the trial began in the courtroom. At the trial, Mr. Kono claimed that he did not have the intention to kill the victim, and the evidence was examined, including documentary evidence, exhibits, and the testimony of the victim. After the conclusion of the trial, the professional judges and *saiban-in* deliberated on whether or not the defendant had the intent to kill and what the sentence should be. Finally, the judgment was pronounced in the courtroom.

<Chapter 4> Treatment of Offenders–Prison (lecture, mock procedural demonstration and inmate interviews)

A lecture on correctional institutions and treatment. This material includes interviews by corrections officers and the following mock procedural demonstrations:

Kono was sentenced and incarcerated. At the prison, a classification interview is conducted to classify the inmates according to their characteristics and treat them accordingly. Since Mr. Kono had been convicted of a violent crime, he was required to attend a violence prevention programme in the prison, and after the programme, he was interviewed by the officer in charge of education. Since he had completed the violence prevention programme and his behaviour in prison was good, he was granted parole with about six months remaining on his sentence. Prior to his parole, he was briefed by a welfare officer on the halfway house where he would reside and the welfare services that would be available to him after his release.

<Chapter 5> Treatment of Offenders–Community Corrections (lecture and mock procedural demonstration)

A lecture on parole and probation and on supervision. This material includes the following mock procedural demonstrations:

Kono's Case: Mr. Kono was released from prison on parole, but he had no place to live, and he was admitted to a halfway house. When Mr. Kono visited the halfway house just after release, the director of the facility interviewed him and gave him a tour of the facility. Mr. Kono told the director that he wanted to find a job, save money, become independent, and return to society.

Oda's case: After suspended sentence with probation was pronounced, Mr. Oda visited the probation office for an assessment interview. The probation officer explained to Mr. Oda about the volunteer probation officer in charge and told him that he had to attend the violence prevention programme at the probation office. Mr. Oda visited the volunteer probation officer's house and talked with him about his life and work, and Mr. Oda expressed his determination to rehabilitate himself. The volunteer probation officer said that he graduated from the same elementary school as Mr. Oda and offered some advice. In addition to visiting the volunteer probation officer regularly, Mr. Oda spent his probation period taking a violence prevention programme at the probation office.

C. Assisting UNAFEI Alumni Activities

Various UNAFEI alumni associations in several countries have commenced, or are about to commence, research activities in their respective criminal justice fields. It is, therefore, one of the important tasks of UNAFEI to support these contributions to improve the crime situation internationally.

D. Overseas Missions

Director Seto and Professor WATANABE Hiroyuki visited Phnom Penh, Cambodia, from 13 January to serve as lecturers at workshops hosted by the UNODC.

Professor Futagoishi, Professor WATANABE Machiko and Chief International Administration Officer

ANNUAL REPORT FOR 2020

Fujita visited Vientiane, Lao PDR, from 19 to 20 February to discuss plans for the 14th Regional Seminar on Good Governance for Southeast Asian Countries with related organizations.

Professor Yamamoto visited Dili, Timor-Leste, from 10 to 13 February as a lecturer at on-site seminars hosted by the UNODC.

Director Seto visited Vienna, Austria, from 12 to 14 February to attend the 4th informal consultation of the 14th United Nations Congress on Crime Prevention and Criminal Justice.

Professor WATANABE Hiroyuki and Chief International Administration Officer Koseki visited Phnom Penh, Cambodia, from 26 to 27 February to discuss plans for a project hosted by the UNODC with related organizations.

Professor Morikawa visited Nairobi, Kenya, from 26 to 28 February to discuss plans for the assistance of the juvenile criminal justice system in Kenya with related organizations.

Professor Yamamoto visited Manila, Philippines, from 9 to 13 March to conduct research for a project hosted by the UNODC.

E. Assisting ACPF Activities

UNAFEI cooperates and collaborates with the ACPF to improve crime prevention and criminal justice administration in the region. Since UNAFEI and the ACPF have many similar goals, and a large part of the ACPF's membership consists of UNAFEI alumni, the relationship between the two is very strong.

VIII. HUMAN RESOURCES

A. Staff

In 1970, the Government of Japan assumed full financial and administrative responsibility for running the Institute. The director, deputy director and approximately nine professors are selected from among public prosecutors, the judiciary, corrections, probation and the police. UNAFEI also has approximately 15 administrative staff members, who are appointed from among officials of the Government of Japan, and a linguistic adviser. Moreover, the Ministry of Justice invites visiting experts from abroad to each training course and seminar. The Institute has also received valuable assistance from various experts, volunteers and related agencies in conducting its training programmes.

B. Faculty and Staff Changes

Mr. WATANABE Hiroyuki, formerly a professor of UNAFEI, was transferred to the Tokyo Probation Office in April 2020.

Ms. KITAGAWA Mika, formerly a professor of UNAFEI, was transferred to the Tokyo Probation Office in April 2020.

Ms. YAMAMOTO Mana, formerly a professor of UNAFEI, was transferred to the Training Institute for Correctional Personnel in May 2020.

Ms. TAKAI Ayaka, formerly an officer of the Saitama Probation Office, was appointed as a professor of UNAFEI in April 2020.

Mr. OHTSUKA Takeaki, formerly an officer of Hitachinaka Resident Minister's Office, the Mito Probation Office, was appointed as a professor of UNAFEI in April 2020.

Ms. SASAKI Ayako formerly an officer of the International Transfer of Sentenced Persons, Prison Service Division, Correction Bureau, Ministry of Justice, was appointed as a professor of UNAFEI in May 2020.

Mr. TSUKAMOTO Masaomi, formerly the chief of the Training and Hostel Management Affairs Section of UNAFEI, was transferred to the Training Department, the Research and Training Institute in May 2020.

MAIN ACTIVITIES OF UNAFEI

Mr. YAMANE Kenji, formerly the chief of the Training Department, the Research and Training Institute, was appointed as a chief of the Training and Hostel Management Affairs Section of UNAFEI in May 2020.

Mr. SAITO Masato, formerly an officer of the Training and Hostel Management Affairs Section of UNAFEI, was transferred to the Chiba District Public Prosecutors Office in April 2020.

Ms. MATSUDA Mariko, formerly an officer of the Training and Hostel Management Affairs Section of UNAFEI, was transferred to the Director of the Welfare Division, the Ministerial Secretariat, Ministry of Justice in April 2020.

Ms. IINUMA Hazuki, formerly an officer of the Training and Hostel Management Affairs Section of UNAFEI, was transferred to the Tachikawa Branch of the Tokyo Probation Office in April 2020.

Mr. TATSUKAWA Masashi, formerly an officer of the Okayama District Public Prosecutors Office, was appointed as a senior officer of the Training and Hostel Management Affairs Section of UNAFEI in April 2020.

Mr. FUJISAKI Takuma, formerly an officer of General Affairs Division, the Rehabilitation Bureau, Ministry of Justice was appointed as a senior officer of the Training and Hostel Management Affairs Section of UNAFEI in April 2020.

Ms. MUKAI Saori, formerly an officer of Training Department, the Research and Training Institute, was appointed as an officer of the Training and Hostel Management Affairs Section of UNAFEI in April 2020.

IX. FINANCES

The Ministry of Justice primarily provides the Institute's budget. UNAFEI's total budget for its programmes is approximately ¥70 million per year. Additionally, JICA and the ACPF provide assistance for the Institute's international training courses and seminars.

UNAFEI WORK PROGRAMME FOR 2021

I. TRAINING

Training Courses & Seminars (Multinational)

1. The Fourteenth Regional Seminar on Good Governance for Southeast Asian Countries

From 23 to 24 March 2021, UNAFEI held the Fourteenth Regional Seminar on Good Governance in Tokyo, Japan, on the theme of *Integrity and Independence of Judges, Prosecutors and Law Enforcement Officials*. Fourteen anti-corruption practitioners from 8 ASEAN countries and Timor-Leste attended as official delegates.

2. The First Youth International Training Course

From 2 to 6 August 2021, UNAFEI held the First Youth International Training Course on the theme of "Youth Initiative for Prevention of and Desistance from Drug-related Offences". Twenty-three youth participants from 8 countries, including Japan, attended the course.

3. The 23rd UNAFEI UNCAC Training Programme

UNAFEI's annual general anti-corruption programme, the UNAFEI UNCAC Training Programme, will take place from September to October 2021. The main theme of the Programme is "Tackling Emerging Threats of Corruption in the Borderless and Digitalized World". Approximately twenty-five overseas participants will attend.

4. The 175th International Training Course

The 175th International Training Course will be held from October to November 2021. The main theme of the Course is "Achieving Inclusive Societies through Effective Criminal Justice Practices". Government officials from across Southeast Asia and other parts of the world and visiting experts and lecturers will attend.

5. The 176th International Training Course

The 176th International Training Course will be held from November to December 2021. The main theme of the Course is "Treatment of Women Offenders". Approximately twenty-five overseas participants will attend.

6. The Fifteenth Regional Seminar on Good Governance for Southeast Asian Countries

From 20 to 22 December 2021, UNAFEI will hold the Fifteenth Regional Seminar on Good Governance in Tokyo, Japan. Among other participants, approximately 20 anti-corruption practitioners from ASEAN countries and Timor-Leste are expected to attend as official delegates.

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Distribution of Participants by Professional Backgrounds and Countries

(1st International Training Course - 174th International Senior Seminar)

As of 31 December 2020

Country/Area	Professional Background	Judicial and Other Administration	Judge	Public Prosecutors	Police Officials	Correctional Officials (Adult)	Correctional Officials (Juvenile)	Probation Parole Officers	Family Court Investigation Officers	Child Welfare Officers	Social Welfare Officers	Training & Research Officers	Others	Total
1	Afghanistan	11	9	6	5		1							32
2	Bangladesh	24	15		22	5	1	4			6		2	79
3	Bhutan				23									23
4	Brunei	4				2								6
5	Cambodia	1	3	1	7	1								13
6	China	13	5	5	10							8		41
7	Georgia				1									1
8	Hong Kong	22			12	32	3	9		1	3	1		83
9	India	15	10		55	7	1	1			2	6	4	101
10	Indonesia	23	25	33	33	15		4			6		3	142
11	Iran	5	12	8	8	6						2	1	42
12	Iraq	6	3	3	8	5	5					2		32
13	Jordan	1	1	3	7	2								14
14	Korea	13	3	53	6	37	4					3		119
15	Kyrgyzstan	1			2									3
16	Laos	16	9	7	10									42
17	Malaysia	24	2	7	52	37	8	4		1	6	3	1	145
18	Maldives	6	4	5	9	2		2						28
19	Mongolia	3		1	3							2		9
20	Myanmar	12	1	1	12	4								30
21	Nepal	38	18	18	34								3	111
22	Oman			1	4									5
23	Pakistan	22	13	3	48	8	1	2				2	2	101
24	Palestine	2		4	1			1			1			9
25	Philippines	23	9	29	44	11	3	16	3	1	7	5	7	158
26	Saudi Arabia	5			7	3						1	1	17
27	Singapore	11	18	5	12	10	3	10			3	1	1	74
28	Sri Lanka	24	25	22	25	20	1	11		1	3		1	133
29	Taiwan	12	4	2	2	1								21
30	Tajikistan	2	3											5
31	Timor-Leste					1							1	2
32	Thailand	29	51	46	19	22	9	21	1		8	8	1	215
33	Turkey	2	1	1	2							1	1	8
34	United Arab Emirates	1												1
35	Uzbekistan		4	2	1							1	1	9
36	Viet nam	15	5	6	8	1					4	6		45
37	Yemen	2			2									4
	A S I A	388	253	272	494	232	40	85	4	4	49	52	30	1,903
1	Algeria		4	2										6
2	Botswana	2		1	5	2					1			11
3	Cameroon	4		1										5
4	Cote d'Ivoire		13	4	2									19
5	Democratic Republic of the Congo	2	3	4	2									11
6	Egypt	1	5	3	3							3	1	16
7	Ethiopia	3			2									5
8	Gambia				2								1	2
9	Ghana	1		1	5	1								8
10	Guinea	2		1	4									7
11	Kenya	13	6	3	14	10	2	20		1		2		71
12	Lesotho				1			2						3
13	Liberia											1		1
14	Madagascar				1									1
15	Malawi		2	1										3
16	Mali	1	1	2										4
17	Mauritius		1			2								3
18	Morocco	2	1	1	4							1	1	10
19	Mozambique	1			1	1								3
20	Namibia	3		1	1	2								7
21	Niger			1										1
22	Nigeria	1		1	6	7							1	16
23	Somalia	1												1
24	South Africa				4	3					1	1		9
25	Seychelles				4			1						5
26	Sudan	2		1	13	1		1				2		20

UNAFEI WORK PROGRAMME FOR 2021

27	Swaziland				2									2
28	Tanzania	4	3	7	9	2								25
29	Tunisia		1		1									2
30	Uganda			1	5								1	7
31	Zambia		1	1	6									8
32	Zimbabwe	1		3	8									12
	A F R I C A	44	41	40	105	31	2	24	0	1	2	10	4	304
1	Australia			1				1			1			3
2	Cook Islands	1						3						4
3	Fiji	7	1	9	22	17					1			57
4	Kiribati	1												1
5	Marshall Island	1			4									5
6	Micronesia				1			1						2
7	Nauru				1	1								2
8	New Zealand	1			1									2
9	Palau				2	1								3
10	Papua New Guinea	17	1	6	27	10		9			1		4	75
11	Samoa	5			2	1		3					1	12
12	Solomon Islands	3		2	2	2								9
13	Tonga	2	1		7	4		4				1		19
14	Vanuatu			1	4	2		1						8
	THE PACIFIC	38	3	19	73	38	0	22	0	0	3	1	5	202
1	Antigua and Barbuda				1			1						2
2	Argentina	2	2	0	2								1	7
3	Barbados				2			1						3
4	Belize	1			2									3
5	Bolivia		1										1	2
6	Brazil	4	1	23	32	4				1	1			66
7	Chile	1		1	4	2								8
8	Colombia	3	1	2	6					1			1	14
9	Costa Rica	3	5	5								1	2	16
10	Dominican Republic				2									2
11	Ecuador			1	4		1							6
12	El Salvador	2	1	1	5	1						1	1	12
13	Grenada				1									1
14	Guatemala	2			1	1							1	5
15	Guyana				3	1								4
16	Haiti				1									1
17	Honduras			2	8								1	11
18	Jamaica	3			2	5	1							11
19	Mexico	2			2								1	5
20	Nicaragua		1											1
21	Panama	1		9	5								2	17
22	Paraguay	1		1	9		1							12
23	Peru	4	10	4	5	1						1	2	27
24	Saint Christopher and Nevis			1	1									2
25	Saint Lucia	1			1	1								3
26	Saint Vincent				2									2
27	Trinidad and Tobago	1				1								2
28	U.S.A.								1				1	1
29	Uruguay				3									3
30	Venezuela	1		1	12							1		15
	NORTH & SOUTH AMERICA	32	22	51	116	17	3	2	1	2	1	4	13	264
1	Albania	1			2									3
2	Armenia	1												1
3	Azerbaijan	1												1
4	Bulgaria				1									1
5	Estonia			1										1
6	Former Yugoslav Republic of Macedonia	2												2
7	Hungary	1												1
8	Lithuania				1									1
9	Moldova				1									1
10	Poland				1									1
11	Ukraine	1	2	4								1	1	9
	E U R O P E	7	2	5	6	0	0	0	0	0	0	1	1	22
	United Nations Office on Drugs and Crime												1	1
	J A P A N	119	214	336	113	110	102	235	72	38	2	48	93	1,482
	T O T A L	628	535	723	907	428	147	368	77	45	57	116	147	4,178

Note: This chart covers UNAFEI's International Training Courses, International Senior Seminars, U.N.Human Rights Courses and 1 Special Course completed by 31 December 2020; participants of other categories of training courses are not reported.

MAIN STAFF OF UNAFEI

Faculty:

Mr. SETO Takeshi	Director
Ms. ISHIHARA Kayo	Deputy Director
Mr. FUTAGOISHI Ryo	Professor
Mr. OTANI Junichiro	Professor
Ms. WATANABE Machiko	Professor
Mr. WATANABE Hiroyuki	Professor
	Chief of Information and Public Relations
Mr. HOSOKAWA Hidehito	Professor
Ms. KITAGAWA Mika	Professor
Dr. YAMAMOTO Mana	Professor
	Chief of Research Division
Mr. FURUHASHI Takuya	Professor
Mr. MORIKAWA Takeshi	Professor
Mr. Thomas L. Schmid	Linguistic Adviser

Secretariat:

Mr. FUJITA Takeshi	Chief of Secretariat
Mr. TOYODA Yasushi	Chief of General and Financial Affairs Section
Mr. KOSEKI Takahiro	Chief of Training and Hostel Management Affairs Section

AS OF 31 DECEMBER 2020

2020 VISITING EXPERTS

THE 174TH INTERNATIONAL SENIOR SEMINAR

Dr. Matti Joutsen

Special Advisor
Thailand Institute of Justice

Ms. Jana Špero

Assistant Minister
Directorate for Prison System and Probation
Ministry of Justice
Republic of Croatia

Mr. Matthew Wee Yik Keong

Chief Executive Officer
Singapore Corporation of Rehabilitative Enterprises
(SCORE)
Singapore

2020 UNAFEI PARTICIPANTS

THE 174TH INTERNATIONAL SENIOR SEMINAR

Overseas Participants

Ms. Ana Cristina Bandeira Lins	Federal Prosecutor Office of Federal Prosecution in Sao Paulo State Federal Prosecution Service Brazil
Ms. Marietta Roseline Behiri	Investigating Judge Office of the President of the Court in Abidjan Ministry of Justice Côte d'Ivoire
Mr. Braulio Jose Feliz Cabrera	Assistant of General Director General Directorate National Police Dominican Republic
Mr. Oka Parama Budita Anak Agung	Head of the District Court District Court of Prabumulih Supreme Court Indonesia
Ms. Winanti	Clinical Psychologist Ministry of Law & Human Rights Narcotic Prison Class IIA Jakarta Indonesia
Ms. Belinda Mumbua Kiilu	Principal State Counsel International Law Division Office of the Attorney General and Department of Justice Kenya
Ms. Lilian Akinyi Otieno	Senior Probation Officer Probation and Aftercare Service / Field Services Probation and Aftercare Service Kenya

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Mr. Vanhnakone Chanthapanya	Director of Administrative and Social-Cultural Laws Division Department of Legislation Ministry of Justice Lao PDR
Mr. Justus Asante Kishindo	Senior Deputy Registrar High Court and the Supreme Court of Appeal Malawi Judiciary Malawi
Mr. Mohammad Azlin Bin Sadari	Assistant Commissioner of Police (ACP) Crime Prevention & Community Safety Department Royal Malaysia Police Malaysia
Ms. Aminath Rasheed	Head of Crime Prevention Unit Crime Prevention and Public Affairs Maldives Police Service Maldives
Mr. Soe Naing	Police Lieutenant Colonel Training Department Police Officer Tactical Training Institute Myanmar Police Force Myanmar
Mr. Laimo Asi	Deputy Commander National Capital District / Central Command Royal Papua New Guinea Constabulary Papua New Guinea
Mr. R. Pathirannehelage Don P.P. Ratnayake	High Court Judge Judicial Service Commission Judiciary Sri Lanka
Ms. Chotima Suraritthidham	Director Juvenile Observation and Protection Center Department of Juvenile Observation and Protection Ministry of Justice Thailand
Ms. Supattra Pakasith Warotamasikkhadit	Senior Professional Level Officer Office of Justice Affairs Ministry of Justice Thailand

APPENDIX

Japanese Participants

Ms. HAYASHI Kyoko	Chief of Planning and Coordination Division Yokohama Probation Office
Ms. INADA Mitsuyo	Chief of General Affairs Division Chugoku Regional Parole Board
Mr. ISHIHARA Junichi	Principal Supervisor International Affairs Division Fuchu Prison
Mr. MATSUMURA Tadanori	Public Prosecutor Tokyo District Public Prosecutors Office
Ms. MIYAGAWA Tsubura	Chief Instructor Okinawa Juvenile Training School for Girls
Mr. SHIRAISHI Atsushi	Judge Mito District/Family Court Tsuchiura Branch
Ms. TATEOKA Yoshiko	Deputy Chief Family Court Investigating Officer Fukuoka Family Court

PART TWO

RESOURCE MATERIAL SERIES No. 112

**Papers Presented at the 12th Annual Meeting of
the Asian Criminological Society**

UNAFEI

CONTRIBUTORS' PAPERS

REDUCING REOFFENDING: THE KYOTO CONGRESS WORKSHOP AND FUTURE DEVELOPMENTS

*ISHIHARA Kayo**

I. INTRODUCTION

From 7 to 12 March 2021, the 14th United Nations Congress on Crime Prevention and Criminal Justice (hereafter referred to as “the Kyoto Congress”) was held in Kyoto, Japan. The United Nations Congress on Crime Prevention and Criminal Justice (“the Crime Congress”) is held every five years and is the United Nations’ largest meeting in the field of criminal justice. The most up-to-date and important criminal justice issues are discussed at the Crime Congress, and in its recent practice, a political declaration is adopted, which sets the goal to be pursued for the following five years, up until the next Crime Congress. The UN Member States and the international community are expected to follow-up on what had been agreed upon and to take steps to implement the provisions of the political declaration.

The Kyoto Congress’s overall theme was “Advancing crime prevention, criminal justice and the rule of law: towards the achievement of 2030 Agenda”. The Kyoto Congress focused its discussion on four agenda items, as well as four workshop topics, each corresponding to one of the four related agenda items. At the Kyoto Congress, a political declaration entitled the “Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development” (hereafter, referred to as “the Kyoto Declaration”) was adopted.

The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) is an international training institute established upon an agreement between the United Nations and the Japanese government. UNAFEI is one of the United Nations Crime Prevention and Criminal Justice Programme Network Institutes (PNIs), and as such, has the role to contribute to the development and implementation of the UN policies in the field of criminal justice. At the Kyoto Congress, as a PNI, UNAFEI was responsible for organizing one of its formal components – Workshop 2 on “Reducing Reoffending: Identifying Risks and Developing Solutions”, which also served the discussion under Agenda Item 4 on “Integrated approaches to challenges facing the criminal justice system”.

Taking the position of the Deputy Director of UNAFEI from October 2017 to March 2021, I had the privilege to be responsible for the preparation and organization of Workshop 2. Based on my experience, I would like to briefly overview the discussions and the outcomes of the Workshop, and also look at its impacts on the future developments of UN criminal justice policies.

Please note that the comments and thoughts below on the Workshop outcomes and the future developments are my personal and professional views and do not necessarily reflect those of UNAFEI, the UN or any other organization.

II. WORKSHOP 2 AND ITS OUTCOMES

A. Workshop Concept¹ and Panel Compositions

Reducing reoffending will lead to fewer victims, greater community safety and less pressure on, and

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¹ For the detailed Workshop concept, please refer to the Background Paper for the Workshop 2 (A/CONF.234/9) <<https://undocs.org/A/CONF.234/9>>, supplemented by the Working Paper on “Developments regarding crime prevention and criminal justice as a result of the coronavirus disease (Covid-19) pandemic” (Section IV.B refers to Workshop 2) (A/CONF.234/15) <<https://undocs.org/A/CONF.234/15>>. These two documents are the UN’s official papers for the Kyoto Congress prepared by the UNODC Secretariat.

lower costs for, the criminal justice system. The goal of reducing reoffending will not be sufficiently achieved if we only seek to prevent offenders from committing a new crime. Offenders' rehabilitation and reintegration into society should be pursued, so that the offenders will desist from crime and be law-abiding and productive citizens. This will contribute to building peaceful and inclusive societies for sustainable development, as prescribed in Goal 16 of the Sustainable Development Goals (SDGs), ensuring that "no one will be left behind".

It is evident and widely known that an offender cannot be rehabilitated by a penalty or imprisonment alone. Offender rehabilitation and reintegration is naturally a long process that can only be accomplished with continuous, timely and adequate interventions and support, and with the involvement of various players – not only from criminal justice authorities – that can offer necessary assistance to help offenders overcome personal, social and other barriers and to increase offenders' personal strengths and assets.

Based on such perspectives, Workshop 2 on reducing reoffending was composed of three panels guided by a keynote speech by Professor Fergus McNeill of the University of Glasgow, which addressed the overarching concept of rehabilitation and desistance as well as its key aspects and considerations. The three panels were as follows:

- Panel I: Creating Rehabilitative Prison Environments;
- Panel II: Community-Based Approaches that Support Desistance; and
- Panel III: Taking a Multifaceted Approach to Ensure Continuous Support and Services for Rehabilitation and Reintegration of Offenders.

Whereas the first and second panels focused on challenges and good practices at the two major procedural stages for rehabilitation, i.e., prison and the community-based interventions, the third panel looked at various aspects to facilitate offender rehabilitation and good practices responding to offenders' multifaceted needs with the involvement of various public and private stakeholders.

Each panel consisted of presentations from 4-5 panellists/speakers followed by the floor discussion with the Member States representatives and other participants. To ensure practical discussions that are useful to the whole international community, careful consideration was made in the selection of panellists/speakers so as to reflect various types of practices from different parts of the world (Africa, Asia, Europe, North America, Latin America, and the Middle East), representing both developed and developing systems.

B. Summary of Workshop Discussions²

Workshop 2 was chaired by Dr. Matti Joutsen,³ and the panel discussion was moderated by Mr. Seto Takeshi, Director of UNAFEI. Dr. Kittipong Kittiyarak, the former Executive Director of the Thailand Institute of Justice (PNI co-sponsor of Workshop 2) delivered opening remarks.

1. Keynote Speech

Professor Fergus McNeill of the University of Glasgow delivered a keynote speech that applied to all three panels. The keynote speech stressed the importance of reducing reoffending, rehabilitation and reintegration, and addressed key principles and factors required for rehabilitation and desistance. It was pointed out that punitive responses have enhanced social disintegration, leading to more reoffending, and that there is a growing evidence base to suggest that stigmatization and criminal punishment actually slow the rehabilitative process. Professor McNeill introduced three principles crucial for rehabilitative interventions: parsimony (no more intervention than necessary), proportionality and productiveness (the form and focus of the approaches should be on positive efforts to rehabilitate and reintegrate). Some other essential points were delivered, among others, supporting desistance requires respect for diversity, work with social relations, enabling self-determination, providing practical support (housing, employment etc.), and recognizing and celebrating change. Also, he pointed out that public participation and social reintegration programmes are critical to helping offenders along their path to lasting change, and that prisons can be places of change and

² It is expected that UNAFEI will publish all the presentations and reports of the Workshop 2 of the Kyoto Congress.

³ As a Finnish delegate, Dr. Joutsen was elected by the Congress as the Chair of Committee II, which handled plenary meeting sessions for Agenda Items 4 and 6, and Workshops 2 and 4. As the special advisor of the Thailand Institute of Justice, the PNI co-sponsor of Workshop 2, Dr. Joutsen had been involved in all the preparatory stages and took the role of the keynote speaker of Panel II.

CONTRIBUTORS' PAPERS

growth for some offenders under rehabilitative environments, established through normalization, bureaucratic legitimacy, humanity, staff professionalism, offering help and assistance, and adequate and transparent organization and consistency.

2. Panel I

Panel I focused on rehabilitative prison-based efforts and had four panellists from the United Nations Office on Drugs and Crime (UNODC), Namibia, Argentina and Norway.

Ms. Vera Tkachenko, Crime Prevention and Criminal Justice Officer of the UNODC, presented global challenges in the prison situation, including overcrowding and Covid-19 impacts. She introduced good examples from UNODC technical assistance programmes: one from Kazakhstan on justice reform, which successfully reduced the prison population, and one successful example from Kyrgyzstan, in the capacity-building of prison officers and rehabilitation programmes for violent extremist prisoners, which fostered good relationships between prison staff and prisoners, and resulted in increased prison security.

Ms. Mariana Martin, Deputy Commissioner-General of the Namibian Correctional Service demonstrated a good example of evidence-based (risk-need-responsivity principle-based) prison programmes in Namibia, learning from established Canadian practices and modifying them to adjust to the local context in Namibia.

Mr. Emiliano Blanco, President of the Latin America Chapter of the International Corrections and Prisons Association and the former National Director of the Federal Penitentiary Service of Argentina, explained how and why corruption in prison undermines offender rehabilitation and elaborated on a number of anti-corruption efforts in the Federal Penitentiary Service of Argentina with a view to establishing rehabilitative prison environments.

Ms. Heidi Bottolfs, Deputy Director General of the Directorate of Corrections, Norway, introduced the Norwegian implementation of the “principle of normality”, the idea that life in prison should be as close as possible to life in the community, such as the provision of educational services in prison by the local service provider in the same manner as in the community.

After the presentations, a number of participants introduced their countries' initiatives to foster rehabilitative prison environments during the floor discussion.

3. Panel II

Panel II started with the keynote speech by Dr. Matti Joutsen, elaborating the importance of active and adequate use of non-custodial measures and community-based options while avoiding the risk of net widening, referring to the reality of excessive use of imprisonment and its negative impacts, and to the fact that most low- and medium-risk offenders need no support, whereas high-risk offenders and vulnerable groups, including the poor and the marginalized, greatly require support. He further elaborated that treatment in the community “works” in connection with high-quality, well-targeted, well-resourced and well-supported interventions.

The Panel discussion was followed by four panellists from Canada, Croatia, Kenya and the Philippines.

Ms. Jennifer Oades, Chairperson of the Parole Board of Canada, introduced the Canadian practice of parole with a very high success rate and the background behind Canada's success, including evidence-based risk assessment, decisions of highly qualified board members and specialized training. She also introduced the “Judges to Jails” programme which gives opportunities to judges to learn about prisons and parole.

Ms. Jana Špero, Director General of the Directorate for Prison System and Probation, Ministry of Justice and Public Administration of Croatia, explained how Croatia successfully established a new probation service in a few years by taking a step-by-step approach. The Croatian experience demonstrated a successful example of introducing a new community corrections system from scratch while reducing prison population and obtaining support from the public and cooperating agencies.

Lady Justice Teresia Matheka of the High Court of Kenya at Nakuru introduced the Kenyan experience and challenges in juvenile justice to ensure the best interests of children, where all relevant authorities, such as the police department, prison department, children services department, prosecution, judiciary and

probation department, came to engage in continuous collaboration and information-sharing, and how they made use of technical assistance in its development.

Dr. Manuel Co, the former Administrator of Parole and Probation Administration of the Philippines explained how the Philippines made effective use of the *barangay* – the smallest unit of local government – in the restorative justice process, and that the use of such process and the involvement of the community members has positively impacted offender rehabilitation.

During the floor discussion, participants supported the importance of community-based approaches, support in the community and public awareness.

4. Panel III

Panel III dealt with a multifaceted and multi-stakeholder approach, and therefore had panellists representing various public and private bodies. Only one panellist represented a Member State, namely, Japan. The other four panellists were from international or non-governmental organizations, that is, Safer Foundation, an NGO in the United States; Penal Reform International (PRI), an international NGO; Kriminellas Revansch I Samhället (Criminals Return into Society, or KRIS), an NGO located in Sweden; and Hedaya, an international institute located in the United Arab Emirates.

Mr. Imafuku Shoji, Assistant Vice-Minister and Director-General of the Rehabilitation Bureau, Ministry of Justice of Japan, addressed Japan's comprehensive government-wide strategies for reducing reoffending whereby various rehabilitative initiatives are undertaken on the basis of enhanced public-public and public-private partnerships with a view to responding to various areas of offenders' needs. As part of such initiatives, the Japanese probation service's coordination efforts for post-release accommodation support were elaborated, where close cooperation with prisons, volunteer probation officers and other public and private bodies, etc. helps to respond to the specific needs of offenders.

Ms. Sodiqa Williams, General Counsel and Vice President of External Affairs of the Safer Foundation, presented Safer's activities in Chicago and the State of Illinois, providing a full spectrum of services for re-entry of offenders to help them gain employment etc. She explained the vulnerability of offenders in the area where high unemployment rate, low education level, poverty etc. have been observed, and elaborated on Safer's Prison Emergency Early Release Response (PEERR) programme, which addresses the needs of offenders from a holistic perspective in partnership with various service providers, starting from triage to identify the immediate needs of people returning from incarceration.

Ms. Olivia Rope, the Executive Director of PRI, emphasized the importance of evidence-based gender-responsive interventions, and elaborated on PRI's technical assistance project in Georgia for women in prison. In the project, upon identified needs for women prisoners and their children who have experienced violence and discrimination, she elaborated on the focus areas of PRI's project, such as economic empowerment (vocational training, employment and small business management support etc.), offering shelter, and legal and psychological counselling.

Mr. Ali Reunanen, Secretary-General of KRIS, which is operated by former offenders and addicts, started by explaining his personal history of criminal behaviour and drug addiction and how he experienced life change. He explained how KRIS helps offenders to change their criminal lifestyles and gives them a message of hope and support for change to a new lifestyle, and demonstrated the important role of peer support in offender rehabilitation.

Ms. Maria Cristina Mattei, Program Manager of Hedayah, the international centre of excellence for countering violent extremism, presented Hedayah's free online monitoring, measurement and evaluation tool "MASAR" and its applicability to all forms of offender rehabilitation and reintegration programmes. She introduced a case study on a Dutch recidivism reduction programme that used MASAR to track reoffending by terrorism offenders, and demonstrated how MASAR helps practitioners design and identify smarter goals for treatment programmes, select appropriate indicators and analyse the results.

In the floor discussion following the presentations, a number of delegations and participants emphasized the importance of various re-entry support with multi-stakeholder partnerships.

5. Other Notable Discussions

(a) *Discussion on Covid-19 impacts*

During the panel discussion, the impact of Covid-19 was reported by panellists, speakers and participants. The Kyoto Congress was postponed for nearly one year from the original schedule⁴ due to the Covid-19 crisis, and its impacts in relation to the Workshop topic were discussed. To summarize, first, it was pointed out that the failure in rehabilitating offenders by punitive responses has been exacerbated by the Covid-19 pandemic, and that prison conditions deteriorated under the spread of Covid-19, especially in overcrowded prisons. Second, with a view to ensuring normalization and rehabilitative prison environments, an example was reported where digital communication and digital training was enhanced to maintain and strengthen contact with the outside world during the Covid-19 pandemic. Similarly, examples of strengthened use of online communications between the released offenders and supporters in the community were reported. Third, in response to the deteriorating situation under the Covid-19 crisis, the increased importance of the use of non-custodial measures and early release was recognized. Further, noting negative impacts of Covid-19, enhanced needs for employment support and aftercare for released offenders were identified.

(b) *The idea to develop new UN standards and norms*

In the deliberations, outcomes of several related ancillary meetings which took place before Workshop 2 were introduced. The ancillary meetings at the Crime Congress have the role to contribute to the related Workshop discussions, and therefore, their outcomes and key summaries were introduced to enrich the Workshop discussion. In particular, an idea to develop new UN standards and norms on reducing reoffending was proposed as the outcomes of two ancillary meetings: the “World Congress for Community Volunteers Supporting Offender Reintegration” (organized by the Rehabilitation Bureau of the Ministry of Justice of Japan and UNAFEI) and “Five Years of the Nelson Mandela Rules” (organized by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI)).⁵

C. Outcomes

1. Wrap-up and Report to the Plenary Meeting

At the end of the Workshop, the scientific moderator, Mr. Seto, wrapped up the discussion. Following the Workshop, he was invited to report to the plenary meeting session, which handled the related Agenda Item “Integrated approaches to challenges facing the criminal justice system”, on the outcome of the Workshop 2 discussion. There, he reported the Workshop outcomes as follows:

The Workshop demonstrated that offender rehabilitation and reintegration into society is critical to building inclusive, sustainable societies as envisaged in the 2030 Agenda. *Ensuring rehabilitative processes and environments throughout all stages and pathways leading to successful reintegration* is crucial. In pursuing this, four key points were highlighted by the discussions: (i) first, criminal justice systems should respect proportionality and seek to impose the least restrictive sanctions possible, and should make active use of non-custodial measures in line with the UN standards and norms, while avoiding the risk of mass supervision and net-widening; (ii) second, offenders must receive effective, evidence-based interventions and support responding to each individual's specific needs, both in prison and in the community; (iii) third, continuity of care and support must be ensured; and (iv) fourth, offender rehabilitation and reintegration practices should be developed and implemented by a multifaceted approach involving all relevant stakeholders. . . . I am very pleased to report that *it was suggested that the good practices addressed during the workshop might serve as a basis for the development of model strategies to reduce reoffending*. As the moderator for the workshop, I wish to express my support for the development of such model strategies and believe they will play a significant role in reducing reoffending in this decade of action as we move toward 2030 and the achievement of the Sustainable Development Goals (emphasis added).

2. Chair's Summary

The Workshop outcomes are publicized as part of the Chair's summary in the UN's official Crime Congress

⁴ Originally, the Kyoto Congress was scheduled in April 2020.

⁵ I was a panellist at the RWI ancillary meeting and suggested developing new UN standards and norms on reducing reoffending, which was supported by other panellists and participants.

report (A/CONF.234/16, para. 158).⁶ As for Workshop 2, the conclusion and 12 practical recommendations form the heart of the Chair's summary.

The conclusion starts with the sentence saying that reducing reoffending is “*critical to building inclusive, sustainable societies as envisaged in the 2030 Agenda.*” This clarifies the direct link between reducing reoffending and the achievement of the SDGs, emphasizing the importance of reducing reoffending in this regard.

The next sentence highlights the important elements in reducing reoffending stating 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.*” This should be understood as the “guiding principle” in reducing reoffending and can be broken down into four essential elements.

To elaborate, first, in deciding sanctions and case dispositions, the principle of the least restrictive sanction and the principle of proportionality should be respected. These two principles are both essential and equally important to accomplish criminal justice and rehabilitative purposes. However, given the reality in many jurisdictions where punitive approaches and excessive use of imprisonment prevail, this conclusion part puts more emphasis on seeking the possibility of community-based options based on the principle of the least restrictive sanction. This principle is basically derived from human rights considerations. Moreover, it serves rehabilitative perspectives, as the application of this principle will lead to active use of non-custodial measures and community-based interventions, which offers increased chances of success for offender rehabilitation. This way of thinking is based on the understanding that incarceration generally entails negative impacts on social reintegration, such as stigmatization and disconnection with community ties (e.g. family, employment), whereas community-based approaches are generally more conducive to rehabilitation and reintegration in that such options enable providing necessary assistance while maintaining the offender's life in the community. Of course, decisions, including for community-based sanctions, should be “proportionate”, considering the gravity of the offence and other factors.

Second, the “programmes” for offender rehabilitation should be multifaceted and thus should involve various stakeholders. Offender rehabilitation and reintegration requires interventions and support tailored to individual's needs. Therefore, “programmes”, in other words, interventions and support, must cover various aspects to strengthen the offender's social environment, such as employment, housing, healthcare, welfare, education, childcare, family relations, etc., and enhance personal aspects, such as self-esteem, self-efficacy, social skills, and so forth. However, it is impossible for the criminal justice authorities alone to provide all the necessary types of support. Thus, a multi-stakeholder approach which requires the involvement of various stakeholders is essential and key to successful reintegration. The Kyoto Declaration has a set of provisions dedicated to “reducing reoffending through rehabilitation and reintegration” (paragraphs 37-42),⁷ and paragraph 39 promotes multi-stakeholder partnerships to reduce reoffending, referring to governmental inter-agency coordination, public-private partnerships and involvement of employers and community volunteers.

Third, in offender rehabilitation, continuity of care should be ensured. Rehabilitation and social reintegration is a long process where the offender faces many difficulties at each stage. Therefore, treatment should be followed-up on and support should be provided continuously. Especially, the gaps in the continuity of care/support are often seen at the transition stage when the offenders are released from prison and restart their lives in the community. Adequate interventions and support addressing needs at this stage are of vital importance for successful rehabilitation. This has posed challenges in many developed and developing systems. Bearing in mind that a large portion of offenders go to prison and struggle to rehabilitate in the community after release, continuity of interventions and support, in particular from prison to the community, should be underlined.

Fourth, rehabilitative environments should be ensured throughout all criminal justice processes. This is

⁶ <https://www.unodc.org/documents/commissions/Congress/documents/ACONF234_16_V2102028.pdf>.

⁷ <https://www.unodc.org/documents/commissions/Congress/21-02815_Kyoto_Declaration_ebook_rev_cover.pdf>.

identified as the key guiding concept in pursuing the goal of reducing reoffending. The need for rehabilitative environments and processes applies to all the pathways and stages, including the criminal proceedings, decision-making process for penalty and treatment, the prison-based treatment stage, and life in the community. Paragraphs 37 and 38 of the Kyoto Declaration refer to promoting rehabilitative environments in prison and in the community, and they underscore the importance of this principle.

Following the conclusion, the Chair's summary raises 12 points to be considered, which form the practical recommendations of the Workshop 2.

Hereafter, I would like to elaborate and comment on the recommendations enumerated in subparagraphs (a) to (l) of paragraph 158 of the report, touching upon the links to the Workshop discussions (the recommendations are cited below in *italics*).

(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; . . .

This encourages the collection and use of data for evidence-based strategies and interventions. Statistics and research results have been proved effective in forming adequate strategies and establishing evidence-based interventions which “work”. Also, learning from other jurisdictions’ evidence-based practices, and modifying them to adjust to the country’s local context, is an efficient and effective way to implement new practices, as demonstrated in the good practice of Namibia introduced in the Panel I discussion.

(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; . . .

This emphasizes a realistic approach in the implementation of rehabilitative approaches, in light of what is practically effective in developing new measures and practices. The example of Croatia establishing its new probation service with a step-by-step approach (Panel II) serves as a good practice in this regard. Also, this recommendation refers to the use of information technology which enables wide dissemination of cost-effective measures, as shown in the example of MASAR presented by Hedayah in Panel III.

(c) Member States are also encouraged to apply a multi-stakeholder approach to 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; . . .

Further to the reference in the conclusion and the Kyoto Declaration provisions, this recommendation elaborates on the importance of the multi-stakeholder approach to address various needs, which were fully discussed in Panel III and touched upon by a number of other panellists and participants. In addition, this recommendation expressly raises key areas in need of continuous support, such as employment, housing, education, etc. which requires non-criminal-justice players’ involvement.

(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; . . .

This refers to awareness-raising, an essential issue to offender rehabilitation, especially where community corrections is concerned. Awareness-raising includes promoting public acceptance, which targets the general public, and a more in-depth awareness-raising, that is, understanding and cooperation by stakeholders who are expected to coordinate with the authorities and provide support to offenders. This usually requires substantial efforts to foster and is particularly crucial in promoting community-based approaches, which require the acceptance of the offenders by the community at large, as well as the provision of support by many players in various aspects. Effective approaches and methodologies will differ depending on the target groups and the required level of awareness – for instance, whether the goal is to accept the idea of the community-based approach or to directly help the offenders and provide them with assistance. In the latter case, face-to-face direct consultation to alleviate the target's concerns or give incentives can be an effective approach. The Croatian experience in introducing its new probation service (Panel II) can be identified as a good example of effective awareness-raising.

(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; . . .

This emphasizes the necessity and effectiveness of community-based interventions and encourages Member States to establish probation services (or the like) to undertake community supervision and support. Examples of Canada, Croatia, the Philippines (Panel II) and Japan (Panel III) demonstrated effective roles of the probation services in community supervision and support, or in the restorative justice process. In addition, use of community volunteers, such as the participation of volunteer probation officers in Japan etc, is highlighted as a good practice to refer to.

(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 Tokyo Rules⁸ and the Bangkok Rules⁹; 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; . . .

This recommendation elaborates the first part of the “guiding principle” set out in the conclusion, i.e., the principle of least restrictive sanction and the principle of proportionality, and encourages the use of community-based measures. In the use of non-custodial measures, it refers to the relevant UN standards and norms, as well as the value of adequate restorative justice interventions. However, as indicated in Panel II's keynote speech and the moderator's wrap-up, it should be noted that community-based options should be adequately used under this guiding principle, and their overuse leading to “mass supervision” and “net widening”¹⁰ should be avoided.

(g) Member States are invited to establish rehabilitative prison environments, in line with the Nelson Mandela Rules¹¹ 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

⁸ The United Nations Standard Minimum Rules for *Non-custodial Measures* adopted in 1990.

⁹ The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offender adopted in 2010.

¹⁰ See paragraph 4(e) of the Background Paper (A/CONF.234/9) which states “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. The excessive use of supervision for low-risk offenders may increase the reoffending risk, owing to unnecessary interventions.”

¹¹ The revised United Nations Standard Minimum Rules for the Treatment of Prisoners adopted in 2015.

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 of the rehabilitation of offenders and investing in multidisciplinary training for staff; . . .

If not treated properly, incarceration entails serious negative impacts on social reintegration stemming from institutionalization and stigmatization, whereas under rehabilitative environments it could offer a “hook for change”, a substantive step towards rehabilitation. Having this in mind, establishing rehabilitative prison environments, which this recommendation focuses on, is the big issue for many jurisdictions where imprisonment is the prevailing option, and in particular, where certain deteriorating situations, such as overcrowding, corruption and violence exist. The recommendation addresses the issue multifacetedly: i) treating the prisoners fairly respecting their dignity, ii) supporting the prisoner from various aspects, iii) “normalization” in prison life, iv) addressing challenges such as overcrowding, poor prison conditions, violence and corruption and maintaining proper prison administration and case management, v) interventions tailored to individual's needs, vi) maintaining community ties while in prison, and vii) recruiting prison staff displaying a supportive attitude for offender rehabilitation and providing them with multidisciplinary training. As indicated in these points, rehabilitative “environments” refer to, but are not restricted to, interventions and treatment provided to offenders. They also include every factor surrounding their individual prison life, such as housing settings, legitimacy and adequacy in prison administration, prison staff professionalism, the prisoner's willingness and participation in the rehabilitative treatments etc., and contacts with the outside world. To elaborate further, for example, items i) and vii) will improve the relationship between prison staff and the prisoners as in the example of Kyrgyzstan presented by the UNODC expert in Panel I. The Norwegian experience discussed in Panel I is a good example of implementing item iii), supported by the efforts in line with item vii). The Argentine example demonstrates the importance of item iv), and items i), ii), v) and vi) are indicated as important factors in the keynote speech. The Namibian practices in Panel I and Georgia's women prison project introduced by PRI in Panel III are examples of good practices addressing items ii) and v). Further, as referred to in the recommendation, these items are more or less addressed in the relevant UN standards and norms, in particular, the Nelson Mandela Rules and the Bangkok Rules¹².

(h) Member States are encouraged to tailor interventions and treatment to the needs of each offender, in particular 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; . . .

These three recommendations address interventions etc. tailored to each individual's needs, particularly focusing on vulnerable groups with specific needs. Whereas (h) refers to a number of vulnerable groups, (i) and (j) focus on women and children, respectively. As for the need to respond to these people's specific needs, the Japanese practice introduced in Panel III of coordinating a prisoner's accommodation after release taking account of his/her specific needs constitutes a good example. Also, PRI's presentation elaborating specific needs for women (Panel III) and Kenyan multi-agency practices to ensure the “best interest of children” are good examples that support (i) and (j), respectively.

¹² See especially rules 1, 2, 4-6, 8, 58-63, 74-82, 89, 91-94, 98, 106, 107 of the Nelson Mandela Rules, and rules 4, 12, 19-21, 26-52 of the Bangkok Rules.

(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; . . .

Unlike other recommendations which refer to measures to improve rehabilitative systems and practices, this recommendation suggests developing new UN standards and norms on reducing reoffending, in the form of “model strategies”. This constitutes a cornerstone for the future development of the UN criminal justice policy, as I elaborate later. This idea was provoked during the floor discussion which introduced the outcomes of the two related ancillary meetings.

(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.

This recommendation refers to capacity-building and technical assistance by the UNODC, PNIs such as UNAFEI and other relevant stakeholders. Good examples of technical assistance were introduced by the UNODC (Panel I), Kenya (Panel II), PRI and Hedaya (Panel III) at the Workshop 2 discussion. Based on this recommendation and the relevant provisions of the Kyoto Declaration etc., UNAFEI will develop training programmes on reducing reoffending to follow-up on the Kyoto Congress and the Kyoto Declaration, bearing in mind the guiding principle and elements highlighted in other recommendations.

III. FUTURE DEVELOPMENTS

A. Impact of Workshop 2 and the Kyoto Congress

As discussed above, Workshop 2 was concluded with a set of recommendations including one suggesting the development of new UN model strategies on reducing reoffending, under the auspices of the Commission on Crime Prevention and Criminal Justice (CCPCJ), the UN’s policymaking organ in the field of criminal justice.

Also, at the plenary meeting following the Workshop, the same idea to develop new standards and norms was proposed by Japan, the host country of the Kyoto Congress, which obtained support from the floor. Further, the Kyoto Declaration has a series of provisions on the issue of reducing reoffending, meaning that this issue is one of the focus areas for intensive follow-up.

Given all this background, at the thirtieth session of the CCPCJ in May 2021 (two months after the Kyoto Congress), a “draft resolution” entitled “Reducing reoffending through rehabilitation and reintegration” was adopted, which is expected to be adopted by the General Assembly as a “resolution” later this year.¹³ (“Draft resolutions” of the CCPCJ are sent to the Economic and Social Council, which in turn requests adoption by the General Assembly.) This draft resolution, proposed by the Japanese government as the host country of the Kyoto Congress, has a set of provisions which, among others, encourages the Member States to develop comprehensive strategies or action plans to reduce reoffending through effective interventions, to promote a rehabilitative environments in prison and in the community, and to promote multi-stakeholder partnerships to reduce reoffending. Moreover, most importantly, paragraph 5 requests:

the United Nations Office on Drugs and Crime, ... to convene an expert group meeting to share information on promising practices to reduce reoffending, with a view to developing model strategies on reducing reoffending, which can serve as useful tools for Member States, taking into account relevant provisions in the existing standards and norms in crime prevention and criminal justice, current developments, research, tools and the outcome of the deliberations of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice (emphasis added).

¹³ The CCPCJ approved the Kyoto Declaration and adopted another draft resolution to be sent to the General Assembly upon the ECOSOC’s approval which endorses the Kyoto Declaration. Therefore, the Kyoto Declaration will be a part of the General Assembly resolution upon its adoption.

Upon its adoption by the General Assembly, this provision will be the basis for the UNODC and the international community to take steps to develop new UN model strategies on reducing reoffending, starting with an expert group meeting.

From this (draft) resolution and given all other background, it is evident that, in addition to the relevant provisions of the Kyoto Declaration (paragraphs 37-42), the outcome of Workshop 2 as summarized in the Chair's summary and good practices introduced at the Workshop will form the basis of the new model strategies. In addition, the content of the Background Paper for Workshop 2 (A/CONF.234/9), supplemented by Section IV.B of the Working Paper on "Developments regarding crime prevention and criminal justice as a result of the coronavirus disease (Covid-19) pandemic" (A/CONF.234/15),¹⁴ the UN's two official documents for Workshop 2, should also constitute the basis. This is because they elaborate in detail on what was discussed in Workshop 2, including points and other relevant practices that were not expressly referred in the Workshop deliberations due to time constraints.

B. Thoughts for the New Model Strategies

The draft resolution adopted at the thirtieth CCPCJ says that the new model strategies should take into account the provisions of the existing standards and norms in addition to the Kyoto Congress deliberations, etc. There are a number of UN standards and norms dealing with the treatment of offenders. The new model strategies should, of course, harmonize with these existing instruments. Therefore, I would like to analyse what is covered and missing in the existing UN standards and norms *vis-à-vis* the Workshop outcomes, in order to explore how and under what approach the new model strategies should be developed.

The most basic and important existing instruments are the Nelson Mandela Rules and the Tokyo Rules. The Nelson Mandela Rules deal with prison issues. Concluded recently in 2015 as the revision of the 1955 UN Standard Minimum Rules for the Treatment of Prisoners, the content is quite comprehensive, addressing all major current challenges and key notions. In fact, as stated above, the Rules basically refer to the issues raised in the Workshop recommendation provision on rehabilitative prison environments (para. 158(g)). Moreover, in the 2015 revision, reducing reoffending and facilitating offender reintegration is clarified as part of the "purpose of imprisonment"¹⁵ and thereby added value from a rehabilitative perspective. However, since the Rules are basically derived from human rights requirements and ensuring humane treatment, their focus is not primarily on achieving the goal of social reintegration and desistance, although humane and human-rights-compliant treatment promote rehabilitative environments.

The Tokyo Rules deal with a broad spectrum of non-custodial measures and refer to "implementation" of non-custodial measures such as supervision and treatment processes, and to the use of volunteers and other community resources. However, the Tokyo Rules focus more on having and applying non-custodial options, and the reference to community-based treatment is restricted and very brief. As such, the Tokyo Rules are not sufficient as norms for community corrections.

In addition to these two basic "Rules", there are several instruments which deal with treatment of specific types of offenders or specific procedures and interventions. To name the major ones, the Bangkok Rules provide gender-responsive norms for women to supplement the Nelson Mandela Rules and the Tokyo Rules. Also, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) cover considerations for juvenile offenders and delinquents. "Basic principles on the use of restorative justice programmes in criminal matters" deal with principles for the adequate use of restorative justice programmes. These instruments cover certain parts of the Workshop outcomes, but likewise, do not necessarily focus on

¹⁴ See note 1.

¹⁵ For instance, compare Rule 4.1 of the Nelson Mandela Rules with Rule 58 of the previous Standard Minimum Rules for the Treatment of Prisoners (the 1955 Rules). Rule 4.1 of the Mandela Rules states, "The purposes of a sentence of imprisonment ...are *primarily* to protect society against crime and *to reduce recidivism*. Those purposes can be achieved only if the period of imprisonment is used to ensure,... *the reintegration of such persons into society upon release* so that they can lead a law-abiding and self-supporting life", whereas Rule 58 of the 1955 Rules states "The purpose and justification of a sentence of imprisonment...is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure,...that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life."

offender rehabilitation and reintegration.

Therefore, community corrections guidelines and practices, provisions for specific types of offenders other than women and children, and guiding principles governing rehabilitation and rehabilitative processes can be identified as the major gaps in the existing standards and norms.

Having said that, here I would like to pose a question which is, should the new model strategies simply focus on these gaps? My answer is definitely *no*. Now, I would like to again call attention to two of the fundamental elements of the guiding principles for reducing reoffending – ensuring continuity of care and ensuring rehabilitative environments throughout the process (the third and fourth elements discussed in II.C.2). Absent these elements, the model strategies will not function as useful guiding tools for reducing reoffending. In order to ensure continuity of care, just having provisions relevant to the “gap areas”, or only on the “transition phases” do not suffice. An overarching approach looking at the whole process, starting from the contact with criminal justice or other relevant authorities through the social reintegration and desistance phase, allows effective continuity of care. Also, as the most essential key principle, rehabilitative environments and processes should be ensured *throughout all stages*. This requires that the standards and norms embrace a holistic approach covering the whole process from rehabilitative perspectives. In addition, a multi-stakeholder approach (another crucial element of the guiding principles), which constitutes a means to enable effective rehabilitation, applies to all stages and increases its importance to achieve rehabilitative goals. And thus, rehabilitative purposes should expressly come up front. Therefore, in order to develop clauses focused on a good rehabilitative multi-stakeholder approach, an approach that just fills the gaps will lack many important parts. Therefore, the new model strategies should take an overarching, or holistic, approach, shedding light on rehabilitative purposes, which establishes a new and independent concept from the existing instruments.

On the other hand, we have to be mindful of the fact that many provisions of the existing standards and norms *do* cover the areas which should be addressed and *are* effective for rehabilitative goals, whether or not they are derived from rehabilitative or other purposes. In that case, duplication should not occur if it has the effect of simply repeating in the new instrument that which is already provided in the existing standards and norms. Rather, for instance, reference to the existing provisions in the new model strategies indicating their rehabilitative effects (thereby adding value to the existing provisions) would be an appropriate approach. In pursuing this, a more in-depth analysis on the existing standards and norms, including on their rehabilitative impacts, will be important and should take place.

Also, detailed key notions, principles and examples pertaining to the major identified “gaps”, especially on community corrections rules, should be developed and elaborated. Although we already have discussed and developed initial key principles and identified many good examples through the preparation for, and deliberations at, the Workshop, it is obvious that the examples and practices discussed are not enough to be useful for every Member State and the whole international community. In addition, on top of what has been already discussed, there will be a lot of room to explore effective approaches and examples of a multifaceted and multi-stakeholder approach, as they are diverse in nature, affected by various social, cultural, political, economic and other backgrounds and differences in existing community resources.

IV. CONCLUSION

During the discussions at the Kyoto Congress, it was reaffirmed that the goal of reducing reoffending through offender reintegration is crucial for the achievement of the 2030 Agenda. As mentioned, establishing rehabilitative environments and processes throughout all stages is essential for this goal. Other key principles and factors, as well as many good practices and commendable efforts, have been identified and introduced. On the other hand, the international community faces many challenges to implement and put into practice what “works”.

The new UN model strategies, once provided, will be a cornerstone for enhancing rehabilitative environments in many parts of the world. They will constitute good guidance for States and organizations to take adequate steps in policymaking and practice, and will give grounds to facilitate public participation and acceptance. Therefore, I am proud that UNAFEI's efforts in activating discussion on this issue through the preparation and organization of the Workshop 2 largely contributed to the international community's

decision to develop this important instrument, and I expect that UNAFEI will participate and substantially contribute to its future development.

Further, having in mind that the international community's purpose should not be the development of the instrument itself but its effective implementation in practice, technical assistance will play a very important role. I expect UNAFEI, as a technical assistance provider, as well as the PNI which led the discussion at the Kyoto Congress (and which will presumably lead the discussion as it moves forward), will continue efforts to explore best ways to establish rehabilitative environments and processes, and will continue to take a leading role in providing technical assistance on reducing reoffending, maintaining and strengthening partnerships with the UNODC, the Japan International Cooperation Agency (JICA),¹⁶ the PNIs, relevant NGOs¹⁷ and Member States, for the better future.

¹⁶ JICA is Japan's official development assistance (ODA) provider agency, and a large majority of UNAFEI's technical assistance programmes are funded and co-sponsored by JICA.

¹⁷ For instance, the Asian Crime Prevention Foundation (ACPF), an international NGO that, among other purposes, supports UNAFEI's activities, can be identified as a partner NGO.

PROMOTING THE IMPLEMENTATION OF REHABILITATIVE ENVIRONMENTS IN THE ASEAN REGION

*TAKAI Ayaka**

I. INTRODUCTION

Workshop 2 of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice was held from 8 to 9 March 2021 in the Committee Room at the Kyoto International Conference Center in Kyoto, Japan. The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), in collaboration with the Thailand Institute of Justice (TIJ), sponsored Workshop 2 on “Reducing Reoffending: Identifying Risks and Developing Solutions”, and it consisted of fruitful discussions that explored strategies and solutions to reduce reoffending and facilitate offenders’ reintegration into society. Reducing reoffending leads to fewer victims, greater community safety, and less pressure on and lower costs for the criminal justice system, which is critical to building inclusive, sustainable societies as envisaged in the 2030 Agenda for Sustainable Development.

This report will introduce the status of community-based treatment focusing on the ASEAN region, sharing the efforts that UNAFEI has been making to promote the implementation of rehabilitative environments – a key issue highlighted by Workshop 2 to prevent reoffending. Whether in prison or in the community, it is impossible for offenders to take steps toward rehabilitation if they are in harmful environments in which they lack needed support. As the Chair of Workshop 2 recalled in the report, “programmes to reduce reoffending [need] to be multifaceted, involve all relevant stakeholders and ensure the necessary continuity of care within rehabilitative environments.”¹

II. UNAFEI’S RECENT ACTIVITIES

UNAFEI is the oldest member of the Institutes of the United Nations Crime Prevention and Criminal Justice Programme Network (PNI) with a history of almost 60 years. For most of its history, UNAFEI has long taken the role of assisting the implementation and development of rehabilitative environments and systems in the ASEAN region. Some of the highlights of UNAFEI’s recent activities related to offender treatment in the community are as follows.

A. The ASEAN plus Three Conference

In 2013, 2014 and 2015, the ASEAN plus Three Conference was held as an international forum for ASEAN countries, China, South Korea and Japan. The forum was initiated by Thailand, and the purpose was to share experience and gain knowledge on community-based treatment of offenders among the participating countries. During the conference, it was recognized that the implementation of community-based treatment varies from country to country, and that several countries face challenges in implementing it. Thereby, international cooperation on probation and non-custodial measures was discussed and UNAFEI actively joined the discussion as a PNI member. At the 2014 conference, the ASEAN Roadmap for Probation and Non-custodial Measures was adopted, which reflected the discussions at the conference and provided a plan for future cooperation.

B. The Seminars on Promoting Community-based Treatment in the ASEAN Region

In response to the discussion at the ASEAN plus Three Conference, UNAFEI, in collaboration with the Thai Department of Probation, the TIJ, the Rehabilitation Bureau of the Ministry of Justice of Japan, and the Japan International Cooperation Agency (JICA) conducted a series of training seminars on promoting

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¹ Report of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, A/CONF.234/16 (26 March 2021).

community-based treatment for ASEAN countries from 2015 to 2016. These seminars were held as platforms to discuss and exchange members' knowledge and practices on key issues of non-custodial treatment, and more specific needs of each country were identified.

C. The Third Country Training² for CLMV Countries

From 2017 to 2019, the Thai Department of Probation and UNAFEI in collaboration with JICA, conducted a more country-focused programme targeting the CLMV countries (Cambodia, Lao PDR, Myanmar and Viet Nam), where community-based approaches had either not been formally established or had not been fully implemented. This training course took place in Thailand as a third country training programme involving JICA.

D. UNODC/UNAFEI Joint Projects

Based on the success of these conferences and seminars above, UNAFEI started assisting the Cambodian government bilaterally for its implementation of community-based treatment of offenders in collaboration with the United Nations Office on Drugs and Crime (UNODC).

Cambodia has established a basic legislative framework for community-based treatment of offenders in its criminal code and criminal procedure code, including the authorization of measures such as probation, conditional release and so on. However the relevant authorities rarely use such legal provisions for the following reasons: 1) lack of clarity and details mechanism as well as the lack of a responsible institution within the provisions and 2) lack of experience and necessary resources to supervise persons under alternative sentencing. Therefore, UNAFEI has been making efforts to raise awareness among officials as the first step of implementation of the new system.

Also, since February 2021, UNAFEI, in partnership with the UNODC, has been assisting the Parole and Probation Administration of the Philippines in building capacity, especially in the assessment and treatment of offenders using the Risk-Need-Responsivity (RNR) Model as addressed at Workshop 2 of the Kyoto Congress.

III. STATUS OF REHABILITATIVE ENVIRONMENTS IN THE ASEAN REGION

In many jurisdictions throughout the world, correctional environments, including pre-trial and post-conviction detention, are overcrowded, underfunded, understaffed and vulnerable to corruption.³ These environments expose offenders to harsh conditions that undermine, or entirely prevent, the ability of correctional officers to provide rehabilitative treatment. Upon release from prison, offenders are likely to face many challenges, including stigma and discrimination, which hinder their rehabilitation and reintegration in general.⁴

The United Nations standards and norms in crime prevention and criminal justice have long recognized "social rehabilitation"⁵ as one of the principle aims of the deprivation of liberty.⁶ While the UN has not adopted a formal definition of the term "rehabilitative environment", it might be simply defined as any correctional environment, whether institutional or community based, that is in compliance with relevant UN standards and norms. From a practical perspective, a rehabilitative environment is one in which offenders

² Third Country Training Program (TCTP) is a scheme in which JICA provides participants from developing countries with a technical training programme in collaboration with a Southern partner (i.e., a third country) for the purpose of transfer or sharing of development experiences, knowledge and technology.

³ Background Paper, Workshop 2. Reducing reoffending: identifying risks and developing solutions, A/CONF.234/9, paras. 6-10 (3 February 2020).

⁴ Ibid. at para. 11.

⁵ *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, United Nations General Assembly resolution 70/175, Annex, Rule 93.1(b) (17 Dec. 2015). The Mandela Rules were first adopted by the United Nations General Assembly as the *Standard Minimum Rules for the Treatment of Prisoners* in 1955 and amended in 1977 (see para. 67(b)).

⁶ *Human rights in the administration of justice*, General Assembly resolution 69/172, recitals (1 Dec. 2014) ("Recalling that the social rehabilitation and reintegration of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society, . . .").

will, at a minimum, receive adequate interventions including supervision and support for the purpose of rehabilitation and reintegration into society.

As mentioned above, Workshop 2 of the Kyoto Congress consisted of fruitful discussions that explored strategies and solutions to reduce reoffending and facilitate offenders' reintegration into society, and it concluded that ensuring rehabilitative processes and environments throughout all stages and pathways leading to successful reintegration is crucial. As a result of the discussion at Workshop 2, four issues were highlighted as the key concept of rehabilitative environments, which should be ensured at every stage of the criminal justice process, and they are: (i) criminal justice systems should respect proportionality and seek to impose the least restrictive sanctions possible, and should make active use of non-custodial measures in line with the UN standards and norms, while avoiding the risk of mass supervision and net-widening; (ii) offenders must receive effective, evidence-based interventions and support responding to each individual's specific needs, both in prison and in the community; (iii) continuity of care and support must be ensured; and (iv) offender rehabilitation and reintegration practices should be developed and implemented by a multifaceted approach involving all relevant stakeholders.

What follows is an overview of how these elements are being implemented in the ASEAN region, presenting each country's overall status with a brief description or good practices for each element. The status of implementation of these elements in ASEAN countries described below is based on the reports of the seminars in which UNAFEI was involved,⁷ except where specifically stated otherwise.

A. Active Use of Non-custodial Measures

The United Nations Standard Minimum Rules for Non-custodial Measures, known as the Tokyo Rules, encourage the international community to facilitate the use of non-custodial measures, taking the human rights, requirements of social justice and the rehabilitation needs of each offender into account.

While it is well-known that simply incarcerating offenders does not contribute to their rehabilitation or to becoming law-abiding citizens, non-custodial measures are effective at reducing reoffending because they ensure the connection between the offender and the community, and offenders who have strong connections to their community and who care about the people around them are less likely to reoffend.

Here are typical examples of non-custodial measures that are considered to contribute to the prevention of recidivism by means of interventions conducted by the competent authority.

1. Probation

Probation, as used in this paper, refers to court-ordered, community-based treatment – a system in which a person is placed under the supervision of the state and receives some kind of rehabilitative intervention, often in conjunction with the suspension of the traditional criminal sentence.

Probation is the most used measure among more than half of the ASEAN countries. The ASEAN countries with probation systems are Brunei Darussalam (Brunei), Indonesia, the Philippines, Singapore, Thailand and Viet Nam for adult offenders, and Brunei, Indonesia, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam for juvenile delinquents, or children in conflict with the law. The status of probation in these countries is briefly explained below, but in countries other than these, although the introduction of probation is being considered, it has not yet been implemented.

(a) Brunei

In Brunei, probation is in place for adult offenders and juvenile delinquents, and was established in 2010 under the Offenders (Probation and Community Service) Order of 2006 and the Children and Young Persons Act (CYPA) of 2010. The Juvenile Court, which operates under the purview of the Subordinate Courts, was also established in 2010. Probation and community-based treatment fall under the responsibility of the Probation and Community Service Unit in the Protection and Rehabilitation Division, the Department of Community Development, the Ministry of Culture, Youth and Sports.

⁷ The Seminar on Promoting Community-based Treatment in the ASEAN Region: Seminar Report (2015, TIJ); The Second Seminar on Promoting Community-based Treatment in the ASEAN Region: Seminar Report (2016, TIJ).

(b) Indonesia

In Indonesia, probation is implemented for adult offenders and juveniles. The duties and responsibilities of probation officers are outlined in the 1917 Penal Code and the Juvenile Justice System Act of 2012, and are under the responsibility of the Correctional Division of the Ministry of Law and Human Rights.

(c) Malaysia

In Malaysia, while there is no probation system for adult offenders, probation for children in conflict with the law has been implemented by the Child Act 2001. The Department of Social Welfare of the Ministry of Women, Family and Community Development is responsible for the rehabilitation of juveniles, and supervision is conducted by probation officers who are Social Welfare Officers or Assistant Social Welfare Officers appointed by the Minister with the support of members of Child Welfare Committees.

(d) Myanmar

In Myanmar, probation for juveniles has been implemented since the Child Law of 1993 and is under the responsibility of the Department of Social Welfare, while probation for adults is not in place yet.

(e) The Philippines

In the Philippines, a community-based treatment system has been implemented since the Adult Probation Law of 1976 and is under the responsibility of the Parole and Probation Administration of the Department of Justice (PPA). Although the PPA takes care of some juvenile probationers, children in conflict with the law are mainly provided with community-based treatment under the responsibility of the Local Social Welfare Development Officer of the Department of Social Welfare and Development.⁸

(f) Singapore

In Singapore, probation systems for adult offenders and juveniles are in place based on the Probation of Offenders Act (POA) and The Children and Young Persons Act (CYPA)⁹ under the responsibility of the Probation and Community Rehabilitation Service of the Ministry of Social and Family Development. Instead of sentencing a person who has committed an offence to penal or correctional institutions, the Court may make a Probation Order requiring him to be under the supervision of the Probation Officer or a Volunteer Probation Officer.¹⁰

(g) Thailand

In Thailand, probation services have been in place for adult offenders and juveniles, originating with unofficial juvenile supervision that started in 1952. In 1956, the Penal Code was enacted and was also the first statutory foundation of the probation services, which made it possible for judges to impose a suspended sentence with the condition of probation. The Department of Probation, Ministry of Justice is the main agency for administering both adult probation and juvenile probation.

(h) Viet Nam

In Viet Nam, laws such as the Criminal Code 2015, the Law on Amnesty 2008 and the Law on Criminal Sentence Enforcement provide a legal framework for community-based treatment of offenders. Adult offenders who receive suspended sentences are supervised by the Commune Peoples Committees (CPC), which include government employees responsible for local governance, and juveniles who are subject to “compulsory education” (i.e. required to fulfil educational or work duties) in the commune are also supervised by family or the CPC.

2. Conditional Release / Parole Supervision

Conditional release and parole supervision refer to a system in which prisoners are released into the community prior to the expiration of their sentence on certain conditions and often under the supervision of the relevant authorities after release. This scheme is effective for reintegration of offenders into society, for

⁸ Jeza Mae Sarah C. Sanchez, “Overview of Philippine Juvenile Justice and Welfare”, *Resource Material Series No. 101*, 104-144 (UNAFEI, 2017), available at <https://www.unafei.or.jp/publications/pdf/RS_No101/No101_17_IP_Philippines.pdf>.

⁹ Bernadette Alexander, “Community-based Rehabilitation of Offenders in Singapore”, *Resource Material Series No. 96*, 77-83 (UNAFEI, 2015), available at <https://www.unafei.or.jp/publications/pdf/RS_No96/No96_VE_Alexander_3.pdf>.

¹⁰ <<https://www.msf.gov.sg/about-MSF/our-people/Divisions-at-MSF/Social-Development-and-Support/Rehabilitation-and-Protection-Group/Pages/Probation-And-Community-Rehabilitation-Service.aspx>>.

it enables offenders to obtain support and guidance in their real life in the community where offenders are exposed to many challenges including stigma and discrimination. This scheme has been adopted in Indonesia, Malaysia, the Philippines, Singapore and Thailand for adult offenders. The status of each ASEAN country that has introduced the scheme is briefly shown below, but in countries other than these, although the introduction of the scheme is being considered, it has not yet been implemented as of 2015.

(a) Indonesia

In Indonesia, after serving two-thirds of the sentence, a prisoner who fulfils the requirements and has a record of good behaviour as evaluated by prison and probation officers is given parole, and probation officers conduct guidance and supervision in the community after release.

(b) Malaysia

In Malaysia, a parole system was implemented in 2008 based on the parole system in Australia. Parolees are placed under the care and supervision of parole officers during the period of parole. Family members, neighbours and Non-Governmental Organizations (NGOs) are also involved and play important roles not only in helping parolees but also in showing the public that acceptance of parolees will contribute to public safety.

(c) The Philippines

In the Philippines, pre-parole investigation is conducted by officers at the Parole and Probation Administration (PPA) to assess and evaluate if the applicant is qualified for parole, and the pre-parole report is submitted to the Board of Pardons and Parole, which grants parole to qualified prisoners. Supervising officers at the PPA also perform parole supervision with instructions and assistance for the rehabilitation of parolees during the period of parole.

(d) Singapore

In Singapore, the Conditional Remission System (CRS) and the Mandatory Aftercare Scheme (MAS) was introduced in 2014. CRS is the system to release prisoners with conditions by remission order after serving two-thirds of their sentence for good conduct and behaviour, and among those under conditional remission, certain groups who are at risk of reoffending and also those who need more support for reintegration into society have additional conditions imposed on them and are provided with MAS, a structured aftercare regime that provides enhanced community support, counselling and case management with close supervision in order to deter them from reoffending.

(e) Thailand

In Thailand, there is a parole system under which prisoners are released by the decision of the Parole Board and subject to supervision by probation officers after release. Prisoners eligible for parole must be convicted prisoners who have served at least one-third of their sentence and are first-time prisoners.

3. Community Service Orders (CSO)

Community Service Orders refer to activities in the community that are imposed on offenders – often unpaid work or social contribution activities – and implemented either as an independent sanction by the court or as a part of probationary conditions.

(a) Brunei

In Brunei, juvenile and adult probationers are subject to community service for a certain number of hours ordered by the courts, and probation officers are responsible for arranging and managing it.

(b) Malaysia

In Malaysia, a Community Service Order (CSO) is an order of the court requiring juvenile delinquents, or children in conflict with the law, to perform community service, or unpaid work for a specific number of hours, and is a community-based sentencing option that permits the court to order the community service work as a condition of probation. CSOs are supervised and handled by probation officers and Child Welfare Committees.

(c) The Philippines

In the Philippines, Community Service is a part of the rehabilitation and reintegration programme provided for probationers, parolees and pardonees in the community and rendered by clients for the benefit

of society. It includes tree planting, beautification drives, cleaning and greening of surroundings, maintenance of public parks and places, garbage collection, blood donation and similar socio-civic activities.¹¹

(d) Singapore

In Singapore, the Community Service Order (CSO) was first implemented in 1996 as a probation condition for juvenile offenders, and it has been expanded to include adult offenders, both as a condition of probation and as a stand-alone sentencing option. The probation service has a network of more than 130 community service agencies which have opened their doors on a goodwill basis to accept offenders and create opportunities and meaningful experiences for those under the CSO.

(e) Thailand

In Thailand, in 2003, the Penal Code 1956 was amended, enabling judges to impose the Community Service Order in lieu of fine, supervised by probation officers.

4. Electronic Monitoring

Electronic monitoring (E.M.) is also used as an alternative to imprisonment and is a cost-effective use of technology in Singapore and Thailand.

(a) Singapore

In Singapore, E.M. was introduced in 2003 as a condition of probation for selected offenders needing intensive supervision and usually imposed for a period of 4 to 6 months by the courts. E.M. is used to ensure that the offenders are home within curfew hours, to promote family bonding, “to refrain from alcohol consumption, to not own a hand phone with a picture-taking or video capturing capability and to refrain from visiting certain areas”.¹²

(b) Thailand

In Thailand, since 2013 the Department of Probation has implemented a pilot project using electronic monitoring and established it officially by the Minister’s order in 2017. The management of E.M. is now one of the tasks of Volunteer Probation Officers assigned by the Director General of Department of Probation.¹³ VPOs monitor parolees wearing E.M. devices and give them advice.¹⁴

B. Evidence-based Interventions and Support Responding to Each Individual’s Specific Needs

As noted during Workshop 2, identifying the criminogenic needs of each individual offender is essential to ensure effective supervision and support for rehabilitation. In this regard, assessment of an individual’s specific needs is important as an initial step. One example is an activity that is underway in the Philippines to implement a new measure which ensures evidence-based individual interventions. As part of this, the Parole and Probation Administration of the Philippines (PPA) has also developed a new assessment tool, which helps identify the criminogenic needs of offenders. From February to March 2021, UNAFEI and the UNODC provided training seminars for practitioners at the probation service in the Philippines in collaboration with Dr. Raymund Narag of Southern Illinois University and Dr. Clarke Jones of Australian National University, and more training seminars will be conducted in the future. The trainees acquire new knowledge for assessing offenders using the R-N-R Model. The “big 8” factors are addressed by Dr. Narag and Dr. Jones as key factors in developing new tools, and those are:

- Criminal history;
- Pro-criminal companions;
- Pro-criminal attitudes and cognitions;
- Anti-social personality pattern;

¹¹ <<https://probation.gov.ph/correction-rehabilitation/>>.

¹² Bernadette Alexander, “Probation as a Community-based Rehabilitation Programme (Singapore)”, *Resource Material Series No. 96*, 63, 66 (UNAFEI, 2015), available at <https://www.unafei.or.jp/publications/pdf/RS_No96/No96_VE_Alexander_3.pdf>.

¹³ Presentation by Vittawan Sunthornkajit, the Director General of the Department of Probation, the Ministry of Justice of Thailand, at the World Congress on Community Volunteers for Supporting Offender Reintegration, held as an ancillary meeting of the Kyoto Congress on 7 March 2021.

¹⁴ <<http://www.moj.go.jp/content/001348150.pdf>>.

- Education/employment status;
- Family/marital status;
- Substance abuse; and
- Mental health.

For each of these categories, the PPA is developing a set of questions to ask clients in intake interviews. The responses will be scored according to risk derived from statistics and will be used to determine the module and intensity of interventions.

C. Continuity of Care and Support

Continuity of care and support among public-sector organizations, such as prisons, probation (parole) offices and other governmental agencies in the community, as well as public-private partnerships, are crucial for offenders' rehabilitation and reintegration in order to help offenders secure employment, housing and access to legal, social and medical services, as well as educational opportunities and vocational training. This is an example of a practice taking place in the ASEAN region which corresponds to the key issue of continuity of care and support.

According to the country report at the seminar on promoting community-based treatment in the ASEAN region held in 2015, Singapore introduced its CARE Network scheme, which brings together key community and government agencies to promote seamless in-care to aftercare support to ex-offenders. Eight member agencies are engaged in this network:

- Ministry of Home Affairs;
- Ministry of Social and Family Development;
- Singapore Prison Service;
- Singapore Corporation of Rehabilitative Enterprises, which is now called Yellow Ribbon Singapore;
- National Council of Social Service;
- Industrial & Services Co-Operative Society Ltd.;
- Singapore After-Care Association;
- Singapore Anti-Narcotics Association.

And now the Yellow Ribbon Fund is also involved in the network.¹⁵ These effective linkages with the community help provide a holistic and sustainable support network for ex-offenders and their families.

D. Multi-Stakeholder Approach

The multi-stakeholder approach is also addressed as a key element for building rehabilitative environments. The multi-stakeholder approach, which involves the public sector at both the national and local levels, the private sector, faith-based organizations, academia, volunteers and community members, is encouraged to be applied to ensure needed support for social reintegration of offenders.

The following are just a few of the stakeholders that were clearly identified in the report of training seminars previously mentioned.

1. Volunteers

Volunteers play an important and effective role especially in community-based treatment in terms of involvement of community and to provide necessary support. The Japanese system of volunteer probation officers, or *hogoshi* in Japanese, is known as an effective approach which contributes to the rehabilitation of offenders and reducing reoffending. Volunteer probation officer schemes have been adopted and implemented in a number of ASEAN countries, such as Malaysia, Singapore, the Philippines, Thailand and Myanmar.

(a) Malaysia

In Malaysia, volunteers are involved in the welfare of children in conflict with the law as members of Child Welfare Committee originally founded based on the guidance which Juvenile Welfare Committee provided in 1976, and the present framework is provisioned in the Child Act of 2001. Their tasks are to assist probation officers in supervising juveniles as well as providing support for child offenders and their families.

¹⁵ <<https://www.yellowribbon.gov.sg/>>.

The committee members are appointed by the Minister of Women, Family and Community Development.

(b) Singapore

In Singapore, the community Volunteer Probation Service was introduced in 1971 to promote volunteer participation and community awareness in the rehabilitation of offenders placed on probation. It was renamed the Volunteer Probation Officer (VPO) Scheme in 2012 to strengthen its representation as a volunteering scheme.

(c) The Philippines

In the Philippines, the Volunteer Probation Aid programme was introduced in 1977 to highlight and maximize community involvement and encourage participation of trained VPAs to assist probation and parole officers nationwide in effectively supervising clients. It was renamed the Volunteer Probation Assistant programme in 2015 with the amendment of the probation law. VPAs are involved in rehabilitation programmes implemented by the PPA including the Restorative Justice programme and the Therapeutic Community programme.

(d) Thailand

In Thailand, the Volunteer Probation Officer (VPO) Scheme was introduced in 1985 under the principle that the community should be empowered to establish a system and mechanism for protecting their own community from crime and reoffending along with the criminal justice system. Recently, VPOs are tasked to conduct the E.M. programme as previously mentioned.

(e) Myanmar

In Myanmar, volunteers are involved in the juvenile probation system, which started in 1993 under the Child Law. According to the law, the Director General of the Social Welfare Department assigns the responsibilities traditionally granted to probation officers to an employee of the Social Welfare Department or to a suitable citizen who is not a governmental employee. Those probation officers are responsible for supervision and management of children in conflict with the law by the order of the juvenile court, giving advice and counselling to the child's family and community members.

2. Halfway Houses for Offenders

The term "halfway house for offenders" generally refers to a residential facility, or a shelter for offenders who have no adequate place to live after their release from a correctional institute, that provides support such as accommodation and guidance. Halfway houses are run by governmental and private agencies. Halfway houses are being implemented in several countries in the ASEAN region, such as Indonesia, Malaysia, the Philippines, Singapore and Thailand.

(a) Indonesia

In Indonesia, there were six halfway houses nationwide as of January 2015, and they were set up as correctional facilities with minimum security where offenders undergo their remaining sentence. They accommodate parolees as well as probationers and provide them with necessary training and vocational guidance to help them adjust to their environment.

(b) Malaysia

In Malaysia, there were fourteen halfway houses nationwide as of July 2015, and they were established by the Malaysia Prison Department, and the Parole and State Community Service of the Department is in charge of managing them. They work in collaboration with non-governmental organizations, entrepreneurs, employers and others to provide residents not only a temporary accommodation but also assistance to get a job and to find appropriate placement.

(c) The Philippines

The first halfway house in the Philippines, the Halfway House and Livelihood Training Center (HHLTC), was established in 2019 and serves not just as a temporary home for the probationers and parolees but also as a venue for various trainings, seminars and recreational activities. The building is composed of a halfway house and a livelihood training centre, and is managed by the personnel of the PPA.

(d) Singapore

In Singapore, the Halfway House (HWH) Scheme was started in 1995. It allows selected offenders without strong family support to spend the last stage of detention in a halfway house. Currently, there are eight independent faith-based halfway houses participating in the HWH Scheme, and the programme comprises counselling, work therapy and moral/religious education. Under the scheme, HWHs are mandated to operate under a structured and more consistent programme to better meet offenders' reintegration needs. In 2019, the first government-run HWH was established to strengthen aftercare support for selected higher-risk ex-offenders placed on the Mandatory Aftercare Scheme in the domains of employment and accommodation. It operates as a 24-hour residential facility with a capacity of 576 for male and female residents.¹⁶

(e) Thailand

In Thailand, there were eight officially authorized halfway houses nationwide as of February 2015. The roles of halfway houses are: firstly, to provide homes to those who do not have appropriate places to live or need help with reintegration into their family or community; secondly, to support mental recovery or the rehabilitation process; lastly, to support vocational training and education for better career opportunities of the residents.

3. Other Community Entities

In addition to agencies that specialize in the treatment of offenders, existing social resources are also helpful in the rehabilitation of offenders. Some of the practices found in the ASEAN region are as follows.

(a) Lao PDR

In Lao PDR, the Village Group Policing system was established nationwide in 2003 under the supervision of the District Police Headquarters. The Village Group Policing system involves the community in the supervision of offenders to maintain order and security within the community. Restorative justice measures through Village Mediation Units have also been in place to deal with petty and non-violent crimes committed by juveniles and adult offenders as alternatives to incarceration. As a result, crime has been reduced due to the local communities' cooperation and mediation with the police.

(b) Viet Nam

In Viet Nam, the criminal law enforcement agency (district police) and the Commune People's Committee (CPC), or local-level administrative bodies, are responsible for conducting the supervision of those on probation and non-custodial sentences, and the CPC assigns offices, organizations, unions or individuals to directly supervise and educate them. While there is no specific organization that operates as a formal probation office and there are no formal probation officers, the involvement of the local government provides a variety of necessary support services.

(c) The Philippines

In the Philippines, the Barangay (Village) Justice System is an alternative to a court disposition, and the Restorative Justice Programme is conducted by the PPA as a part of a rehabilitation programme in which the PPA invites victims and community members to participate in the process of reintegration of offenders into the community.

4. Family Members

According to the reports of the seminars, many countries raised family members as a key stakeholder. This point was also addressed in the Background Paper of Workshop 2.¹⁷ Family is generally recognized as an important factor for successful reintegration, because they provide offenders with social, financial and mental support. Therefore, involving family members, coordinating family relationships, educating family members and other family-related approaches can also be effective.

¹⁶ Matthew Wee Yik Keong, "Preventing Reoffending in Singapore", Resource Material Series No. 111, 57-65 (UNAFEI, 2020), available at <https://unafei.or.jp/publications/pdf/RS_No111/No111_09_VE_Keong.pdf>.

¹⁷ Background Paper, Workshop 2. Reducing reoffending: identifying risks and developing solutions, A/CONF.234/9 (3 February 2020).

IV. CONCLUSION

As described above, many countries in the ASEAN region have made efforts to provide offenders with opportunities to obtain proper assistance and guidance to achieve successful rehabilitation and reintegration, and to prevent them from reoffending. In particular, the use of probation has been adopted in a number of countries, and its use in juvenile justice has been more promoted compared to that of adults. However, there are still countries where rehabilitative environments have not been fully established, and even in countries where community-based corrections have been established, there are many countries that face challenges in improving the capacity of relevant personnel and in developing a holistic system to support the rehabilitation of offenders. Although ASEAN as a whole is moving toward the development of rehabilitative environments, there is still room for further development in the future.

In order to create these environments which contribute to the prevention of reoffending, “technical assistance” is an essential element. The importance of technical assistance was also addressed at Workshop 2 of the Kyoto Congress. A panellist from Croatia presented on the process of implementing probation as a new system in her country, and she noted that technical assistance from other countries and foreign organizations was very helpful as they established the new system.

UNAFEI is eager to continue to help ASEAN countries build rehabilitative environments, and the UN model strategies on reducing reoffending, which UNAFEI will help create as an outcome of Workshop 2, will provide practical guidance for ASEAN countries.

The 2030 Agenda for Sustainable Development seeks to establish a global society that “leave[s] no one behind”. By empowering each individual in our societies – including offenders in correctional facilities and those reintegrating themselves into society – we will also be enhancing our communities and our countries. That means no individual, no group, no community and no country will be left behind. Technical assistance is a way to walk together hand in hand, to develop and sustain a peaceful and inclusive society.

THE KYOTO CRIME CONGRESS AND THE “DECADE OF ACTION”: FRAMING THE GLOBAL NARRATIVE ON REDUCING REOFFENDING

*Thomas L. Schmid**

I. INTRODUCTION

The principal aim of this paper is to emphasize that the Sustainable Development Goals (SDGs) have given the field of crime prevention and criminal justice an unprecedented global platform to advocate for change in the way we – as a global community – view, interact with and support offenders on their paths to desistance from crime. No global platform has been so broad as to link the issues of poverty, education, health care, the environment and others with criminal justice. It has taken the field of crime prevention and criminal justice six years, since the adoption of the SDGs in 2015, to focus in on how it can contribute to the achievement of this ambitious agenda from the perspective of crime prevention. With only nine years left to achieve the 2030 Agenda, now is the time for action.

“Reducing reoffending” was one of the many important topics that drew attention at the Kyoto Congress,¹ and it was the theme of one of the official workshops. In addition to introducing theories and effective practices for reducing reoffending, the workshop recognized the links between crime prevention and sustainable development. Importantly, the workshop laid the groundwork for the development of model strategies on reducing reoffending – new United Nations standards and norms that will, once adopted, provide practical guidance on reducing reoffending to the criminal justice systems of UN Member States.

However, the new model strategies will not reduce reoffending on their own. A global narrative² will be necessary to promote the model strategies, to promote understanding of their necessity and to persuade governments to implement them and the public to embrace them. This narrative on reducing reoffending is inextricably linked to sustainable development, and criminal justice policymakers and practitioners would be well advised to analyse these links and implement policies and practices that are evidence based and development led.

II. AN OVERVIEW OF THE KYOTO CRIME CONGRESS AND WORKSHOP TWO ON REDUCING REOFFENDING

The quinquennial United Nations Congress on Crime Prevention and Criminal Justice draws thousands of participants from around the globe – including official governmental delegations, criminal justice practitioners, academics and civil society interest groups – for the purpose of setting the global agenda for criminal justice policy for the next five years. The political segment of the congress is counterbalanced by the practitioner-oriented segments that take place in the form of four official workshops and scores of ancillary meetings.

For the Kyoto Congress, the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), as an institute of the United Nations Crime Prevention and Criminal

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¹ The Kyoto Congress is used herein as an abbreviated reference to the 14th United Nations Congress on Crime Prevention and Criminal Justice, which was held in Kyoto, Japan, from 7 to 12 March 2021. The Kyoto Congress had originally been scheduled for April 2020 but was postponed due to the global Covid-19 pandemic.

² A “narrative” is a story, a thesis or a series of logically connected concepts arranged in a particular order to tell a story in a particular way. Viewed another way, a narrative is a communications strategy – or perhaps even “talking points”. If the field of crime prevention and criminal justice can agree to a common narrative on reducing reoffending, this narrative can be used to explain, contextualize, advocate and persuade.

Justice Programme Network, was charged by the United Nations Office on Drugs and Crime (UNODC) to take the lead in the organization and implementation of Workshop 2 (the “Workshop”). The theme of the Workshop was “Reducing reoffending: identifying risks and developing solutions”. After several years of preparatory meetings, including consultations with experts and in close collaboration with the UNODC, a clear consensus on an effective approach to reducing reoffending emerged:

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 by creating rehabilitative prison environments, adopting and implementing community-based approaches that contribute to reducing reoffending and taking a multifaceted, multi-stakeholder approach.³

Following this three-pronged thesis, the Workshop was structured in three panels: (i) creating rehabilitative prison environments; (ii) community-based approaches; and (iii) adopting a multi-stakeholder approach to rehabilitation and reintegration. The Workshop addressed a litany of important topics including: proportionality in criminal sentencing, individualized treatment and evidence-based treatment models and methods (the Risk-Need-Responsivity Model, Cognitive Behavioural Therapy, the Good Lives Model, and Desistance Theory), continuity of care throughout contact with the justice system, the principle of “normality”, alternatives to imprisonment and the effectiveness of community-based treatment, the dangers of mass supervision and net widening, and numerous practical examples of how to leverage governmental and private-sector resources and expertise. To those who attended in person and online, the Workshop was a resounding success, and the content shared and discussed during the Workshop laid the groundwork for the preparation of model strategies on reducing reoffending – new United Nations standards and norms.⁴

The purpose, however, of this paper is not to revel in the Workshop's success. History cautions us that decades – if not centuries – old wisdom fades into obscurity. Even the history of the crime congresses demonstrates that what our experts know (or knew) does not necessarily translate into policy or practice. To compound the problem, contemporary issues such as socio-political upheaval, public health and financial crises, and even concerns over commitments to the rule of law threaten the prospect that good ideas and practices that were distilled from the Workshop will actually be put into practice.

Accordingly, this paper will examine the need for a global narrative on reducing reoffending, explain why reducing reoffending is an important issue for achieving sustainable development, and offer seven principles that might form the basis of a global, development-led narrative on reducing reoffending. The purpose of this global narrative is to seek a way for the crime prevention and criminal justice field to speak with one voice, with the aim of permanently establishing the importance of reducing reoffending in the hearts and minds of diplomats, politicians, practitioners and the general public. First, however, this paper will lay the groundwork for that narrative by exploring the interconnection between crime prevention and sustainable development and argue that a global narrative is necessary to maintain momentum over time and to prevent good theories and practices from fading into obscurity.

III. MODERN AND CONTEMPORARY VIEWS ON CRIMINAL PUNISHMENT – A SELECTIVE HISTORY

What is the purpose of criminal punishment? As students of law, criminology, philosophy and many other disciplines can attest, this seemingly simple question has no simple answer. Politicians, scholars and legal practitioners have pondered this question for millennia. Based on accumulated wisdom, there are currently five generally accepted principles that lay the groundwork for any attempt to answer the question. These five purposes for criminal punishment are retribution, incapacitation, deterrence, rehabilitation and reparation.⁵

³ Background Paper, *Workshop 2. Reducing reoffending: identifying risks and developing solutions*, A/CONF.234/9 (3 Feb. 2020), para. 5; see also *Report of Committee II: workshop 2, Reducing reoffending: identifying risks and developing solutions*, A/CONF.234/L.4, (9 Mar. 2021), para. 14.

⁴ See generally *Compendium of United Nations standards and norms in crime prevention and criminal justice*, (New York: UNODC, 2016), available online at <https://www.unodc.org/documents/justice-and-prison-reform/English_book.pdf>.

⁵ UNODC, E4J University Module Series: Crime Prevention and Criminal Justice, Module 7: Alternatives to Imprisonment, Topic 2. Justifying punishment in the community, www.unodc.org (March 2019), available online at <<https://www.unodc.org/>>

This paper – and Workshop 2 of the Kyoto Congress – emphasizes the paramount importance of *rehabilitation* as the guiding principle for criminal punishment and as a practical and evidence-based approach to crime prevention.

From the Anglo-American perspective, the idea that crime prevention and offender rehabilitation are the principal aims of criminal punishment can be traced back to the Late Modern Period (1750–1945) and eighteenth-century English jurist Sir William Blackstone. While it would be a stretch to attribute the UN Crime Congress's use of the term “crime prevention” directly to Blackstone, the UN Crime Congress (on *Crime Prevention* and Criminal Justice) undoubtedly owes a debt of gratitude to the views on punishment that were advanced by Blackstone and his contemporaries over 250 years ago.⁶

The sections below will consider the emergence of crime prevention as the principal theoretical purpose of criminal punishment in Anglo-American jurisprudence and look back at some of the forward-looking perspectives that arose out of the early UN Crime Congresses. It will also examine how this chain of intellectual progress was broken, setting the United States on the path toward mass incarceration. A brief look at how mass incarceration came about – at the expense of the principles of rehabilitation and reintegration – may help other jurisdictions avoid the same missteps.

A. New Ideas on Crime Prevention and Criminal Punishment in Late Modern England: “A Collective Distaste for Imprisonment”⁷

In the mid-1700s, crime prevention formed the basis of the Anglo-American theory on criminal punishment. In 1769, jurist William Blackstone, close in time to like-minded commentators in continental Europe, published his fourth and final volume of *Commentaries on the Laws of England*, addressing “public wrongs”. Blackstone firmly and convincingly describes crime prevention as the purpose of punishment. He explains:

As to the end, or final cause of human punishments. This is not by way of atonement or expiation for the crime committed; for that must be left to the just determination of the supreme being; but as a precaution against future offenses of the same kind. This is effected three ways: either by the amendment of the offender himself; for which purpose all corporal punishments, fines, and temporary exile or imprisonment are inflicted; or, by deterring others by the dread of his example from offending in the like way, “*ut poena* (as Tully expresses it) *ad paucos, metus ad omnes perveniat* [punishment of a few puts all in dread];” which gives rise to all ignominious punishments, and to such executions of justice as are open and public; or, lastly, by depriving the party injuring of the power to do future mischief; which is effected by either putting him to death, or condemning him to perpetual confinement, slavery, or exile. The same one end, of preventing future crimes, is endeavored to be answered by each of these three species of punishment. The public gains equal security, whether the offender himself be amended by [wholesome] correction; or whether he be disabled from doing any farther harm; and if the penalty fails of both these effects, as it may do, still the terror of his example remains as a warning to other citizens. The method however of inflicting punishment ought always to be proportioned to the particular purpose it is meant to serve, and by no means to exceed it; therefore the pains of death, and perpetual disability by exile, slavery, or imprisonment, ought never to be inflicted, but when the offender appears *incorrigible*: which may be collected either from a repetition of minuter offences; or from the perpetration of some one crime of deep malignity, which of itself demonstrates a disposition without hope or probability of amendment; and in such cases it would be cruelty to the public, to defer the punishment of such a criminal, till he had an opportunity of repeating

e4j/en/crime-prevention-criminal-justice/module-7/key-issues/2-justifying-punishment-in-the-community.html>.

⁶ While Jeremy Bentham was a fierce critic of Blackstone's commentaries, Bentham's criticism was based on other grounds; Bentham and Blackstone agreed on the purpose of criminal punishment. Tony Draper, “An introduction to Jeremy Bentham's Theory of Punishment”, *Journal of Bentham Studies*, vol. 5 (2002). “During the latter 1770s and 1780s Bentham's ideas were in accord with the general consensus in England regarding the purpose and forms of punishment as identified in the works of men such as William Blackstone and William Eden. The immediate end of punishment was, they all agreed, to deter future crime; and, on a wider scale, they concurred that punishment ought prominently to protect the liberties of law-abiding citizens. In practical terms this agreement amongst many writers of the early to mid-1770s displayed itself in their showing a collective distaste for imprisonment as a punishment. This distaste was shared by Bentham.” *Ibid.* at 7.

⁷ Draper, at 7; *supra*, note 6.

perhaps the worst of [villainies].⁸

From a twenty-first century perspective, this excerpt – despite its references to now outdated and disfavoured punishments like exile, slavery and death⁹ – describes the purpose of criminal punishment in a way that modern-day academics, policymakers and practitioners can relate to. First, Blackstone emphasizes the importance of preventing future offences (i.e. crime prevention) over “atonement and expiation”. Certainly, that is not to say that an offender’s remorse is irrelevant, as will be seen in a moment. It does, however, permit the concept of crime prevention to rise above the principle of retribution. Second, “the amendment of the offender” (i.e. rehabilitation and reintegration) is listed as the first and primary means of preventing future crime (i.e. reducing reoffending) and the primary purpose of criminal punishment. Thus, in the eighteenth century, Blackstone prioritized the principles of criminal punishment in the following order: first, rehabilitation; second, deterrence; and, third, incapacitation.

Blackstone also addresses the importance of proportionality in criminal sentencing – a principle that remains relevant and important today. By stating that “punishment ought always to be proportioned to the particular purpose it is meant to serve, and by no means exceed it”, Blackstone recognized that the principal danger was not that criminal sentences would be too light but that they would be too severe. In a subsequent passage, he explains that disproportionate penalties are less effective at rehabilitating offenders and preventing crime.¹⁰ Thus, Blackstone’s views on crime prevention and proportionality were strikingly different from those of, for example, Immanuel Kant – a retributivist.¹¹

Unsurprisingly, while Blackstone’s views represented the state of legal theory, his views were unrepresentative of the actual conditions in English prisons at the time. The death penalty and transportation of convicts to the colonies were commonplace; prisons were overcrowded, makeshift (even on ships docked in London) and filled with non-violent debtors.¹² However, Blackstone’s *Commentaries*, along with the influential works of his like-minded contemporaries, demonstrate that the theory of offender rehabilitation as a means of crime prevention has been known to criminal justice practitioners and legal experts for more than 250 years.

Throughout the nineteenth and early twentieth centuries, the idea of crime prevention and prison reform took on an international dimension. The First International Prison Congress was held in 1846,¹³ and the First International Congress on the Prevention and Repression of Crime was held in London in 1872, which created the International Prison Commission that became the International Penal and Penitentiary Commission (IPPC).¹⁴ On 1 December 1950, the functions of the IPPC and “the field of the prevention of crime and treatment of offenders” were incorporated into the UN.¹⁵

⁸ William Blackstone, *Commentaries on the Laws of England, Book IV of Public Wrongs*, Edited by Wilfrid Prest. (Oxford: Oxford University Press, 2016), 7-8 (emphasis in original; internal citations omitted).

⁹ While the death penalty is still a legal sanction in a small number of jurisdictions, its use is declining. As such, the author views the death penalty as “disfavoured” both in jurisdictions that have rejected it and jurisdictions that still sanction its use. Nevertheless, Blackstone clearly cautions against use of such extreme penalties in all but the most extreme cases.

¹⁰ Blackstone at 10. “Lastly, as a conclusion to the whole, we may observe that punishments of unreasonable severity, especially when indiscriminately inflicted, have less effect in preventing crimes, and amending the manners of a people, than such as are more merciful in general, yet properly intermixed with due distinctions of severity. It is the sentiment of an ingenious writer, who seems to have well studied the springs of human action, that crimes are more effectually prevented by the *certainty*, than by the *severity*, of punishment.” Ibid. at 10-11 (emphasis in original).

¹¹ Kant’s view of criminal punishment was based on the Law of Retribution (*ius talionis*). In his view, all murderers “must die” and “solitary and painful confinement” for the purpose of “humiliation” could render perfect legal justice. Immanuel Kant, *Metaphysical Elements of Justice*, tr. John Ladd, 2nd ed. (Indianapolis: Hackett Publishing Co., 1999), 138-39. If Kant’s view is philosophically sound, it is not in line with the United Nations standards and norms in crime prevention and criminal justice, such as the Tokyo Rules (1990), the Bangkok Rules (2010) and the Nelson Mandela Rules (2015).

¹² *Early prisons and imprisonment*, www.parliament.uk (accessed 30 Aug. 2021).

¹³ *Report of the Fourth Crime Congress*, at para. 52.

¹⁴ *International Penal and Penitentiary Commission (IPPC)*, www.unodc.org (accessed 30 Aug. 2021).

¹⁵ *Transfer of functions of the International Penal and Penitentiary Commission*, General Assembly resolution 415(v), para. 6 (1 Dec. 1950).

B. Crime Prevention in the Contemporary Era

One of the early achievements of the United Nations in crime prevention was the adoption of the Standard Minimum Rules for the Treatment of Offenders at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders (SMR) in 1955, and later by the Economic and Social Council in 1957. Having carried forward the wisdom that accumulated over previous centuries, the SMR seek to ensure that all correctional facilities offer rehabilitative environments, free of cruel, inhuman or degrading punishment and urge treatment “with a view to social rehabilitation”.¹⁶

Moving forward to 1970, the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (the 1970 Kyoto Congress¹⁷) explored the links between crime prevention and economic and social development, as will be addressed further in the next section. Additionally, a number of theories and practices that are still very relevant today were also addressed. These include, among others, the harm caused by imprisonment,¹⁸ the use of alternatives to imprisonment and “community-based treatment”,¹⁹ a call for diversion and restorative justice,²⁰ concerns over net widening,²¹ the importance of public participation in crime prevention,²² public awareness,²³ normalizing prison environments in line with community services²⁴ and exposing judges to the realities of prisons.²⁵ (All of these topics were addressed 51 years later during Workshop 2 of the Kyoto Congress.)

However, only four years after the 1970 Kyoto Congress, the landscape of crime prevention in the United States experienced a tectonic shift. In 1974, the infamous and discredited “nothing works” doctrine of the Martinson Report gave politicians in the United States the arguments they needed – and perhaps wanted – to fan the flames of penal populism and the tough on crime approach. From 1972 to 1997, the incarceration rate in the United States skyrocketed from 98 to 445 per 100,000 population.²⁶ While the causes were no doubt complex and included demographic changes, tougher sentencing practices, aggressive prison construction and the War on Drugs, it was observed that the increase in prison populations was being driven by policy, not crime.²⁷

C. Why Target Reoffending?

It took decades for American politicians and the general public to recognize the failure of mass incarceration, and the damage will continue long into the future. Despite improvements in policy and outcomes, the United States still incarcerates more people than any other country in the world.²⁸ As will be

¹⁶ *Standard Minimum Rules for the Treatment of Offenders*, Economic and Social Council resolution 663 C (XXIC), paras. 31, 67(b) (31 Jul. 1957).

¹⁷ Fifty-one years apart, the 4th and the 14th Crime Congresses were both held at the Kyoto International Conference Center in Kyoto, Japan, in 1970 and 2021, respectively. To avoid confusion, the 4th Crime Congress is referred to herein as the “1970 Kyoto Congress”.

¹⁸ *Report of the Fourth Crime Congress*, at paras. 75 and 76.

¹⁹ *Ibid.* at paras. 60, 75, 79.

²⁰ *Ibid.* at para. 76.

²¹ *Ibid.* at para. 74. “The readiness of many societies to seek refuge in penal legislation before considering other legal and, perhaps, more practical social outlets and administrative solutions could increase the crimes reported. That increase might then appear to be a result of development but, in reality, it would be an unwarranted extension of law over human conduct not previously considered criminal. A progressive build-up of unnecessary legislation could profoundly change the very meaning of crime in any society and make the administration of justice cumbersome, if not, indeed, oppressive.”

²² *Ibid.* at para. 111. “It was [the individual citizen], in the last resort, who must provide community support on which all correctional processes ultimately depend. It was the individual who must accept the ex-offender as neighbour and co-worker upon his return to the community.” *Ibid.* at 125.

²³ *Ibid.* at para. 132. “It was the view of the Congress that it was the duty of government to help to form and lead public opinion in relation to social defence and that such leadership required the provision to the public of accurate information about the criminal justice system and its work on which the public could base its views.”

²⁴ *Ibid.* at para. 168. “[E]fforts should be made towards developing the closest possible correspondence between living conditions within the correctional institutions and those of persons living in freedom in the region in which the institution was located.”

²⁵ *Ibid.* at para. 175.

²⁶ Todd R. Clear and George F. Cole, *American Corrections*, 5th ed. (Belmont, CA: Wadsworth Publishing Co., 2000), 422.

²⁷ *Ibid.* at 423-27.

²⁸ *World Prison Brief: Highest to Lowest – Prison Population Total*, www.prisonstudies.org (accessed 30 Aug. 2021). According to 2018 data, the United States had nearly 2.1 million people in prison with 738,000 in local jails, 179,200 in federal

discussed in more detail below, reoffending is obviously a significant problem in the United States.

In fact, reoffending is a problem that faces many countries, including those with much smaller prison populations. The world over, a significant percentage of offenders return to crime upon release from prison. For example, Japan's prison population ranks 39th with 48,429 people in prison at the end of 2019 – an estimated 38 per 100,000 population.²⁹ In 2007, Japan's White Paper on Crime “revealed that roughly 60% of all crimes were committed by repeat offenders, who accounted for approximately 30% of convicted offenders.”³⁰ In 2011, criminologist Joan Petersilia observed that, in the United States, “two-thirds of released prisoners are rearrested for at least one serious new crime, and more than half are re-incarcerated within three years of release” – the two-thirds rearrest rate being a constant over the 40-year history of the study.³¹ These rearrest numbers in the United States were confirmed yet again in 2018, when it was reported that “[f]ive out of 6 (83%) state prisoners released in 2005 across 30 states were rearrested at least once during the 9 years following their release,” with an estimated 68 per cent arrested within three years of release.³² Over the 9 year period of the 2018 study, each person released from prison was rearrested five times on average (approximately 400,000 released offenders were arrested nearly 2 million times).³³

These statistics demonstrate that repeat offenders cause a disproportionate amount of crime. As discouraging as that might be, it suggests that investing resources into helping repeat offenders desist from crime can lead to a significant reduction in crime rates and an increase in public safety. Petersilia suggested that implementing effective rehabilitation programmes could reduce reoffending by 15 to 20 per cent, in which case as many as 100,000 offenders (based on 2011 numbers in the US) could be expected to desist from crime.³⁴

As it turns out, the American public seems to support the approach advocated by Petersilia. Polling from 2012 suggests that the American public overwhelmingly believes that there are too many people in prison and supports prioritizing the prevention of reoffending over the amount of time served by the offender.³⁵ This attitude is in stark contrast to the penal populism in the United States in the 1970s and '80s, through which the “tough on crime” approach garnered support from politicians and the general public. It may be that public opinion has shifted as a result of the failure of retributive criminal justice policies in the United States that led to mass incarceration and had devastating and disproportionate impacts on racial minorities and other disadvantaged groups.

The UN Crime Congress convenes every five years, and there are traditionally four workshops at each congress. Thus, the selection of “reducing reoffending” as a topic demonstrates the perceived importance of this issue to the field of crime prevention and criminal justice. In 2014, the United Nations General Assembly, in a resolution on the administration of justice, “*recall[ed]* that the social rehabilitation and reintegration of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society, . . .”³⁶ The clear implication of the failure to successfully rehabilitate and reintegrate persons deprived of liberty is that they will reoffend and return to lives of crime. As will be explored in the next section, crime prevention is inextricably linked with sustainable development and the pursuit of peace, justice and security for all.

prisons and nearly 1.2 million in state prisons.

²⁹ Ibid. By comparison, Japan's prison population was reported as 76,881 people in prison in 2008 at an estimated 60 per 100,000 population.

³⁰ Nozumu Suzuki, Koji Yoshimura & Marie Otomo, “The Current Situation of Drug Offences in Japan”, 4 (unpublished manuscript, 3 Aug. 2021), Microsoft Word File and hard copy on file with author.

³¹ Joan Petersilia, “Beyond the Prison Bubble”, *NIJ Journal*, Issue No. 268, 29 (October 2011).

³² Mariel Alper, Matthew R. Durose & Joshua Markman, *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)*, Special Report, Bureau of Justice Statistics, USDOJ, 1 (May 2018).

³³ Ibid. at para. 7.

³⁴ Petersilia at 29.

³⁵ Public Opinion Strategies and the Mellon Group, *Public Opinion on Sentencing and Corrections Policy in America*, www.pewtrusts.org (March 2012), 5.

³⁶ *Human rights in the administration of justice*, General Assembly resolution 69/172, recitals (1 Dec. 2014).

IV. EXPLORING THE LINKS BETWEEN CRIME PREVENTION AND SUSTAINABLE DEVELOPMENT

Even for readers with a great depth of understanding about the theoretical and practical issues surrounding crime prevention, the idea of sustainable development may remain something of a mystery. Neither the concept nor the term is new, but the 2015 adoption of the SDGs has made the term more commonplace. While many have an intuitive understanding of the term, an accurate definition of sustainable development is useful for its application to crime prevention and the creation of an effective global narrative. Thus, this section provides a definition of sustainable development and explores its links with crime prevention by looking at how these issues have been addressed by previous crime congresses and by considering the inclusion of Goal 16 in the SDGs.

A. Sustainable Development – Expanding Economic and Social Development to Include the Protection of the Environment

Sustainable development evolved from the economic and social development envisioned by the UN Charter. Article 1 of the UN Charter encourages the Member States to engage in “international cooperation in solving international problems of an economic, social, [and] cultural . . . character”, while Article 55 states the United Nations shall, “[w]ith a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, . . . promote . . . *economic and social progress and development*”.³⁷ The implementation of these principles was one of the first tasks of the United Nations, as it dealt with the reconstruction of Europe and the displacement of Europeans after World War II.³⁸ Referred to by one commentator as “the godfather of UN goals”, United States President John F. Kennedy, “urged the [UN] to designate the 1960s as the ‘development decade’”,³⁹ giving rise to four development decades that took the UN into the new millennium. These four development decades laid the groundwork for the Millennium Development Goals in 2000 and the Sustainable Development Goals in 2015. Thus, development originated as a two-prong concept: economic and social.

The concept of sustainable development, although not the term, seems to have come to international prominence in 1972 during the United Nations Conference on the Human Environment held in Stockholm. The conference declaration – a document similar in style to the declarations of the crime congresses – explains that economic and social development must be pursued in harmony with the environment. “To defend and improve the human environment for present and future generations has become an imperative goal for mankind – a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of worldwide economic and social development.”⁴⁰ Thus, the Conference on the Human Environment added the environment to the development equation.

As understood today, sustainable development refers to a three-dimensional operational framework of the United Nations that pursues economic, social and environmental development of its Member States,⁴¹ recognizing that these three prongs of development are inextricably linked. In this sense, the issues and areas are referred to as *cross-cutting*, meaning that the failure to succeed in any one area will inhibit success in other areas.⁴² Conversely, success in one area will amplify success in others. In a word, cross-cutting means “interdependent”. These complex issues are not only cross-cutting; they are multifaceted. Here, the multifaceted nature of these issues means that solutions must be multidisciplinary, requiring the combination of multiple areas of expertise.⁴³ And to ensure that this multifaceted approach includes all relevant parties

³⁷ *Charter of the United Nations*, Arts. 1 and 55 (1945) (emphasis added).

³⁸ Stephen Browne, *Sustainable Development Goals and UN Goal-Setting*, (London: Routledge, 2017), 2.

³⁹ *Ibid.*

⁴⁰ *Declaration of the United Nations Conference on the Human Environment* in the *Report of the United Nations Conference on the Human Environment*, A/CONF.48/14/Rev.1, 3-5 (New York: United Nations, 1973).

⁴¹ Browne, at 38.

⁴² The definition of cross-cutting presented here is decidedly less pessimistic than that offered by Browne, who asserts that the term “cross-cutting” is merely a whitewashed term for needless “duplication” of “overlapping” goals and targets. Browne, at 92. However, Browne’s criticism is likely aimed toward the difficulty in measuring quantitative outcomes, whereas the definition offered in this paper is more qualitative.

⁴³ See *Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development*, A/CONF.222/6, para. 40 (21 January 2015).

and constituencies within government and civil society, the multifaceted approach can and should include all relevant stakeholders, embodying the multi-stakeholder approach.

B. The Relationship between Crime and Development – The 1970 Kyoto Congress

Attention to the relationship between crime and development emerged in the mid-1960s through the work of the Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders.⁴⁴ Shortly thereafter – just two years before the Conference on the Human Environment – the 1970 Kyoto Congress carefully examined the links between economic and social development and crime. The four agenda items included: (1) social defence policies in relation to development planning; (2) Participation of the public in the prevention and control of crime and delinquency; (3) The Standard Minimum Rules for the Treatment of Prisoners in light of recent developments in the correctional field; and (4) Organization of research for policy development in social defence.⁴⁵ The 1970 Kyoto Congress observed that rapid socio-economic change was associated with increased crime,⁴⁶ and urbanization, industrialization, population growth, internal migration, social mobility and technological change were all considered “criminogenic”.⁴⁷ In response, the 1970 Kyoto Congress called for “social defence” strategies, created by governments with the input and participation of the general public, that “provide for the total well-being of the community-economic, social and cultural.”⁴⁸ The 1970 Kyoto Congress adopted a declaration for the first time in the history of the Crime Congress. Two of the nine paragraphs read as follows:

Feeling an inescapable obligation to alert the world to the serious consequences for society of the insufficient attention which is now being given to measures of crime prevention, which by definition include the treatment of offenders,

1. *Calls upon* all Governments to take effective steps to co-ordinate and intensify their crime preventive efforts within the context of the economic and social development which each country envisages for itself; . . .⁴⁹

Thus, in a few lines, the 1970 Kyoto Declaration expressed the urgency of the need to enhance crime-prevention efforts and firmly established the principle that the issues of crime and development are inextricably linked.

C. Sustainable Development in the New Millennium: Adding Peace and Justice to the Development Paradigm

As the Fourth Development Decade was drawing to a close, the UN assessed its forthcoming role in the twenty-first century, and the outcome of that assessment ultimately led to the adoption of the Millennium Development Goals (MDGs).⁵⁰ Among the eight goals, the MDGs recognized the need to address globalization from the perspective of sustainable development by addressing poverty and hunger, education, gender equality, child mortality, maternal health, infectious diseases, environmental sustainability and global partnership. The MDGs boast having cut global poverty in half – from 1.9 billion people in 1990 to 836 million in 2015 – and increasing official development assistance by 66 per cent.⁵¹

As 2015 – the final year of the MDGs – approached, it became necessary to start discussing the post-2015 development agenda. These discussions ultimately led to the adoption of the 2030 Agenda for Sustainable Development – the SDGs. Compared to the MDGs, the SDGs expanded to 17 goals and 169 targets, covering

⁴⁴ *Social Defence Policies in Relation to Development Planning*, A/CONF.43/1 (New York: United Nations, 1970).

⁴⁵ *Report of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, A/CONF.43/5, (New York: United Nations, 1971), para. 17.

⁴⁶ *Ibid.* at para. 65.

⁴⁷ *Ibid.* at para. 67.

⁴⁸ *Ibid.* at para. 77. “In that way, planning would be an investment for the future—an investment which society could scarcely afford to neglect.”

⁴⁹ *Declaration of the Fourth United Nations Congress on the prevention of Crime and the Treatment of Offenders* in the *Report of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, A/CONF.43/5, (New York: United Nations, 1971), p. iii.

⁵⁰ Browne, at 84.

⁵¹ *The Millennium Development Goals Report 2015*, (New York: United Nations, 2015), 4 and 7.

a broader array of development issues, such as clean water, economic growth, industry, consumption, climate change and so on. The goals aim high, pledging that “no one will be left behind. . . . And we will endeavour to reach the furthest behind first.”⁵²

Of particular importance to the field of crime prevention was the addition of Goal 16 on “Peace, justice and strong institutions”. Goal 16 seeks 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”. For the first time in the decades-long history of development, the critical role of justice – including crime prevention and criminal justice – was recognized at the highest intergovernmental levels as being necessary to the achievement of sustainable development. Consequently, in 2015, the field of crime prevention and criminal justice and its 60-year history of Crime Congresses, was – explicitly or implicitly – invited to contribute actively to the global discussion on sustainable development.

The lessons from the 1970 Kyoto Congress should have made this invitation to the global discussion on sustainable development easy for criminal justice practitioners to understand and accept. Yet the injection of sustainable development into the crime prevention agenda seemed rather mysterious, particularly from the perspective of criminal justice practitioners. In preparing for the 2015 Doha Congress, the Secretariat’s request to explore connections between crime prevention and sustainable development was viewed by some as too complex to take on, particularly if it would sacrifice the discussion of crime prevention practices. While this decision may have been necessary under the circumstances, it suggests that many of the key lessons of the 1970 Kyoto Congress had been lost or significantly degraded over time. Meanwhile, a working paper of the Secretariat in preparation for the Doha Congress began unpacking Goal 16, focusing primarily on the rule of law as the field’s point of entry into sustainable development. No doubt the rule of law is fundamentally important to the realization of Goal 16; however, overemphasis of the rule of law as the only justice-related topic relevant to Goal 16 would minimize the impact that the crime prevention and criminal justice field could have on sustainable development. Fortunately, the paper also briefly mentioned “preventing recidivism”⁵³ and touched on a broad but critical point – the empowerment of all people, particularly “those most excluded”⁵⁴ from society. This concept opened the door to a much broader array of contributions from the crime prevention field to sustainable development – including, of course, reducing reoffending.

One might wonder which target under Goal 16 mentions “reducing reoffending”. In fact, neither “reoffending” nor “recidivism” appears in the SDGs; they do not even appear in the indicators used to measure the goals.⁵⁵ But this is where the field of crime prevention and criminal justice, the Crime Congress and the workshops come into play. The years of planning and the initial work on the Congress agenda helped frame the issues to be addressed during the Congress and teased out the workshop themes. As the crime prevention and criminal justice field looked to the new Sustainable Development Goal 16, it was quickly recognized that achieving peace and justice envisioned a society without crime. As discussed in greater detail above, reoffenders are responsible for a disproportionate amount of crime, and it was observed that significant gains in public safety could be made by effective efforts to reduce reoffending.

While the SDGs have been criticized for their breadth and their difficulty to measure,⁵⁶ they may also grant knowledgeable policymakers and practitioners the latitude to determine how they can best contribute to one or more goals. Although the path leading to the identification of reducing reoffending as a critical area

⁵² *Transforming our world: the 2030 Agenda for Sustainable Development*, General Assembly resolution 70/1, (21 Oct. 2015), para. 4.

⁵³ In preparation for the Doha Crime Congress, a working paper prepared by the Secretariat observed that “The [Guidelines for the Prevention of Crime, Economic and Social Council resolution 2002/13, annex] outline several approaches to prevention, including the promotion of well-being of people by taking social, economic, health and educational measures, by changing conditions in neighbourhoods that influence offending, *by reducing opportunities and increasing the risk of being apprehended, and by preventing recidivism by assisting in the social reintegration of offenders.*” *Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development*, A/CONF.222/6, (21 January 2015), para. 25 (emphasis added) (hereinafter, the “Doha Working Paper”).

⁵⁴ Doha Working Paper, at para. 14 (emphasis added).

⁵⁵ See generally *Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development*, General Assembly resolution/71/313, Annex (6 July 2017).

⁵⁶ Browne, at 92.

to be addressed under Goal 16 may have been a winding road, Workshop 2 of the Kyoto Congress successfully prioritized reducing reoffending as a fundamental component of achieving peace and justice, toward the broader aim of achieving sustainable development. It is now the responsibility of the crime prevention and criminal justice field to ensure that crime prevention remains inextricably linked with sustainable development and to forge its own narrative toward the achievement of Goal 16. As will be explored in the next section, good ideas and urgent issues of great importance often run out of steam and come and go in cycles. The field of crime prevention and criminal justice is responsible for creating and promoting *its own* narrative and developing its priorities and targets for the post-2030 development agenda.

V. FRAMING THE GLOBAL NARRATIVE ON REDUCING REOFFENDING

In addition to underscoring the need for a global narrative on reducing reoffending, this paper endeavours to outline that narrative by sharing seven principles that might guide us toward the achievement of Goal 16 and sustainable development in general. These seven principles are all tied to the structure of Workshop 2, which offered a clear and concise three-point thesis: to reduce reoffending, UN Member States should, *first*, ensure the existence of rehabilitative prison environments, *second*, enhance the use of non-custodial measures, and, *third*, pursue a multifaceted, multi-stakeholder approach to rehabilitation and social reintegration. Expanding on this thesis, each of the seven principles presented here is a concept, or a common premise, upon which the narrative on reducing reoffending can be built. These principles are not new; at most, they are variations on old themes. Despite their longevity, we need to remind ourselves of the importance of these principles. They have been styled as talking points to advocate the importance of reducing reoffending when engaging legislators, policymakers, practitioners and the general public. Each talking point is followed by a supporting rationale.

Table 1: An Expanded Narrative on Reducing Reoffending: The Three Key Elements of Workshop 2 and Seven Supporting Principles (Talking Points)

FRAMING THE GLOBAL NARRATIVE ON REDUCING REOFFENDING	
I.	Creating rehabilitative prison environments <ul style="list-style-type: none"> ➤ Prisons inherently cause harm ➤ But prisons can be a “hook for change” for some ➤ Commitment to individually tailored treatment
II.	Community-based approaches that contribute to reducing reoffending <ul style="list-style-type: none"> ➤ Community-based treatment is the “smarter option” that enhances public safety ➤ Net widening and mass supervision must be avoided
III.	Taking a multifaceted (and multi-stakeholder) approach to ensure continuous support and services for rehabilitation and reintegration of offenders on paths toward desistance <ul style="list-style-type: none"> ➤ “Whole of society” approach to offender rehabilitation and reintegration ➤ The multi-stakeholder approach should be government led but community/volunteer driven (“partnership by design”)

A. The First Principle

PRISONS INHERENTLY CAUSE HARM . . .

Prisons inherently cause harm to the people detained there. Although this critical point is frequently overlooked or forgotten, it is by no means new. The harm caused by incarceration is so well-established that it is as incontrovertible as the harms are self-evident. People in prison are punished and incapacitated by being intentionally removed from society in derogation of their individual liberty, which – in theory – is the sole form of punishment. People in prison are separated from family, employment and any pro-social relationships they might have. Indeed, they are separated from the very communities to which they will inevitably return.⁵⁷

While imprisonment serves the retributive interests of society, the utilitarian perspective asks what this

⁵⁷ Petersilia, at 26-31. “Almost everyone who goes to prison ultimately returns home – about 93 percent of all offenders. (A relative handful die in jail; the rest have life sentences or are on death row.)” Ibid. at 27-8.

social isolation is likely to achieve. In jurisdictions around the world, prison environments are typically overcrowded and under-resourced, they suffer from corruption, and they are breeding grounds for criminality, radicalization and terrorism. If prisons fail to help offenders start their paths toward desistance but rather inflict trauma, encourage criminality and cause irreparable stigmatization, then we will be releasing many offenders into society in worse shape than when they went in. Thus, it is time to come to terms with the fact that prisons harm the people in custody, and we must continually reaffirm that imprisonment is a measure of last resort.

That harm is caused by imprisonment is not a naïve trope: the argument is not that prisons are unnecessary or that public safety should be sacrificed. To the contrary, it is because prisons cause harm that criminal justice systems bear an obligation⁵⁸ to ensure that harm is ameliorated so that prisons can carry out their principal function of preventing crime by promoting rehabilitation and preparing people in prison for social reintegration upon release. Thus, public safety and crime prevention are perhaps the most salient arguments for creating “rehabilitative prison environments”, as discussed during Workshop 2 of the Kyoto Congress. Among other examples, efforts at reducing corruption in prisons in Argentina have enhanced safety in prisons. By creating an environment in which people can engage in constructive and genuine rehabilitation in prison, correctional systems can reduce reoffending and increase public safety.⁵⁹

B. The Second Principle

. . . BUT PRISON CAN BE A “HOOK FOR CHANGE” FOR SOME

The second point is an important corollary to the first: that is, even though prisons inevitably cause harm, they can be a “hook for change” for some people. Perhaps the best way to understand the importance of rehabilitation is to hear the personal stories of those who have successfully turned their lives around. This point was demonstrated by the personal testimony of Workshop 2 panellist Ali Reunanen of the Swedish peer support group known as Criminals Return Into Society, or KRIS. He introduced himself as an addict and an offender and explained how his history of trauma and victimization led him to crime and addiction. Ali says he was about to die when he entered prison, and prison was the only way he could get clean, recover his health and turn his life around. He has since used his experience as a recovering addict and offender to provide support to others as they pursue their own paths toward desistance. Ali’s story of recovery and redemption is clearly not the only one, and these stories need to be shared with the general public to humanize people who have committed crimes, to demonstrate that rehabilitation works and to show that people can change.

C. The Third Principle

EFFECTIVE REHABILITATION REQUIRES A COMMITMENT TO INDIVIDUALLY TAILORED TREATMENT ORIENTED TOWARDS THE OFFENDER’S RETURN TO THE COMMUNITY

In all contexts – in institutions, in the community and at all stages of the criminal justice system – helping people change is the “essential aim”⁶⁰ of corrections. Prisons must be environments that empower change, and prison staff must not only be trained to motivate and facilitate such change, but they must also believe that such change is possible. Practitioners are well aware of the key approaches to effective rehabilitation – the importance of classification and assessment, the Risk-Need-Responsivity Model, Cognitive Behavioural Therapy, the Good Lives Model and Desistance Theory. If the fundamental purpose of imprisonment is crime prevention, then, as Dr. Fergus McNeill argues, criminal justice systems should be judged by their ability to *enable reintegration and promote desistance*. This process begins with addressing each offender as an individual and by placing each person in prison in an environment that is conducive to rehabilitation. Successful social reintegration is the empowerment of “those most excluded” members of our society. In this sense, correctional models that prioritize the successful re-entry and reintegration of the offender can be

⁵⁸ UN General Assembly, *International Covenant on Civil and Political Rights*, Article 10.3, 16 Dec. 1966, United Nations, Treaty Series, vol. 999, p. 171 (“ICCPR”).

⁵⁹ Petersilia at 29.

⁶⁰ ICCPR, Article 10.3. “The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.”

considered as “development-led”⁶¹ approaches due to the gains that would result across a broad mix of development goals.

D. The Fourth Principle

NON-CUSTODIAL MEASURES ARE THE “SMARTER OPTION” AND ENHANCE PUBLIC SAFETY

Non-custodial measures enhance public safety and are, as crime prevention experts are pointing out, not mere “alternatives” to imprisonment: they are the “smarter” option.⁶² Our language too often unconsciously suggests that we buy into the parochial idea that most offenders go to prison. How often have you heard someone say that we need to enhance the use of non-custodial measures “where appropriate”? When we talk about using non-custodial measures “where appropriate”, we are appealing those who believe non-custodial measures create a greater risk to public safety. In so doing, the fact that non-custodial measures *increase* public safety is overlooked.

So, why does treating offenders in the community generally enhance public safety? First, in countries like the United States, two-thirds of offenders already serve sentences in the community.⁶³ Thus, community-based approaches already reflect the status quo. Second, we know from the Risk Principle that intensive treatment of low- to moderate-risk offenders will actually *increase* reoffending and reduce public safety, yet prisons in the United States and around the world are occupied by too many non-violent offenders. Finally, as we have known for decades, community-based treatment avoids the harm inherently caused by incarceration and enables people to rehabilitate themselves – with proper community supervision and support – in the environment in which they will continue to live after the end of their sentences. They can keep their jobs, maintain family ties and explore support networks in their communities. These, and other forms of social support, can sustain their rehabilitation beyond the terms of their sentences.

For 40 years, the phrase “alternatives to imprisonment”⁶⁴ has done tremendous work in advocating smarter sentencing practices, but it is time to flip the script. Since non-custodial measures are actually the sanction of first resort, provide the best chance at rehabilitation and increase public safety, our terminology should reflect their priority. It is time to start talking about imprisonment as a less desirable “alternative” to community-based approaches and about the use of imprisonment “where appropriate”.

E. The Fifth Principle

CRIMINAL JUSTICE SYSTEMS MUST REMAIN VIGILANT AGAINST NET WIDENING AND MASS SUPERVISION

Despite the obvious benefits of community-based approaches, criminal justice systems must be wary of

⁶¹ Matti Joutsen, “Community-based Approaches that Support Desistance” (PowerPoint presentation, Workshop 2 of the Kyoto Congress, Kyoto, Japan, 8 Mar. 2021).

⁶² The author first heard the term “smarter option” used by Canadian correctional psychologist Dr. Frank Porporino during the preparatory work for the Kyoto Congress. Indicative of a trend, Dr. Nicola Padfield of the United Kingdom used the terms “smarter sentencing” and “smarter punishment” in her presentation at UNAFEI’s Third Alumni Webinar in 2021.

⁶³ For example, data from the United States in 2018 show that 22.9 per cent (1,465,200) of the adult correctional population was incarcerated in prisons, with an additional 11.5 per cent (739,400) in local jails. Laura M. Maruschak and Todd D. Minton, *Correctional Populations in the United States, 2017-2018*, Bureau of Justice Statistics, USDOJ, 4, Table 4 (Aug. 2020), available at <<https://www.bjs.gov/content/pub/pdf/cpus1718.pdf>>.

⁶⁴ The phrase “alternatives to imprisonment” has been engrained in the vocabulary of the crime prevention and criminal justice field for about 40 years – at least since the Sixth Crime Congress, held in Caracas in 1980. *Resolution 8. Alternatives to imprisonment*, A/CONF.87/14/Rev.1, (1981), p. 11-12. Prior to that, the Second Crime Congress addressed “substitutes for short-term imprisonment” in the context of “the increased use of suspended sentences and probation, fines, extra-mural labour and other measures not involving deprivation of liberty”. *Report of the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, A/CONF.17/20, (1961), para. 261. The Fourth Crime Congress observed a 20-year trend (that is, from 1950 to 1970) “in many countries towards the use of sanctions aimed at reducing recourse to imprisonment”, stating that the “advantages of allowing the offender to remain in employment and thus to be able to continue support of his family were clear”. *Report of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, A/CONF.43/5, (1961), para. 75.

using such sanctions indiscriminately. Net widening occurs when non-custodial sentences are overused, leading to the phenomenon of mass supervision, also known as mass probation. Societies suffering from mass supervision experience disproportionate increases in the number of people who are under correctional control without sufficient grounds for criminal justice intervention (see note 21) or, if sufficient grounds exist, without sufficient support for rehabilitation and reintegration.

The fundamental concern about net widening is that too many justice systems are finding that the number of people under correctional supervision is increasing to an extent that cannot be attributed to crime rates; worst of all, such increases in correctional supervision have not led to decreases in incarceration.⁶⁵ While mass supervision is a relatively new term (a corollary to “mass incarceration”), the concept is certainly not new. As mentioned above, the 1970 Kyoto Congress powerfully expressed concern over the inappropriate use of criminal justice sanctions.⁶⁶ While that statement focuses more on the criminalization of conduct in connection with economic and social development, it expresses serious concern over the expansion of penal sanctions. It recognizes that the justice system is not able to solve all problems and, likewise, other responses may be more effective. It also cautions against the potential for criminal justice to become “oppressive” to the people it is intended to protect.

To remain vigilant against net widening and mass supervision, criminal justice systems must commit to providing continuous support to people rehabilitating in the community while actively pursuing the goals of releasing them from correctional control and achieving desistance. All custodial and non-custodial sanctions, first, must be proportionate and individually tailored to the offender; second, counselling and direct support must be prioritized over surveillance; third, depenalization and decriminalization should be actively pursued for conduct that is no longer viewed as criminal or for conduct that criminal justice systems are ill-suited to address; and, fourth, a multifaceted, multi-stakeholder approach to offender rehabilitation and reintegration should be embraced, as will be discussed next in greater detail.

F. The Sixth Principle

A “WHOLE OF SOCIETY” APPROACH TO REDUCING REOFFENDING (MULTIFACETED, MULTI-STAKEHOLDER, DEVELOPMENT LED)

Reducing reoffending needs to be generally accepted by governments, civil society and the general public as requiring a “whole of society” approach. As Mr. Kazuto Ishida, Chief Justice of the Supreme Court of Japan, observed at the 1970 Kyoto Congress, “[t]he prevention of crime could not be left solely to the police, prosecutors, courts and correctional institutions, but required the full and coordinated co-operation of all segments of society.”⁶⁷ More than any other prong of the workshop thesis, the multifaceted, multi-stakeholder approach embodies the social, economic, environmental – and human – elements of sustainable development. We see that poverty, lack of education, lack of health and well-being, lack of employment and housing, inequality and exclusion are cross-cutting development issues that impact offending and reoffending. If the Sustainable Development Goals are to be believed, then no single governmental agency has, or ever had, the capacity or the resources to successfully tackle reoffending on its own.

G. The Seventh Principle

THE MULTI-STAKEHOLDER APPROACH SHOULD BE GOVERNMENT LED BUT COMMUNITY/VOLUNTEER DRIVEN (SOCIAL DEFENCE AND PUBLIC PARTICIPATION)

The multifaceted, multi-stakeholder approach should be government led⁶⁸ but community and volunteer driven. While we need to embrace the “whole of society” approach to rehabilitation and reintegration, government plays a critical role in democratic societies in terms of prioritizing and responding to social

⁶⁵ Fergus McNeill and Kristel Beyens, *Offender Supervision in Europe: COST Action IS1106-Final Report*, 6 (March 2016), available at <<https://www.cep-probation.org/wp-content/uploads/2017/01/Final-Report-COST-Action-IS1106.pdf>>.

⁶⁶ *Supra*, note 21.

⁶⁷ *Report of the Fourth Crime Congress*, at para. 51.

⁶⁸ *Ibid.* at para. 113. “If such [public] participation as to be achieved, there must be active governmental effort to form such groups and continuously to support their endeavours.”

problems, allocating financial and other resources, communicating with the public, etc. Likewise, government bears the responsibilities of accountability and transparency. Thus, the multi-stakeholder approach should be government led. But by its nature, the multi-stakeholder approach recognizes that government has its limits. Workshop 2 drew on the experiences of a peer support group in Sweden, a re-entry support organization in the US, volunteer probation officers in Japan, global advocacy groups and technical assistance providers to demonstrate the broad range of expertise, knowledge and skills that civil society can bring to the table. In many instances, local volunteers are better able to leverage their local networks and knowledge to achieve results more effectively and at lower cost than government officials.⁶⁹ Community volunteers should be viewed as “an integral part of all programmes dealing with the prevention and treatment of crime and delinquency” and should be “complementary and must not be seen as competitive”.⁷⁰ Thus, policymakers and practitioners should actively pursue multifaceted, multi-stakeholder approaches if we expect to have any success at reducing reoffending. To coin a phrase, we might refer to this approach as “partnership by design”, meaning that policymakers and practitioners should identify and solicit input from potential partners prior to the implementation of new policies and practices. But catchphrases aside, the importance of multi-stakeholder partnerships is deeply enshrined in the history of the UN Crime Congresses and in Sustainable Development Goal 17 on partnerships for sustainable development.

VI. “THE FIERCE URGENCY OF NOW” – THE STRUGGLE TO TURN THEORY INTO PRACTICE IN THE “DECADE OF ACTION”

In pursuit of civil rights and racial equality in the United States, Rev. Martin Luther King Jr., in his *I Have a Dream* speech, spoke of “the fierce urgency of now”, explaining: “This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy.”⁷¹ He spoke these words in 1963, nearly 100 years after slavery was prohibited and equal protection under the law was guaranteed in the United States. Yet in 1963, the United States struggled to overcome its history of slavery and segregation and, still today, has fallen short of its ideal of achieving a truly inclusive society. Like the struggle for civil rights in the United States – and in some ways directly connected to it – sensible theories on criminal punishment and effective approaches to offender rehabilitation have taken centuries to transition from theory into practice.

As this paper has demonstrated, attitudes embracing crime prevention as the principal aim of criminal punishment were introduced in, and evolved significantly since, the eighteenth century, and sound approaches to crime prevention aimed at the treatment of offenders and reducing reoffending have been identified through the UN Crime Congresses since 1955. Yet hostile prison environments, inadequate access to rehabilitation programmes and a lack of public awareness and support for offender reintegration continue to plague correctional systems across the globe, threatening the achievement of the SDGs by 2030 and sustainable development in general.

It is time for the field of crime prevention and criminal justice to create its own global narrative to share with the world. To some extent, we may be guilty of merely talking to ourselves. If the Crime Congresses and declarations were sufficient to obtain truly global attention, then no further narrative would be necessary. Given the slow pace of change and the risk of backsliding, such as with respect to mass incarceration in the United States, it would appear that a new narrative is necessary. This narrative is intended to amplify – not to supplant – past, current and future work on crime prevention and reducing reoffending; it is intended to bridge the gap between persons and organizations vested in the global crime prevention and criminal justice agenda and those who are not.

In brief, this narrative begins by ensuring that prison is truly used as a last resort due to the harm inherently caused by incarceration. For those who must be incarcerated, they must serve their time in a rehabilitative environment that provides individually tailored treatment so that prison can be an effective “hook for change”. The use of community-based approaches to offender rehabilitation needs to be enhanced,

⁶⁹ Ibid. at para. 116. In addition to a “favourable cost/benefit ratio”, community volunteers should be utilized for their “efficiency not economy”.

⁷⁰ Ibid. at para. 114.

⁷¹ Rev. Martin Luther King, Jr., *I Have a Dream*, (28 Aug. 1963), quoted in *The 1963 March on Washington*, www.naacp.org (accessed 15 Sep. 2021).

and non-custodial measures need to be recognized as smarter treatment options that enhance rehabilitation, facilitate reintegration and increase public safety – and we must do so being ever vigilant against the endless expansion of correctional control through the phenomena of net widening and mass supervision. Finally, like our predecessors in Kyoto in 1970, we must affirm our understanding that offender rehabilitation and social reintegration are the responsibilities of the whole of society. People on the path toward desistance from crime require continuous support throughout all stages of the justice system and ongoing social support once they are no longer in contact with the justice system. This whole of society approach should be government led but community and volunteer driven, and policymakers and practitioners should adopt the principle of “partnership by design”, that is, active identification and solicitation of input from all relevant stakeholders *prior* to the implementation of new policies and practices. Upon sharing this narrative in the halls of the Kyoto International Conference Center, one diplomat called it “revolutionary”. Of course, policymakers and practitioners know that these concepts are not revolutionary at all. However, we must remember that they *are* revolutionary to others – most importantly, to the general public.

Moreover, the narrative should highlight personal stories of people's paths toward successful rehabilitation and desistance from crime. As the target audience for this narrative is people, the common denominator is our humanity. Both the youth and former offenders⁷² have a stake in the narrative and should participate in its promotion.⁷³

But the Decade of Action for the achievement of the Sustainable Development Goals is now slipping away. The new model strategies may not be adopted until 2025, leaving us with just five years to implement the new strategies before 2030. Meanwhile, Covid-19 has undoubtedly disrupted and delayed the 2030 Agenda. But rather than slowing the pace of change, the Covid-19 pandemic should be an accelerant. Now more than ever, correctional systems have the motivation and the obligation to protect the health of prisoners by reducing prison populations. Non-custodial measures coupled with social support can achieve this goal while enhancing public safety. These practices and approaches can be implemented immediately, and it is not necessary for Member States to wait for the new model strategies. Today, the UNODC and numerous institutes and organizations, like UNAFEI and the Confederation of European Probation, offer training and technical assistance to help turn these ideas into practice.

Recalling that the phrase reducing reoffending does not appear in the 2030 Agenda, it is clear that efforts to reduce reoffending, in line with the 2021 Kyoto Declaration and the principles of Workshop 2, will not end in 2030. As a field, we need to start making plans to contribute to the post-2030 development agenda, that is, what follows the SDGs (and reducing reoffending must be added along with measurable targets and indicators). It will be up to us to promote narratives that deepen the links between reducing reoffending and sustainable development, and that help the “whole of society” understand our common responsibility to empower “those most excluded” as they pursue their paths toward desistance from crime.

VII. CONCLUSION

Recognizing the relationship between reducing reoffending and achieving the SDGs, Workshop 2 of the Kyoto Congress surveyed policies and practices from around the world and categorized them into three areas for action: (i) ensuring rehabilitative prison environments, (ii) enhancing the use of non-custodial measures and (iii) promoting multi-stakeholder partnerships in support of rehabilitation and reintegration. The practices and approaches discussed are all worthy of international attention and replication based on the unique legal and cultural circumstances of each implementing jurisdiction.

However, it is important to recognize that many of these practices and approaches are based on good theories that are over half-a-century old. Progress achieved by turning these theories into practice has been

⁷² See *Report of the Fourth Crime Congress*, at para. 119.

⁷³ “Experimentation was being pursued in many countries with the use of ex-offenders in parole, after-care and probation work, with the use of ex-addicts in the treatment of drug addition, and with similar arrangements by which those who had had close personal experience of the problems of crime and its treatment brought their experience and willingness to help others to the tasks of social defence. Provided recruitment screening was careful, there was widespread enthusiasm for more extensive use of ex-offenders in the tasks of preventing and treating crime.” *Report of the Fourth Crime Congress*, at para. 120.

slow. But consider the impact of failing to help 100,000 people in prison in their good faith efforts to successfully rehabilitate themselves, or even worse, turning 100,000 non-violent, low-risk offenders into alienated, stigmatized and dangerous criminals, or even violent extremists. If, for example, an estimated 20 per cent of people released from prison would not have reoffended had they received treatment in line with crime prevention and desistance principles, the failure or inability of a government to provide (or organize) appropriate treatment and support is a direct threat to public safety that undermines efforts to achieve sustainable development.

It bears repeating that the inclusion of Goal 16 on peace, justice and strong institutions in the 2030 Agenda for Sustainable Development has given the field of crime prevention and criminal justice a global platform for promoting how effective measures at reducing reoffending can prevent crime and enhance public safety. To promote and enhance the forthcoming UN model strategies on reducing reoffending, it is incumbent upon the field of crime prevention and criminal justice to create its own global narrative on reducing reoffending and to advance that narrative through high-level discussions on sustainable development and by communicating directly with the general public.

The key message is that crime prevention and reducing reoffending require a whole of society approach to help people desist from crime, as poverty, lack of education, lack of health and well-being, lack of employment and housing, gender and other forms of inequality and exclusion are cross-cutting development issues that impact offending, reoffending and the success of society as a whole. A global narrative on reducing reoffending that is based on the three-pronged thesis of Workshop 2 and the seven principles offered in this paper can be a powerful and persuasive pitch to legislators, diplomats, executive-branch officials and the general public as we pursue prosperity without crime and the achievement of an inclusive society in which no one is left behind.

RESOURCE MATERIAL SERIES

No. 112

APPENDIX

UNAFEI



Evaluating 'smarter sentencing' and 'smarter punishments': a view from England

Faculty of Law; Fitzwilliam College; University of Cambridge

Introduction

Thank you for this wonderful invitation and opportunity

My plan:

- To summarise the current context in England
- To reflect on the impact of Covid-19
- To review current Government policy initiatives
- To conclude with some pointers for good practice

(but I'll start with a brief response and tribute to Mr Lee Ying Wai (Jacky))



The English context

- By many standards, the UK (England and Wales) has a very high rate of imprisonment (131 per 100k; Japan: 38 only) – and it doubled between 1994 and 2010! Why?
- Do we have a high level of crime? Very difficult to know: do you look at police records, self-reported crime etc. Which crimes matter most?
- Why have we failed to join up prison and probation services effectively?
- The advantages of comparative studies (and the dangers!)
- The importance of context: historical, political, social, economic ...
- In evaluating a criminal justice system, we have to agree some measures or values



Who and what are drivers of the prison population and of the standards in prisons?

England and Wales: not only a large population, but dreadful conditions exacerbated by 'austerity'

Who pulls the strings/levers? Politicians, judges, policy makers, prosecutors, the media (in that order?).....

Who is responsible for driving up standards? See above, as well as

- Chief Inspector of Prisons
- Independent Monitoring Board
- Prison and Probation Board

NB National Preventive Mechanism (NPM) under OPCAT



The impact of COVID-19

On prison and probation?

- By 31st Oct 2020, 32 prisoners and 23 probation service users had died having tested positive for Covid-19, and 1,529 prisoners had tested positive for Covid-19 + 21 HMPPS staff had died of Covid-19

On wider criminal justice system?

- Huge issues in relation to policing, legal advice, courts etc.

On us all?

- Domestic violence (up)
- Organised violent crime (some up, some down?)
- Fraud (huge)



Prison population down (from 83,957 on 6 March 2020, to 78,029 on 8 January 2021): largely due to closure of courts and limits on trials: front door forces, not earlier releases.

Front door: Judges encouraged to take account of exceptional circumstances: *Manning* [2020] EWCA Crim 592; *Jones* [2020] EWCA Crim 764.

Back door: A new End of Custody Temporary Release (ECTR) introduced but not really used, and ended in August.

Release on Temporary Licence (ROTL) by way of Special Purpose Licence (SPL): only for the duration of the pandemic.

But **CONDITIONS** Let's consider: assaults and self-harm declining? mental health? contacts with friends and families? progression? purposeful activities ?



The real problem: courts not prisons ?

- The remand (pre-trial) population has increased by 28% over the past year (to 12,274) – now at the highest level for around six years?
- Custody time limits (CTL) have been extended
- The CTL National Standard 2020; + a new Protocol for the Effective Handling of CTLs. Interesting argument between a judge and the LCJ:

R (DPP) v Woolwich Crown Court [2020] EWHC 3243 (Admin): D's CTL ended April 2020. LCJ: it had not been open to the Crown Court (in July) to decide that the P had not shown that the need for an extension to the CTL was due to a good and sufficient cause

Current policy initiatives

New Government December 2019:

- The **Terrorist Offenders (Restriction of Early Release) Act 2020**
- Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020* (SI 2020/158)
- a new **Counter-Terrorism (Sentencing and Release) Bill** is currently passing through Parliament.
- Now: a White Paper: *A Smarter Approach to Sentencing* (Sept 2020) (and a 'root and branch' review of parole)

The White Paper: *A Smarter Approach to Sentencing* (Sept 2020)

Govt recognises the need for huge improvement, but is there any evidence that the important (smarter) things will happen?

Prison Reform Trust: “There’s nothing smart about rehashing punitive rhetoric and hoping for a different outcome”. <http://www.prisonreformtrust.org.uk/PressPolicy/News/Sentencing>

- What would be a ‘smarter’ approach?

Deeply punitive (and expensive, often inappropriate and unduly complex)

- Longer tariffs for many discretionary life sentences (2/3rds determinate equivalent, not ½) – why?
- Increasing the time sex offenders serving the weirdly-named ‘SOPC’ (sentence for offenders of particular concern) must spend in prison – why?
- Abolishing automatic halfway release for most sex and violent offenders who get 4-7 years (already changed for over 7 year sentences simply by S.I.: *Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020* – why?
- New power to prevent automatic early release for offenders who become a terrorist risk during non-terrorist sentence – why?

- ‘Whole life’ orders extended, including for 18-20 year olds – why? (Maybe unlawful as well as morally wrong? See *R (Smith) v Secretary of State for the Home Department* [2005] UKHL 51 and various ECtHR cases)
- Increased starting points for murders committed by children – OH NO!
- Tougher rules on minimum terms for repeat burglars and possessing a knife etc – why?
- Much more ‘tagging’ including ‘House Detention Orders’ (!) and ‘location monitoring’.
- (Prison population expected to be 4,200 higher in September 2026)

Some probably positive (not new ideas; all require significant funding and plenty of ‘piloting’)

- Community sentence treatment requirements
- Some unpaid work hours served in a work-related educational or training capacity
- Criminal records reform: reducing the amount of time some young people are required to disclose criminal records to prospective employers
- Better quality Pre-sentence Reports (PSRs)
- ‘Encourage’ more deferred sentencing
- Reduce use of remand for young offenders
- Problem solving courts.

Some could be positive or negative:

- Out-of-court disposals: reduce the options to two: community resolutions and conditional cautions – but why?
- ‘Empowering’ probation: beware the dangers of unaccountable powers! What weird about-turns in recent years..... (Smart sentencing should see sentencing as a process and not a one-off event.... So let’s explore the lifetime of a sentence and how it is ‘managed’.)

Re-thinking the context

- Many of our prisons are a disgrace, as is the size of the prison population.
- The injustice of social/economic inequality.
- What are prisons for? Let’s re-think the justifications. As or for punishment?
- Rethinking what happens on release: if you want to reduce re-offending, improve support for ex-offenders on release.....
- Is the Government’s ‘root and branch’ review of the Parole Board really a root and branch review? Let’s also think about the rising recall rates

What works to reduce re-offending?

- Most offenders (even most persistent offenders) desist, and they do so largely on their own initiative.
- Factors influencing 'pathways into crime' are not necessarily the same as factors influencing 'pathways out of crime'.
- Desistance is often a gradual, fragile, obstacle-strewn process.
- The need to individualise 'treatment' to be effective.
- The need for understanding support and pro-social relationships: cf. lack of effective channels for resolving difficulties.

Purposes and priorities?

Section 57 Sentencing Act 2000 (was s. 142 Criminal Justice Act 2003): any court sentencing an offender must have regard to the following 'purposes of sentencing':

- the punishment of offenders,
- the reduction of crime (including its reduction by deterrence)
- the reform and rehabilitation of offenders,
- the protection of the public, and
- the making of reparation by offenders to persons affected by their offences.

BUT no priority. Purpose of prisons? Rule 3 of the Prison Rules 1999: "The purpose of the training and treatment of convicted prisoners shall be to encourage and assist them to lead a good and useful life"

Some conclusions

Smarter sentencing means

- Recognizing that ‘one size does not fit all’
- Understanding what works to reduce re-offending
- Understanding your aims and your priorities (your values)
- Investing where it helps, and not wasting money where it doesn’t
- Public education and debate really matter



Further Reading !

Düinkel, F, Harrendorf, S and van Zyl Smit, D (2021) *The Impact of Covid-19 on Prison Conditions and Penal Policy* (Routledge)

Padfield, N. (2017) *Parole Board oral hearings – exploring the barriers to release* <https://www.ssrn.com/abstract=3081035>

Padfield, N. (2019) Giving and getting parole: the changing characteristics of parole in England and Wales 11 *Eur Journal of Probation* 153-168.

Padfield, N (2019) ‘Prisoner Resettlement in England and Wales’ in *Prisoner Resettlement in Europe* (ed Dunkel, F, Pruin, I, Storgaard, A and Weber, J (Taylor & Francis) pp 86 - 103.

Weitzdorfer J, Shiroshita, Y and Padfield, N (2018) ‘Sentencing and Punishment in Japan and England: A Comparative Discussion’ in Liu, J. and Miyazawa, S *Crime and Justice in Contemporary Japan* (Springer Series on Asian Criminology and Criminal Justice Research), pp. 189-215.



Thank you, again

- **Questions?**
- Please do email me on nmp21@cam.ac.uk



Confederation of European
Probation



Stephen Pitts
Ambassador
Confederation of European Probation

V3.4

**"Strategies to Reduce Reoffending: The Outcome
of Workshop 2 of the 14th Congress on Crime
Prevention and Criminal Justice".**

Discussion and Questions

My Aims

-
- To highlight compelling messages from the three presentations
- To help identify supports, challenges and further areas for consideration in moving forward successfully as a global community in reducing reoffending

2

The Three Presentations – key messages

- **Reducing Reoffending: Kyoto Congress Workshop and Future Developments - Kayo Ishihara**
 - Practice, drawn from around the world, to meet complex needs
 - Individualised, community-orientated, multi-partner – the “Rehabilitative Environment”
 - Model strategies, communication, stakeholder and public awareness
- **The Kyoto Crime Congress and a Decade of Action – Tom Schmid**
 - Compelling case for change – including increased use of “SMART” community-based orders
 - A convincing narrative based on the universal platform of the SDGs
- **Promoting the Implementation of Rehabilitative Environments in the ASEAN Region – Professor Ayaka Takai**
 - Importance of Technical Assistance, a step-by-step approach
 - Jurisdictions differ in need, so do practices (RNR, strength based...)
 - Significance of Responsivity

3

Brief Agenda

- Introductory remarks - aspects of global context
- The CEP
- The Three Presentations
- Observations on the Presentations
- Moving forward globally – Gaps, Challenges, Conclusions
- Questions



4

Introductory Remarks



- 30 years ago: UNAFEI led formulation of the Tokyo Rules
 - hugely important landmark in the development of community based (alternative – or main – or SMART) sentences –
- In 2021 UNAFEI led, at the Kyoto Congress – Workshop 2
 - brought together and highlighted leading examples, from around the world, of the most forward-thinking and evidence-based practice to reduce reoffending in our field –
- Challenge: How do we mainstream (continually evolving): Principles, Policy and Practice?
- ✓ ... Narrative and the SDGs, Model Strategies, a Decade of Action



5

...in the intervening 30 years there have been– Many Positive Developments we can continue to draw on in future, including (to name just a few) ...

Huge increase in our evidence base – and understanding of how to continue to expand the evidence base

- Outcome and process research, stakeholder reaction, service user views (and co-production)
- Practice development – focus individuals and the environment
- Rehabilitation influenced especially by relationships ... and importance of rehabilitative environments

Role of International Organisations

- United Nations, Council of Europe – Guidance
- UN: Mandela Rules, Bangkok Rules, Beijing Rules (commitment to diversity)
- CoE: Electronic Monitoring, Prison & Probation Staff Recruitment and Training
- SDGs – a unifying framework and force for good and for action

Expansion of international collaboration – regional and global

- World Congress on Probation - hosted in London (2013), LA, Tokyo, Sydney, and forthcoming Ottawa (2022)
- Collaboration continued through the pandemic (although without the richness of face-to-face contact)
- Growing policy and practice exchange, mutual development, technical assistance

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Whilst some developments (clearly) not so good

Rising prison populations

Especially, and perhaps even more surprisingly, for women.

(Positive) expansion in use of community sentences

• ... but also net-widening and “mass supervision”.

Worrying trends in crime

...Some gaps and questions...

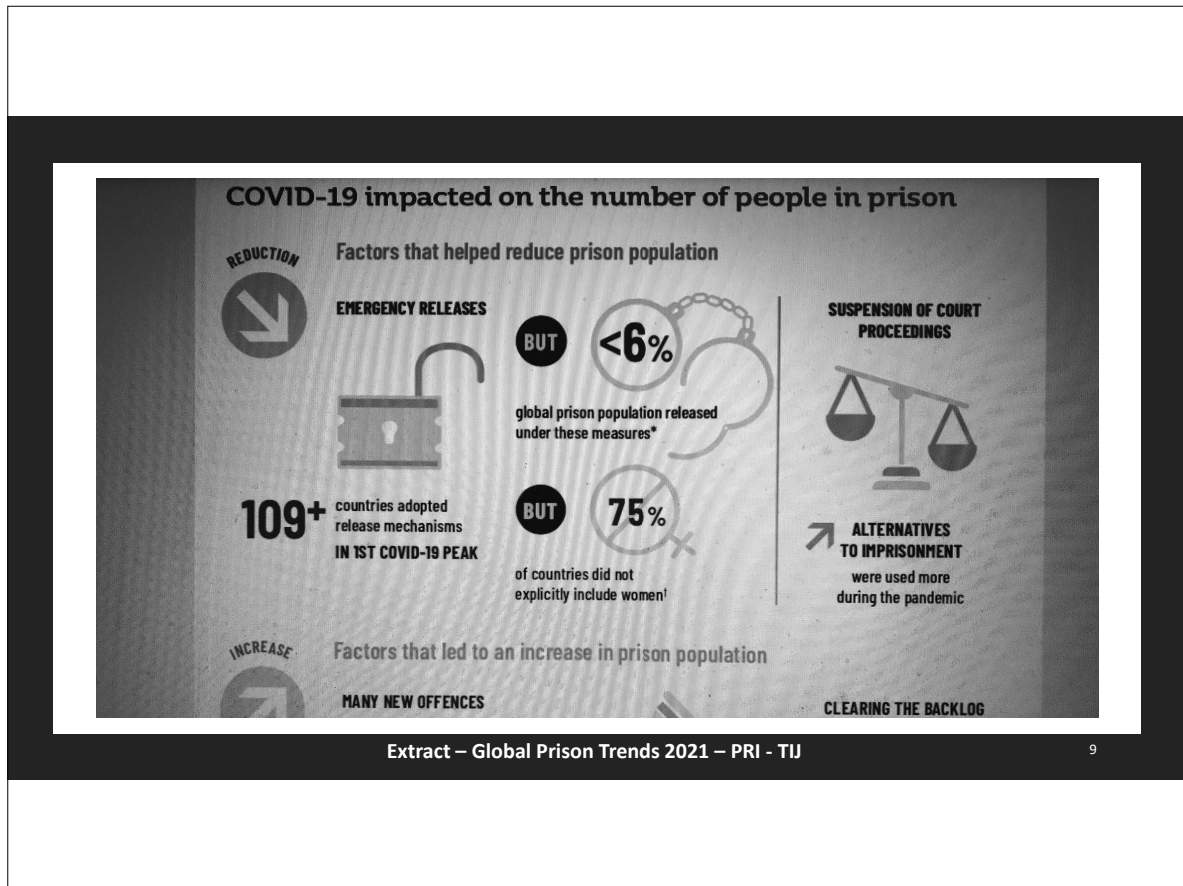
• ... including data (what is provided, and impact), compelling narratives

7

The global prison population continues to rise



8






Confederation of European Probation
 Founded 1981
 60 Member organisations across 40 countries
 Probation agencies, Universities, NGOs, individuals, and more -
 Affiliate organisations around the world

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Vision for Europe

“To contribute to safer communities by rehabilitating and reintegrating offenders and providing the best possible interventions to reduce offending and the impact of crime.”

CEP ... promotes pan-European cooperation including by conferences, ...reports ...partnering research, jurisdiction reports, digital newsletter, website; CEP stimulates exchange of ideas on probation in Europe – and contributes enthusiastically to the World Congress on Probation!

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Presentation 1
Reducing
Reoffending:
Kyoto Congress
Workshop and
Future
Developments –
Kayo Ishihara

- **Keynote Speech: Professor Fergus McNeill**
- **Panel I:** Creating Rehabilitative Prison Environments
- **Panel II:** Community-Based Approaches that Support Desistance
- **Panel III:** Taking a Multifaceted Approach to Ensure Continuous Support and Services for Rehabilitation and Reintegration of Offenders

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Presentation 1
Reducing
Reoffending:
Kyoto Congress
Workshop and
Future
Developments –
Kayo Ishihara

Conclusions

- Reducing reoffending is critical for inclusive societies - SDGs
- Recommendations for Future – including
 - Rehabilitative environments (Prisons – and community)
 - Resources and realism!
 - Public Awareness and Volunteers
 - Diversity, gender-focused, restorative
 - Statistics, causes, solutions, evidence

Model strategies to reduce reoffending

- The Key: Overarching approach, rehabilitative environments throughout, continuity of interventions and support, multi-stakeholder and community-based approach

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Presentation
1
Observations

- The practices and conclusions regarding ways forward (and developing rehabilitative environments and supporting desistance in particular), require professionals and communities, in all its facets, to work together in a variety of complex, evolving and mutually understood ways:

• *“Desistance – a natural process which is bigger than professional practice ... But can be supported by policy and practice”**

- What is or are the role(s) of prison and probation services in facilitating this complex interaction?

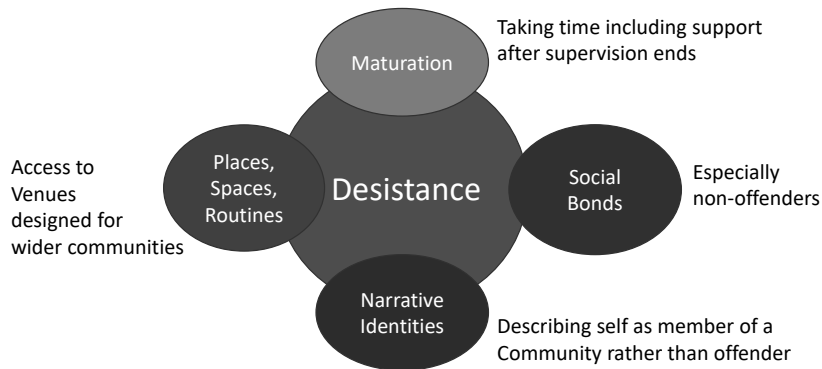
✓ A case for convincing narrative backed by data

✓ Policy influence and practice collaboration

✓ *“Supervision as Mediation”** * (McNeill 2020)

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The Desistance Paradigm – Understanding desistance (and implications for policy and practice)



***“Desistance – A natural process which is bigger than professional practice
... but can be supported by policy and practice”***

Quotation and illustration adapted from Fergus McNeill - “Supervision as Mediation” - On-line ICPA Learning Academy, Nov. 2020.

Presentation 2 –
The Kyoto Crime
Congress and a
Decade of Action
to 2030 – Tom
Schmid

*The Sustainable Development Goals are an
unprecedented platform to advocate for change in
the way we – as a global community – view,
interact with and support offenders on their paths
towards desistance from crime*

It’s up to us to frame the narrative and drive change.

Sustainable development

-a three-dimensional operational framework of the
United Nations that pursues:

- i. Economic development
- ii. Social development
- iii. Environmental development

Presentation 2
– The Kyoto
Crime Congress
and a Decade of
Action to 2030

Decade of Action –
Model Strategies ,
Development Agenda ,
Adoption of 2030 Agenda

Imprisonment as a less desirable alternative to community sentences

- **POINT 4:** Non-custodial measures are the “smarter option” and enhance public safety
- **POINT 6:** “Whole of society” approach to reducing reoffending (development led)
- **POINT 7:** Government led but community/volunteer driven (“*partnership by design*”)

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Presentation
2
Observations

- **The SDGs undoubtedly provide a platform for how we view, interact with and support offenders – and for changing all three.**
- **Reducing Reoffending is critical for inclusive societies - SDGs**
- **The SDGs provide a critical framework for reducing reoffending**
- Communicating the principles is critical to success...
- ...as is turning them into action – in the political, public and practice domains
- Are there models that demonstrate “interdependency” in practice?

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Presentation 2 Observations

Connecting desistance support and the SDGs in practice: Some examples, but most are mainly prison-based!

- **CLINK Charity (UK)** - The Clink Restaurant approach includes realistic prison work experience (hospitality, horticulture, sustainability), community mentor support, links with industry employers. Circa 100,000 members of the public have dined in prison-located restaurants (all of which have been voted No. 1 on TripAdvisor), helping to change public perceptions and attitudes towards prisoners and reintegration – 65.6% Reduced Reoffending
- **ICRC - Panama** - Turning a problem into an opportunity in prisons -“EcoSolidos” **The 4 Rs (Reduce, Reuse, Recycle, Re-socialise)** 90% waste reused by prisoners, bricks sold, gardens – food grown, and forestation – “Sowing Peace” programme
- A community-based example: **Kenya – Probation and After Care Service:** Community Service. Environmentally and sustainably friendly, SDG supporting, gender-sensitive female-specific, Empowerment projects.
- Is Community Service work a (largely) undeveloped area of potential?

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Presentation 3

Promoting the
Implementation of
Rehabilitative
Environments in the
ASEAN Region

Professor TAKAI
Ayaka

(A) Progressive Development in the ASEAN Region
... a “step by step” approach... with international support
... differing jurisdiction needs and priorities
... and different practice approaches (RNR, GLM)

(B) Four aspects of Rehabilitative Environments

1. Active use of Non-custodial Measures
2. Evidence-based interventions responding to individuals’ specific needs (RNA) (Also Good Lives Model)
3. Continuity of care and support (CARE)
Community Action for the Rehabilitation of Ex-offenders (CARE) Network
4. Multi-stakeholder approach

All aspects make their essential contribution to
Rehabilitative Environments...

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Presentation 3 - Observations

- Approaches to developing rehabilitative environments - addressed in the context of Technical Assistance.
- Importance of Responding to need and to difference
- Technical Assistance is a still-developing field - especially in the area of probation work
 - Solving local problems seems to work better than importing “ready-made solutions” (unless there is adequate groundwork to help ensure suitability to context and resources)
 - Policy transfer, policy exchange, or a “partnership”? We all bring something to the table
 - Transfer of principles (of effective practice) and know-how; “*What was transferred ... was knowledge**”.
 - (Sometimes) a discrepancy between international standards and national priorities
 - To what extent are there global justice “solutions”? When should we think and work regionally (is there a “regional criminology”?) or nationally? What does an appreciation of Decolonialisation offer?
- Inter-regional learning and transfer
 - Mult-directional, e.g., to the West including from Asia. Examples: emphasis on importance of communities, role and value of a strong volunteer movement (VPOs in Japan), the value of Restorative Practices and other forms of Alternative Dispute Resolution

*Durnescu, I., Haines, K. (2012). Probation in Romania: Archaeology of a Partnership.
British Journal of Criminology 52(5):889-907

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Moving Forward
- Gaps and
Challenges
Leaving no-one behind
*“We need to stop just
pulling people out of
the river... We need to
go upstream and find
out why they’re falling
in (Desmond Tutu)”*

- Redress balance of custodial and community sentences
- Address use of pre-trial detention, sentence length, parole
- Continue to improve reintegration and desistance support
- Also, attention to vulnerability including mental health, and diversity (individuals and communities) - Responsivity
- Working effectively with challenging offences and offenders
- Attending to staff (number, training) and infrastructure
- Utilize technology as a complement to support desistance
- Improve global and regional statistics, data, knowledge of what is happening on the ground, and evidence
- Continue to improve opportunities to learn from and support each other – globally – and through regional networking
- Embracing principles informed by the the SDGs and approaches including restorative, support desistance, victims and communities
- Do so while responding to (and helping to address) global challenges such as climate change, pandemics, and migrations

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Moving Forward - Conclusions

“We need a
Declaration of Inter-
dependance”
(John Kennedy
1962)

The three presentations, and the workshop they report on, distil much of the essence of what needs to be done in the present decade - a roadmap to reduce reoffending:

Defining principles with universal recognition (which the SDGs inform)

Framing convincing narratives based on data/evidence

Engaging stakeholders and the public in delivering interconnected policy and practice that benefit us all and leave no one behind

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Questions - 1

Rehabilitative environments and communities require multi-stakeholder understanding and “buy-in”, as does acceptance of least restrictive penalty and proportionality – including use of “SMART” community sentences. Communication matters: What are some of the key messages about our work and the importance of community engagement that we can offer to increase public awareness and stakeholder buy-in? Do the messages differ according to the audience (including prosecutors and judges)?

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Questions - 2

Building on the platform of the SDGs, and taking into account economic, social and environmental development, how can we most effectively frame the narrative and drive change for custodial and community-sentenced offenders in ways that empower, support desistance, and involve whole societies (including offenders) in building sustainable and safer communities? Can (the still relatively few) prison-based sustainability or empowerment initiatives be extended to community sentences? Will approaches differ according to factors such as region, jurisdiction stage of development, or wealth?

The SDGs provide a platform for how we view, interact with, and support offenders – and for changing all three. Do we have grounds for optimism?

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Questions - 3

a) Does Covid-19 provide an upside - a possibility of “Building Back Better”? If so, how?

b) Can evolving technology - used more during the pandemic - be used positively, including to assist rehabilitation?

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Questions - 4

What does a step-by-step approach to technical assistance mean in practice? How are the most useful steps (acceptable to all parties including the recipient jurisdiction) identified and prioritized in a specific country or jurisdiction? How can a regional network assist?

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PHOTOGRAPHS

The 14th United Nations Congress on Crime Prevention and Criminal Justice (Kyoto, Japan, 7-12 March 2021)



Opening Ceremony



Group Photo



Workshop 2: Reducing reoffending: identifying risks and developing solutions

APPENDIX

Alumni Webinars



First Alumni Webinar on 30 September 2020



Second Alumni Webinar on 19 November 2020

Asian Criminological Society



UNAFEI's Panel Discussion on the outcome of Workshop 2 of the Kyoto Congress
(12th Annual Meeting of the Asian Criminological Society, 18-21 June 2021)

APPENDIX

RESOURCE MATERIAL SERIES INDEX			
Vol.	Training Course Name	Course No.	Course Dates
1	Public Participation in Social Defence	25	Sep-Dec 1970
2	Administration of Criminal Justice	26	Jan-Mar 1971
3	[Corrections]	27	Apr-Jul 1971
	[Police, Prosecution and Courts]	28	Sep-Dec 1971
4	Social Defence Planning	29	Feb-Mar 1972
	Treatment of Crime and Delinquency	30	Apr-Jul 1972
5	United Nations Training Course in Human Rights in the Administration of Criminal Justice	n/a	Aug-Sep 1972
	Administration of Criminal Justice	31	Sep-Dec 1972
6	Reform in Criminal Justice	32	Feb-Mar 1973
	Treatment of Offenders	33	Apr-Jul 1973
7	[Administration of Criminal Justice]	34	Sep-Dec 1973
8	Planning and Research for Crime Prevention	35	Feb-Mar 1974
	Administration of Criminal Justice	36	Apr-Jun 1974
9	International Evaluation Seminar	37	Jul 1974
	Treatment of Juvenile Delinquents and Youthful Offenders	38	Sep-Nov 1974
10	The Roles and Functions of the Police in a Changing Society	39	Feb-Mar 1975
	Treatment of Offenders	40	Apr-Jul 1975
	NB: Resource Material Series Index, Nos. 1-10 (p. 139)	n/a	Oct 1975
11	Improvement in the Criminal Justice System	41	Sep-Dec 1975
12	Formation of a Sound Sentencing Structure and Policy	42	Feb-Mar 1976
	Treatment of Offenders	43	Apr-Jul 1976
13	Exploration of Adequate Measures for Abating and Preventing Crimes of Violence	44	Sep-Dec 1976
14	Increase of Community Involvement	45	Feb-Mar 1977
	Treatment of Juvenile Delinquents and Youthful Offenders	46	Apr-Jul 1977
15	Speedy and Fair Administration of Criminal Justice	47	Sep-Dec 1977
	Prevention and Control of Social and Economic Offences	48	Feb-Mar 1978
	Report of United Nations Human Rights Training Course	n/a	Dec 1977
16	Treatment of Offenders	49	Apr-Jul 1978
	Dispositional Decisions in Criminal Justice Process	50	Sep-Dec 1978
17	Treatment of Dangerous or Habitual Offenders	51	Feb-Mar 1979
	Community-Based Corrections	52	Apr-Jul 1979
18	Roles of the Criminal Justice System in Crime Prevention	53	Sep-Dec 1979
19	Arrest and Pre-Trial Detention	54	Feb-Mar 1980
	Institutional Treatment of Adult Offenders	55	Apr-Jul 1980
20	Institutional Treatment of Adult Offenders	55	Apr-Jul 1980
	Integrated Approach to Effective and Efficient Administration of Criminal Justice	56	Sep-Nov 1980
	NB: Resource Material Series Index, Nos. 1-20 (p. 203)		Mar 1981
21	Crime Prevention and Sound National Development	57	Feb-Mar 1981

	Integrated Approach to Effective Juvenile Justice Administration (including Proposed Guidelines for the Formulation of the Standard Minimum Rules for Juvenile Justice Administration: A draft prepared by UNAFEI on the basis of the reports of the study groups at the 58th International Training Course)	58	May-Jul 1981
22	Contemporary Problems in Securing an Effective, Efficient and Fair Administration of Criminal Justice and Their Solutions	59	Feb-Mar 1982
	Securing Rational Exercise of Discretionary Powers at Adjudication and Pre-adjudication Stages of Criminal Justice Administration	60	Apr-Jul 1982
23	Improvement of Correctional Programmes for More Effective Rehabilitation of Offenders	61	Sep-Nov 1982
24	Promotion of Innovations for Effective, Efficient and Fair Administration of Criminal Justice	62	Feb-Mar 1983
	Community-Based Corrections	63	Apr-Jul 1983
25	The Quest for a Better System and Administration of Juvenile Justice	64	Sep-Dec 1983
	Documents Produced during the International Meeting of Experts on the Development of the United Nations Draft Standard Minimum Rules for the Administration of Juvenile Justice	n/a	Nov 1983
26	International Cooperation in Criminal Justice Administration	65	Feb-Mar 1984
	Promotion of Innovation in the Effective Treatment of Prisoners in Correctional Institutions	66	Apr-Jul 1984
27	An Integrated Approach to Drug Problems	67	Sep-Dec 1984
28	Contemporary Asian Problems in the Field of Crime Prevention and Criminal Justice, and Policy Implications	68	Feb-Mar 1985
	Report of the Fifth Meeting of the Ad Hoc Advisory Committee of Experts on UNAFEI Work Programmes and Directions	n/a	Mar 1985
	Report of the International Workshop on the Role of Youth Organizations in the Prevention of Crime Among Youth	n/a	Jul 1985
	Follow-up Team for Ex-Participants of UNAFEI Courses	n/a	Dec 1985
	Community-Based Corrections	69	Apr-Jul 1985
29	In Pursuit of Greater Effectiveness and Efficiency in the Juvenile Justice System and Its Administration	70	Sep-Dec 1985
30	Promotion of Innovation in Criminal Justice Administration for the Prevention of New Criminality	71	Feb-Mar 1986
	The Quest for Effective and Efficient Treatment of Offenders in Correctional Institutions	72	Apr-Jul 1986
31	Economic Crime: Its Impact on Society and Effective Prevention	73	Sep-Nov 1986
	Report of the International Seminar on Drug Problems in Asia and the Pacific Region	n/a	Aug 1986
32	Advancement of Fair and Humane Treatment of Offenders and Victims in Criminal Justice Administration	74	Feb-Mar 1987
	Non-institutional Treatment of Offenders: Its Role and Improvement for More Effective Programmes	75	Apr-Jun 1987
33	Evaluation of UNAFEI's International Courses on Prevention of Crime and Treatment of Offenders, and Drug Problems in Asia	76	Aug-Sep 1987
	Crime Related to Insurance	77	Oct-Dec 1987

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	Report of the Sixth Meeting of the Ad Hoc Advisory Committee of Experts on UNAFEI Work Programmes and Directions	n/a	Sep 1987
	Report of the Workshop on Implementation Modalities for the Twenty-Three Recommendations Adopted by the International Seminar on Drug Problems in Asia and the Pacific Region	n/a	Sep 1987
34	Footprints, Contemporary Achievements and Future Perspectives in Policies for Correction and Rehabilitation of Offenders	78	Feb-Mar 1988
	Search for the Solution of the Momentous and Urgent Issues in Contemporary Corrections	79	Apr-Jul 1988
	Resolution of the Asia and Pacific Regional Experts Meeting	n/a	Mar 1988
	Report of the Meeting of Experts on the United Nations Draft Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)	n/a	Jul 1988
35	Quest for Effective International Countermeasures to Pressing Problems of Transnational Criminality	80	Sep-Nov 1988
36	Advancement of the Integration of Criminal Justice Administration	81	Feb-Mar 1989
	Innovative Measures for Effective and Efficient Administration of Institutional Correctional Treatment of Offenders	82	Apr-Jul 1989
	Report of the Expert Group Meeting on Adolescence and Crime Prevention in the ESCAP Region	n/a	Aug 1989
37	Crime Prevention and Criminal Justice in the Context of Development	83	Sep-Nov 1989
	International Workshop on Victimology and Victim's Rights	n/a	Oct 1989
38	Policy Perspectives on Contemporary Problems in Crime Prevention and Criminal Justice Administration	84	Jan-Mar 1990
	Wider Use and More Effective Implementation of Non-custodial Measures for Offenders	85	Apr-Jun 1990
39	Search for Effective and Appropriate Measures to Deal with the Drug Problem	86	Sep-Dec 1990
40	Development of an Effective International Crime and Justice Programme	87	Jan-Mar 1991
	Institutional Treatment of Offenders in Special Categories	88	Apr-Jul 1991
	NB: Resource Material Series Index, Nos. 21-40 (p. 333)	n/a	n/a
41	Effective and Innovative Countermeasures against Economic Crime	89	Sep-Dec 1991
42	Quest for Solutions of the Pressing Problems of Contemporary Criminal Justice Administration	90	Jan-Feb 1992
	Further Use and Effectual Development of Non-Custodial Measures for Offenders	91	Apr-Jul 1992
43	Quest for Effective Methods of Organized Crime Control	92	Sep-Nov 1992
44	Policy Perspective for Organized Crime Suppression	93	Feb-Mar 1993
	Current Problems in Institutional Treatment and Their Solution	94	Apr-Jul 1993
45	Effective Countermeasures against Crimes Related to Urbanization and Industrialization—Urban Crime, Juvenile Delinquency and Environmental Crime	95	Sep-Dec 1993
46	Promotion of International Cooperation in Criminal Justice Administration	96	Jan-Mar 1994

	Effective Treatment of Drug Offenders and Juvenile Delinquents	97	Apr-Jul 1994
47	Economic Crime and Effective Countermeasures against It	98	Sep-Dec 1994
48	The Effective Administration of Criminal Justice: Public Participation and the Prevention of Corruption	99	Jan-Mar 1995
	The Institutional Treatment of Offenders: Relationships with Other Criminal Justice Agencies and Current Problems in Administration	100	Apr-Jul 1995
49	The Fair and Efficient Administration of Criminal Justice: The Proper Exercise of Authority and Procedural Justice	101	Sep-Dec 1995
50	Crime Prevention through Effective Firearms Regulation	102	Jan-Mar 1996
51	Improvement of the Treatment of Offenders through the Strengthening of Non-custodial Measures	103	Apr-Jul 1996
	International Cooperation in Criminal Justice Administration	104	Sep-Nov 1996
52	The Effective Administration of Criminal Justice for the Prevention of Corruption by Public Officials	105	Jan-Feb 1997
	The Quest for Effective Juvenile Justice Administration	106	Apr-Jul 1997
53	The Role and Function of Prosecution in Criminal Justice	107	Sep-Nov 1997
	The Ninth Meeting of the Ad Hoc Advisory Committee of Experts on UNAFEI Work Programmes and Directions	n/a	Oct 1997
54	Current Problems in the Combat of Organized Transnational Crime	108	Jan-Feb 1998
	Effective Treatment Measures for Prisoners to Facilitate Their Reintegration into Society	109	Apr-Jul 1998
55	Effective Countermeasures against Economic and Computer Crime	110	Aug-Nov 1998
	The Role of Police, Prosecution and the Judiciary in the Changing Society	111	Jan-Feb 1999
56	Participation of the Public and Victims for More Fair and Effective Criminal Justice	112	Apr-Jul 1999
	The Effective Administration of Criminal Justice for the Prevention of Corrupt Activities by Public Officials	113	Aug-Nov 1999
57	International Cooperation to Combat Transnational Organized Crime—with Special Emphasis on Mutual Legal Assistance and Extradition	114	Jan-Feb 2000
	Current Issues in Correctional Treatment and Effective Countermeasures	115	May-Jun 2000
58	Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes	116	Aug-Nov 2000
	Current Situation and Countermeasures against Money Laundering	117	Jan-Feb 2001
59	Best Practices in the Institutional and Community-Based Treatment of Juvenile Offenders	118	May-Jul 2001
	Current Situation of and Countermeasures against Transnational Organized Crime	119	Sep-Nov 2001
60	Effective Administration of the Police and the Prosecution in Criminal Justice	120	Jan-Feb 2002
61	Enhancement of Community-Based Alternatives to Incarceration at all Stages of the Criminal Justice Process	121	May-Jul 2002

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62	The Effective Administration of Criminal Justice to Tackle Trafficking Human Beings and Smuggling of Migrants	122	Sep-Oct 2002
63	The Protection of Victims of Crime and the Active Participation of Victims in the Criminal Justice Process Specifically Considering Restorative Justice Approaches	123	Jan-Feb 2003
64	The Effective Prevention and Enhancement of Treatment for Drug Abusers in the Criminal Justice Process	124	Apr-Jun 2003
65	Effective Countermeasures against Illicit Drug Trafficking and Money Laundering	125	Sep-Oct 2003
	Sixth International Training Course on Corruption Control in Criminal Justice	6th UNCAC	Nov 2003
66	Economic Crime in a Globalizing Society—Its Impact on the Sound Development of the State	126	Jan-Feb 2004
67	Implementing Effective Measures for the Treatment of Offenders after Fifty Years of United Nations Standard Setting in Crime Prevention and Criminal Justice	127	May-Jun 2004
	Measures to Combat Economic Crime, Including Money Laundering	128	Aug-Oct 2004
68	Crime Prevention in the 21st Century—Effective Prevention of Crime Associated with Urbanization Based upon Community Involvement and Prevention of Youth Crime and Juvenile Delinquency	129	Jan-Feb 2005
69	Integrated Strategies to Confront Domestic Violence and Child Abuse	130	May-Jun 2005
	Seventh Special Training Course on Corruption Control in Criminal Justice	7th UNCAC	Oct-Nov 2005
70	The Use and Application of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power—Twenty Years after Its Adoption	131	Aug-Oct 2005
71	Strengthening the Legal Regime for Combating Terrorism	132	Jan-Feb 2006
	Eighth International Training Course on Corruption Control in Criminal Justice	8th UNCAC	Oct-Nov 2005
72	Effective Prevention and Enhancement of Treatment for Sexual Offenders	133	May-Jun 2006
73	Challenges in the Investigation, Prosecution and Trial of Transnational Organized Crime	134	Aug-Oct 2006
	Ninth International Training Course on Corruption Control in Criminal Justice	9th UNCAC	Oct-Nov 2006
74	Promoting Public Safety and Controlling Recidivism Using Effective Interventions with Offenders: An Examination of Best Practices	135	Jan-Feb 2007
75	Effective Measures for the Treatment of Juvenile Offenders and their Reintegration into Society	136	May-Jun 2007
76	Corporate Crime and the Criminal Liability of Corporate Entities	137	Sep-Oct 2007
	Tenth International Training Course on the Criminal Justice Response to Corruption	10th UNCAC	Oct-Nov 2007
77	Effective Legal and Practical Measures for Combating Corruption: A Criminal Justice Response	138	Jan-Feb 2008
78	Profiles and Effective Treatment of Serious and Violent Juvenile Offenders	139	May-Jun 2008

79	The Criminal Justice Response to Cybercrime	140	Sep-Oct 2008
	Eleventh International Training Course on the Criminal Justice Response to Corruption	11th UNCAC	Oct-Nov 2008
	The Improvement of the Treatment of Offenders through the Enhancement of Community-Based Alternatives to Incarceration	141	Jan-Feb 2009
80	Effective Countermeasures against Overcrowding of Correctional Facilities	142	May-Jun 2009
	Twelfth International Training Course on the Criminal Justice Response to Corruption	12th UNCAC	Jul-Aug 2009
	Ethics and Codes of Conduct for Judges, Prosecutors and Law Enforcement Officials	143	Sep-Nov 2009
81	The Enhancement of Appropriate Measures for Victims of Crime at Each Stage of the Criminal Justice Process	144	Jan-Feb 2010
82	Effective Resettlement of Offenders by Strengthening "Community Reintegration Factors"	145	May-Jun 2010
83	Attacking the Proceeds of Crime: Identification, Confiscation, Recovery and Anti-Money Laundering Measures	146	Aug-Oct 2010
	The 13th International Training Course on the Criminal Justice Response to Corruption	13th UNCAC	Oct-Nov 2010
84	Community Involvement in Offender Treatment	147	Jan-Feb 2011
85	Drug Offender Treatment: New Approaches to an Old Problem	148	May-Jun 2011
86	Securing Protection and Cooperation of Witnesses and Whistle-blowers	149	Aug-Sep 2011
	Effective Legal and Practical Measures against Corruption	14th UNCAC	Oct-Nov 2011
87	Trafficking in Persons—Prevention, Prosecution, Victim Protection and Promotion of International Cooperation	150	Jan-Feb 2012
88	Evidence-Based Treatment of Offenders	151	May-Jun 2012
89	Trafficking in Persons—Prevention, Prosecution, Victim Protection and Promotion of International Cooperation	152	Aug-Sep 2012
	Effective Legal and Practical Measures against Corruption	15th UNCAC	Oct-Nov 2012
90	Treatment of Female Offenders	153	Jan-Feb 2013
91	Stress Management of Correctional Personnel—Enhancing the Capacity of Mid-Level Staff	154	May-Jun 2013
92	Effective Collection and Utilization of Evidence in Criminal Cases	155	Aug-Oct 2013
	Effective Measures to Prevent and Combat Corruption and to Encourage Cooperation between the Public and Private Sectors	16th UNCAC	Oct-Nov 2013
93	Protection for Victims of Crime and Use of Restorative Justice Programmes	156	Jan-Feb 2014
94	Assessment and Treatment of Special Needs Offenders	157	May-Jun 2014
95	Measures for Speedy and Efficient Criminal Trials	158	Aug-Sep 2014
	Effective Measures to Prevent and Combat Corruption Focusing on Identifying, Tracing, Freezing, Seizing, Confiscating and Recovering Proceeds of Corruption	17th UNCAC	Oct-Nov 2014
96	Public Participation in Community Corrections	159	Jan-Feb 2015
97	The State of Cybercrime: Current Issues and Countermeasures	160	May-Jun 2015
98	Staff Training for Correctional Leadership	161	Aug-Sep 2015
	Effective Anti-Corruption Enforcement and Public-Private and International Cooperation	18th UNCAC	Oct-Nov 2015

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99	Multi-Agency Cooperation in Community-Based Treatment of Offenders	162	Jan-Feb 2016
100	Children as Victims and Witnesses	163	May-Jun 2016
101	Effective Measures for Treatment, Rehabilitation and Social Reintegration of Juvenile Offenders	164	Aug-Sep 2016
	Effective Anti-Corruption Enforcement (Investigation and Prosecution) in the Area of Procurement	19th UNCAC	Oct-Nov 2016
102	Juvenile Justice and the United Nations Standards and Norms	165	Jan-Feb 2017
103	Criminal Justice Procedures and Practices to Disrupt Criminal Organizations	166	May-Jun 2017
104	Rehabilitation and Social Reintegration of Organized Crime Members and Terrorists	167	Aug-Sep 2017
	Effective Measures to Investigate the Proceeds of Corruption Crimes	20th UNCAC	Nov-Dec 2017
105	Enhancing the Rule of Law in the Field of Crime Prevention and Criminal Justice: Policies and Practices Based on the United Nations Conventions and Standards and Norms	168	Jan-Feb 2018
106	Criminal Justice Practices against Illicit Drug Trafficking	169	May-Jun 2018
107	Treatment of Illicit Drug Users	170	Aug-Sep 2018
	Effective Criminal Justice Practices through International Cooperation and Engagement of Civil Society for Combating Corruption	21st UNCAC	Oct-Nov 2018
108	Criminal Justice Response to Crimes Motivated by Intolerance and Discrimination	171	Jan-Feb 2019
109	Criminal Justice Responses to Trafficking in Persons and Smuggling of Migrants	172	May-Jun 2019
110	Tackling Violence against Women and Children through Offender Treatment: Prevention of Reoffending	173	Aug-Sep 2019
	Detection, Investigation, Prosecution and Adjudication of High-Profile Corruption	22nd UNCAC	Oct-Nov 2019
111	Prevention of Reoffending and Fostering Social Inclusion: From Policy to Good Practice	174	Jan-Feb 2020
112	n/a (Training programmes postponed due to the Covid-19 pandemic)	n/a	n/a

