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**Commission on Crime Prevention
and Criminal Justice****Thirty-first session**

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**Use and application of United Nations standards
and norms in crime prevention and criminal justice****Report of the Expert Group Meeting on reducing
reoffending*****Summary*

The present report presents a summary of the deliberations at the expert group meeting on reducing reoffending held from 6 to 8 April 2022, convened pursuant to General Assembly resolution 76/182 entitled “Reducing reoffending through rehabilitation and reintegration”.¹ The meeting brought together twenty-seven experts from all regions of the world, participating in their individual capacity, who discussed the key elements to consider in identifying measures to reduce reoffending and shared information on promising practices to reduce reoffending.

* E/CN.15/2022/1.

** This document has not been edited.

¹ General Assembly resolution 76/182 adopted on 16 December 2021.



I. Introduction

1. In its resolution 76/182, entitled “Reducing reoffending through rehabilitation and reintegration”, the General Assembly requested the United Nations Office on Drugs and Crime (UNODC) 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”.

2. Pursuant to this request and as part of its efforts to assist Member States develop the model strategies, UNODC held an expert group meeting on reducing reoffending in virtual format from 6 to 8 April 2022. The meeting, which took place in all official languages of the United Nations, was attended by twenty-seven experts participating in their individual capacity from all regions of the world (see the annex for the full list of participants). The objective of the meeting was to hear from experts their views on what elements should be included in the model strategies as well as to exchange information on the various promising practices from around the world. The present report seeks to present a summary of the discussion with a focus on points that were made by numerous experts or met with consensus.

II. Summary of deliberations

General comments

3. The expert group welcomed the initiative to develop a set of model strategies on reducing reoffending. It was said that the topic of reducing recidivism warranted an international discussion and that the model strategies, as one of the United Nations standards and norms on crime prevention and criminal justice, should offer practical and flexible guidance to Member States and not be prescriptive in nature. Experts also agreed that the development process of this new instrument should adopt a gender-responsive approach and be mindful of the fact that the level of resources, institutionalization and infrastructure that are required for effective provision of some services varies across countries. It was also said that there was a variety of ways to define and measure reoffending, which poses challenges in comparative studies.

4. Experts agreed that efforts to reduce reoffending require a comprehensive and multisectoral approach that includes not only the measures within the criminal justice system, but also those external to it. It was said that addressing the existing societal root causes of offending, including poverty, social inequalities, and discrimination, including those related to gender, was important in reducing recidivism and thus should be addressed by the model strategies. Experts noted that the perspective of victims and public safety should be considered in reducing reoffending.

5. In terms of criminal justice interventions, experts discussed a wide range of topics that were relevant to reducing reoffending, such as non-custodial measures, sentencing policies, treatment of offenders in prisons, effective rehabilitation, and social reintegration programmes in prisons as well as in the community.

Use of non-custodial measures to prevent reoffending

6. Noting that prison environments are by themselves not conducive to social reintegration as they sever offenders’ links to the community, experts agreed that the effective use of non-custodial measures in all appropriate cases should be promoted as beneficial in reducing reoffending, including by enabling the offenders to maintain their relationships and connection to their community. It was said that the public’s understanding of the rationale and benefits of non-custodial measures was key and thus increasing the public’s acceptance through awareness raising and advocacy activities was critical in enhancing their use. It was further said that this need for public acceptance and awareness was also instrumental in lessening the stigmatization experienced by offenders, which was one of the most immediate problems upon

release and a significant obstacle to their successful reintegration into society. The role of the media was emphasized in this regard.

7. Experts also emphasized the importance of interagency cooperation for successful implementation of non-custodial measures, particularly between the prison administration and probation agencies. It was said that interagency coordination was also relevant for fair and proportionate sentencing by judges, who rely on information provided by the different authorities.

8. The effectiveness of restorative justice programmes in reducing reoffending was stressed, both as a diversionary measure and as an alternative or complement to the existing criminal justice interventions at all stages of the criminal justice process. It was said that, since cases are often referred to restorative justice programmes by judges and magistrates, raising awareness and knowledge of the availability of such programmes, including how to access them, was essential. It was also said that restorative justice programmes, which were applied in other contexts than in criminal justice (e.g., schools), played an important role in gaining community support for a restorative approach to justice.

9. Experts agreed on the adverse effects of excessive and prolonged use of pre-trial detention on recidivism and emphasized the need for non-custodial alternatives. It was suggested that reintegration support should be provided not only to convicted prisoners but also to pre-trial detainees, as the hardships that they experience upon release are similar.

Rehabilitation in the custodial environment

10. Turning to prison environments, experts agreed that, to be rehabilitative, prison environments need first and foremost to ensure safe and decent prison conditions and provide humane treatment of offenders by qualified staff, in line with fundamental human rights standards and with the United Nations Standard Minimum Rules for the Treatment of prisoners (Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). It was emphasized that fulfilling these basic minimum standards was a prerequisite for institutional rehabilitation programmes to be meaningful and effective. Striving for the principle of “normality”, under which the custodial environment is as close to the community as possible, such as through work opportunities outside the prison or the provision of health and education services available in the community, can be beneficial in achieving a rehabilitative prison environment.

11. Experts stressed the need for individualized and ongoing assessments of offenders, reflecting offenders’ risks and criminogenic needs, capacities, and dispositions in a gender-, age- and culturally responsive manner, so that the prison administration can gain an accurate understanding of the different security, custody and treatment needs and different correctional management and intervention requirements. The type of offence committed should not be the only factor in the determination of the classification and that classification should be regularly reviewed. It was also noted that in some jurisdictions, there may not be a designated authority responsible for conducting individualized assessments and therefore the need for interagency cooperation was once again emphasized.

12. Experts shared information on the work programmes available in their jurisdictions. There was agreement that they were useful in obtaining knowledge and enhancing skills, enhancing the employability of offenders post-release as well as fostering positive links with the community. The success of rehabilitation programmes depended on staff training, as well as fairness and consistency in the approach taken. Offenders’ motivation and responsiveness to the programmes were also an important factor.

13. At the same time, experts cautioned against treating work and other programmes as an end-all-be-all solution to offender rehabilitation and in that vein, emphasized

the need for proper assessment of partner companies in the community to ensure that they provide fair payment, training and opportunities as well as for maintaining and reinforcing the gains achieved in prison through treatment and educational programmes.

14. There was consensus on the importance of maintaining family contact while in prison. Information on various measures to promote family contact was shared, including open contact as the default means of family visits, presumption against a ban on visits by children, flexibility in the call and visitation days and hours to accommodate family needs, support for offenders with parental responsibilities, seminars for family members of offenders with substance abuse disorders, and policy on non-family persons who nevertheless had a positive influence on the offender. Experts also noted the need to give offenders the right to refuse visitation from certain persons.

15. The importance of a seamless transition from custodial environment to the community was highlighted. It was said that preparation for reintegration starts in prison and that the gap between pre-release and post-release is significant and a high-risk moment for reoffending. By connecting the offenders with the services in the community, the pre-release period should prepare the offender for the life outside the prison. In this regard, the importance of interagency cooperation and communication, for example regarding the prisoner's medical and mental health needs from prison to supervision agencies, was emphasized. Experts also noted that continued support should be provided until reintegration is successfully completed.

Effective supervision and support of offenders in the community

16. Experts agreed that supervision is more than simply monitoring an offender's compliance with conditions that are imposed as part of a non-custodial measure, but rather involves managing the risk presented by the offender, acquiring and/or arranging resources to meet the offender's needs, delivering treatment programmes, and developing and maintaining a human relationship with the offender to reinforce positive behaviour or enforcing consequences for negative behaviour. It was proposed that supervision schemes be implemented in accordance with the three key principles of parsimony, proportionality, and legitimacy.

17. Many experts noted the impact of the relationship between the staff in charge of supervision (e.g., the probation staff) and the offender to successful rehabilitation and reintegration. In this regard, there was a need for robust training of staff to strike a balance between control and support. It was stressed that the model strategies should reflect the importance of having motivated and well-trained professional staff that supervise and support the offenders, as well as the need to be attentive to their safety, mental health and self-care needs of such personnel.

18. Regarding the conditions of community supervision, experts agreed that they should be proportionate, realistic, and individualized to offenders' risk, needs and circumstances, such as being mindful of offenders' work schedules or childcare responsibilities. The conditions should also be clearly drafted and avoid vagueness to enable compliance. It should also be possible for the conditions to be reviewed and modified to reflect changes in the offender's circumstances and the progress made.

19. On the topic of non-compliance with conditions of a non-custodial measure, experts noted the importance of educating the judges and other decision-makers to view non-compliance as a process of desistance and take into consideration the circumstances of non-compliance rather than regard it automatically as wilful non-compliance or stemming from disrespect. The benefits of education and training in the dynamics and prevention of relapse behaviour were highlighted. Examples from problem-solving courts, graduated sanctions and temporary detention units were shared. It was said that revocation of community supervision should be a last resort, after discussions with the supervision staff and a careful examination by the court or other competent authorities.

20. On the use of electronic monitoring devices, experts emphasized that they are a means to an end, i.e., to supervise, rather than an end in itself. It was noted that, if not accompanied by sufficient supervision and support provided by humans, electronic monitoring devices do not by themselves promote behavioural changes in offenders. Experts highlighted the need for observance of human rights standards, proportionality, fairness, legitimacy, and non-discrimination in the use of electronic monitoring devices. It was said that the goals and policies on the use of electronic monitoring devices should be established prior to its introduction. Some of the challenges in their use were shared, including concerns for tampering, irregular coverage throughout regions, risk of net-widening, uneven availability of resources to use such technologies, lack of understanding by the courts and the public and lack of clarity in how to use them. A need for guidelines or general rules on using electronic monitoring devices was mentioned.

21. The valuable role of volunteers in community supervision and support was emphasized. Cooperation with volunteers and community-based organizations in the implementation of community-based measures needed to be recognized and actively supported. In addition to their important role in community supervision and support, experts noted the significant role of volunteers in enhancing public awareness of the importance of offender reintegration.

Measuring the impact of strategies to reduce reoffending

22. Experts agreed on the importance of data collection, research and evaluation of strategies, programmes and interventions designed to prevent reoffending. Experts noted the importance of including positive indicators to measuring reintegration such as indicators of individual progress in employment and housing, and that desistance from crime should be viewed as such. Self-reporting by the offender was a useful way to measure reoffending and to provide insights into factors contributing to a successful rehabilitation and social reintegration. Experts noted that there may be country-specific patterns of reoffending and institutional biases skewing the reoffending rates, such as discriminatory treatment of minorities, and that recidivism evaluations should take into account such elements. Experts also noted the importance of information sharing and international technical assistance in data collection, research and evaluation.

Annex

List of participants at the expert group meeting on reducing reoffending

1. Hon. Raja S. Abinader, Head of Prison Administration, Prison Directorate, Ministry of Justice of Lebanon
2. Laura Alessandrelli, Magistrate, Ministry of Justice of Italy
3. Andrea Rodriguez Campusano, Professional, Sub-directorate of Social Reintegration, Gendarmerie of Chile, Ministry of Justice and Human Rights of Chile
4. Aarón Sánchez Castañeda, Executive Director of Penitentiary System, Secretariat of Citizen Security, Government of Mexico City
5. Chontit Chuenurah, Director, Office of the Bangkok Rules and Treatment of Offenders, Thailand Institute of Justice
6. Valdirene Daufemback, Coordinator-General, Programa Fazendo Justiça of Brazil
7. Dr. Ioan Durnescu, Professor, Sociology and Social Work, University of Bucharest
8. Dr. Taís Schilling Ferraz, Federal Judge, Federal Court of Appeals of the Fourth Region (TRF4) of Brazil and Professor at National Judicial School (ENFAM)
9. Dr. Fatemeh Ghanad, Associate Professor, University of Science and Culture, Tehran, Iran
10. Mr. Shoji Imafuku, Executive Committee Member, *Hogoshi* (Volunteer Probation Officers (VPOs)) Federation of Japan and President of Japan Federation of Big Brothers and Sisters
11. Dr. Matti Joutsen, Former Director, European Institute for Crime Prevention and Control (HEUNI)
12. Hon. Wickum A. Kaluarachchi, Judge, Court of Appeal of Sri Lanka
13. Dr. Upneet Lalli, Head of Training and Research, Institute of Correctional Administration, Chandigarh, India
14. Mariana Martin, Deputy Commissioner-General, Rehabilitation and Reintegration, Namibian Correctional Service
15. Dr. Fergus McNeill, Professor, Criminology and Social Work, University of Glasgow
16. Taro Morinaga, Director, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI)
17. Dr. Andrea Moser, Director General, Research Branch, Correctional Service Canada
18. Hon. Vera Ngwenyi Nkwate Ngassa, Justice, Supreme Court of Cameroon and Lecturer, Faculty of Social and Management Sciences, University of Buea
19. Clement Okech, Deputy Director, Probation and Aftercare Service of Kenya
20. Josh Ounsted, Head of Thematic Area on Access to Justice, Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI)
21. Muhammad Shahid Shafiq, Judge and Senior Faculty Member, Sindh Judicial Academy, Pakistan
22. Jana Špero, Director General, Directorate for Prison System and Probation, Ministry of Justice of Croatia

23. Dr. Leyla Sydykova, Vice President, Kyrgyz-Slavic University of Kyrgyzstan
 24. Edit Törzs, Executive Director, European Forum for Restorative Justice
 25. Mariel Viladrich, Director of People under Electronic Surveillance, Ministry of Justice of Argentina
 26. Woong-jang Yoon, Director, Crime Prevention Policy Bureau, Ministry of Justice of the Republic of Korea
 27. Jing Zhang, Associate Researcher, Institute for Crime Prevention, Ministry of Justice of China
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