CHAIR’S SUMMARY

ENHANCING TECHNICAL ASSISTANCE TO REDUCE REOFFENDING AND PROMOTE INCLUSIVE SOCIETIES
Tokyo, Japan
18 – 20 October 2022

OPENING CEREMONY

1. Mr. MORINAGA Taro, Director of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), delivered opening remarks and welcomed the participants to the meeting. The fourteen experts from the field of crime prevention and criminal justice and twelve UNAFEI faculty members who participated in the meeting are listed in Annex 1.

2. The discussion was chaired by Ms. IRIE Junko, Deputy Director of UNAFEI. Recalling the theme of the event – “Enhancing Technical Assistance to Reduce Reoffending and Promote an Inclusive Society” – the Chair elaborated the purpose of the meeting: to identify promising practices to reduce reoffending, implementation challenges in developing countries, and the role of technical assistance in overcoming the challenges. Details of the specific programmes and technical assistance projects to reduce reoffending that were presented during the discussion session are available in Annex 2.

COUNTRY PRESENTATIONS

3. The country presentations were designed to illustrate some of the ways in which criminal justice systems around the world are pursuing efforts to prevent crime and promote reintegration by reducing reoffending. The presentations identified numerous challenges to the implementation of effective measures in developing countries. Unsurprisingly, prison overcrowding, which was noted to have resulted largely from overreliance on custodial sentences and prolonged pretrial detention, undermines rehabilitative prison environments. The ability of criminal justice systems to respond to this issue is limited by endemic problems such as the lack of financial resources, lack of equipment and facilities, insufficient staff and inadequate training. These challenges are exacerbated by the lack of administrative structures to handle community release schemes.

4. Prison environments remain a significant obstacle to the success of – and even the ability to provide – prison-based rehabilitation programmes. In Cambodia, the underdeveloped state of prison facilities puts needed programmes on hold, resulting in the promotion primarily of agricultural programmes, which does not provide offenders with marketable skills. In Samoa, prisons are managed by police officers, which creates clear conflicts of interest and can undermine the rehabilitative purpose of imprisonment, while the prevalence of organized crime within prisons undermines rehabilitation efforts in Brazil. Kenya reported a lack of training and manuals on rehabilitative practices, which is an issue faced by many developing countries. Efforts to expand non-custodial measures and community support are often frustrated by lack of public awareness and understanding of the purpose of community corrections. Most countries reported issues with the stigmatization of offenders by the community and weak political support for or prioritization of offender rehabilitation, and strong cultural traditions and attitudes against offenders were reported in Timor-Leste, Cambodia and Samoa. The absence of disaggregated data and reliable statistics is an issue that impacts all aspects of the criminal justice system in developing countries. Data on arrests, imprisonment and reoffending can help policymakers and practitioners throughout the system make better rehabilitative decisions.
5. Despite these significant challenges, the country presentations identified promising practices aimed at reducing reoffending. *Timor-Leste* has, on its own initiative and with the support of technical assistance providers, developed measures for reducing reoffending that include assessment and evaluation procedures, a court-supervised release process, and family reintegration strategies. *Samoa* has had success with art and painting programmes, which are low cost, easy to implement and can result in income to the offender and the correctional institution through revenue sharing upon the sale of the artwork. Also in *Samoa*, the Graffiti Project, conducted in partnership with the private sector, was reported as effective to make youth realize the difficulty of removing graffiti from buildings and preventing the practice of graffiti generally. Finally, although underutilized, *Samoa* reported that its indigenous infrastructure provides opportunities for greater partnership in reducing reoffending through community-based measures. In *Cambodia*, prison-based vocational training programmes and subsequent employment were identified as factors that could significantly reduce reoffending. In *Kenya*, the probation service has succeeded in obtaining greater resources by demonstrating its value to key criminal justice stakeholders (particularly judges) in several ways. Social inquiry reports are used to assess offenders prior to the imposition of a sentence, and informal social control (family and community) and a multidimensional, multi-stakeholder approach is recognized as key to reducing reoffending, as demonstrated by Kenya’s use of Community Probation Volunteers. Kenya’s experience also demonstrated the important role of probation in handling the emergency release of prisoners during the Covid-19 pandemic. As *Brazil* faces issues of overcrowding, non-prosecution agreements are used as a measure to avoid incarceration, and “semi-open” prison regimes are used to facilitate rehabilitation by promoting work release so that offenders can find employment in society.

**DISCUSSION SESSION**

6. While prison overcrowding can impact countries at any stage of development, the impact on developing countries is particularly severe. It was noted that non-custodial measures are necessary to decongest prisons, and they have the added benefit of being more effective at rehabilitating most offenders and maintaining family ties. The discussion identified challenges that many countries face in implementing such measures: (i) lack of an appropriate legal framework (inadequate range of non-custodial sentences and measures, lack of probation and parole systems, and the absence of gender-responsive measures as well as measures that address special needs, such as drug use disorders and mental health needs); (ii) insufficient development of sentencing guidelines that would be needed to avoid overreliance on custodial sentences by courts; (iii) low levels of awareness and understanding among other key stakeholders, including the police, prosecutors, correctional authorities, policymakers and the general public; (iv) limited infrastructure, capacity and resources; (v) insufficient cooperation between the relevant authorities and with the private sector and representatives of the community; and (vi) insufficient research on the effectiveness of different sentences and measures.

7. Given the relative insufficiency of legal frameworks and low awareness, technical assistance projects may require extensive training materials and workshops, and the translation of materials into local languages. Other valuable resources may include the creation or revision of forms to help social workers and judges assess risk and analyse treatment options for offenders who would benefit from non-custodial sanctions or measures. Electronic monitoring was also discussed as a measure to facilitate community-based treatment, and it was reported that it could contribute to reducing reoffending, provided that it is used, where appropriate, in conjunction with psychosocial and other forms of tailored support, and that the risk of net-widening is taken into consideration. The difficulty of assessing the effectiveness of these approaches was discussed, and it was suggested that evidence of effectiveness is important because of the scepticism that some justice systems or policymakers have toward non-custodial measures due to the perception that they lack a deterrent effect.
**Session 2: Rehabilitation in the custodial environment**

8. The projects and practices presented during the session demonstrated the critical importance of technical assistance projects in addressing and making meaningful improvement to custodial environments in developing countries. Staff training on the implementation of the Nelson Mandela Rules, the Bangkok Rules and other relevant standards and norms is an important first step not only to ensure that personnel understand and respect the relevant human rights standards but also to identify performance gaps and urgent priorities. In addition to training, many of the projects presented focused on introducing offender assessment and classification tools in order to enhance prison safety and security and to enhance the ability of correctional officials to provide individualized treatment. Meaningful prison work programmes were also discussed as a means to support social reintegration of offenders by providing offenders with vocational skills and increase their employability upon release. In a developed country, offenders who worked in the prison industry programme are reported as being only one third as likely to reoffend. While these programmes have great potential in developing countries, it was observed that the creation of a rehabilitative environment in line with the Nelson Mandela Rules, the Bangkok Rules and other relevant United Nations standards and norms is a precondition to success.

**Session 3: Effective supervision and support of offenders in the community**

9. The discussion focused on the importance of multi-stakeholder partnerships to ensure effective support for offenders in the community. The social partnership model was introduced as a means to organize the private sector to provide offenders with knowledge, resources and opportunities necessary to succeed in society, and the offenders who benefited from these partnerships often developed pride in their vocational accomplishments and their successful rehabilitation. The importance of family contact and continued engagement in society during incarceration was also stressed as a means to facilitate reintegration upon release, but practices should be gender-responsive and provide alternative solutions, such as halfway houses, when family contact is not practical or is inappropriate. To promote a multi-stakeholder, multidisciplinary approach to offender rehabilitation and reintegration, national action plans and requiring knowledge of offender rehabilitation for the certification of certain professionals, such as social workers and psychologists, can be considered. Additionally, peer support groups were discussed as an effective measure to maintain offender motivation and progress toward rehabilitation while reintegrating into society.

**Session 4: Measuring the impact of strategies to reduce reoffending**

10. The presentations and interventions introduced sophisticated and innovative approaches to measuring the impact of strategies to reduce reoffending, such as demonstrating programme accountability and effectiveness through cost-benefit analysis. Another approach involved the integration of data collection systems and the use of statistical models for programme evaluation. As many developing countries lack reliable data, technical assistance to support data collection and the compilation of crime statistics can add sustained value to a criminal justice system. On the issue of defining “reoffending”, some scepticism was expressed regarding the adoption of a single metric or indicator, and it was suggested that technical assistance focus on encouraging the adoption of clear definitions, which may vary somewhat in each country and each individual project, and providing guidance on the use of accurate terminology. It was also stated that issuing identity documents is a problem in many developing countries, leading to the problem of identification of individuals and tracking them through the justice system. In addition to the importance of quantitative data, it was also observed that complementary qualitative data, whether through clinical practice or in the form of personal stories of offenders, can help build a narrative to influence policymakers and the media on the value of successful rehabilitation and reintegration strategies.
RECOMMENDATIONS

11. Participants shared the following ideas on enhancing technical assistance for developing countries to support their efforts to reduce reoffending:

(a) Use of non-custodial measures to prevent reoffending

(i) Provide assistance through a step-by-step approach that targets the availability and quality of non-custodial measures and the ability to apply them effectively. This approach may require detailed review of legislation and sentencing policies (e.g., sentencing and prosecutorial guidelines) to ensure that non-custodial measures are available, are gender responsive and can be properly applied, as well as review of substantive criminal law to ensure that outdated penal offences and punishments are repealed and that sanctions, including non-custodial measures and custodial sentences, are proportionate to the offence;

(ii) Provide key stakeholder groups (such as law enforcement officials, prosecutors, judges, probation officers, lawyers, victims, offenders, social services and non-governmental organizations, community volunteers) with information and training on the functions and use of non-custodial measures, for example, through the preparation of handbooks, toolkits and other practical resources;

(iii) Promote closer cooperation among criminal justice decision makers and representatives of community-based-services agencies in order to identify and respond to the needs of offenders, in particular members of vulnerable populations, and promote utilization of alternative and restorative justice processes, including customary justice mechanisms and indigenous infrastructure, in line with the domestic legal system and relevant international standards and norms;

(iv) Promote the implementation of non-custodial measures that are based on individualized assessments, which may include psychosocial and other tailored support and protocols for referral from criminal justice agencies to the respective health, mental health, social welfare or other agencies.

(b) Rehabilitation in the custodial environment

(i) Focus on raising prison conditions and substantial compliance with the Nelson Mandela Rules, the Bangkok Rules and other relevant United Nations standards and norms as a basis for effective treatment programmes, based on the understanding that the prison environment directly impacts inmates’ prospects of rehabilitation and reintegration;

(ii) Provide training on the Nelson Mandela Rules, the Bangkok Rules and other relevant United Nations standards and norms;

(iii) Introduce offender assessment and classification tools to enhance prison safety and security and enable the provision of individually tailored treatment programmes;

(iv) Facilitate contact with family and friends and supplement visitation with use of technology and other means insofar as it is conducive to maintaining ties;

(v) Facilitate enhanced access to treatment and other support services;
(vi) Develop and promote vocational-training and life-skills-development programmes that are not guided solely by existing gender stereotypes and without undue influence from private actors, including through the establishment of prison industry schemes and in partnership with the community, which may include the private sector;

(vii) Promote inter-agency and multi-stakeholder cooperation to ensure the continuity of care as the offender moves from the custodial to the community setting.

(c) Effective supervision and support of offenders in the community

(i) Promote partnership with the private sector to create employment opportunities for offenders, to provide entrepreneurship training and small business guidance to enable offenders to start their own businesses, and to expand access to capital and other resources for offender rehabilitation and reintegration;

(ii) Raise public awareness and enhance engagement of stakeholders, including the private sector, by publicizing ex-offenders' positive experiences of rehabilitation through employment and entrepreneurship, and involve ex-offenders as peer counsellors and role models in rehabilitation and reintegration programmes;

(iii) Support community corrections agencies in identifying new community partnerships including with universities and other educational institutions, social welfare organizations and volunteers, and involving them in offender rehabilitation and reintegration;

(iv) Assist countries with the establishment of post-release support programmes and facilities, such as halfway houses, aftercare treatment centres, case management services, employment and educational programmes, etc., in line with the Tokyo Rules;

(v) Encourage partnerships with peer support groups with the aim of ensuring ongoing community support beyond the term of the criminal justice intervention.

(d) Measuring the impact of strategies to reduce reoffending

(i) Clearly define “reoffending” and similar terms within the context of specific studies, reports and technical assistance projects;

(ii) Provide sustainable, progressive (step-by-step) assistance to countries in their development of data collection systems and processes for the analysis and publication of statistics in the area of crime prevention and criminal justice;

(iii) Incorporate data collection and analysis with the implementation of evidence-based technical assistance projects;

(iv) Promote quantitative approaches to measure the effectiveness of strategies to reduce reoffending, improve rehabilitation programmes and demonstrate their impact – reliable data can convince politicians and the public of the positive impact of a project as well as enhance motivation of frontline officers to pursue and expand effective practices;

(v) At the same time, promote qualitative approaches to effectiveness by, for example,
collecting stories of success and challenges – both by and about offenders – and implementing a professional media strategy to raise public awareness and understanding.

(e) **Measures to enhance collaboration and information-sharing among technical assistance providers**

(i) The PNI should, in close cooperation with the UNODC, facilitate information sharing on promising technical assistance projects and practices in the field of crime prevention and criminal justice through regular in-person meetings and other forums;

(ii) Governments, the private sector and other donors are encouraged to provide adequate financial and other resources to ensure the ability of technical assistance providers to engage in such collaboration and information-sharing forums.

**CLOSING OF THE SESSION**

12. Prior to adjournment, the PNI experts collectively expressed thanks to UNAFEI for organizing the event and for arranging an online lecture from the Tokyo Public Prosecutors’ Office and study visits to the Supreme Court of Japan, including a courtesy call on Justice Toru Sakai, the Higashi Nihon (East Japan) Adult Medical Corrections Center and Shisui-en Halfway House, which enriched the meeting and improved their understanding of the Japanese criminal justice system and practices to reduce reoffending.

20 OCTOBER 2022
TOKYO, JAPAN
PARTICIPANT LIST

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3. Mr. Leif VILLADSEN, Deputy Director, United Nations Interregional Crime and Justice Research Institute (UNICRI)
5. Mr. Douglas DURAN CHAVARRIA, Director, United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD)
6. Dr. Vincent Cheng YANG, Senior Associate, International Centre for Criminal Law Reform & Criminal Justice Policy (ICCLR)
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8. Dr. Phiset SA-ARDYEN, Executive Director, Thailand Institute of Justice (TIJ)
9. Ms. Chontit CHUENURAH, Director of Office for the Bangkok Rules and Treatment of Offenders, Thailand Institute of Justice (TIJ)

(In-person observers)
1. Dr. Matti Tapani JOUTSEN, Special Advisor, Thailand Institute of Justice (TIJ)
2. Mr. Clarence Joseph Thomsen NELSON, Justice, Supreme Court of Samoa
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12. Mr. Tom SCHMID, Linguistic Adviser
Non-custodial Measures

With the objective of promoting the effective use of non-custodial measures, UNODC’s project in Sri Lanka undertook a detailed assessment, organized a series of webinars with national stakeholders, convened a national forum for sharing recommendations and assisted in the formulation of a national strategic plan. To increase the capacity of criminal justice actors, webinars and capacity-building workshops were conducted in each of the nine provinces of Sri Lanka to reach as many practitioners as possible nationwide. UNODC also endeavoured to raise awareness on the rationale and benefits of using non-custodial measures through development of a handbook on community-based correction procedure, assistance with the offender management system and developing a training module on custodial measures for judges. To maximize the use and reference of its tools, UNODC translated its tools into local languages wherever possible.

TIJ has been working to promote the implementation of the Bangkok Rules by working on gender-sensitive solutions, including preparation, together with the UNODC, of a Toolkit on Gender-Responsive Non-Custodial Measures. The Toolkit was the product of an expert meeting in Bangkok and aims to ensure gender equality in the use and application of non-custodial measures, addressing the negative impact of incarceration on women convicted of minor crimes. The Toolkit draws on the Tokyo Rules and the Bangkok Rules to offer non-custodial sentencing options for countries seeking to implement gender-responsive policies. To promote and disseminate the Toolkit, it was translated into Thai, and a workshop was held to promote it.

ILANUD has designed a matrix of risk and protection factors aimed at building restorative plans in juvenile justice processes. The matrix has been used by the psychosocial teams of the Costa Rican judiciary to assist judges and social workers to gather and analyse treatment options for juveniles. The matrix includes 13 protection factors and 24 risk factors, such as education, work, socioeconomic and family factors, and relationships. Importantly, the tool does not stigmatize the juvenile and is used to identify positive treatment opportunities. ILANUD introduced the study in Argentina which demonstrated the impact of electronic monitoring in conjunction with psychosocial support on the reduction of recidivism compared to imprisonment. It compared the re-arrest rates of two groups of similar population based on factors including the seriousness of the crime: the first group is made up of individuals whose last period under supervision was spent under electronic monitoring, and the other one spent their last period under supervision in prison. The result showed that the group released on electronic monitoring experienced reduced re-arrest rates of between 11 and 16 percentage points, or approximately half the baseline recidivism rate.

Rehabilitative Custodial Environments

UNODC is engaged in a three-year technical assistance project in Ghana to strengthen the compliance of the Ghana Prisons Service with the Nelson Mandela Rules. The project’s main goals are: (i) to improve the most urgent prison conditions, (ii) to implement a classification tool and (iii) to implement rehabilitation programmes for social reintegration. In-person training on the Nelson Mandela Rules is targeting 1,000 out of Ghana’s approximately 9,000 prison officers, complemented by UNODC’s e-learning course on the Rules. Prison conditions are being improved by prioritizing urgent needs such as access to health care and other basic services, and a new classification tool aims at enhancing prisoners’ rehabilitation and prison security and safety procedures. To enhance rehabilitation, the project is focusing on improving prisoners’ contact with the outside world and providing education programmes and vocational training, psychosocial support and post-release social reintegration measures.
Legislative assistance to update and establish laws on prison management and community service and parole regulations was highlighted as an important measure for the sustainability of the improvements made during the project.

ICCLLR introduced CORCAN – Canada’s prison industry programme through which inmates manufacture goods (furniture, office supplies, etc.) and provide services (laundry, farming, etc.). The programme is a fundamental component of the offender rehabilitation scheme by helping incarcerated offenders gain work experience, earn money, learn vocational skills and earn trade certificates. Involvement in CORCAN increases employability after release, and those who worked for CORCAN are only one third as likely to reoffend. It was noted that from 2017 to 2018, inmates earned 14,100 vocational certificates; 61 per cent of offenders employed with CORCAN are granted day parole; and 58 per cent of offenders who obtained a trade certification found community employment in their trade. The overall results were regarded as positive.

UNICRI has broad experience introducing prison-based assessment tools – coupled with training on interviewing techniques – to countries seeking to enhance rehabilitative environments in prison, and these tools have been applied to the assessment of violent extremist offenders. UNICRI’s assistance to Mali helped improve rehabilitation and reintegration of violent extremist offenders in and after detention, and prison-based assessment was complemented by a programme outside prison to promote alternatives to violence. The programme also supported prison management by delivering capacity-building, gap analysis and development of a Risk Assessment Tool to determine the level of radicalization leading to violence, and by training prison staff to use the tool. UNICRI is developing plans to provide assistance to Moldova to strengthen the inter-agency coordination mechanism to ensure seamless transition from prison to the community, and assistance to the Central African Republic to introduce an offender classification system and training to help correctional officials identify the individualized needs of each detainee. UNICRI is also planning to use artificial intelligence and related technologies to facilitate the provision of services, including human-centred rehabilitation.

Effective supervision and support of offenders in the community
ILANUD has provided legal technical assistance to El Salvador in conjunction with the UNDP to revise the legal framework to improve possibilities for social reintegration, mainly of individuals affiliated with gangs, and to draft a restorative justice law. ILANUD also supported the adoption of regulations to facilitate the expungement of criminal records in Costa Rica. By expunging criminal records for minor crimes (up to a three-year sentence) immediately upon completion of the sentence, the measure is intended to increase the employability of offenders. For more serious crimes, wait periods for expungement increase from 1 to 3 to 10 years. Previously, there was a 10-year wait period for expungement of all criminal records regardless of the seriousness of the offence.

TJJ supports the social partnership model for social reintegration by offering practical work experience to women scheduled for release from prison. The project offers work experience in massage therapy, spa treatment and coffeehouses and included the opening of a museum on women prisoners, which tells personal stories of their pathways to crime and to rehabilitation. The aim of the museum is to enhance public awareness by providing a detailed understanding of the complex lives of women prisoners. TJJ also introduced its “Hygiene Street Food for Chance” programme, though which it partnered with the private sector to provide food-industry training from professional chefs and to provide women with food carts to sell street food in a hygienic manner.

UNAFRI has assisted a project to enhance family contact in Uganda. In Africa, stigmatization of offenders is a serious problem that often results in their ostracization from society. The project, “From Prison Back Home”, forms the bedrock of Uganda’s rehabilitation and reintegration programme, asserting that, to bring an offender back into society, a needle is required to re-stitch the torn social fabric. The project advocated starting rehabilitation immediately upon incarceration and maintaining family contact throughout the custodial sentence. Other measures promoted by the project include
vocational training for offenders and linking inmates with trade schools and universities around the world, ensuring that inmates are exposed to the outside world through access to print and broadcast media, and promoting communication between inmates and their families through social workers. UNAFRI is also encouraging the government of Uganda to establish a legal framework for community care.

Measuring the impact of strategies to reduce reoffending
TJ developed a model to prove the cost-benefit of its projects to its stakeholders. TJ is following up with participants through detailed interviews within eight months of programme completion. One of the data points is income earned through the field in which the offender was trained. Direct costs and opportunity costs of reoffending are also estimated, as well as the social costs of crime and related governmental expenditures. The reoffending rate of the programme is also compared with the national reoffending rate. For each dollar invested in the programme, TJ has calculated 8.2 dollars in benefits to society. TJ hopes to apply this analysis to all of its programmes in the future.

UNAFEI introduced Japan’s practices on data collection through the System for Crime and Recidivism Prevention (SCRP), which links up data from public prosecutors’ offices, the Correction Bureau and the Rehabilitation Bureau. This has made it possible to conduct cross-organization evaluation. The Ministry of Justice Case Assessment Tool (MCJA) programme was developed to identify the likelihood of reoffending among juveniles and involved the statistical analysis of 6,000 juveniles admitted to juvenile classification homes. The analysis found that a substance abuse treatment programme was effective at reducing reoffending within the first six months of programme completion. It was observed that when providing technical assistance, evidence-based practices need to be implemented over the long term, realistically and sustainably. UNAFEI also shared Japan’s experience providing technical assistance to Uzbekistan on data collection and the publication of crime statistics in the form of white papers. The importance of taking a long-term approach and pursuing steady, incremental success was underscored.