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Reducing Reoffending: Identifying Risks and Developing Solutions

Concept Note for Workshop 2 at the 14th Crime Congress in Kyoto

Committee II, 3 Meetings:

Monday, 8 March 2021 Two afternoon sessions (TBC)

Tuesday, 9 March 2021 Morning session (TBC)

Reducing reoffending is critical to building inclusive, sustainable societies as envisioned by the 2030 Agenda for Sustainable Development. Although reliable global statistics on reoffending rates are currently not available, both developed and developing countries are experiencing reoffending as a challenge.

Reducing reoffending leads to fewer victims, greater community safety and less pressure on—and lower costs for—the criminal justice system. It requires effective offender rehabilitation and social reintegration practices in prison, in the community and throughout the offender’s time in contact with the criminal justice system. Yet seamless and rehabilitative interventions cannot be accomplished by criminal justice authorities alone. It is imperative that criminal justice authorities develop robust partnerships with various public- and private-sector stakeholders, engaging them throughout the process towards offenders’ social reintegration.

The United Nations standards and norms in the field of crime prevention and criminal justice recognize and encourage rehabilitative approaches. The Nelson Mandela Rules, in particular, highlight that the purposes of imprisonment, namely “to protect society against crime and to reduce recidivism”, can only be achieved if the period of imprisonment is used to facilitate offenders’ reintegration into society upon release so that they can lead a law-abiding and self-supporting life. The Rules recognize the need to tailor treatment to the individual needs of offenders, assess the risks which prisoners may pose and the needs they may have, and prepare a programme of treatment suitable to their needs, capacities and dispositions. Individual assessments should take account of the special needs of women and juveniles, as emphasized in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) and in the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Likewise, the Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) promote the use of non-custodial measures, such as probation, parole and fines, and emphasize the importance of the involvement of volunteers and other community resources in the process of offender rehabilitation and reintegration.

The United Nations standards and norms and collective professional knowledge gained through practice distil important issues that are proposed for consideration under this workshop. First, it is well known that imprisonment alone is insufficient to prevent reoffending and that it entails a large adverse effect on social reintegration prospects due to stigmatization, restricted contacts with the outside world, including an offender’s family, and the risk of institutionalization. Thus, imprisonment should be imposed as a measure of “last resort”, without prejudice to the principle of proportionality, protection of society, and the rights of the victims. Second, imprisonment can generate positive impacts towards desistance, if the prison environment is appropriate and if prison administrations follow a rehabilitative approach to prison management compliant with human rights standards. Third, the use of imprisonment as the “default option” leads to prison overcrowding, which continues to severely undermine proper prison management, and thus,



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negatively impacts the quality and quantity of rehabilitative interventions in prisons. Fourth, community-based treatment, as compared to imprisonment, is more cost-effective and supports better the social reintegration of offenders, as it enables offenders to receive necessary interventions and support while maintaining their lives in the community. Fifth, overuse of non-custodial measures, as well as their use without appropriate community support, can lead to “mass supervision” and “net widening”, where the number of persons controlled by the criminal justice system increases. Excessive use of supervision for low-risk offenders may increase reoffending risk due to unnecessary interventions. Sixth, interventions and support must be gender-responsive and tailored to each offender’s individual risk and needs, which need to be continuously assessed. Seventh, re-entry preparation should commence in prison, and interventions should continue until a successful reintegration is completed. Finally, in the pursuit of rehabilitative goals, multi-stakeholder involvement is indispensable.

This workshop will seek to identify risks and develop solutions for reducing reoffending through creating rehabilitative prison environments, effective use of non-custodial measures, including community-based approaches, and programmes that promote rehabilitation and social reintegration of offenders. The workshop will facilitate an exchange of national experiences and good practices from a wide range of stakeholders, including government authorities, international organizations, academia and the civil society.

The Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, which is part of the United Nations crime prevention and criminal justice programme network, has assisted in the preparation and organization of the workshop.