



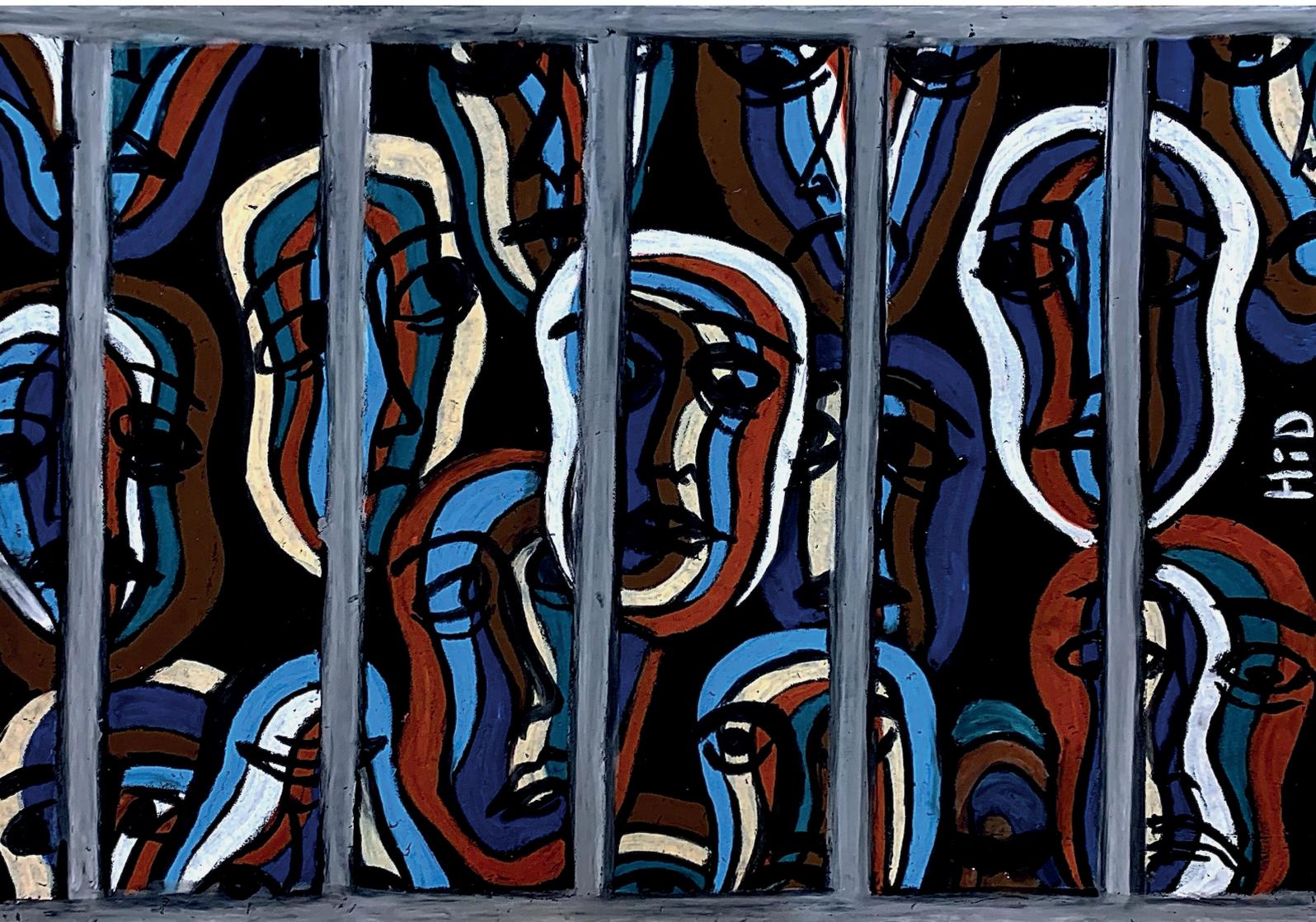
UNODC

United Nations Office on Drugs and Crime



PRISON RESEARCH

A pilot study on the causes of
recidivism in Albania, Czechia
and Thailand



Acknowledgements

This research was designed and carried out by the Crime Research Section of the United Nations Office on Drugs and Crime (UNODC), under the supervision of Jean-Luc Lemahieu, Director of the Division for Policy Analysis and Public Affairs, Angela Me, Chief of the Research and Trend Analysis Branch and Kristiina Kangaspunta, Chief of the Crime Research Section.

The research team wishes to especially thank to Mr. Lukáš Dirga (Czechia focus group moderator) as well as Ms. Marta Pelechová from the Ministry of Justice of the Czech Republic and Dr. Nathee Chitsawang, from the Thailand Institute of Justice (TIJ) for their support.

The research team wishes to express deep thanks to the prisoners who agreed to participate in this project and provided honest answers.

Research team from UNODC:

Tejal Jesrani
Ted Leggett
Pattamon Wattanawanitchakorn
Manuela Murthi
Mark Brown
Tamara Höfer

Research team from TIJ:

Chontit Chuenurah
Yodsawadi Thipphayamongkoludom
Napas Visithsiri
Ploypitcha Uerfuer
Nattawut Worakhanta
Patompong Wongsawan

Design

Artwork: Haidy Darwish
Infographic and cover: Suzanne Kunnen

This report has not been formally edited. The contents of this publication in no way reflect the views or policies of UNODC or contributory organizations, nor do they imply any endorsement. The designations employed and the presentation of material in this publication do not imply the expression of any opinion on the part of UNODC concerning the legal status of any country, territory or city or its authorities, or concerning the delimitation of its frontiers or boundaries. This publication may be reproduced in whole or in part and in any form for educational or non-profit purposes without special permission from the copyright holder, provided acknowledgement of the source is made. UNODC would appreciate a copy of any publication that uses this publication as a source.

Contact: UNODC, unodc-research@un.org

TABLE OF CONTENTS

KEY FINDINGS	4
INTRODUCTION	6
THE PILOT STUDIES	8
PRISONS AND PRISONERS IN ALBANIA, CZECHIA AND THAILAND	10
PRISONER INSIGHTS ON THE CAUSES OF RECIDIVISM	18
REASONS FOR RETURNING TO PRISON	18
DISCUSSION	27
DISPARITIES IN THE USE OF IMPRISONMENT	27
THE IMPACT OF OVERCROWDING.....	27
PRISONER SATISFACTION WITH REHABILITATION/ REINTEGRATION SUPPORT	28
SOCIAL NETWORKS	30
EMPLOYMENT AND EMPLOYMENT TRAINING	30
WOMEN.....	31
CONCLUSION AND POLICY IMPLICATIONS	33

KEY FINDINGS

DEVELOPING BETTER POLICIES ON REHABILITATION



The lived experience of prisoners can be an integral and often missing element of developing evidence-based policy for supporting rehabilitation

Based on interviews with 64 prisoners in Thailand, 63 in Albania, and 89 in Czechia, this research brief explores the reasons for recidivism to provide qualitative information to support Member States as an integral part of the 2030 Agenda for Sustainable Development's commitment to "leave no-one behind". It seeks to achieve this goal by investigating recidivism with the help of those who know best - prisoners.

Consistency in responses from prisoners shows effective policy is within reach

Prisoners' testimonies were very consistent within each country visited, and quite different among the three countries, indicating that qualitative research can provide useful contexts to identify appropriate policy changes. In Thailand, interviewed prisoners spoke of drug offences that treated users as dealers and which had contributed to a prison capacity of over 300% and one of the highest rates of female incarceration in the world. Since the research was published in coordination with the Thai Institute of Justice in April 2021, Thailand has amended its drug laws to reduce the number of prisoners, emphasized alternatives to imprisonment for personal use offences and established social rehabilitation centres.

Most prisoners reported learning few skills to assist their return to society

In terms of the prisoners' most salient observations, most reported learning few skills to assist their return to society. In fact, the large majority reported learning either nothing or learning skills for participation in crime: approximately 80% of those interviewed in Albania; 70% in Czech Republic; and 60% in Thailand. Many interviewed prisoners questioned the quality and value of employment training received in prison, with examples given of certificates being granted for courses they never attended, courses of little practical use and others that comprised mostly watching videos. Asked about what kind of networks they had built in prison, prisoners gave similar feedback: mostly either none or new networks that would support post-release criminal activity. Only around 20% of interviewed prisoners in either Albania or Czech Republic said they were receiving the services they needed to stay out of prison.

Quality matters over quantity in terms of social and economic support for prisoners

In all three countries, interviewed prisoners reported that social networks and the immediate environment impacted their recidivism. Especially noted was the value of increased family contact and support and decreased contact with other antisocial characters. With regard to employment, while around 80% of the interviewed Czech prisoners reported obtaining employment within six months of release, the reported Czech Republic's recidivism rate of 66% is twice as high as either of the other two countries, although these rates are not comparable. Some Czech prisoners reported difficulties in making ends meet in a post-release environment that seems to be highly affected by financial pressures.

Prisoners need better preparation to make the transition from custody to community

The report highlights that preparing and supporting prisoners to make the transition from custody to community is something that prisoners involved in the research wished was done better. For example, in the Czech Republic, immediate access to affordable housing and employment offering a living wage in the first two months after release seemed to be of critical importance to those interviewed, while in Albania, prisoners expressed that the possibility for any post-release employment at all would be an improvement over the current situation.

INTRODUCTION

This paper is the result of UNODC's pilot qualitative research work to understand recidivism and propose entry points to support Member States' efforts to reduce it. Recidivism as a phenomenon is complex. One thing that contributes to this complexity is the lack of an internationally agreed upon definition of recidivism or means to measure it. The term generally refers to repeated criminal behavior, whether it leads to rearrest, reconviction or reimprisonment. Where available, data indicates that 2-year post-prison recidivism rates are very often over 30% and may rise to around 60% for certain categories, such as short sentence prisoners.¹ However, the evidence-base to support rehabilitation efforts and reduce recidivism is sparse in most countries. Recidivism rates are underreported with only 10 out of the 50 countries with the world's largest prison population collecting and sharing this information.¹ Studies that specify different time frames and adjudication results lead to a lack of comparable rates across countries, regions and internationally.

The current evidence on recidivism rests almost completely on research in a small handful of wealthy countries with highly developed and resourced penal systems, most prominently those in North America, the UK, the Netherlands, and Australia. The degree of generalizability to other cultural settings and systems, including penal systems with more acute resource constraints, is not well understood. Much of the evidence base rests also on studies that do not meet contemporary standards for research method quality. More recent work on recidivism and rehabilitation has substantially revised long held ideas about 'what works' with offenders even in developed and well-resourced penal systems.² Guidance provided in existing work also lacks clear visibility of prisoner voice and a sense of how specific national conditions affect the recidivism process. During this pilot research, therefore, with its exploration of recidivism and examination of why prisoners say they reoffend, a series of questions was posed to the participating prisoners about the goals and objectives of punishment and incarceration, and these set the tone of the research questions and guided the exploration that is reported here.

In general, a sentence of confinement in prison represents the conclusion of a criminal case and is one of the most severe forms of punishment for those who have been found guilty of breaking the law. According to rule 4 of the Nelson Mandela rules, "the purpose of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism." However, in practice, the realization of the

¹ Yukhnenko, D., Sridhar S., and Fazel S. (2020). A Systematic Review of Criminal Recidivism Rates Worldwide: 3-year Update. *Wellcome Open Research*, 4(28). doi: 10.12688/wellcomeopenres.14970.3.

² Four examples of studies that have significantly revised earlier understandings of effective rehabilitation approaches for prisoners include:

Auty, K., Cope, A., and Liebling, A. (2017a). Psychoeducational programs for reducing prison violence: A systematic review. *Aggression and Violent Behavior*, 33, 126-43. Retrieved from: <https://www.sciencedirect.com/science/article/abs/pii/S1359178917300344>.

Beaudry et al. (2021). Effectiveness of psychological interventions in prison to reduce recidivism: A systematic review and meta-analysis of randomised controlled trials. *Lancet Psychiatry*, 8, 759-73. Retrieved from:

<https://reader.elsevier.com/reader/sd/pii/S221503662100170X>.

Day, A. (2020). At a crossroads? Offender rehabilitation in Australian prisons. *Psychiatry, Psychology and Law*, 27, 939-49. Retrieved from: <https://dx.doi.org/10.1080/13218719.2020.1751335>.

Ellison, M., Szifris, K., Horan, R., and Fox, C. (2017). A Rapid Evidence Assessment of the effectiveness of prison education in reducing recidivism and increasing employment. *Probation Journal*, 64, 108-28. <https://journals.sagepub.com/doi/abs/10.1177/0264550517699290>.

reduction of recidivism is often obscure, neglected or simply out of reach. The justification for prisons and for punishment in general has been frequently questioned and discussed within various philosophies. Consequentialists, for example, justify punishment by claiming it has positive consequences,³ whether through deterrence, the rehabilitation of offenders, or the physical restraints on reoffending (incapacitation), all resulting in a future reduction in crime. Non-consequentialists, on the other hand, assert that the offence itself is justification enough for retribution in the form of punishment, arguing for the proportional and impartial nature of state-regulated revenge.⁴ For pure non-consequentialists, rehabilitation of offenders is secondary or even irrelevant. Another core difference lies in the approach towards the person: theories underpinning retribution imagine the offender as a rational agent who weighs the costs and benefits of crime, while rehabilitative theories imagine the individual as someone with a treatable condition which justifies intervention. In order to gain some consistency with regard to punishment in the national context, many countries have privileged retributive justifications over those of rehabilitation.⁵ Even in states that aim to espouse both objectives of punishment, retributivist visions of punishment as a just measure of pain contrast with rehabilitative visions of an offender requiring care, support and treatment.

It can be argued that in many countries, retribution, incapacitation, deterrence and rehabilitation exist today in a delicate interplay underlying the different and arguably contradictory aims of imprisonment. These are not simply theoretical discussions. In many countries, reducing recidivism is an explicit or implicit goal of the criminal justice system. Prisons may be evaluated by means of recidivism (however measured), but if rehabilitation is secondary, irrelevant or simply not prioritized, recidivism will likely continue.

The United Nations standards and norms in crime prevention and criminal justice, for which UNODC is the guardian, provide critical guidance in building fair and effective criminal justice systems. In particular, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), reaffirm the importance of preventing recidivism. In January 2022, Member States adopted General Assembly resolution 76/182 titled “Reducing reoffending through rehabilitation and reintegration,” which encourages Member States to use research and best practices to develop comprehensive strategies or action plans to reduce reoffending.⁶ In addition, in April 2021, the UN system adopted a common position on incarceration that recognized overincarceration, overcrowding, poor conditions and the serious neglect of prison services as causing prisons to be a weak link in criminal justice systems and a low priority in reform efforts.⁷ The common position provides a framework for United Nations support to Member States, with the objectives of reducing the overreliance on incarceration and the prison

³ Duff, R.A. (2001). *Punishment, Communication and Community*. Oxford: Oxford University Press. Retrieved from: <https://global.oup.com/academic/product/punishment-communication-and-community-9780195166668?cc=fr&lang=en&>.

⁴ Kamm, F. (1992). Non-Consequentialism, the Person as an End-in-Itself, and the Significance of Status. *Philosophy and Public Affairs*, 21, 354-389.

⁵ See for example A. von Hirsch, *Doing Justice: The Choice of Punishments* (Hill and Wang 1976) and *Censure and Sanctions* (Clarendon Press 1993); MS Moore, *Placing Blame: A General Theory of the Criminal Law* (Clarendon Press 1997); D McDermott, ‘The Permissibility of Punishment’ (2001) 20 L Phil 403.

⁶ General Assembly resolution 76/183, Reducing reoffending through rehabilitation and reintegration, UN Docs A/RES/76/182.

⁷ United Nations, UN System Common Position on Incarceration, April 2021. Retrieved from: www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf

population, strengthening prison management and improving prison conditions and advancing the rehabilitation and social reintegration of offenders.

Understanding recidivism for evidence-based counteraction is therefore a question of key policy relevance for the criminal justice system as well as for the fulfilment of the UN system commitment to rehabilitation. This must be achieved through understanding the factors that increase offenders' risk to reoffend and the barriers they face to rehabilitation and reintegration into society, as well as effective, consistent and comparable means of measuring success.

Therefore, and since only the prisoners themselves ultimately understand the circumstances leading to their return, UNODC designed a series of studies to explore the reasons for recidivism in a few countries. This report is a small step in the direction to understanding the reasons for recidivism by drawing on the lived experience in three countries of those who know these struggles the best, prisoners. The hope is that it can serve as one building block in an emerging foundation of knowledge to support countries towards the realization of this often-overlooked justification of punishment, rehabilitation.

The pilot studies

Between December 2019 and February 2020, UNODC conducted three assessments in Albania, Thailand, and Czech Republic, each with a focus on prisoner experience and perceptions. A total of 216 prisoners participated in focus groups in 9 prisons in the three countries. Since these pilot studies were intended to gain insight into how prisoners understand the causes of their own reoffending, each study focused on convicted prisoners who had served at least one term in prison before. This approach of engaging with prisoners as service users aligns with UN-wide principles of equality and inclusion and of leaving no one behind, particularly since prisoners typically belong to some of the most marginalised communities in society. The OECD have also emphasised the importance of these principles to achieving people centred justice.⁸ Further, the importance of incorporating the lived experience of those most affected by a phenomenon into policy responses to it has been identified as an emerging good practice that has so far been underutilized in the criminal justice sector.⁹

The fieldwork for each assessment consisted of one week of intensive focus groups with a selected number of prisoners, as well as expert interviews (including national and local correctional officials as well as NGOs active in the area). The focus groups consisted of between three and eight prisoners and lasted about one hour. They were conducted in the local language by a local moderator¹⁰ and simultaneously translated into English. Two sets of notes and an electronic recording were made from the simultaneous translation, which are the basis for the quotes appearing in this report. Following the focus groups, the participants were asked to fill in a written questionnaire covering much of the same material. Their responses were captured in Excel spreadsheets and form the basis of many of the figures

⁸ OECD (2021). *OECD Framework and Good Practice Principles for People-Centred Justice*. Paris: OECD. Retrieved from: <https://doi.org/10.1787/cdc3bde7-en>

⁹ Doyle, C., Gardner K., and Wells, K. (2021). The importance of incorporating lived experience in efforts to reduce Australian reincarceration rates. *International Journal for Crime, Justice and Social Democracy*, 10(2), 83-98. Retrieved from: <https://doi.org/10.5204/ijcsd.1942>.

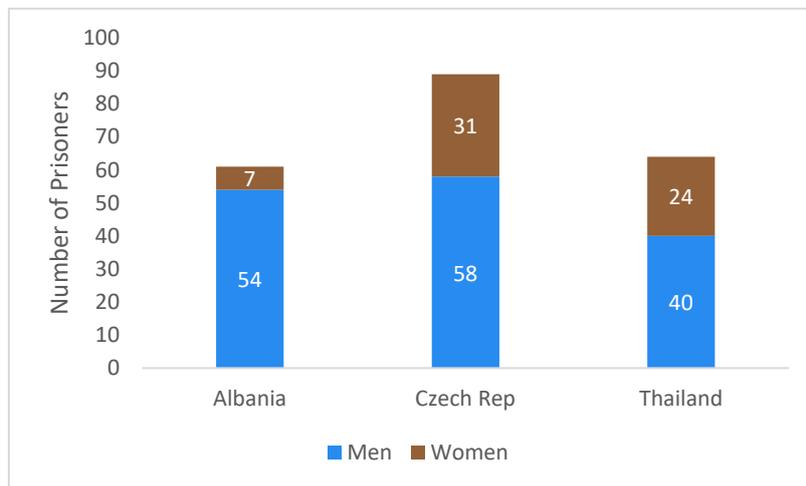
See also the OECD on citizen engagement: OECD (2001). *Engaging citizens in policy-making: information, consultation and public participation*. PUMA Policy Brief No. 10. Paris: OECD.

¹⁰ In Albania, Ela Murthi; in Czech Republic, Lukáš Dirga; in Thailand, Chontit Chuenurah.

featured below. Finally, the national statistical offices of each country provided rich data on the state of their prisons and their prison demographics.

A total of 214 prisoners provided answers to the questionnaires, 152 men and 62 women. In Albania, women were 11% of the focus group participants, compared to 2% of the national prison population; in Czech Republic, 35%, compared to 8% of the national prison population; in Thailand, 38%, compared to 14% of the national prison population. Indeed, in Albania, all the sentenced female recidivists in the country who were willing to, participated in the focus groups. This resulted in an oversampling of women in all three countries. However, proportional oversampling is an established research method and one commonly used where a group that is important to understand and is necessary for policy is not a large group in proportional terms (as women prisoners are not, in relation to the total prison population).¹¹ In Albania, 13 focus groups in three prisons were conducted; in Czech Republic, 10 focus groups in four prisons; in Thailand, eight focus groups in two prisons. The national totals and gender distribution are captured in Figure 1 below.

Figure 1: Number of focus group participants per country



Source: UNODC pilot research on recidivism 2019-2020

¹¹ Daniel, L. (2012). *Sampling Essentials: Practical Guidelines for Making Sampling Choices*. SAGE Publications, 5. Retrieved from: <https://dx.doi.org/10.4135/9781452272047>; Kalton, G. (2009). Methods for oversampling rare subpopulations in social surveys, *Survey Methodology*, 35, 125-41;

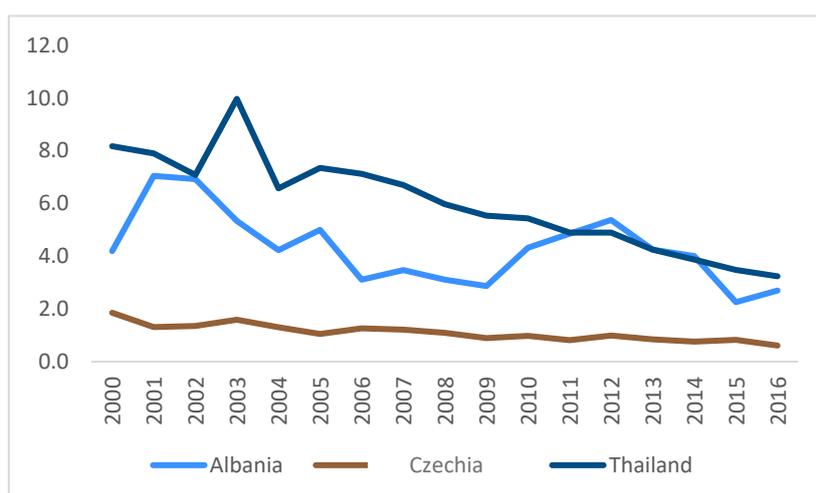
For a practical application, see e.g.: Kinner, S. et al. (2013). Randomised controlled trial of a service brokerage intervention for ex-prisoners in Australia. *Contemporary Clinical Trials*, 36, 198-206.

PRISONS AND PRISONERS IN ALBANIA, CZECHIA AND THAILAND

Albania, Czech Republic, and Thailand are three very different countries with different carceral priorities, offence profiles and resources at the disposal of their correctional systems. The value of comparison between the three countries is not to reach general conclusions about the efficacy of a prison sentence on recidivism or about obstacles to rehabilitation in general. The evidence presented here rather attempts to provide some entry points for discussion of these subjects through the experiences of prisoners in each of these national contexts.

Albania is a small country, one of the poorest in GDP terms in Europe and a candidate for EU membership. The Czech Republic is a medium sized EU member with a booming economy and a GDP per capita almost three times that of Albania. Thailand is much larger than either of the other two, and one of the wealthiest countries in Southeast Asia, although not rich by European standards, with a GDP about half that of the Czech Republic. Both European countries have a communist past, although their experiences were different. All three are considered countries of high or very high human development as measured by the human development index although as with the GDP measure, Czech Republic is higher. All three are very safe countries, with homicide rates well below the global average, and all have become safer over time. Homicide rates are often used as a comparative measure for crime levels across countries and cultural groups.¹² Unlike other forms of conventional crime, homicide does not generally suffer from the same levels of under-reporting because most violent deaths in most places come to the attention of the authorities. The definition of the crime is also relatively consistent across countries. The limitations of using homicide as an indicator can be attributed to mistrust towards police which is common in various countries, and different social, economic, and political contexts which both impact levels of reporting and the covering-up of crimes. However, it remains the most reliable single comparative indicator for crime levels across societies overall and is shown in Figure 2.¹³

Figure 2: Homicides per 100,000 population



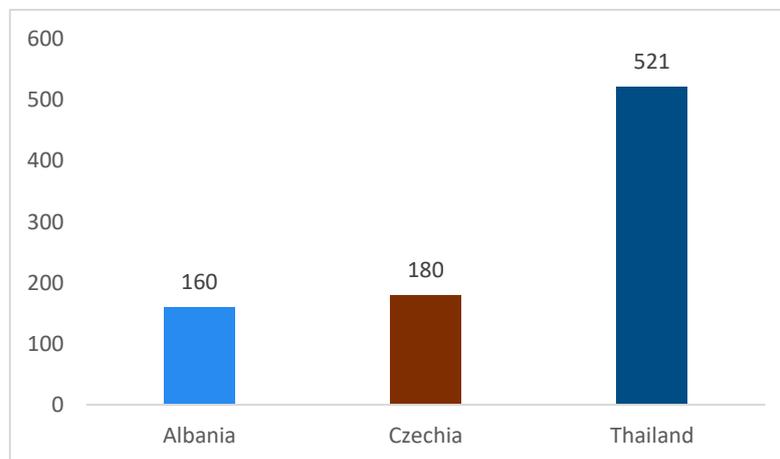
Source: UNODC CTS

¹² UNODC. (2019). *Global Study on Homicide*. Retrieved from: <https://www.unodc.org/documents/data-and-analysis/gsh/Booklet2.pdf>.

¹³ UNODC. (2013). *Global Study on Homicide*. Retrieved from: https://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf

Globally, the prisoner to population ratio has remained quite static over the last twenty years. As of 2019, there were an estimated 152 prisoners for every 100,000 population globally, whereas in 2000, that number was 151 prisoners per 100,000 population. There is, however, considerable sub-regional variation: as of 2019, a much larger share of the population was imprisoned in North America (577 per 100,000 population), Latin America and the Caribbean (267) and Eastern Europe (262), than in Sub-Saharan Africa (84), Melanesia (78), or Southern Asia (48). According to UNODC data, in 2020 or most recent available reporting year,¹⁴ 17% of countries had rates of over 300 prisoners per 100,000 population and 35% of countries had incarceration rates of lower than 100 prisoners. In such circumstances, all three countries have comparatively high prison to population ratios, despite becoming safer over time.¹⁵ Figure 3 presents these data. Albania, with the lowest incarceration rate of the three, still has the highest incarceration rate in Southern Europe. The Czech Republic has one of the higher rates in Eastern Europe, a region with high incarceration rates. Thailand has far and away the highest rate in Southeast Asia, and one of the highest rates in the world, placing 11th according to the World Prison Brief.¹⁶

Figure 3: Prisoners per 100,000 population (2020)



Source: UN-CTS

In addition to relatively high rates of incarceration, all three countries were experiencing some degree of overcrowding prior to 2018. In that year, Albania built more prison cells and reduced its prison capacity to 82%.¹⁷ In 2021, prison occupancy levels in the Czech Republic also dipped below 100% to 94.4%.¹⁸ At the time of writing, Thailand has one of the world's most overcrowded prison systems. As Figure 4 illustrates, Albanian and Czech prisons operate just

¹⁴ Data are collected from national authorities through the annual United Nations Crime Trends Survey (UN-CTS). Additional data are sourced from the World Prison Brief – Institute for Crime and Justice Policy Research (WPB-ICPR). All data are sent to UN Member States for review and validation.

¹⁵ Explanations for global falls in crime rates vary, but ‘the great crime drop’ over the last two or three decades is a recognised phenomenon: See Sidebottom, A. et al. (2018). The east Asian crime drop?. *Crime Science*, 7(6). Retrieved from: <https://doi.org/10.1186/s40163-018-0080-x>

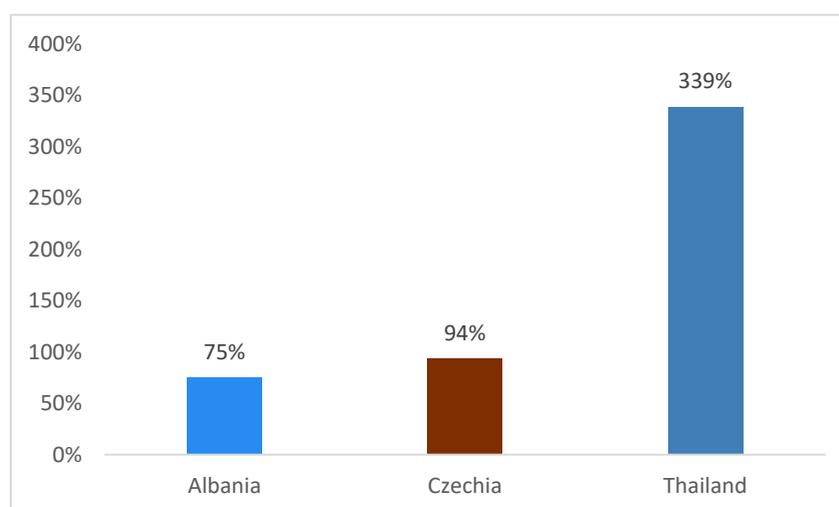
¹⁶ World Prison Brief, Highest to Lowest – Prison Population Total, accessible at www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All

¹⁷ Annual Analysis 2018, General Directorate of Prisons, Albania, accessible at dpbsh.gov.al/analiza-vjetore-2018-drejtoria-e-pergjithshme-e-burgjeve/

¹⁸ Statistical Yearbook, Prison Services of the Czech Republic, 2020 and 2021 Retrieved from: www.vscr.cz/media/organizacni-jednotky/generalni-reditelstvi/odbor-spravni/statistiky/rocniky/statisticka-rocenka-2020.pdf and www.vscr.cz/media/organizacni-jednotky/generalni-reditelstvi/odbor-spravni/statistiky/rocniky/statisticka-rocenka-2021.pdf

slightly above full capacity, while the Thai system is seemingly overwhelmed at more than twice nominal capacity. Overcrowding is defined as the official prison occupancy rate exceeding 100%, however, it is measured differently in every country due to the lack of an international standard for minimum accommodation requirements. The Nelson Mandela Rules state that “All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.” Each country’s own national policies allocate the space requirement per prisoner to affect this minimum and then use it to calculate their overcrowding rates. Although it can be difficult to interpret for comparative purposes, overcrowding remains the only existing measure for prison populations and their spatial requirements.¹⁹

Figure 4: Overcrowding (2020 or most recent; 100% = full capacity)



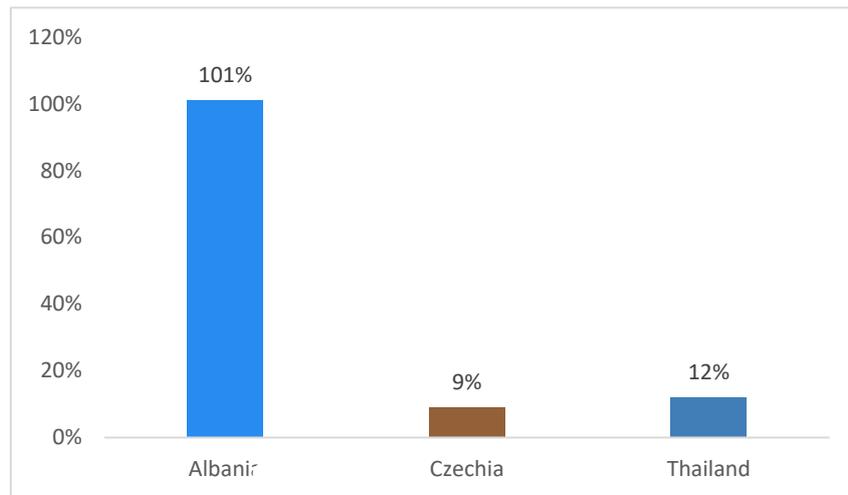
Source: *World Prison Brief*

In many prison systems, one of the main causes of overcrowding is the confinement of prisoners on remand,²⁰ whose cases have yet to be adjudicated. If the justice system is unable to quickly process those detained while awaiting trial (“remand prisoners” or “under-trials”), then cells can become filled with those who have not yet been convicted of a crime. However, as illustrated in Figure 5, this does not seem to be a problem in the countries considered here. Albania has the highest remand rate, at 101%, which has risen significantly since 2020 due to a decrease in sentenced prisoners but does not suffer from overcrowding. Thailand could benefit from faster processing, but 12% remand is very low by international standards. Czech Republic’s rate of 9% is one of the lowest in the world.

¹⁹ UNODC. (2019). *Handbook on strategies to reduce overcrowding in prisons*. Retrieved from: Handbook on strategies to reduce overcrowding in prisons (unodc.org).

²⁰ UNODC, Handbook on strategies to reduce overcrowding in prisons, 2013, accessible at www.unodc.org/documents/justice-and-prison-reform/Overcrowding_in_prisons_Ebook.pdf

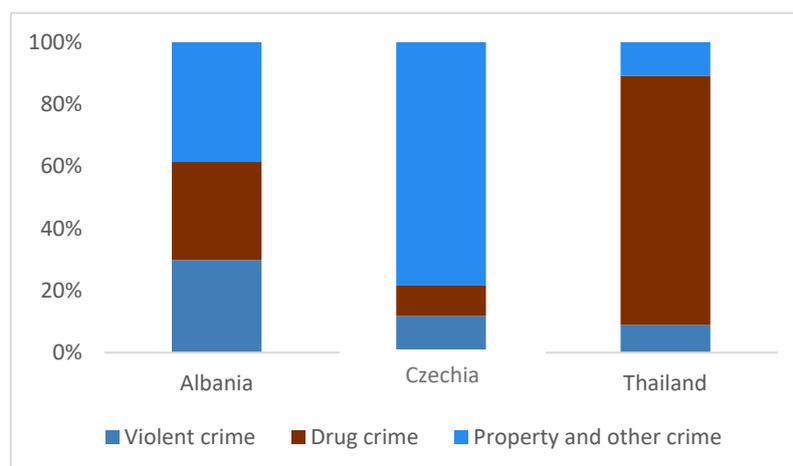
Figure 5: Remand rate in 2020



Source: United Nations Crime Trends Survey (UN-CTS)

One possible explanation for high imprisonment rates lies in the specific mix of crimes for which offenders are imprisoned. Figure 6 shows that nearly 80% of Czech prisoners were incarcerated for property or other non-violent and non-drug crimes. These included conditional release violations, fraud, and failure to pay child maintenance. This category of ‘conditional release violations’ – taking in breaches of conditional release orders – is significant for thinking about rehabilitation in Czech Republic, for while they are common reasons for imprisonment (second most common offence category for men, fourth for women),²¹ they are mainly administrative offences. By way of contrast, in Albania, nearly one-quarter of prisoners were imprisoned for murder and over half were incarcerated for violent or drug crime, both of which carry heavy sentences. The offence composition of inmates in Thailand is heavily skewed, with 80% of prisoners being held for drug crimes (crimes which they often, by interviewed prisoners own account, repeat), in an environment where serious overcrowding is colliding with growing incarceration rates.

Figure 6: Share of convicted prisoners by crime type in 2019

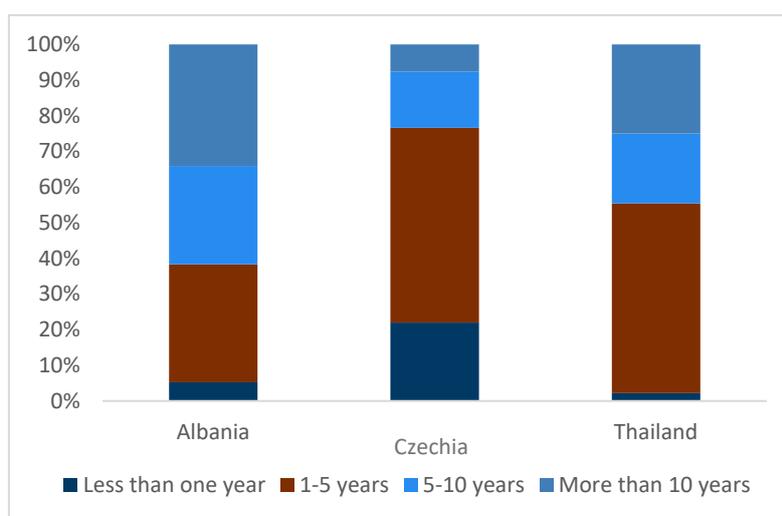


Source: UNODC elaboration of national prison data: Czechia Ministry of Justice, Prison Service of the Czech Republic; Thailand Ministry of Justice, Department of Corrections; Albania Ministry of Justice, General Directorate of Prisons.

²¹ Source: Czech Statistical Office

The sentence length profile of the national prisoner populations is partly a result of these very different offence profiles. Figure 7 shows that over 60% of Albanian prisoners are serving sentences of more than five years, and about 35% more than 10 years. In contrast, in Czech Republic, some 75% are imprisoned for less than five years, and in Thailand, it is close to 60%. It is obvious that prisoners who are not released cannot reoffend, so sentence length has direct implications for committing another crime. The findings of one study indicated that prisoners who serve short sentences of less than one year have higher rates of recidivism than prisoners serving sentences of more than one year.²² Moreover, imprisonment has frequently been found to increase a person’s likelihood of reoffending in comparison to non-custodial alternatives, especially for low-risk offenders.²³

Figure 7: Share of sentence length categories in 2019



Source: UNODC elaboration of national data: Czechia Ministry of Justice, Prison Service of the Czech Republic; Thailand Ministry of Justice, Department of Corrections; Albania Ministry of Justice, General Directorate of Prisons.

The age of prisoners at release could also affect recidivism rates to some extent due to what is termed the ‘age-crime curve’, an offence-rate/age distribution that is highly right-skewed. In general terms, the highest rate of offending and reoffending is among individuals who are in their late teens. Rates then drop fairly quickly through the 20s and are much lower and terminating for most offenders by the second half of their 30s.²⁴ Figure 8 illustrates how in the Czech Republic, only 6% of the Czech prisoners were under 25, compared to almost 20% in Albania and Thailand. Long sentences and more serious offences probably contributed to the fact that almost 20% of Albanian prisoners were over age 50, compared to only 6% in Thailand. While the low proportion of Czech prisoners under age 25 might imply a lower

²² Queensland Productivity Commission. (2019). *Inquiry into Imprisonment and Recidivism*. Retrieved from: [Imprisonment-and-recidivism-Summary-Report.pdf \(windows.net\)](#).

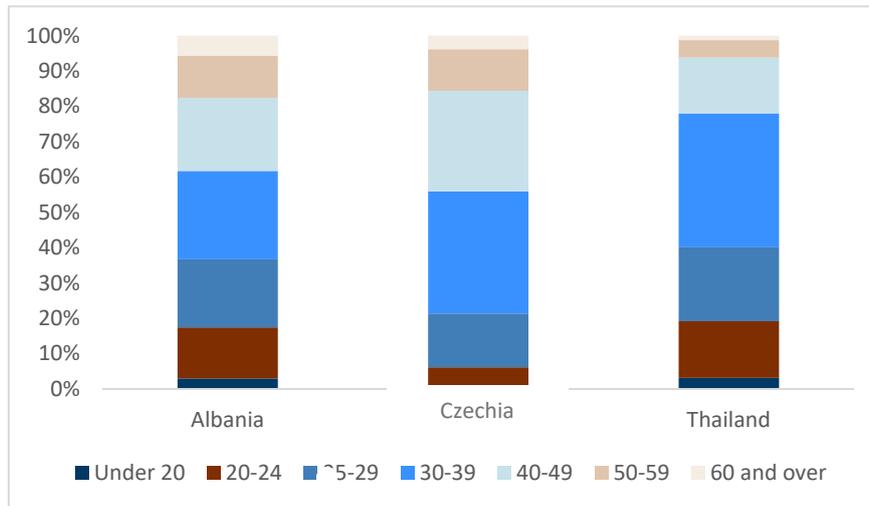
²³Bales, W. and Piquero, A. (2012). Assessing the impact of imprisonment on recidivism. *Journal of Experimental Criminology*, 8, 71-101. Retrieved from: <https://link.springer.com/content/pdf/10.1007/s11292-011-9139-3.pdf>;

Beard, J., Sturge, G., Lalic, M. and Holland, S. (2019). *General Debate on the Cost and Effectiveness of Sentences Under 12 Months and Consequences for Prison Population* (Number CDP-2019-0063). London: House of Commons Library. Retrieved from: <http://researchbriefings.files.parliament.uk/documents/CDP-2019-0063/CDP-2019-0063.pdf>.

²⁴ Doherty, E. and Bersani, B. (2018). Mapping the age of official desistance for adult offenders: Implications for research and policy. *Journal of Developmental and Life-Course Criminology*, 4, 516-51. Retrieved from: <https://doi.org/10.1007/s40865-018-0095-8>.

recidivism rate, all else being equal, the fact is that the rate of return to prison in Czech Republic is highest among these three countries (see Figure 8).

Figure 8: Share of sentenced prison population by age in 2019

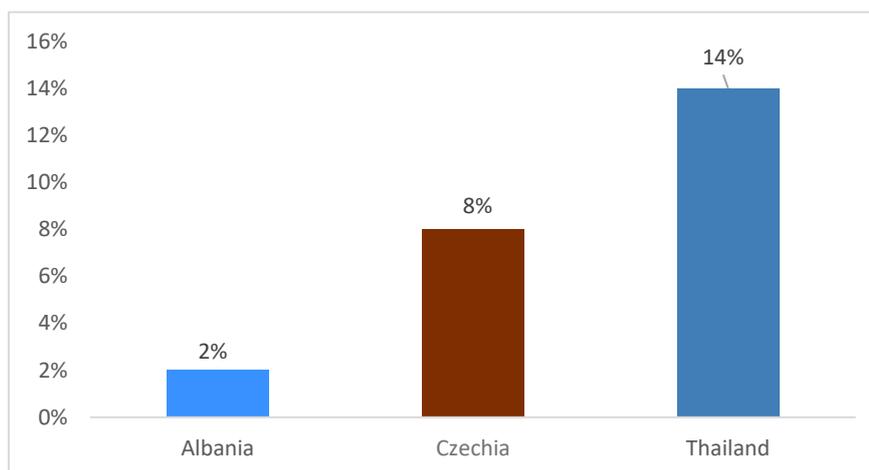


Source: UNODC elaboration of national data: Czechia Ministry of Justice, Prison Service of the Czech Republic; Thailand Ministry of Justice, Department of Corrections; Albania Ministry of Justice, General Directorate of Prisons.

The female share of each prison population is shown in Figure 9. Some 14% of the Thai prisoner population was female in 2018, amongst the highest shares in the world.²⁵ This issue and other drug-related concerns have since been confronted by the new Narcotics Code - a direct result of the UN-Thailand collaboration towards sustainable development.²⁶

The number of female prisoners in Czech Republic is also high, however, most were convicted for non-violent crimes. In contrast, Albania’s share of female prisoners is low.

Figure 9: Share of the prisoner population that was female in 2018/2019



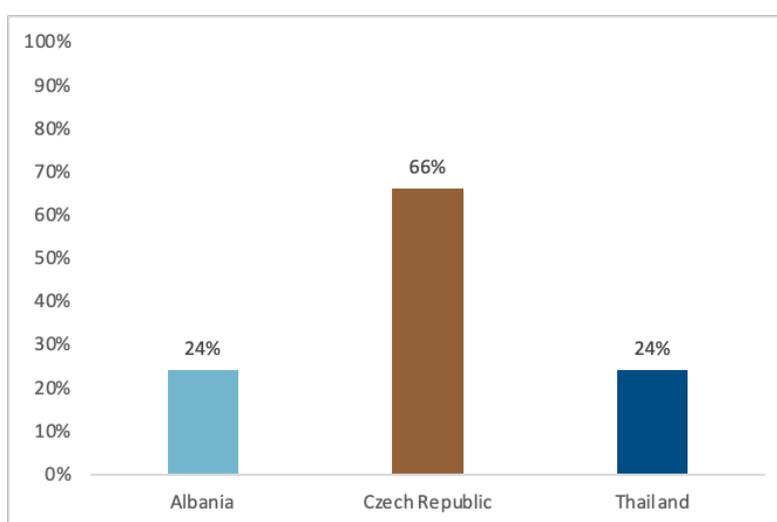
Source: UNODC elaboration of national data: Czechia Ministry of Justice, Prison Service of the Czech Republic; Thailand Ministry of Justice, Department of Corrections; Albania Ministry of Justice, General Directorate of Prisons.

²⁵ UNODC (2018), *World Drug Report, Women and Drugs: Drug use, drug supply and their consequences*. Retrieved from www.unodc.org/wdr2018/prelaunch/WDR18_Booklet_5_WOMEN.pdf

²⁶ Thailand Ministry of Justice, Department of Corrections, *New Narcotics Bill in use this December*, accessible at en.correct.go.th/new-narcotics-bill-in-use-this-december/.

Finally, there is the matter of recidivism rates themselves. There is a large literature on the measurement of recidivism, but many definitions cannot easily be applied in low-income countries where data are often limited. For the pilot studies, a simple definition was adopted to designate the sample population: the share of current prisoners who had previously been incarcerated. While this is more properly a measure of reincarceration, return to prison is nevertheless a definition commonly used in recidivism studies.²⁷ Measuring recidivism in this manner operationally would not be feasible as it gives no indication of duration until reoffending and in that sense might not be interpretable as indicating rehabilitative effects of current programming (in contrast, for example, to a one-year or two-year return to prison measure). The measurements in Figure 10 below represent the recidivism rate as defined nationally and thus, are not strictly comparable as the definitions are different between the pilot countries. Nevertheless, it provides somewhat of an indication of the scale of a country's recidivism problem and as such is a useful metric for present purposes.

Figure 10: Recidivism rate as defined nationally in 2016 (THA) and 2019 (ALB/CZE)



Source: UNODC elaboration of national data Czechia Ministry of Justice, Prison Service of the Czech Republic; Thailand Ministry of Justice, Department of Corrections; Albania Ministry of Justice, General Directorate of Prisons.

The three countries demonstrate widely differing experiences of post-prison reoffending that results in at least one further period of confinement. It is important to note that reoffending rates should be compared carefully, as definitions vary across and even within countries. The recidivism rates in this study were defined as the share of currently convicted prisoners, who were previously released from prison. However, it was noted during conversations with the Albanian prisoners that some were charged again while in custody and were then classified as repeat offenders despite not being released in the interim. Therefore, the Albanian rate may be an overestimation. According to the Thailand Department of Corrections, just under a quarter of convicted prisoners were recidivists in 2016. Another common calculation for recidivism rate is the share of released prisoners who return within a certain period. According to data from 2016, in Thailand, just under 15% of released prisoners reoffended within one year, about 25% within two years, and just under 33% within three years.²⁸ In the Czech Republic, the share of prisoners who had been previously incarcerated is the highest

²⁷ Maltz, M. (1984). *Recidivism*. Orlando, Fla: Academic Press. Retrieved from: <https://www.academia.edu/10061829/Recidivism>.

²⁸ Chitsawang, N. (2018). *Recidivism Rates in Thailand*. Retrieved from: <http://thaicriminology.com/recidivism-rates-in-thailand.html>. See also: <http://www.correct.go.th/recstats>

compared to Albania and Thailand.²⁹ Furthermore, Tomášek & Rozum's³⁰ research on recidivism rates revealed that 48.1% of released prisoners sampled reoffended within two years, almost double as high as Thailand's reoffending rate during the same time period.

²⁹ According to Ministry of Justice data shared with UNODC, the share of prisoners who had been incarcerated before was 63,68% on 31 December 2019.

³⁰ Tomášek, J. and Rozum, J. (2018). Recidivism as a measure of the effectiveness of sanctions: Experience from the Czech Republic. *Acta Universitatis Carolinae Philosophica et Historica*, 2018(2), 9-22. DOI: 10.14712/24647055.2018.1

PRISONER INSIGHTS ON THE CAUSES OF RECIDIVISM

Reasons for returning to prison

Every effort to tackle post-prison reoffending reflects a presumed or implied theory of change. Prison regimes (of time management, work, education, etc) and prison rehabilitation programmes (targeting certain offence types or prisoner characteristics) each contribute in their own way toward the goal of effective social reintegration. Research on recidivism is premised on the assumption that if we understand the reasons for people's relapse into criminal activities, we may be able to influence the contributory factors and thereby effectively prevent and reduce crime. Yet too often the voices of prisoners themselves are not heard in enquiries. Therefore, the first question asked in the focus groups with prisoners was "why do you think prisoners return to prison?". The answers were remarkably consistent between focus groups within a country, but very different between countries.

In Albania, the most common answer was "the system," or "statistics," with prisoners claiming that corruption within the justice system and among its actors (e.g., police, judiciary) explained their return to prison. One prisoner stated:



The police need to justify their salaries. So, they deal with us.

Another expanded on the theme, observing that:



The police have to fill in statistics. When something happens, they go back to the ex-offenders. In Albania, the accused are only found not-guilty in 5% of the cases.

These beliefs can be traced back to a level of corruption in the judicial system which has been identified as a concern in Albania for years.³¹ In July 2016, a reform process was launched to counter this issue and work towards accountability.³² Sustainable reform is a slow and long process, however, and so probably the historic development of what prisoners perceive as an inefficient and corrupt system is reflected in their responses. When a crime has occurred and ex-prisoners are rounded up, those who can pay a bribe are released, some prisoners said. Those who cannot, go to prison.

In contrast, in Czech Republic the answer was "debt," with one prisoner elaborating:



If you are released and all your money goes to creditors, you are not looking for a normal job.

³¹ See for example: Institute for European Policy, Albanian judiciary under construction, 2021, accessible at www.europeum.org/data/articles/albania-judiciarypp.pdf; Albania Rule of Law Assessment, Final Report, USAID, 2014, accessible at pdf.usaid.gov/pdf_docs/PA00KHDW.pdf; Council of Europe, Report of the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, 2014, accessible at [www.rm.coe.int/ref/CommDH\(2014\)1](http://www.rm.coe.int/ref/CommDH(2014)1);

³² Balliu, A. (2020). The Reform of Justice in Albania. *Beijing Law Review*, 11(3), 709-28. DOI:10.4236/blr.2020.113043.

According to prisoners and prison officials in the Czech Republic, high levels of consumer debt, strict enforcement of child maintenance laws, and mandatory fees for their stay in prison contribute to increased debt liability among the prison population. According to prisoners, debt liability is not suspended during imprisonment and the newspaper “Czech Justice” estimates that more than 87% of prisoners are in debt.³³ This highlights the heavy burden of debt experienced by prisoners, which is often intertwined with judicial penalties. Such penalties in combination with the relatively high rate of financial illiteracy of prisoners and issues with employment gives an insight into what prisoners perceive to be the systemic issues underlying recidivism in the Czech Republic.³⁴

With regards to employment, according to interviews with prison officials, work was available for about half the prisoners, but prisoners reported that pay was so low that they were often unable to get ahead of their accumulating debts. When they leave prison, many do not have enough money in hand to rent an apartment, and reintegration services are limited. Many interviewed prisoners mentioned drug use as an obstacle to being able to fully reintegrate and lead a normal life. However, drug use alone did not seem to be the primary driver of reoffending. Instead, in some cases, reoffending seemed linked to a pattern of behaviour that was the result of systemic financial problems leading to other criminal acts, in particular dealing. One prisoner described his own pattern as follows:



Everyone knows me. They think I am a good [drug] dealer. The police started watching me again and then I started to take as well and it was a spiral.

In Thailand, the answer to why prisoners returned to custody was described as “the environment.” By “environment,” prisoners explained, they were referring to their networks of friends and acquaintances to which they returned when released. For drug-related offenders, it was through these social networks that they used and sold drugs. These two issues of social networks and drugs were intertwined for many respondents, as was persistent unemployment (or employment in drug markets). 87 per cent of Thai prisoners were incarcerated for drug-related offences and about 78% of those were convicted of possession of yaba.³⁵ Despite the high addictiveness of yaba due to it containing methamphetamine and caffeine, the prisoners argued that the cause of their reoffending was not addiction:³⁶



No one gets addicted to this drug. We can stop it any time.

³³ National Institute of Justice. (2008, Oct. 2). *Recidivism Is a Core Criminal Justice Concern*. Retrieved from: <https://nij.ojp.gov/topics/articles/recidivism-core-criminal-justice-concern>.

³⁴ Ministerstvo spravedlnosti České republiky. (2017). *Debt issues in prison*. Retrieved from: Debt issues in prison - Justice Portal.

³⁵ Thailand Institute of Justice and UNODC. (2021). *Research on the Causes of Recidivism in Thailand*. Retrieved from: [en-cdghnpwz0345.pdf](https://www.idpc.net/publications/2021/01/20210101-research-on-the-causes-of-recidivism-in-thailand) (idpc.net).

³⁶ Jahan, K. et al. (2020). Yaba, the Crazy Drug and its Social Impact in Bangladesh – An Informative Review. *European Journal of Pharmaceutical and Medical Research*, 9, 8-14. Retrieved from: https://storage.googleapis.com/journal-uploads/ejpmr/article_issue/1610789490.pdf.

However, it is important to note here that drug abuse is recognised to impair one’s self-awareness and, due to the psychological pain related to the recognition of a drug addiction, many drug addicts are also prone to denial of their addiction.³⁷ Further, drug use is stigmatised in Thailand, so many prisoners said they felt alienated from their families and as a result, when released from prison they returned to their old environments and habits:



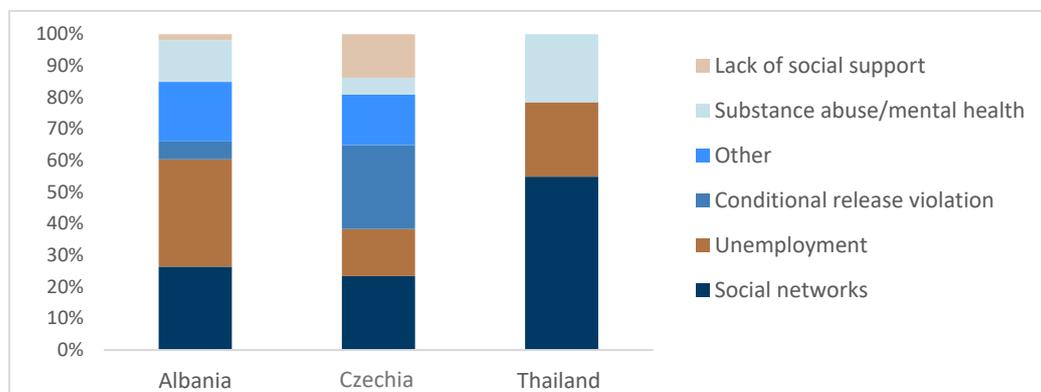
I had no place to go. I couldn’t go back to my family, so I went to my friends – drug sellers.

It is often these false assumptions about addiction which lead drug abusers to the peripheries of mainstream society.³⁸ As a result, when drug using prisoners were released, they frequently went back to their social circle for support: fellow drug users. Because their social lives were built around consumption, they said, it was difficult to avoid being drawn back in.

In addition to the qualitative responses gathered through the focus groups, a paper questionnaire was circulated that explored prisoner insights on the causes of recidivism. There are slight variations in the results gathered through the focus group discussions and the questionnaire responses, possibly because of limitations in the range of answers provided in the questionnaire. These will be explored in more detail below.

In Albania, most prisoners blamed their return to custody on unemployment and their social networks. In Czech Republic, a plurality blamed a lack of social support. In Thailand, social networks, teamed with drugs or mental health issues, accounted for some 80% of the responses. Figure 11 illustrates the differing causal mechanisms behind return to custody as described by prisoners themselves.

Figure 11: Reason for return to prison based on interviewed prisoners



Source: UNODC pilot research on recidivism, 2019-2020

³⁷ Bortolotti, L. (2010). *Delusions and Other Irrational Beliefs*. Oxford: Oxford University Press;

McWilliams, N. (2011). *Psychoanalytic Diagnosis: Understanding Personality Structure in the Clinical Process* (2nd). New York: Guilford;

Naqvi, N.H. et al. (2007). Damage to the insula disrupts addiction to cigarette smoking. *Science*, 315(5811), 531–534. Retrieved from: <https://doi.org/10.1126/science.1135926>;

Pickard, H. (2016). Denial in Addiction. *Mind and Language*, 31(3), 277-99. Retrieved from: <https://onlinelibrary.wiley.com/doi/10.1111/mila.12106>.

³⁸ INPUD. (2014). *Drug War Peace*. Retrieved from: DUPI-Stigmatising_People_who_Use_Drugs-Web.pdf(unodc.org);

Marshall, O. (2013). *Associative stigma among families of alcohol and other drug users*. Retrieved from: “Associative stigma among families of alcohol and other drug users” by Olivia Marshall (ecu.edu.au)

Respondents also shed light on the (un)employment situation of ex-prisoners in all three countries. As illustrated in Figure 12, in Czech Republic almost 80% of the former prisoners sampled managed to secure formal employment within six months of release.³⁹ This experience was common in the Czech Republic with one Czech prisoner remarking:



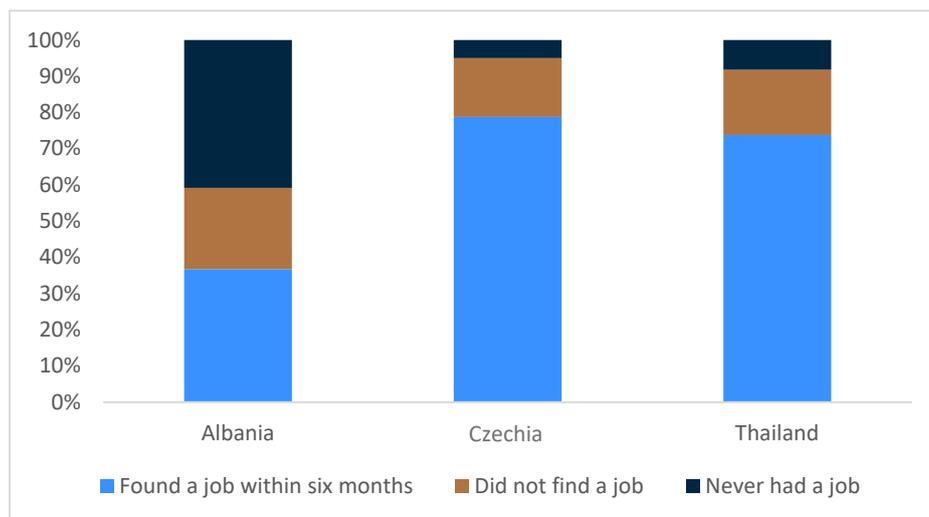
I found a job within 24 hours. No problem with the conviction. I told them myself.

Similarly, nearly three-quarters of the Thai prisoners found a job within six months. In contrast, over 40% of the Albanian prisoners reported never having had a job in their lives. Most of those who did find a job were self-employed, with only 14% finding a formal job within six months. One Albanian prisoner captured the importance of finding a job for their reduction of recidivism:



If I have a job, why should I do things that are shameful?

Figure 12: Time needed to find a job after release



Source: UNODC pilot research on recidivism, 2019-2020

Figure 13 summarises the data on prisoners' family contact during incarceration. Extended family structures remain very strong in Albania, with nearly all interviewed prisoners reporting regular visits from their families, including bringing supplies of food to supplement the prison menu. This also meant that prisoners generally had a home to return to once released. Due to the stigma of drug use, Thai prisoners were much less likely to have regular contact, forcing them to rely on their drug networks upon release, as discussed above. While a large share of Czech prisoners reported regular contact, they also frequently reported having nowhere to go

³⁹ Results from the recidivism report on Czechia show that 40% of the prisoners included in the sample managed to secure formal employment within one month upon release, with an additional 15% being self-employed, while less than 10% reported not being able to find a job despite looking for one.

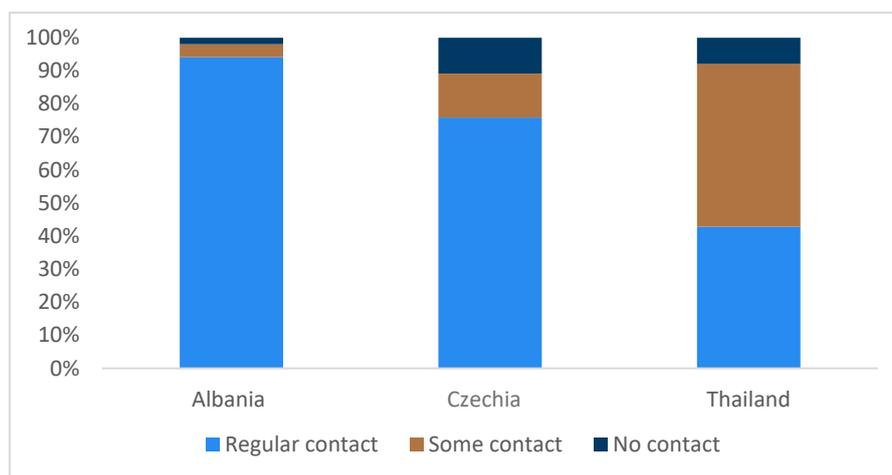
when their sentence ended. Often this was related to the debt and money issues Czech prisoners frequently face. One prisoner stated:

We lack accommodation when we are released. I can rent an apartment, but I need four months [rent] in advance and food for my child and myself. No one helps.

Another Czech prisoner explained the intersecting influences of inadequate social/family support, compounding debt and an inadequate social safety net for those leaving prison:

Many people have no family or people close to them. The law doesn't allow us to get back to the community. No one helps you. It's not enough money. You buy some cigarettes and a few drinks and it is gone. The debts are growing in prison. With multiple debts, they cut your savings and you don't have enough. There's not a lot of support here. Minimal effort from the prison staff. If you don't have someone outside, it is a vicious circle.

Figure 13: Frequency of contact with family during incarceration



Source: UNODC pilot research on recidivism, 2019-2020

Prisoners were also asked about the social atmosphere in prison on the basis that more positive prison environments have been found to be more conducive to prisoners taking up rehabilitative opportunities and engaging in processes of behavioural change, particularly those that have therapeutic characteristics.⁴⁰ Figure 14 depicts prisoners' responses. In contrast to the image often portrayed by the media, prisoners appeared to be supportive of one another during the focus groups in both Albania and Thailand. They listened respectfully and tried to calm one another when upset. There did not appear to be tensions among the inmates, but rather a sense of community and support. One Thai prisoner proclaimed:

⁴⁰ Auty, K., Cope, A., and Liebling, A. (2017a). Psychoeducational programs for reducing prison violence: A systematic review. *Aggression and Violent Behavior*, 33, 126-43. Retrieved from: <https://www.sciencedirect.com/science/article/abs/pii/S1359178917300344>;

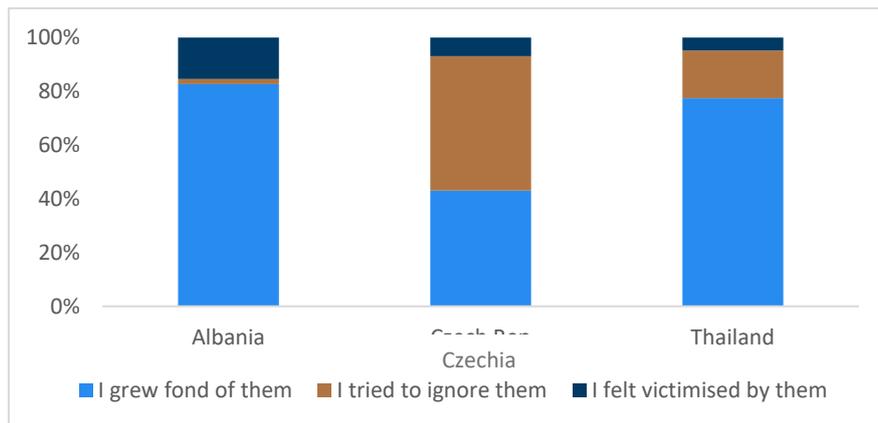
Day, A. (2020). At a crossroads? Offender rehabilitation in Australian prisons. *Psychiatry, Psychology and Law*, 27, 939-49. Retrieved from: <https://dx.doi.org/10.1080/13218719.2020.1751335>.



It is a family system. Like sisters and brothers. It's like a village. We have zones [based on the home area of the prisoners]. We group ourselves. It's a custom to go to the new one, to welcome them to the group. We have a head of the group. They are gentle and caring of the rest of the members.

This was less evident in the Czech Republic, where most focus groups had a clear leader. One focus group aroused such conflict that a participant walked out. Most of the Czech inmates surveyed said they tried to ignore or felt victimised by their fellow prisoners.

Figure 14: Feelings about fellow prisoners



Source: UNODC pilot research on recidivism, 2019-2020

While the prisoners were less fond of the prison staff than they were of their fellow prisoners, the data from all three countries show that the majority felt warmly towards them. They did not, however, think much of the skills training programmes they were offered, which is demonstrated in Figure 15. In Albania, prisoners noted that the blue-collar trade skills programmes were entirely paper based, with no hands-on instruction. Since there were no exams, the certificates issued were participation certificates, meaningless, they said, in the outside job market. In Czech Republic, prisoners similarly reported training without any work experience, and some reported receiving certificates for courses they had never attended. One prisoner explained the downfalls of the courses:



I started the vocational school. I never attended the course but I got a diploma. I saw the attendance list – my name was checked every day. They are just watching videos. It is a fraud. They don't have textbooks or a teacher. If you show the certificate, no one cares. It doesn't have any value. It has the village name on it and there is nothing here but the prison.

In Thailand, in contrast, the inmates distinguished between some very good training and some courses that were merely busywork:

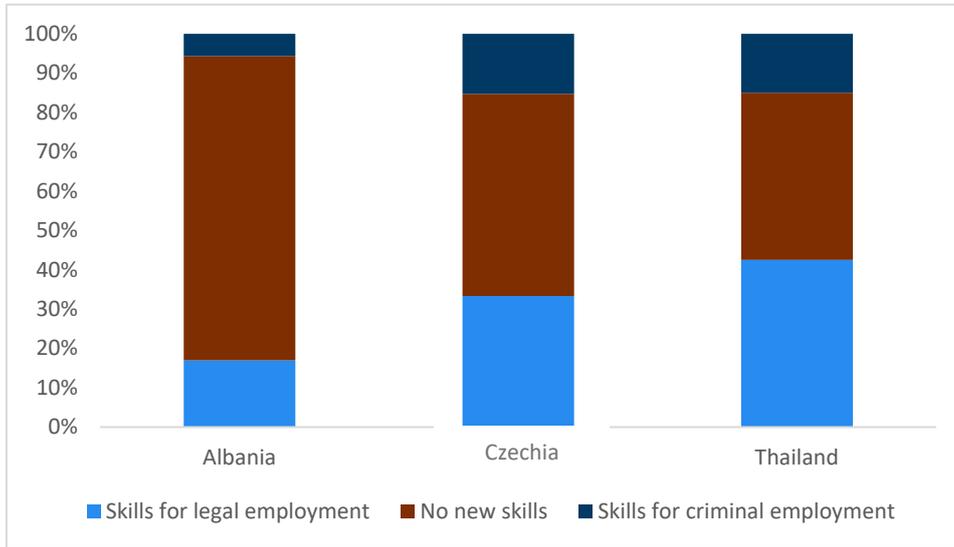


There are many good programmes in prison, but it is up to us to take advantage. Building skills, furniture skills, electronic skills are all good. Shoe making, detergent making are not good, because the certificate is from the Corrections Department. Some others come from the Labour Department. Training groups can include 100 people at a time.

Basic education was available for Thai prisoners and was often praised, but the prisoners complained that the vocation skills courses tended to be too large and little choice was

offered. All the same, training remained high on the list of opportunities they saw as supporting a transition to a non-offending lifestyle. A plurality of respondents in Albania and the Czech Republic, however, reported learning no new skills at all. In the absence of positive skills formation, a number of prisoners in each country described prison as a place where skills for illegal employment could be obtained.

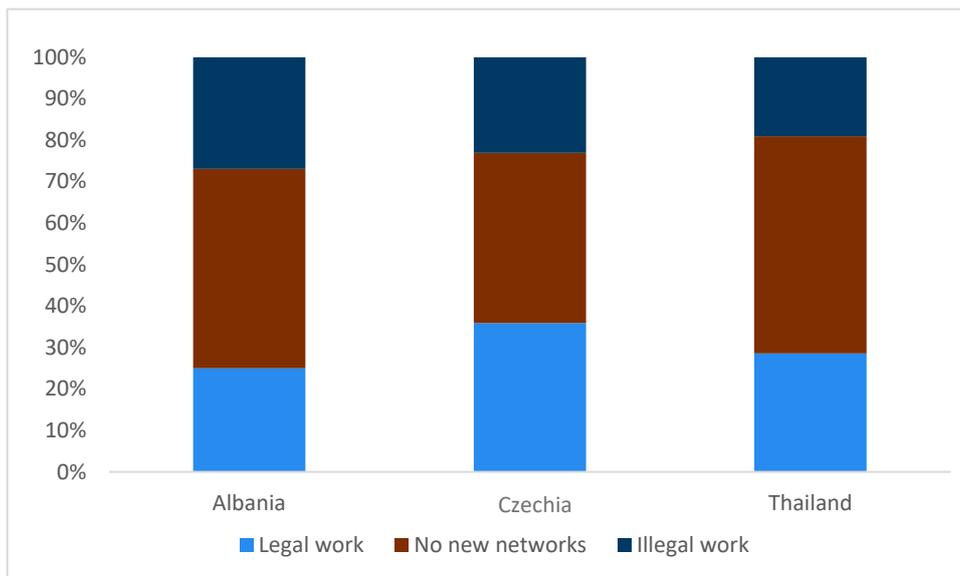
Figure 15: Skills development during incarceration



Source: UNODC pilot research on recidivism, 2019-2020

Similarly, a plurality of respondents in all three countries felt that prison did not offer an opportunity for networking for future employment. Figure 16 sets out the data on the kinds of networks prisoners reported building while in custody. In Albania, more respondents said they formed criminal networks rather than networks for legal employment.

Figure 16: Building of networks during incarceration

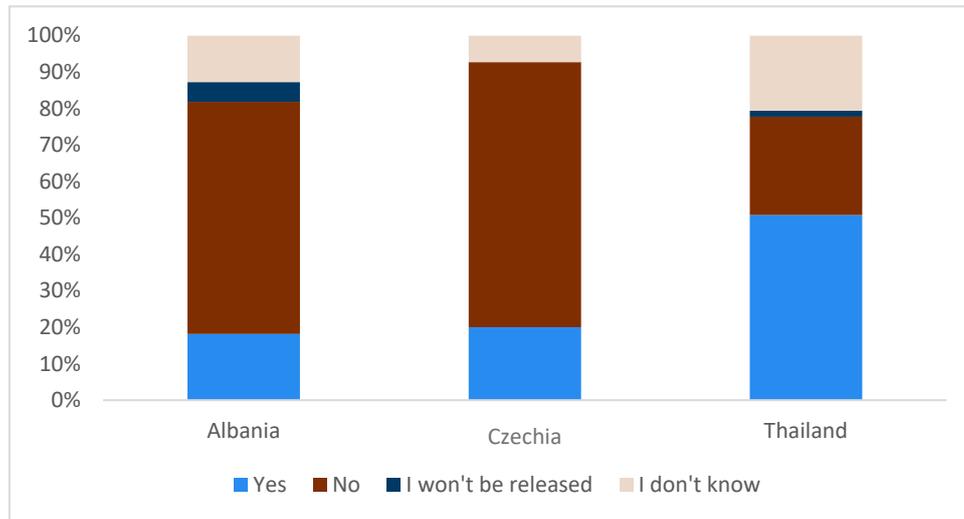


Source: UNODC pilot research on recidivism, 2019-2020

When asked whether they were receiving the services needed to stay out of prison, only in Thailand did a small majority answer in the affirmative, illustrated in Figure 17. Prisoners in

the other two countries were very clear that the services provided were not adequate to prevent recidivism.

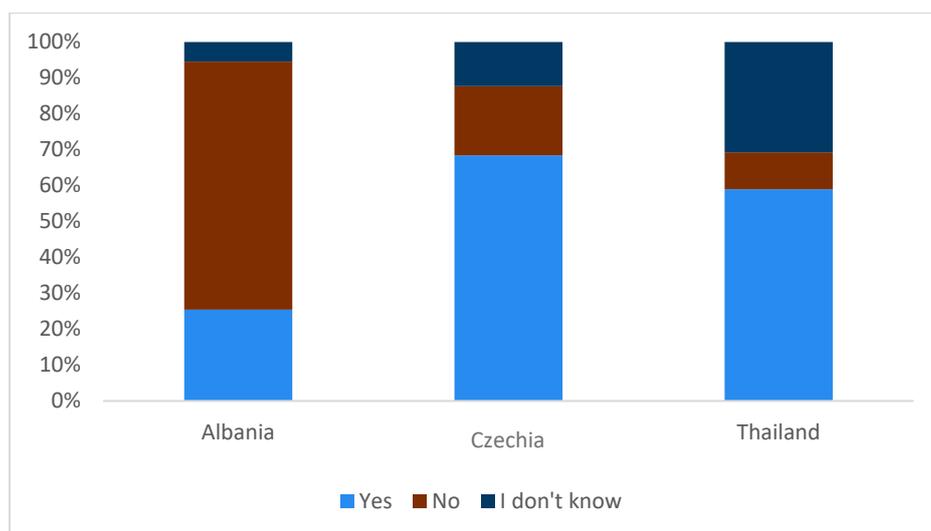
Figure 17: “Are you receiving the services you need to stay out of prison?”



Source: UNODC pilot research on recidivism, 2019-2020

Whatever opportunities for rehabilitation are offered, their success is highly dependent on the attitudes of the prisoners. Prisoners were asked whether it was fair that they were in prison and their responses are set out in Figure 18. In keeping with their narrative about the corruption of the system, almost 70% of Albanian prisoners said it was not fair that they were in prison, while most prisoners in the other two countries said it was. A large share (31%) of Thai prisoners, most of whom were in prison for drug-related offences, said they were not sure, however.

Figure 18: “Is it fair that you are in prison?”

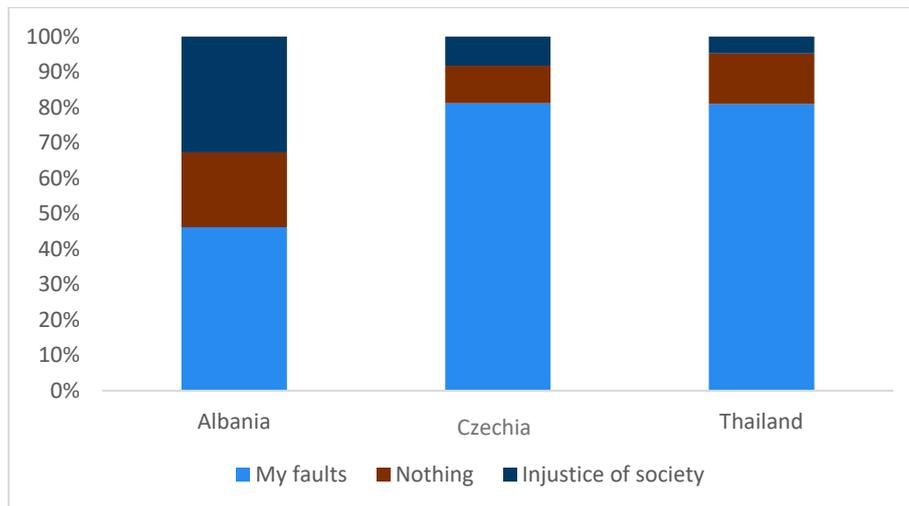


Source: UNODC pilot research on recidivism, 2019-2020

In keeping with their opinion on the unfairness of their imprisonment, only a minority of Albanian prisoners spent their last term reflecting on their own faults. As illustrated in Figure 19, around one-third preferred to focus on the injustice of society. In many international criminal justice systems, the importance of changing future behaviours through reflection and

moral emotions is a key element of imprisonment. However, not every prisoner will be able to accept their responsibility for their criminal act. Many blame their lack of alternative options (“There was no other way out”), provocations (“They made me do it to them”), and societal issues (“The world is not fair”).⁴¹

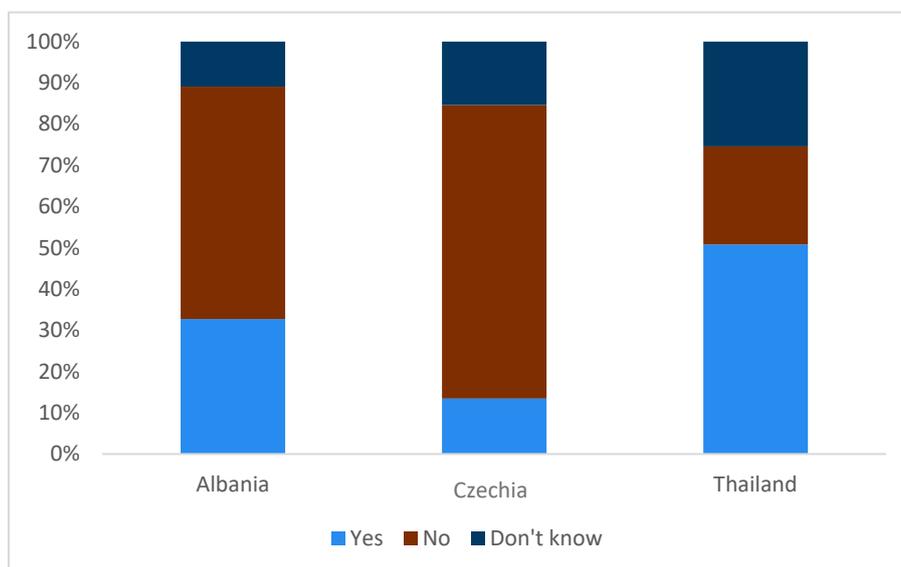
Figure 19: Subject of reflections during incarceration



Source: UNODC pilot research on recidivism, 2019-2020

In keeping with these attitudes, and shown in Figure 20, most prisoners in Albania and Czech Republic rejected the idea that prison helps prisoners stop committing crime, while a slender majority of Thai prisoners felt it did help.

Figure 20: “Does prison help people stop committing crime?”



Source: UNODC pilot research on recidivism, 2019-2020

⁴¹ Hosser, D., Windizio, M., and Greve, W. (2007). Guilt and Shame as Predictors of Recidivism: A Longitudinal Study With Young Prisoners. *Criminal Justice and Behavior*, 35(1), 138-52. Retrieved from: <https://doi.org/10.1177/0093854807309224>;

Shaw, R. (2010). *Restorative justice in prisons: responsibility, restoration, reintegration, rehabilitation*. Retrieved from: Restorative justice in prisons (foresee.hu).

DISCUSSION

Looking across these three pilot countries, their prison systems and the voices of those who have been repeatedly imprisoned some striking findings emerge. They are discussed briefly here.

Disparities in the use of imprisonment

The three countries analyzed here represent a range of incarceration rates. Albania's imprisonment rate of 160 per 100,000 of total population is only slightly less than Czech Republic's (180 per-) and both are about one third of Thailand's (512 per-; Figure 3).

Explaining differences in imprisonment levels would require a full study, but a few observations are possible. First, while the drivers of mass incarceration are sometimes complex, in others there are clear causes. In Thailand and, to a lesser extent Czech Republic, these seem to relate to some specific types of offences. In Thailand, fully 80% of prisoners were serving sentences for drug related offending including possession of relatively small amounts of methamphetamine. This also appeared to drive high levels of overcrowding in Thai prisons, with the system running at roughly three times over capacity (see Figure 4). Media has reported a change in the approach by the Government of Thailand after this research was undertaken to direct personal-use offenders toward treatment rather than prison.⁴² In the Czech Republic, many interviewed prisoners reported incurring multiple prison terms for so called 'conditional release violations' (see Figure 8), which included breaching release conditions, driving unlicensed and the like. Put together with those imprisoned for failure to pay family and dependent support, almost one in five Czech prisoners had been imprisoned for administrative breaches and because of discretionary decisions in which less severe non-custodial alternatives might, in many cases, have been appropriate.

Taken together, these factors illustrate how reducing imprisonment requires policy and strategy working at more than one level. Reducing reliance on imprisonment as a penal sanction and thus the flow of prisoners through the front door of prison is most effectively achieved through reforms of sentencing and practices where there is discretion. Yet many of the 'revolving door' aspects of imprisonment and recidivism require additional action. As the discussion below illustrates, preparing and supporting prisoners to make the transition from custody to community is not only a vital policy goal but something prisoners themselves wished was done better (see Figures 15 and 16).

The impact of overcrowding

Prison overcrowding is arguably the biggest issue concerning prison systems, leading to poor, sometimes life-threatening, prison conditions around the world. Overcrowded prisons result in prisoners having less than their nationally mandated spatial requirements and result in insufficient staff resources, from operational staff to rehabilitative educators, which affect prisoners' access to and completion of rehabilitative programmes. Overcrowding also leads to a lack of opportunities for recreational activities and contact with the outside world, due to spatial and staffing constraints, which also negatively impact prisoner rehabilitation.⁴³ The

⁴² Thailand Ministry of Justice, Department of Corrections, *New Narcotics Bill in use this December*, accessible at en.correct.go.th/new-narcotics-bill-in-use-this-december/

⁴³ Penal Reform International and Thailand Institute of Justice. (2021). *Global Prison Trends*. Retrieved from: <https://cdn.penalreform.org/wp-content/uploads/2021/05/Global-prison-trends-2021.pdf>

Mandela Rules point out how contact with the outside world aids prisoner rehabilitation through their social reintegration. It is clear, therefore, that overcrowding directly jeopardises the rehabilitation of prisoners.

Of the 100 countries and territories for which UNODC has data on both prison capacity and prison occupancy between 2014 and 2019, 47% are operating at more than 100% of intended capacity. A smaller share of countries and territories (18%) operate at more than 150% of the intended capacity.⁴⁴ Not only are many prisons overcrowded, but in many places in the world the prison population is also on a continuous rise. Indeed, even where high imprisonment rate countries, like the USA, have declined from their peaks, overcrowding has reached endemic proportions requiring urgent action.⁴⁵ This crisis has also been noted by the UN System Common Position on Incarceration, stating that prison overcrowding stands out as the greatest contributor to violations of international minimum standards in prisons.

Among the three prison systems analyzed in this pilot study, Thailand stood out as both chronically and acutely overcrowded, with over three prisoners for every available prison space (see Figure 4). While neither Albania or Czech Republic experience anything on this scale, it must be noted that prisons operate most effectively at occupancy levels way below 100%. The effects of overcrowding were summarised by one Thai prisoner who observed that sometimes 'Training groups can include 100 people at a time'.

To sum up, to be even slightly over full capacity will have a significant impact on the institutional capacity to deliver targeted and effective programmes of rehabilitation and social reintegration. Thus, overcrowding impacts the provision of rehabilitative support resulting in higher rates of recidivism.⁴⁶

Prisoner satisfaction with rehabilitation/ reintegration support

Only in Thailand, paradoxically the most overcrowded prison estate, did prisoners have anything positive to say about the programmes and services on offer to support them (see Figures 15-17). What was clear, however, was that across all three prison systems prisoners reported learning few skills to assist their prosocial return to society, while the large majority reported learning either nothing or learning skills for participation in crime: approximately 80% of prisoners interviewed in Albania; 70% in Czech Republic; and 60% in Thailand. Asked about what kind of networks they had built in prison; prisoners gave similar feedback: mostly either none or new networks that would support post-release criminal activity. Only around 20% of prisoners in either Albania or Czech Republic said they were receiving the services they needed to stay out of prison.

Morgan, N. (2010). Causes, Consequences and Reduction Strategies, *Resource Material Series No.80, UNAFEI*. Retrieved from: No80_08VE_Morgan1.pdf (unafei.or.jp)

Nkosi, N. and Maweni, V. (2020). The Effects of Overcrowding on the Rehabilitation of Offenders: A Case Study of a Correctional Center, Durban (Westville), KwaZulu Natal. *The Oriental Anthropologist*, 20(2), 332-346. Retrieved from: <https://journals.sagepub.com/doi/pdf/10.1177/0972558X20952971>.

⁴⁴ Data are collected from the national authorities through the annual United Nations Crime Trends Survey (UN-CTS). Additional data are sourced from the World Prison Brief – Institute for Crime and Justice Policy Research (WPB-ICPR). All data are sent to Member States for review and validation.

⁴⁵ American Civil Liberties Union (ACLU). (2015). *Submission to the Office of the High Commissioner for Human Rights*. Retrieved from: <https://www.ohchr.org/sites/default/files/Documents/Issues/RuleOfLaw/OverIncarceration/ACLU.pdf>;

⁴⁶ MacDonald, M. (2019). Prison Overcrowding. In R.D, Morgan (Ed.). *The SAGE Encyclopedia of Criminal Psychology* (1st ed., pp.1093-1095). Thousand Oaks: Sage.

This does paint a rather dismal picture of prisoner rehabilitation and social reintegration support as experienced by the service users themselves. It was beyond the scope of these small pilot studies to delve into the precise mechanics of why things seemed so unsatisfactory, but to the extent that prisoners were able to explain their experiences the answers seem to fall into two main categories. First, the impact of overcrowding on degrading the quality of programmes and access to them. And second, significant constraints that might be explained by under resourcing of programming, both in terms of the human capital of those who would deliver the programmes (i.e., therapeutic skill sets of practitioners), and inappropriate or low-quality programmes that failed to meet both the needs and aspirations of prisoners (eg, manual skills programmes that provided no practical hands-on experience).

Although rehabilitation programmes have long been evaluated, there remains no single approach or model and, indeed, firm guidance on even well studied populations groups (e.g., violent offenders) remains elusive.⁴⁷ The risk-need-responsivity model suggests key principles for effective rehabilitation programmes that benefit the offender as well as the community by focusing on life skills and behaviours rather than certificates and exams,⁴⁸ yet it remains unclear whether capacity existed in these three pilot prison systems to deliver rehabilitation programming as distinct from elementary skills-based programmes, which most prisoners appeared to be describing in their responses.

The distinction between therapeutic programming, and skills, activities and education programming is an important one. The latter three are useful and desirable for a variety of reasons independent of any impact they might have upon post-prison offending, which high quality research (randomized controlled trials) shows to be slim at best.⁴⁹ These non-reoffending related benefits include the fact that access to vocational skills or educational programmes support principles of a positive, normalised and productive custodial environment contained in the UN's standard minimum rules for the treatment of prisoners. It would place too much weight of expectation upon such programming to give it a direct role in reducing recidivism. Nevertheless, engagement in such activities and leveraging of social supports remain important ingredients in the change process that would support social reintegration. Some of these are discussed next.

⁴⁷ Arbour, W., Lacroix, G., and Marchand, S. (2021). *Prison Rehabilitation Programs: Efficiency and Targeting*. Retrieved from: <https://ftp.iza.org/dp14022.pdf>;

Beaudry et al. (2021). Effectiveness of psychological interventions in prison to reduce recidivism: A systematic review and meta-analysis of randomised controlled trials. *Lancet Psychiatry*, 8, 759–73. Retrieved from: <https://reader.elsevier.com/reader/sd/pii/S221503662100170X>.

⁴⁸ Polaschek, D. (2012). An appraisal of the risk-need-responsivity (RNR) model of offender rehabilitation and its application in correctional treatment. *Legal and Criminological Psychology* 17, 1-17. Retrieved from: An appraisal of the riskneedresponsivity (RNR) model of offender rehabilitation and its application in correctional treatment (antoniocasella.eu).

⁴⁹ For example, on education in prison and recidivism see: Bozick, R., Steele, J., Davis, L., and Turner, S. (2018). Does providing inmates with education improve post-release outcomes? A meta-analysis of correctional education programs in the United States. *Journal of Experimental Criminology*, 14, 389-428. Retrieved from: <https://link.springer.com/article/10.1007/s11292-018-9334-6>;

Ellison, M., Szifris, K., Horan, R., and Fox, C. (2017). A Rapid Evidence Assessment of the effectiveness of prison education in reducing recidivism and increasing employment. *Probation Journal*, 64, 108-28. Retrieved from: <https://journals.sagepub.com/doi/abs/10.1177/0264550517699290>;

Roth, B., Westrheim, K., Jones, L., and Manger, T. (2017). Academic Self-Efficacy, Educational Motives and Aspects of the Prison Sentence as Predictors for Participation in Prison Education. *Journal of Correctional Education*, 68, 19-40. Retrieved from: <https://www.jstor.org/stable/pdf/26508031.pdf>.

Social networks

In all three countries, interviewed prisoners reported that social networks and the immediate environment impacted their recidivism. Especially noted was the value of increased family contact and support and a decreased contact with other antisocial characters. As one woman in Albania stated, “*I did not have contact with my family. If I would have been with them, I would not have returned here six times.*” These prisoners’ responses are consistent with the research literature which highlights regular family contact and self-defined family support as strong predictors of reduced likelihood of recidivism. On the one hand, this might suggest a case for increased opportunities for family contact, such as more visits, larger visit facilities, and, where possible, secure video call visits with family members as a means to (re-)build positive social networks. However, it should also be recognised that quality of support is at least as important as quantity. With respect to family support, for example, in the risk-need-responsivity (RNR) model, a tool for the assessment of prisoners to define rehabilitation and social reintegration targets to reduce recidivism, family is discussed as one of the ‘central eight’ factors impacting recidivism.⁵⁰ Regular family contact and self-defined family support is considered to provide the necessary social ties, help a former offender establish themselves in the outside community, offer supervision and accountability for the prisoners and is, thus, considered a strong indicator for a reduction in recidivism.⁵¹ Here it is important to distinguish between regular contact and self-defined support. If the regular contact does not develop into concrete actions and post-release plans, the support may not be recognised and eventually used.⁴⁶ Although not every family, whether supportive or not, will be able to house or help with accommodation, strong family relationships are considered a significant predictor for a positive outcome regarding accommodation.⁵²

Yet as the data from these pilot studies indicate (see Figure 12), important offence and cultural factors may attenuate the levels of such support available. Interviewed Albanian prisoners enjoyed regular family contacts at levels almost double that of those interviewed in Thailand where shame associated with drug related offending was said by prisoners to reduce family ties. Pointing to the importance of quality of ties and translating them into useful post-release supports, Czech prisoners at once reported high levels of family interaction while in prison, but also pointed to inadequate social supports as part of a pathway toward recidivism.

Employment and employment training

The employment of those formerly incarcerated is a factor long recognized as protective against recidivism. It was also a factor frequently mentioned during focus groups. Somewhat unexpectedly, in both Czech Republic and Thailand prisoners reported relative ease in finding post-prison employment (see Figure 12). However, as was the case for family contacts, it is important to distinguish quantity from quality. Thus, while around 80% of Czech prisoners reported obtaining employment within six months of release, the Czech Republic’s recidivism rate 66% is twice as high as either of the other two countries. Czech prisoners reported

⁵⁰ Her Majesty’s Inspectorate of Probation. (2020). *The Risk-Need-Responsivity Model*. Retrieved from: The Risk-Need-Responsivity Model (justiceinspectorates.gov.uk).

⁵¹ Boman, J.H. and Mowen, T.J. (2017). Building the Ties that Bind, Breaking the Ties that Don’t. *Criminology and Public Policy*, 16(3), 753-74. Retrieved from: Building the Ties that Bind, Breaking the Ties that Don’t – Boman – 2017 – Criminology & Public Policy – Wiley Online Library

⁵² Markson, L. et al. (2015). Male prisoners’ family relationships and resilience in resettlement. *Criminology and Criminal Justice*, 15(4), 423-41. Retrieved from: Male prisoners’ family relationships and resilience in resettlement – Lucy Markson, Friedrich Lösel, Karen Souza, Caroline Lanskey, 2015 (sagepub.com).

difficulties in making ends meet in a post-release environment that seems to be highly affected by financial pressures.

While Czech and Thai prisoners reported relatively quick, if low quality, access to the labour market, for those released from prison in Albania the picture looked quite different. Indeed, skill-related issues and societal stigma led to frequent unemployment and more than a third of Albanian prisoners said they had never held a job at all. Many prisoners questioned the quality and value of employment training received in prison, with examples given of certificates being granted for courses they never attended, courses of little practical use and others that comprised mostly watching videos. Some aspects of these problems are easily solvable. For example, UNODC's *Roadmap for the Development of Prison-based Rehabilitation Programmes* recommends consideration of local labour market information when developing and adapting vocational training to teach useful skills directly affecting employability.⁵³

The wider issue at hand, however, concerns the role and purpose of vocational skills training in prisons. As with education programmes, discussed above, there may be important normative reasons for providing such programmes. These include creating a normalised and productive prison day and prisoners' right to work as important principles. The role of employment in desistance from offending is complex. On the one hand, and as noted above, employment has been found to be associated with reduced likelihoods of recidivism. What has been more difficult to establish, is if in-prison vocational skills training and work experience have any material effect on post-release employment and, via that, reduced reoffending. More recent studies have used stronger statistical designs, including, importantly, controlling for pre-prison labour market engagement. What this work shows is that almost all apparent benefits of in-prison work and training disappear once pre-prison employment is accounted for. In other words, people employed prior to imprisonment tend to re-establish work more quickly after release from prison and to have lower recidivism rates as a result.⁵⁴ Further, and in accord with prisoners' own reported experience in these pilot studies, a large multi-decade study of almost two million former prisoners found that only when high-quality, well-paid work was found did it impact recidivism.⁵⁵

Women

The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('the Bangkok Rules') were adopted as standards relevant to the specific characteristics and needs of women in the criminal justice system. The rules give guidance regarding the unique challenges women face and provide a gender-responsive approach for policy makers, sentencing authorities, and prison staff. While women represent only a tenth of the prison population, the proportion of female prisoners is growing faster

⁵³ UNODC. (2017). *Roadmap for the Development of Prison-based Rehabilitation Programmes*. Retrieved from: Roadmap for the Development of Prison-based Rehabilitation Programmes (unodc.org).

⁵⁴ Bushway, S. (2011). Labor markets and crime. In J. Wilson and J. Petersilia (Eds.) *Crime and Public Policy (1st ed.,)*. New York: Oxford University Press;

Ramakers, A. et al. (2015). Down before they go in: A study on pre-prison labour market attachment. *European Journal on Criminal Policy and Research*, 21, 65-82. Retrieved from: <https://link.springer.com/article/10.1007/s10610-014-9234-x>;

Ramakers, A. et al. (2017). Not just any job will do: A study of employment characteristics and recidivism risks after release., *International Journal of Offender Therapy and Comparative Criminology*, 61, 1795–1818. Retrieved from: <https://journals.sagepub.com/doi/pdf/10.1177/0306624X16636141>.

⁵⁵ Schnepel, K. (2018). Good jobs and recidivism. *The Economic Journal*, 128, 447-69. Retrieved from: <https://academic.oup.com/ej/article/128/608/447/5068983>.

than the male population.⁵⁶ In Czechia, for example, the share of female prisoners almost doubled from less than 4% in 2000 to more than 8% in 2020. This is a concerning trend when considering common reasons for female offending and the opportunities for non-custodial alternatives considering the most common offence types.

In general, women tend to commit poverty-related petty crimes, such as theft, fraud and minor drug related offences, and only a small share of women are convicted for violent offences.⁵⁷ In 2019, about 86% of the female prisoners in Thailand were convicted of drug-related offences.⁵⁸ Many of the women interviewed in Albania claimed to have been convicted for drug crimes that were in fact being committed by their partners, but for which they shared criminal responsibility. This was also a common refrain in Thailand, where one woman for example stated, *“The second time, they found drugs in my house. They belonged to my partner, but they accused me as well.”*

Frequently, discrimination and deprivation directly and indirectly result in female incarceration.⁵⁹ One woman in Albania stated, *“Here it is very difficult for young ladies, even those on the outside with no criminal record, to find a job without a friend or a relation somewhere that can help you. So, if I cannot find a job, of course I will do something illegal. What else can I do? It could have been much worse, actually. I thank God I am alive a thousand times a day.”*

In Albania, lack of family support or issues related to family appeared to be the cause of the crimes of which many of the interviewed women had been convicted. *“What can I expect from others when my brother did all this to me. And now I have understood – I am a victim. I am not even able to know my kids.”* Another woman commented: *“I have given birth to both my daughters in prison. Both times I was convicted for stealing 4,000 leks.”*⁶⁰

In some cases, the loss of family support seemed to be related to the stigma associated with being a female prisoner or the offences for which they were incarcerated, such as prostitution. One woman claimed not to have seen her family for four years. The Bangkok Rules recognise these issues regarding social reintegration and highlight that imprisonment is usually ineffective rather than a solution to female offending. Therefore, the Bangkok Rules encourage the use of gender-sensitive alternatives to imprisonment which address the most common causes of offending.

⁵⁶ Walmsley, R. (2017). World Female Imprisonment List (4th edition). London: Institute for Criminal Policy Research. Retrieved from: https://www.prisonstudies.org/sites/default/files/resources/downloads/world_female_prison_4th_edn_v4_web.pdf

⁵⁷ Prison Reform International. (2013). *UN Bangkok Rules on Women Offenders and Prisoners: a short guide*. Retrieved from: <https://cdn.penalreform.org/wp-content/uploads/2013/07/PRI-Short-Guide-Bangkok-Rules-2013-Web-Final.pdf>

⁵⁸ Chuenurah, C. and Sornprohm, U. (2020), "Drug Policy and Women Prisoners in Southeast Asia", Buxton, J., Margo, G. and Burger, L. (Ed.) *The Impact of Global Drug Policy on Women: Shifting the Needle*, Emerald Publishing Limited, Bingley, pp. 131-139.

⁵⁹ Penal Reform International, Briefing: Access to Justice, Discrimination of women in criminal justice systems, 2012, accessible at www.cdn.penalreform.org/wp-content/uploads/2013/08/BRIEFING-Discrimination-women-criminal-justice.pdf

⁶⁰ Equivalent to ca. USD 35

CONCLUSION AND POLICY IMPLICATIONS

The findings of this research demonstrate that the lived experience of prisoners can be an integral and often missing element of developing evidence-based policy for supporting rehabilitation. In this sense, prisoners' experiences with training, education and rehabilitation in prison and difficulties with reintegration into society after release were instructive in understanding larger criminal justice and societal patterns in the three countries visited, as well as developing strategies for future research in this area. As noted, prisoners' testimonies were very consistent within each country visited, and quite different among the three countries. It is possible that themes might start to emerge among countries once a larger number are represented in the sample, but for the time being, there was very little overlap between the main obstacles to desistance in Albania, Czechia and Thailand, signalling that such targeted and individualized research is indeed necessary in this field.

In all three countries, prisoners reported that social networks and the immediate environment impacted their recidivism. Especially noted was the value of increased family contact and support and a decreased contact with other antisocial characters suggesting to prison administrations the need to seek to facilitate quality connections with family during the entire length of the sentence, maximizing opportunities and limiting bureaucratic and economic hurdles for virtual connections, contact visits, and phone calls.

With regard to employment, similarly to family contacts, it is important to distinguish quantity from quality. Thus, while around 80% of interviewed Czech prisoners reported obtaining employment within six months of release, the Czech Republic's recidivism rate at 66% is twice as high as either of the other two countries. Czech prisoners reported difficulties in making ends meet in a post-release environment that seems to be highly affected by financial pressures.

Many prisoners questioned the quality and value of employment training received in prison, with examples given of certificates being granted for courses they never attended, courses of little practical use and others that comprised mostly watching videos. The UNODC's *Roadmap for the Development of Prison-based Rehabilitation Programmes* can support prison systems in order to ensure the quality and practicality of employment-based skills training in prisons.

Interviewed prisoners also expressed a need for better preparation to make the transition back into the community. For example, in the Czech Republic, immediate access to affordable housing and employment offering a living wage in the first two months after release seemed to be of critical importance. Providing housing options to alleviate the transition and the economic burden of housing costs for those not re-joining a family home can be an important element that prevents recidivism.

It is also instructive to consider areas of future research that could benefit from the lived experiences of prisoners. As noted, this pilot research cast a wide net which captured a varied collection of evidence about the weaknesses inside and outside prison, within criminal justice systems and societies perceptions of those who have been in prison. In the next phase of research, it is hoped that more targeted questions will elicit more specific policy directions.

The following questions and issues are some that have arisen as a consequence of this research:

- The strengths and weaknesses of specific rehabilitation programs currently in place;
- What post-prison success looks like for prisoners, whether desistance from crime, complete rehabilitation, connecting with family members or friends, getting a job, having a place to live;
- The consequences of prison on family members and loved ones, including children, of prisoners;
- Views on recidivism and rehabilitation from those who have broken the cycle of reoffending;
- More specific research on women's prisons and women prisoners.