I. Background

1. The General Assembly, in its resolution 77/232, entitled “Reducing reoffending through rehabilitation and reintegration”, requested the United Nations Office on Drugs and Crime (UNODC) to convene a meeting of an open-ended intergovernmental expert group with a view to developing model strategies on reducing reoffending.

2. Pursuant to that mandate, and following the first part of the intergovernmental expert group meeting, held online on 4 and 5 September 2023, UNODC is to reconvene the intergovernmental expert group meeting from 25 to 28 March 2024. The present working paper, which includes the Chair’s draft of the model strategies on reducing reoffending, has been prepared with the aim of facilitating the deliberations of the intergovernmental expert group.

3. The working paper has been drafted on the basis of the deliberations of the first part of the intergovernmental expert group meeting, including the working paper prepared by the Secretariat for that meeting (E/CN.15/2023/13), and the outcomes of the expert group meeting on reducing reoffending held from 6 to 8 April 2022 and convened pursuant to General Assembly resolution 76/182.

4. During the drafting process, due consideration was also given to comments and written contributions provided by Member States and other relevant stakeholders before, during and after the first intergovernmental expert group meeting pursuant to General Assembly resolution 77/232.

II. Model strategies on reducing reoffending

A. Introduction

5. Reducing reoffending is one of the main goals of criminal justice systems, given the major contribution that it makes to minimizing victimization, increasing community safety and lowering criminal justice costs. In particular, it is clear from the impact of chronic reoffending – repeated and intractable criminal behaviour, with serious consequences for victims as well as for public safety and confidence – that
States should focus substantial efforts, including budgetary resources, on addressing this issue. The model strategies pursue the prevention of reoffending by investing in the rehabilitation and social reintegration prospects of offenders throughout the criminal justice process. In this regard, efforts aimed at both establishing rehabilitative prison environments and effectively using non-custodial measures in the community should be promoted.

6. A growing body of evidence shows that reoffending can be prevented by promoting rehabilitation, social reintegration and individual desistance from crime. However, the problem cannot be solved by the criminal justice system alone. It is necessary to address the root causes of criminal behaviour, including poverty, social inequalities, marginalization, and racial and other forms of discrimination, as well as the practical difficulties and stigma that impede the successful reintegration of offenders into society. The model strategies recognize that breaking the cycle of reoffending requires a comprehensive and multisectional approach and the active participation of all areas of society, without which it is likely that rates of reoffending will remain at the high levels reported around the world. ¹

7. Definitions of reoffending (also referred to as recidivism) vary widely across and even within different contexts, ranging from being rearrested or charged again to being reconvicted or reincarcerated – sometimes within certain time periods or in relation to different types of offences. Although clear and harmonized definitions at both the national and international levels are important for the measurement of reoffending, the development of evidence-based practices for its reduction and the generation of comparable data, the model strategies do not aim to propose a definition of reoffending. For the purpose of the model strategies, reoffending is understood broadly as the commission of a new criminal offence by a person who has previously committed one or more offences.

8. The link between age and crime is well established, with aggregate crime rates peaking in late adolescence and early adulthood. Therefore, strategies, policies and programmes aimed at preventing child involvement in crime and reducing reoffending among children and young adults are of particular importance as an investment in the future and for minimizing victimization and promoting community safety. However, considering that children ² differ from adults in their physical and psychological development, and that the treatment of children in contact with the law is governed by a distinct normative framework,³ the model strategies are not intended to cover issues relating to children. Although many of the approaches set out herein may also be effective in and appropriate for tackling child involvement in crime, the four core principles of the Convention on the Rights of the Child ⁴ should always serve as the primary considerations when addressing the issue. To that end, States should establish specialized child justice systems and child protection services. States should also consider circumstances under which aspects of those systems and services may be extended to young adults, in particular those in contact with the law during the legal transition to adulthood, and should develop definitions of or guidelines on the upper age limit for young adults.

¹ In many developed countries, reoffending rates after criminal sanctions are in the range of 30 to 50 per cent (Sarah Armstrong and Fergus McNeill, Reducing Reoffending: Review of Selected Countries, Research Report No. 04 (Glasgow, United Kingdom of Great Britain and Northern Ireland, Scottish Centre for Crime and Justice Research, 2012)).

² A child means a human being below the age of eighteen, unless under the applicable law, the age of majority is lower (Convention on the Rights of the Child, art. 1).


⁴ Non-discrimination, the best interests of the child, the right to survival and development, and the right to participation.
9. Attempts to reduce reoffending require gender-sensitive approaches that take into consideration different pathways to crime and any prior victimization, as well as specific social reintegration challenges, including socioeconomic disadvantages, gender-based violence and discrimination, and social stigma, unresolved trauma and mental health-care needs. Strategies must also take into account, as applicable, the specific situations of women offenders who are pregnant, mothers of dependent children or primary caregivers.

10. As is the case with other United Nations standards and norms in crime prevention and criminal justice, the model strategies are aimed at offering practical and flexible guidance to Member States and are not prescriptive in nature. Efforts to develop strategies to address reoffending must take into account the fact that the level of resources and institutional support required for the effective implementation of strategies varies significantly across countries, and that the local context must always be considered. It is therefore essential to tailor, prioritize and focus interventions according to the national context, in close consultation with government stakeholders and civil society organizations representing groups that would be most affected by the implementation of any proposed strategies.

11. The model strategies on reducing reoffending are to be implemented without prejudice to the other main goals of criminal justice systems, such as crime prevention, sentencing that is proportionate to the gravity, nature and circumstances of the offence, the protection of society and the rights of victims, and the prevention of interference with the delivery of justice.

12. Against this background, in the model strategies, individualization in the criminal justice process is considered central to reducing reoffending. Individualized assessments are, wherever appropriate, considered essential for making informed decisions in relation to an offender. In order to achieve the common goal of reducing reoffending, the model strategies are aimed at promoting the effective use of non-custodial measures, including diversion programmes and alternatives to pretrial detention, and at developing and enhancing rehabilitative prison management as means to reduce reoffending.

13. The model strategies also address the selection and provision of rehabilitation programmes and other interventions intended to reduce reoffending, which, whether implemented in prison or in the community, must be based on the needs of individual offenders. Where incarceration is used, the model strategies are aimed at developing rehabilitative prison environments, ensuring effective release and reintegration processes and minimizing harm. The importance of cooperation, awareness-raising and capacity-building across and beyond the justice sector, and of sustainability measures, is emphasized. Lastly, the model strategies offer suggestions with regard to the identification and evaluation of efforts to reduce reoffending.

14. The model strategies are intended to complement the existing body of United Nations standards and norms in crime prevention and criminal justice. Therefore, the strategies should be considered without prejudice to, and in conjunction with, other relevant standards and norms, in particular the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

15. [Placeholder: background information on the development and title of the model strategies]
B. Individualized approaches

Core principle I

Decisions regarding the treatment of offenders should be tailored to address their individual circumstances and based on thorough and continuing assessments of their risks, needs, capacities and dispositions.

16. States must avoid a one-size-fits-all approach to addressing reoffending and avoid treating offenders or types of offenders as homogeneous groups. In determining whether offenders are to be handled by the formal justice system, their sentence on conviction and how that sentence is to be implemented, decision makers should, where feasible, take account of the individuals concerned and their specific situation at that point in time.5

Assessments

Model strategy No. 1

Decisions should be based on individual assessments, as appropriate and necessary, which should be conducted by trained professionals using standardized systems that are tailored to the local context and evaluated for their accuracy. States should ensure the involvement of the justice sector, social services and other relevant actors in the conduct of individual assessments and their cooperation in the sharing of relevant information, with due consideration of data protection safeguards.

17. Decisions regarding individual offenders should exhibit a clear basis in the findings of individualized assessments. Such assessments should be conducted or updated, for example: (a) when the appropriate sentence or measure is being determined or when the diversion of an offender from formal criminal proceedings is being considered; (b) at the beginning of a period of imprisonment or supervision; (c) whenever there are significant changes in an offender’s life; (d) when the early release of an offender from prison is being considered; (e) when a change in the nature or level of supervision or classification is being considered; and (f) at the end of a period of imprisonment or supervision. Assessments may also be reviewed at regular intervals in support of continued desistance efforts. Offenders should be informed of and understand the process and outcomes of their assessments, and be able to actively participate in the process, where appropriate.

18. In order to complete a detailed assessment, it is critical to have reliable information regarding the offender’s current offence (or offences), criminal history and socioeconomic and personal background. Gaining a full understanding of these factors requires close cooperation between criminal justice agencies and is also supported by cooperation with other actors, including social services, health sector agencies and civil society organizations. Case management systems and information-sharing protocols should be designed to facilitate access to the information required for the assessment, while also implementing individual data protection safeguards and security protocols.

19. Factors to take into consideration in individualized assessments include the offender’s gender, age, family situation, childcare responsibilities, socioeconomic status and social exclusion, education and vocational training or skills, employment history, housing and living conditions and health status, including the person’s mental health status and any drug use disorders, prior trauma and victimization and disabilities. A comprehensive diagnosis of the offender’s health disorders and subsequent treatment or other interventions may require an additional assessment by a qualified health-care professional. It is also important to consider criminogenic

5 The Tokyo Rules, rule 7.1, 8.1 and 10.3; and the Nelson Mandela Rules, rules 89–94.
needs and other factors associated with criminal conduct, such as various psychological and cognitive factors linked to self-concept, identity and attitudes towards offending, as well as resiliency factors, such as the offender’s strengths, abilities and problem-solving skills. It is recommended that the individual assessments be conducted in an appropriate multidisciplinary manner, including the involvement of the justice sector, social services and other relevant actors.

C. Rehabilitation in the community and non-custodial measures

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<th>Core principle II</th>
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<td>States should promote the use of non-custodial measures as alternatives in appropriate cases, as such measures are beneficial in reducing reoffending. Imprisonment should be used as a measure of last resort, while ensuring that sentences are proportionate to the gravity, nature and circumstances of the offence and accounting for the need to protect society and the rights of victims and to prevent interference with the delivery of justice.</td>
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20. In all decision-making in the area of criminal justice, consideration should be given to the least restrictive measures appropriate. In that context, a proper balance must be struck between the rights of offenders, the rights of victims and the use of imprisonment, while ensuring that responses are proportionate to the gravity, nature and circumstances of the offence and the individual situation. When imprisonment is used, prison conditions should be rehabilitative, in line with applicable United Nations standards and norms, as the risks of reoffending could be increased rather than addressed if prison conditions are inappropriate for rehabilitation, if prison administrations do not follow a rehabilitative approach to prison management compliant with human rights standards, or if there is a lack of follow-up supervision and assistance after release.

21. The effective use of alternatives to imprisonment in appropriate cases is beneficial in reducing reoffending, including because it enables offenders to maintain their relationships and connection to their community. Due consideration should be given to whether rehabilitation and social reintegration interventions can be delivered more effectively in the community than in prison, while still holding offenders accountable and responsible for their actions; therefore, Member States are encouraged to ensure the availability of effective non-custodial measures.

Diversion

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<th>Model strategy No. 2</th>
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<td>States should promote the use of diversion in appropriate cases, taking into consideration the gravity, nature and circumstances of the offence as well as the effectiveness of diversion for the rehabilitation and reintegration of offenders. States may establish directions in favour of the diversion of offenders based on individual assessments and in certain types of cases or for certain types of offences or offenders.</td>
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22. At any stage of the criminal justice process, up to and including sentencing, and with respect for due process and procedural safeguards for individuals, offenders may be diverted, where appropriate, which would offer a way to respond to criminal offences and prevent reoffending without resorting to criminal sanctions. Offenders may be referred, with their agreement, to educational, mentoring, assistance,

6 The Tokyo Rules, rule 1.4.
restorative justice, treatment or supervision programmes – including supervision outside the justice system – without necessarily going through formal proceedings, thereby minimizing their contact with the criminal justice system and mitigating their stigmatization and social exclusion. Diversion is without prejudice to the primary purposes of criminal justice systems, such as ensuring that criminal justice responses are proportionate to the gravity, nature and circumstances of the offence, preventing crime and protecting public safety, society and the rights of victims.

23. There are cases in which diversion may be considered the preferred manner of dealing with young adults in conflict with the law. Diversion may also be, wherever appropriate and feasible and at the earliest possible stage of the process, the preferred response for offenders with mental disabilities or substance use disorders. The use of diversion should not necessarily be limited to first offences, in particular where a treatable condition such as a mental health disorder or disability is the key driver of offending.

24. Criminal justice agencies need clear policies and guidelines on the use of diversion and the exercise of their discretionary authority to refer individuals to such programmes.

**Pretrial detention**

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<td>Pretrial detention should be used as a means of last resort in criminal proceedings, in line with its purpose, namely, to prevent the offender from absconding, committing further offences or interfering with the course of justice. States should develop and use alternatives to pretrial detention in appropriate cases as an important measure to reduce reoffending and should consider offering support to those who are released from such detention.</td>
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25. The use of pretrial detention, in particular for prolonged periods, may generate or reinforce risks of reoffending and should be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and victims. Decisions to hold suspected offenders in pretrial detention should be strictly limited to situations where it is considered necessary to address the risk that individual offenders may abscond, commit further criminal offences or interfere with the course of justice, including through the concealment or destruction of evidence.

26. There is a need to develop and promote a wide range of alternatives to pretrial detention, such as undertakings, sureties, bail supervision orders and electronic monitoring.

27. Efforts should be made to raise awareness among decision makers of such alternatives and the potential adverse effects of pretrial detention, in particular for prolonged periods. Furthermore, both States and non-State actors should consider providing necessary support to individuals who are awaiting trial. Subject to their consent, those who are released should be provided with assistance in reintegration, in particular if they have experienced longer periods of pretrial detention or if they have no other support.

28. Pretrial detainees should be provided with access to legal assistance or, in the case of need or when the interests of justice so require, legal aid in order to ensure

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8 UNODC and World Health Organization (WHO), *Treatment and Care for People with Drug Use Disorders in Contact with the Criminal Justice System: Alternatives to Conviction or Punishment* (2018).

9 The Tokyo Rules, rule 6.1.

that they receive legal advice, assistance and representation as required, and to ensure that those who do not pose a risk are released from detention.

Sentencing

**Model strategy No. 4**

*Sentencing should include non-custodial options whenever appropriate, including for repeat offenders. States should avoid the use of unnecessary mandatory and short-term prison sentences and acknowledge the value of the provision of relevant evidence or information, where applicable, in the form of pre-sentence reports.*

29. Preventing reoffending through rehabilitation and social reintegration should be recognized as one of the formal objectives of sentencing, together with crime prevention, public safety, protecting society from crime and protecting the rights of victims. Sentencing policies and practices should recognize the need to individualize sentences, with due consideration of the gravity of the offence as well as the circumstances of the offence and offender. By nature, mandatory sentencing policies limit the judiciary’s capacity to do so and to incorporate aspects related to the rehabilitation of offenders and the prevention of reoffending in its decisions. Furthermore, States may, where consistent with the principle of proportionality and deemed appropriate, consider a presumption against the use of short-term prison sentences, which offer little opportunity for rehabilitative interventions.

30. Sentencing policies and guidelines should include the use of non-custodial measures, including for repeat offenders who have committed offences that are considered non-serious or minor under domestic legislative frameworks and with due regard for the need to protect society, and should uphold the principle of proportionality. States are encouraged to provide for a wide variety of community-based sentencing options in their legislation, such as judicial supervision, probation, conditional or suspended sentences, unconditional discharge, community service orders, commitment to treatment programmes, restitution and victim compensation, status penalties and fines. There is also a need for gender-sensitive non-custodial measures, in particular measures tailored to meet the requirements of women.\(^\text{11}\)

31. Evidence and other information, which may come in the form of pre-sentence or social inquiry reports, are critical for courts to reach objective and informed sentencing decisions for all offenders. Specific guidelines and specialized training for probation officers and others responsible for preparing pre-sentence reports or similar evidence can help to ensure that sentencing courts have the information that they need to determine which sentence is most likely to encourage offenders to desist from crime and prevent them from reoffending.

32. States should consider, where feasible and appropriate, the use of pre-sentence reporting when sentencing women, young adults and persons in vulnerable situations, including offenders with mental disabilities. In the case of female offenders, it is important to provide judicial authorities with relevant information about their circumstances at the time of sentencing, including information about their family relationships, history of victimization, childcare responsibilities, experience of trauma and mental health-care needs, as applicable.\(^\text{12}\) Similarly, special consideration should be given to young adults and the circumstances of their offending, including information on their family relationships, history of victimization, experience of trauma, adverse childhood experiences, education and health-care needs, as applicable.

33. When considering community-based measures, the court should base its decision on information about relevant programmes and resources available to the

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\(^{11}\) The Bangkok Rules, rule 57.

\(^{12}\) Ibid., rule 61.
offender, as well as on an assessment of how the offender is expected to integrate into the community and comply with any conditions or restrictions that the court might impose.

34. Lessons learned from the practices of specialized problem-solving courts, such as drug courts, Indigenous courts, youth courts, mental health/wellness courts and community courts, should be taken into account in the sentencing and treatment of special categories of offenders, as well as in supporting and monitoring them, where applicable.

Supervision in the community

Model strategy No. 5

States should prioritize the provision of supervision in the community and support to offenders by suitably qualified and trained professionals with adequate resources. Conditions attached to non-custodial measures should be individualized, proportionate, unambiguous, limited to those necessary to address the risk, needs and situation of the offender, and subject to regular review and modification.

35. States are encouraged to invest in strengthening probation services and other agencies involved in the implementation of non-custodial measures to ensure that sufficient support can be provided to offenders in the community. Supervision in the community is a skilled task that goes beyond simply monitoring the behaviour of offenders; it involves managing the risk presented by offenders, acquiring or arranging resources to meet their needs and delivering treatment programmes. It requires developing and maintaining a human relationship with offenders to encourage them to desist from crime, reinforce positive behaviour and enforce consequences for negative behaviour. In this regard, it is important to have properly qualified and trained professionals with adequate resources to supervise and support offenders. Where feasible, the professionals should reflect the diversity of the people who come into contact with the criminal justice system; therefore, efforts should be made to ensure age, gender and cultural diversity among those professionals and to be attentive to their safety, mental health and self-care needs.

36. Probation orders, community service orders, conditional and suspended sentences, prison furloughs, parole, conditional release from prison and other non-custodial measures may be accompanied by various conditions with which offenders must comply, under supervision, in addition to refraining from reoffending. Such conditions, if any, should be proportionate, realistic and tailored to the offenders’ individual risk, needs and circumstances, such as their work schedules and family responsibilities. The conditions should also be clearly drafted and avoid ambiguities in order to enable compliance. Systems should be created for the conditions to be reviewed and modified to reflect changes in offenders’ circumstances and progress made. Offenders must be made fully aware of what is required of them, the consequences of non-compliance and the duties and responsibilities of supervising personnel.

37. Legal and policy procedures are required in order to ensure that the conditions of supervision are not excessive and that any breaches are dealt with fairly and effectively. In cases of non-compliance, decision makers should pay attention to and take into consideration the specific circumstances rather than automatically regard the non-compliance as wilful or stemming from disrespect. All professionals involved in supervision should be educated and trained in the dynamics of addiction and the prevention of relapse behaviour, and in the multitude of barriers faced by survivors of abuse and trauma, in particular in cases involving women or young adults. They should also be aware of the importance of providing age-appropriate and culture- and gender-sensitive services. Decisions to revoke the provision of supervision in the community should be made in accordance with relevant provisions of the Tokyo
Rules, after discussions with the supervising professionals and careful examination by the court or other competent authority.

38. Whenever electronic means are used to supervise and monitor the movement of offenders in the community or of suspects released prior to trial, it is necessary to adopt clear legislative and policy standards and rules to ensure that the practice is proportionate, fair, effective, non-discriminatory and fully respectful of the rights of the persons concerned. Goals, policies and guidelines on the use of electronic monitoring devices should be established prior to their introduction, and periodically reviewed in order to take into account technological developments in the area and evaluate their effectiveness and any negative impacts. Training and awareness-raising should emphasize that electronic monitoring devices are an aid to supervision rather than supervision itself, and if they are not accompanied by sufficient human support, do not promote behavioural changes in offenders.

39. Efforts should be made to avoid mass supervision and “net-widening”, whereby the number of persons under the control of the criminal justice system increases. The overuse of unnecessary supervision, particularly for low-risk offenders, may increase the risk of reoffending.

D. Rehabilitation and social reintegration support in correctional facilities

Core principle III
The prevention of reoffending by former prisoners depends not only on suitable rehabilitation programmes, but also on ensuring safe, secure and humane custodial environments and carefully managed reintegration processes.

40. The protection of society against crime and the reduction of reoffending through imprisonment can be achieved only if the time served in prison is used to ensure that prisoners are able to reintegrate into society upon release so that they can lead a law-abiding and self-supporting life. Effective rehabilitation programmes should be delivered in an overall prison environment that ensures safe and decent conditions and the humane treatment of prisoners by qualified staff, in line with the applicable minimum standards. Prison officers play a crucial role in the rehabilitation of prisoners by encouraging them to participate in prison-based programmes and offering other support, and positive and prosocial relationships between prisoners and staff are also important to the success of rehabilitation.

Prison conditions

Model strategy No. 6
Prison authorities should intensify efforts to align prison management and conditions with the Nelson Mandela Rules and the Bangkok Rules in order to reduce the likelihood of reoffending upon release.

41. The Nelson Mandela Rules and the Bangkok Rules form the basis for the prevention of reoffending by former prisoners. In line with those standards, States should establish rehabilitative prison environments by ensuring that prisoners are

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14 For example, see recommendation CM/Rec(2010)1 of the Committee of Ministers to member States on the Council of Europe Probation Rules, and recommendation CM/Rec(2014)4 of the Committee of Ministers to member States on electronic monitoring. See also Mike Nellis, Standards and Ethics in Electronic Monitoring: Handbook for Professionals Responsible for the Establishment and the Use of Electronic Monitoring (Strasbourg, France, Council of Europe, 2015).
treated fairly and with the respect due to their inherent dignity as human beings, and supported in their personal, judicial, moral and social rehabilitation; ensuring that prisoners’ lives in prison reflect life in the community; ensuring proper prison administration and case management and addressing overcrowding, poor prison conditions, violence in prisons and corruption; providing interventions, treatment programmes, education, vocational training and work that are responsive to each individual’s specific risks and needs; enabling offenders to maintain their community and family ties; and ensuring internal and external monitoring and inspection schemes, as well as external investigations, as necessary. The fulfilment of those and other relevant standards is a prerequisite for prison-based rehabilitation programmes to be meaningful and effective, and they should be prioritized for attention and funding. States are encouraged to strive for the principle of “normality”, according to which the custodial environment should be as similar to the community as possible, in order to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of prisoners or the respect due to their dignity as human beings.16

42. In prisons, individualized assessments of prisoners, which should be conducted as soon as possible upon admission, should enable the administration to gain an accurate understanding of prisoners’ different security, custody and rehabilitation needs and to classify them accordingly.17 It may be necessary to develop specialized approaches for specific types of offences, such as sexual offences or violent extremism offences. The legal status of the offender, the type of offence committed and the length of the sentence should not be the only factors used to determine the classification and security categorization of prisoners and their allocation to suitable prison regimes, all of which should be reviewed on a regular basis.18 Where appropriate, prison administrations should consider moving prisoners whose security categorization is reduced to lower-security facilities with fewer restrictions, increased responsibilities and greater opportunities for interaction with the community, to effectively prepare them for their reintegration upon release.

43. In the construction of new prisons and the renovation of existing facilities, due attention should be paid to rehabilitative aspects, including accessibility to families, partners, services and qualified staff, and to designs that are smaller and less institutional in nature.19 The recruitment and training of staff in accordance with international minimum standards20 is critical, as are systems of oversight and accountability to ensure that duties are discharged and order is maintained by the administration alone, and that criminal hierarchies and activities are not tolerated within the prison environment. With regard to the maintenance of discipline and order, particular efforts should be made to minimize the use of solitary confinement,21 which has been found to increase the risk of reoffending as a result of both the lack of access to rehabilitation programmes and the serious negative impact of such treatment on the physical and mental health of prisoners.

Family contact

Model strategy No. 7

Constructive contacts between prisoners and their families and friends, as applicable, are considered essential for the successful reintegration of prisoners. The importance of maintaining and developing family relationships in particular should be explicitly stated and reflected in prison policies and regulations.

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16 Ibid., rule 5.
18 See para. 17.
19 The Nelson Mandela Rules, rule 89.3.
20 Ibid., rules 74–78.
21 Ibid., rule 45.
44. Efforts should be made to place prisoners in facilities close to their homes. The transfer of foreign prisoners to their home countries, if they so consent, may increase their chances of reintegrating by enabling increased family contact and culturally appropriate rehabilitation interventions. Open visits allowing for direct contact between the prisoner and visitors should be the default means of family visits, and there should be a presumption against a ban on visits by children. There should also be flexibility in visitation arrangements as well as access to telephone and video calls as complementary measures to accommodate family needs, in particular when family members live far away or are unable to visit. Policies should be developed in respect of persons who are not family members but who have a positive influence on the offender, and prisoners should be consulted on who may be permitted to visit them and should have the right to refuse visitation from certain persons, with safeguards in place to prevent reprisals. Support should be also provided to family members of prisoners to help them cope with practical, emotional and interpersonal issues relating to the release of offenders from prison, including through initiatives to support family members of prisoners with substance abuse disorders.

**Prison-based programmes**

**Model strategy No. 8**

Efforts should be invested to make programmes aimed at addressing the causes of offending available to all offenders; programmes in correctional facilities should also be aimed at increasing the social reintegration prospects of offenders upon release, while avoiding the potential for exploitation.

* See sect. E.

45. Prison authorities should consider, to the extent possible, all rehabilitation programmes referred to under model strategy 10. Furthermore, access to accredited education and vocational training, as well as remunerated work programmes, can be useful in enhancing prisoners’ positive self-identity, increasing their employability following their release and fostering positive links with the community. This is without prejudice to the fact that individual reoffending is often likely to have more complex causes than simple economic need. There is a need for proper research on marketable skills; assessments of partner companies in the community to ensure that they provide fair payment and training; strict safeguards to avoid exploitative or otherwise afflictive work schemes for prisoners and ensure fair remuneration for work performed; the provision of accredited qualifications to promote employability that are similar to those issued in the community; and the provision of training and work opportunities that are not guided by existing gender stereotypes.

46. It is important for relevant government stakeholders and civil society organizations to be engaged in the delivery of prison-based programmes and the preparation of offenders for their social reintegration upon release, including through the development of realistic post-release resettlement plans.

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23 See para. 53.

24 Commentary to rule 42 of the Bangkok Rules.
Preparation for release and reintegration into society

Model strategy No. 9

Prison authorities should cooperate closely with criminal justice practitioners, as well as relevant government and non-government stakeholders, to ensure a seamless transition for offenders from the custodial environment to the community, including through the provision of support in the areas of housing, employment and health and social welfare. Preparation for reintegration should begin at the time of an offender’s admission to prison, and support should extend beyond the time of release or post-release supervision in the community, as necessary.

47. Semi-open and open prisons, which allow prisoners to spend time in the community, can support the reintegration of offenders, in particular those who have served a long term of imprisonment, and their gradual transition from prison to the community. Parole or conditional release systems, which allow the supervised early release of offenders, can also play an important role in supporting the successful reintegration of offenders without compromising public safety. Supervised residential settings, such as halfway houses, transition centres, resettlement units and pre-release centres, are needed to help offenders navigate a planned transition from custody to community living, allowing them substantial interaction with the outside world, as well as contact with their families, support networks and current or potential employers.

48. Prisoners are at an increased risk of reoffending in the period immediately following their release. By connecting prisoners with services in the community, the pre-release period offers an opportunity to help prepare them for life outside prison. Inter-agency cooperation and communication between prison and community-based services is essential to ensure the continuity of care throughout the reintegration process. Engagement of private sector actors can also be considered in order to explore employment opportunities or internships for those released from detention.

49. Subject to an individualized assessment and consideration of a possible history of domestic violence, expanded family contact and increased family involvement in preparation for release can further facilitate reintegration. Decisions regarding early release must be made with due consideration of each prisoner’s family situation, including any parental responsibilities, as well as specific family reintegration needs and issues.

50. At the time of a prisoner’s release, the provision of support in the areas of housing, employment, health and social welfare should be prioritized.25 The provision of financial assistance should be considered where possible, and existing policies and practices concerning eligibility for various forms of social assistance and services should be reviewed to ensure that former prisoners are not barred from accessing the services that are essential for their reintegration.

E. Addressing the causes of offending

Core principle IV

Rehabilitation programmes and other interventions intended to prevent reoffending must respond to the needs of individual offenders and the factors that cause them to commit crime.

51. Authorities should avoid the assumption that certain types of interventions, such as work-related rehabilitation programmes, will reduce offending behaviour.

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Interventions that do not address the specific reasons for an individual’s offending may fail to decrease – or may even increase – the likelihood of reoffending.

**Rehabilitation programmes**

**Model strategy No. 10**

Rehabilitation programmes, whether in community or custodial settings, should be evidence-based, age- and gender-sensitive and regularly reviewed.

52. Rehabilitation programmes should respond to the findings and recommendations of individual assessments. The success of such programmes is dependent on the capacity and attitudes of programme personnel, as well as impartiality and consistency in the approaches taken. Offenders’ motivation and responsiveness are also important factors, and programmes must be age-appropriate and culture- and gender-sensitive.

53. States are encouraged to develop a wide range of rehabilitation programmes for application in both community and custodial environments. Such programmes could involve education at different levels, vocational training, physical and mental health care, including psychological support and counselling, cognitive-behavioural therapy, relapse prevention, anger management, faith-based programmes, treatment for substance use disorders, life skills training and family-oriented programmes, cultural activities, physical exercise and sports, and other forms of constructive activities or assistance. It is essential to ensure the availability and accessibility of rehabilitation programmes, including by setting clear procedures and criteria for participation. The potential of making use of technological innovations in the form of online learning should be equally considered.

54. Rehabilitation programmes should be based on evidence of effectiveness, have a clear theory of change and, in recognition of any limitations on resources, prioritize individuals who are most likely to reoffend. States should consider developing an accreditation process for new programmes, testing them during development and monitoring their implementation on an ongoing basis, including monitoring the capacity of programme personnel to deliver, supervise or support them.

**Restorative justice**

**Model strategy No. 11**

Restorative justice programmes should be made available as an alternative to, or in combination with, conventional criminal justice interventions, in accordance with domestic legislative frameworks and without prejudice to ensuring that responses are proportionate to the gravity of the offence and accounting for the need to protect society and the rights of victims. Subject to consent and relevant safeguards, such programmes have the potential to facilitate the recovery of victims, while also enabling offenders to take responsibility for the damaging impact of their offences on victims and the community at large, thereby increasing their rehabilitation and social reintegration prospects.

55. Offenders may be provided with an opportunity to participate in a restorative justice programme at any stage of the criminal justice process, including the sentencing stage and during imprisonment. Restorative justice is aimed at repairing the damage caused by a crime, through a process in which all affected parties are involved and during which offenders can take responsibility for their actions. While such approaches have been used in many cultures throughout history, restorative practices such as victim-offender mediation and community or family group conferences have become increasingly integrated into modern justice systems, both
as an alternative and as a complement to formal justice processes. When applied in accordance with procedural safeguards, giving due regard to the rights and needs of both offenders and victims and ensuring their informed consent, a restorative approach can reduce the likelihood that an offender will reoffend. It is also important to consider the use of restorative programmes in combination with other interventions designed to address individual risk factors associated with reoffending.

56. It is essential to raise awareness and enhance knowledge of restorative justice programmes, including the availability of programmes and how to access them, among criminal justice professionals and others who may be involved in referring offenders to such programmes. It is also important to provide specialized training to mediators and restorative justice facilitators and to establish inter-agency coordination mechanisms for appropriate referrals. Civil society organizations can be well placed to manage and deliver restorative justice programmes as an alternative to the criminal justice process. It is desirable that organizations delivering such programmes be funded, supported and monitored, and that programme delivery be based on agreements and collaboration protocols with law enforcement and criminal justice agencies. The application of restorative justice programmes in contexts outside of the criminal justice sector, such as in schools, can also play an important role in gaining community support for a restorative approach to justice.

Criminal records

**Model strategy No. 12**

With a view to increasing the likelihood of the successful reintegration of offenders, States should restrict access to criminal records and registers to competent public authorities and limit disclosure to narrowly defined circumstances.

57. Criminal records and registers can have a negative impact on the successful integration of offenders, in particular in the case of easy and continuous public access. For offenders who have since desisted from crime and successfully reintegrated into the community, the possibility should therefore be considered to have their criminal records expunged or sealed, as applicable, in particular in relation to background checks by potential employers and other relevant external stakeholders. States should consider regulating this process in law. Special consideration should be given to the criminal records of young adults to avoid further stigmatization and to support reintegration.

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27 The basic principles on the use of restorative justice programmes in criminal matters (Economic and Social Council resolution 2002/12, annex) provide guidance to Member States in implementing restorative justice processes by setting the parameters for their use, as well as essential procedural safeguards. For the role of legal aid services, see the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (General Assembly resolution 67/187, annex), paras. 1–13, principle 4 and guideline 7.

28 Joanna Shapland and others, *Does Restorative Justice Affect Reconviction?* The Fourth Report from the Evaluation of Three Schemes, Ministry of Justice Research Series No. 10/08 (Sheffield, United Kingdom, University of Sheffield, Centre for Criminological Research, 2008).


30 Ibid.
F. Partnerships, community engagement, capacity-building and sustainability

Core principle V
Reducing reoffending requires the active participation of not only the justice sector but all sectors of society, and significant amounts of time and resources must be invested in partnerships, outreach, training and sustainability measures.

58. Partnerships should be established with a wide range of actors both within and outside the criminal justice sector, and efforts should be made to ensure that the aims of and rationale behind relevant policies are communicated clearly to the public. Investment in the training of criminal justice personnel and other professionals involved in supporting rehabilitation and reintegration initiatives should be prioritized, and the reduction of reoffending should be specifically addressed in national legislation and strategies.

Partnerships and collaboration

Model strategy No. 13
Clear protocols should be available for cooperation and collaboration among criminal justice agencies and with other relevant stakeholders.

59. Efforts to reduce reoffending require close cooperation among different criminal justice agencies. For example, inter-agency coordination is helpful for fair and proportionate sentencing by judicial authorities, which rely on information provided by professionals from various sectors in accordance with the law. Where probation services exist, the successful reintegration of people who have been released from prison necessitates close cooperation between such services and the prison administration. The police, the prosecution and the courts should familiarize themselves with diversion measures, and the implementation of non-custodial measures can involve the participation of multiple justice sector agencies. Protocols for collaboration should be available, including in relation to the sharing of relevant information in compliance with privacy and confidentiality principles.31

60. It is important for States to actively support the participation of, and cooperation among, all stakeholders that can play a role in the rehabilitation and reintegration of offenders, including social services, victim support agencies, health services, employers and employment services, housing agencies, training institutions, and volunteers and civil society organizations. It is critical, however, to avoid duplication of efforts and potentially negative interventions by ensuring that a lead agency or individual is clearly designated as responsible for each case. Relevant and clearly defined mechanisms and protocols for multi-agency cooperation should be established, and it is important to ensure that a social reintegration mandate is incorporated into the mission and practices of all relevant agencies.32

Volunteers and civil society organizations

Model strategy No. 14
The potential for volunteers and civil society organizations to contribute to the rehabilitation and social reintegration of offenders should be recognized, promoted and supported.

31 See also: recommendation CM/Rec(2010)1 of the Committee of Ministers to member States on the Council of Europe Probation Rules; and the commentary to recommendation CM/Rec (2010)1.

32 The Tokyo Rules, rules 1.2, 17.1 and 18.4.
61. Cooperation with volunteers and civil society organizations working both in prisons and in the community should be recognized and actively supported. Within the appropriate legal frameworks and under the supervision and sole responsibility of competent judicial authorities, civil society organizations can, following screening and adequate training, be involved in preparing pre-sentence reports and in supporting individuals during the implementation of non-custodial measures and reintegration from custodial environments.

62. Volunteers’ activities may include involvement in peer support programmes, the fostering of connections between offenders and the community and the provision of practical assistance in the reintegration process. The role of community volunteers is crucial in this process. They are members of the public to which the offenders will eventually return, and can therefore serve as catalysts for reintegration, such as in the case of community probation volunteers (Kenya), hogoshi (Japan), probation members (Republic of Korea), volunteer probation assistants (Philippines) and volunteer probation officers (Singapore). Volunteers can also play a significant role in providing a platform for community engagement and raising public awareness of the importance of offender reintegration.

63. Youth volunteers and youth-oriented civil society organizations should be regarded as essential agents of the rehabilitation and social reintegration of juvenile and young adult offenders. Youth volunteers play a significant role as catalysts for change for those offenders in empowering themselves and building life skills that allow them to better cope with daily challenges and to move away from involvement in crime.

64. Legal and administrative mechanisms should be developed to ensure the accountability of civil society organizations and community volunteers and the sustainability of their activities. Such mechanisms should encompass careful recruitment, screening, training, guidance and support (practical, financial and psychological), evaluation, monitoring and supervision by competent judicial authorities. It is also important to cultivate public recognition of the work of those organizations and volunteers, including by disseminating information on and celebrating their contributions through relevant events, awareness-raising, giving awards to dedicated volunteers, supporting national associations of volunteers and developing international volunteer networks.

Public awareness and understanding

Model strategy No. 15

States should design and implement campaigns to raise public awareness and understanding of initiatives to reduce reoffending, in particular campaigns to encourage acceptance of and support for the use of non-custodial measures and other measures for the reintegration of offenders.

65. It is crucial that efforts be made to increase public understanding of the rationale behind and the benefits of non-custodial measures and other measures and approaches aimed at reducing reoffending and increasing community safety. Cost-benefit analyses may serve as an important tool for advocacy with the public and policymakers. Public acceptance and awareness are instrumental in lessening the stigma experienced by those released from prison or subject to non-custodial measures. While awareness-raising activities may take various forms and be conducted at both the national and local levels, such activities should convey a common message that community support is vital to offender reintegration, which will ultimately result in fewer victims and greater public safety. Community leaders and civil society organizations are among the actors that have a key role to play in this respect, and they should be actively engaged in order to help address the multiple
and complex needs of offenders and build the necessary support in the communities to which they are returning.\textsuperscript{33}

\textbf{Capacity-building}

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\textbf{Model strategy No. 16} \\
\textbf{States should recognize and promote the critical role that criminal justice personnel can play in the reduction of reoffending. Professional training programmes should be developed and provided with adequate resources in line with international standards and good practices, and opportunities should be provided for exchange and capacity development within the justice sector and with other relevant actors.} \\
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\end{tabular}

66. It is essential to invest in the training, professional development and supervision of front-line professionals who work with offenders, in particular prison and probation officers. Where possible, opportunities should be created for the joint training of prison and probation staff, as well as for training with staff from other agencies and civil society in order to encourage inter-agency and interdisciplinary approaches to preventing reoffending.

67. Positive and prosocial relationships between offenders and prison and probation staff are important to the success of rehabilitation. Beyond their functions related to containment and supervision, there is a need to promote and invest in their role as skilled practitioners and agents for change who can develop constructive relationships with offenders, model prosocial behaviour and provide practical help and resources to support desistance from crime and prevent reoffending. This should be reflected in recruitment policies, selection procedures and the training of prison and probation staff.

68. It is also important to provide education and training to other justice sector actors, including the police, prosecutors and judicial authorities, so that they understand the objectives and impact of imprisonment and non-custodial measures. Furthermore, it is necessary to develop and support the capacity of civil society organizations and volunteers, including peer support providers, to assist with and deliver effective and evidence-based rehabilitation and social reintegration programmes in prisons and the community.

69. Technical assistance in developing and implementing professional training programmes and other capacity-building initiatives should be offered to Member States upon request.

\textbf{Sustainability}

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\textbf{Model strategy No. 17} \\
\textbf{States should develop national strategies and action plans aimed at the reduction of reoffending, as necessary.} \\
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70. A strategic and sustainable approach to the development of effective offender rehabilitation and reintegration policies and programmes requires effective laws, regulations and policies. States should engage in legal reviews to identify and address any legal policy gaps and other regulatory obstacles preventing or hindering the sound operation of criminal justice agencies in line with international minimum standards, inter-agency cooperation and measures such as alternatives to imprisonment. Such reviews should cover sentencing policies, including in relation to mandatory and short

\textsuperscript{33} Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development (General Assembly resolution 76/181, annex).
sentences, and policies on the use of pretrial detention.34 Provision should be made for meaningful systems of parole or conditional release from prison, with clear mechanisms for effective supervision and assistance in the community, including budgetary support.

71. To ensure a long-term, whole-of-government and whole-of-society approach to the reduction of reoffending so that offenders can receive necessary services in the community after the end of their involvement with the criminal justice system, it is recommended that each State develop a national strategy (with an associated action plan) that provides a clear vision of the goals to be achieved, delineates the respective roles and responsibilities of relevant stakeholders and establishes programme delivery mechanisms. A national strategy can mobilize financial resources, promote the development of inter-agency cooperation and protocols as outlined above, and support an ongoing political commitment to the reduction of reoffending.

G. Research and evaluation

Core principle VI
States are strongly encouraged to invest in research, including comparative research, into patterns of reoffending and the effectiveness of responses.

72. All decisions about what to measure and how to undertake data collection and analysis with regard to reoffending should be guided by the overall objective of supporting the development of evidence-based policies that enhance the rehabilitation and reintegration prospects of offenders.

Measurement and monitoring

Model strategy No. 18
Those undertaking research or presenting data should provide clear definitions and scientific analysis to support their findings and should consider a range of indicators beyond rates of reoffending. In order to ensure high-quality research findings on the complex issues of rehabilitation and reoffending, all research should be undertaken by qualified staff, take into account cultural differences and potential biases, and benefit from collaboration with universities and other academic institutions, where appropriate.

73. Developing national definitions of reoffending is an important starting point for research, but internationally standardized definitions and means of measurement are useful in order to have comparable data that can contribute to a global knowledge base. A specific definition of reoffending must be provided whenever the term is used in relation to a given study or initiative, and reported variations and changes in rates of reoffending should be analysed for their statistical significance. When arrest and pretrial detention rates are used as measures of reoffending, the fundamental right to the presumption of innocence should be clearly stated and fully respected.

74. In addition to administrative statistics kept by criminal justice authorities, other ways to measure reoffending should be considered, as offences themselves are underdetected and underreported. This is particularly true of certain types of offences, such as domestic violence and other forms of gender-based violence, including gender-based violence facilitated by technology.

75. It is also important to include in research positive indicators that measure the success of reintegration, such as individual progress in the areas of employment, housing, education, health and well-being. Self-reporting surveys designed to uncover undetected or unreported reoffending can shed light on important policy and operational issues. The collection of qualitative data from those with lived experience

34 See sect. C.
of the criminal justice system can further increase understanding of the reasons for reoffending and build knowledge of “what works”; it is, therefore, an integral element of policy development.

76. Research on reoffending should take into account cultural differences between communities, countries and regions. There may be context-specific patterns of reoffending and institutional biases that influence reoffending rates, such as systemic discrimination. Careful consideration should be given to the transferability of reoffending prevention programmes from one context to another.

77. Information-sharing and technical assistance with data collection, research and evaluation at the national and international levels must be supported and facilitated, including through the exchange of promising practices and collaborative research initiatives.