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# **CUSTODIAL AND NON-CUSTODIAL MEASURES**

## **Social Reintegration**

**Criminal Justice Assessment Toolkit**



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# 1. INTRODUCTION TO THE ISSUE

Social reintegration can be understood as the support given to offenders during re-entry into society following imprisonment. A broader definition, however, encompasses the period starting from prosecution to release and post-release support.

In this latter sense, social reintegration of offenders includes efforts undertaken following arrest, to divert them away from the criminal justice system to an alternative measure, including a restorative justice process or suitable treatment. It includes imposing alternative sanctions instead of imprisonment, where appropriate, and thereby facilitating the social reintegration of offenders within the community, rather than by subjecting them to the de-socializing and harmful effects of prison unnecessarily. In addition, some of the measures imposed may include a condition to undergo treatment for an addiction, while others may include referral to an educational or personal development centre, or oblige offenders to undertake unpaid work beneficial to the community, on the understanding that, as well as being penalized, they are acknowledging and repaying the damage they have caused to the community by committing an offence.

For those who are sentenced to imprisonment, it includes social rehabilitation in prison, which should start on the first day of sentence and continue into the post-release period. A range of rules included in international instruments relating to imprisonment is based on this understanding. The **International Covenant on Civil and Political Rights (ICCPR)** states that the essential principle of the treatment of prisoners shall be their reformation and social rehabilitation (Art 10, 3). **UN Standard Minimum Rules for the Treatment of Prisoners (SMR)** make it very clear that the purpose and justification of a sentence of imprisonment is ultimately to protect society against crime, and that this end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon returning to society the offender is not only willing but able to lead a law-abiding and self-supporting life (SMR, R.58). The guiding principles are set down in the second part of the SMR (R.56-64) and span the issues of security, classification, care and resettlement.

Social reintegration in the prison setting refers to assisting with the moral, vocational and educational development of the imprisoned individual via working practices, educational, cultural, and recreational activities available in prison. It includes addressing the special needs of offenders, with programmes covering a range of problems, such as substance addiction, mental or psychological conditions, anger and aggression, among others, which may have led to offending behaviour. Reintegration encompasses the prison environment, the degree to which staff engage with and seek the cooperation of individual prisoners, the measures taken to encourage and promote contact with family, friends and the community, to which almost all prisoners will one day return. It also refers to opportunities provided for prisoners' gradual re-entry into society, such as furloughs (home leave) and half-way houses.

Post release reintegration refers to conditional release (parole), which is a measure designed to enable offenders' planned and gradual transition from prison to life outside. It also includes all social, psychological and other support provided to former prisoners after release by various agencies and organizations.

Social reintegration is not an issue that can be resolved by legislation and institutions alone, however. The families of offenders, their immediate circle of friends, and the community have a fundamental role to play in assisting the offenders' return to society and supporting ex-offenders in rebuilding their lives. Research indicates that having strong family support is one of the most important factors contributing to successful rehabilitation, together with gaining steady employment. Successful treatment for drug addiction and desistance from returning to former drug circles is another key issue for many, and here family support is crucial.

Probation services, where they exist, or similar bodies, have a key function in all of these areas – helping ex-offenders rebuild their relationships with their families, with finding a job, encouraging professional treatment for problems such as drug addiction and in general enabling a positive life strategy. But success, to a large extent, depends on community support; and in countries where a

probation service does not exist (which will be in a majority of cases in developing countries) the role of other organizations of civil society is central.

Unfortunately, due to factors that include lack of resources, prison overcrowding, and inadequate attention given to the post-release needs of ex-offenders, the social reintegration needs of offenders are often a low priority in practice. In prisons, the resources that are available are typically used to improve security, safety and order, rather than investing in prison workshops, skills training, educational facilities, sports and recreation in the mistaken belief that security can be achieved by using more restrictions and disciplinary measures rather than by improving the prison environment, providing constructive occupation for prisoners, and encouraging positive relations between staff and prisoners.

Governments do not typically place a high priority on assisting prisoners with post-release care either. In fact, in some countries former prisoners confront new restrictions to employment and education due to their criminal record upon release, hindering the process of reintegration significantly and contributing to re-offending. Another problem often encountered is the lack of coordination between pre-release preparation in prisons with the services provided in the community. Finally, many countries lack an overall reintegration strategy adopted by relevant authorities (e.g. Ministry of Justice, Health, Employment, Social Services etc).

Lack of resources invested in the social reintegration of offenders leads to high rates of recidivism (re-offending), not only in countries where resources are scarce, but also in the West. For example, according to the Scottish Prison Service in 2002, 48 percent of those released were back in custody within two years. Of that 48 percent, 52 percent were back in custody within six months and 76% returned within one year. In the United States, 42 percent of offenders discharged from parole supervision were returned to incarceration in 2000.<sup>1</sup> The percentages are similar in many other countries worldwide, leading to the conclusion that efforts to build a safer society must include the allocation of adequate human and financial resources to the social reintegration of offenders and former prisoners.

This tool is based on:

- the **UN Standard Minimum Rules for the Treatment of Prisoners** and commentary thereto in **Making Standards Work** (PRI:2001);
- **UN Standard Minimum Rules for Non-Custodial Measures** 1990, also known as the '**Tokyo Rules**';
- **UN Standard Minimum Rules for the Administration of Juvenile Justice** 1985 (**Beijing Rules**).

Reliance is also placed on the **UNODC Manuals on Alternatives to Imprisonment and Restorative Justice** and regional documents, such as the recommendations of the Council of Europe, Committee of Ministers. As such, this assessment tool assumes social reintegration to be a guiding principle that underlies the whole criminal justice process, starting as early as possible, in order to increase chances of success. The tool focuses on the social reintegration aspect of all sanctions and measures – starting from diversion from prosecution to early-release dispositions, as well as post-release support. The use of non-custodial sanctions and measures may be among the most effective methods of encouraging social reintegration. Therefore, the assessor is urged throughout to refer also to **Custodial and Non-Custodial Measures: Alternatives to Incarceration**, although the directly rehabilitative elements of alternatives are covered by this tool.

Probation services and other bodies responsible for supervising offenders sentenced to non-custodial sanctions, and those on conditional release, are covered by this tool, with focus on the role they play in the social integration of offenders. Organizational and administrative aspects of probation services as a whole are covered in the **Custodial and Non-Custodial Measures: Alternatives to Incarceration**, while the specific administrative and organizational aspects relating to pre- and post-release care is covered by this tool. Assessors should refer to both tools as necessary.



The tool will help identify the measures planned and being taken to achieve the principles set out above in the criminal justice system and to gauge their effectiveness in order to develop and inform the recommendations for technical assistance interventions.

In addition to developing an understanding of the strengths and weaknesses of a state's approach to social reintegration, the assessor should be able to identify opportunities for reform and development. Technical assistance in the area of social reintegration in the context of a broader strategic framework may include work that will enhance the following:

- Legislative reforms aiming to introduce and widen the scope of support to offenders and ex-offenders to address their social reintegration needs (including in the area of criminal justice, as well as labour, education, social welfare);
- Developing a strategy and mechanism for cooperation among Ministries of Justice; Interior; Labour; Social Welfare; Health and police agencies. Improving organisational design and management processes relating to the social reintegration of offenders on this basis;
- Developing training curricula for prison staff (including, but not only, social workers and psychologists), probation service staff and others involved in the social reintegration of offenders and ex-offenders;
- Developing constructive prisoner programmes/improved prison regime;
- Enhancing both human and technical resource capacity of probation services or other supervision/monitoring systems of non-custodial sanctions and measures and social reintegration programmes;
- Designing special projects aiming to increase and improve the support to special categories and vulnerable groups;
- Improving allocation of resources through sound budgeting and financial management;
- Enhancing capacity to develop and manage planning, research and information management;
- Raising public awareness about the harmful effects of imprisonment, the social reintegration needs of offenders and ex-offenders, and increasing community participation in social reintegration programmes and initiatives.

Please refer also to the areas suggested in **CUSTODIAL AND NON-CUSTODIAL MEASURES: ALTERNATIVES TO INCARCERATION.**

## 2. OVERVIEW: GENERAL AND STATISTICAL DATA

Please refer to **CROSS-CUTTING ISSUES: CRIMINAL JUSTICE INFORMATION** for guidance on gathering the key criminal justice statistical data that will help provide an overview of the prison population, the number of offenders sentenced to non-custodial sanctions and overall capacity of the criminal justice system of the country being assessed.

Listed below are additional indicators that are specific to this Tool. Some countries may not have this information available. It is advisable to request it in advance, as it may take time to obtain it.

Written sources of statistical information may include, if they exist:

- Ministry of Justice reports
- Penal System reports (including the prison and probation systems)
- Ministry of Interior/National Police Crime reports
- Court annual reports
- Non-governmental organisation (NGO) reports
- Research reports by independent and academic institutions
- Donor reports

The contacts likely to be able to provide the relevant information are:

- Ministry of Justice
- Senior prison service officers
- Senior probation service officers, where a probation service exists
- Ministry of Interior
- High Court Judges and other senior judges
- NGOs working on criminal justice matters
- Independent institutions and academicians working on the criminal justice sector
- Donor organisations working on the criminal justice sector

Answers to the suggested questions below will give the assessor an overall picture of the prison/offender population, sentencing practice and trends, profile of offenders, and their support needs, statistics of those released on various early release schemes and their success rates in terms of preventing recidivism, as well as an overall picture of facilities provided in prisons for the rehabilitation of prisoners. The information will help identify, in general, problematic areas that need further investigation.

- A. Are the following statistics available?
- The prison population for the past 5 years, including pre-trial and sentenced. Is the prison population increasing, remaining stable or decreasing?
  - The rate of overcrowding in prisons (a comparison of the capacity of prisons with the actual number of prisoners (average daily population).
  - The percentage/number of juveniles in prison
  - The percentage/number of women in prison
  - The percentage/number of prisoners sentenced for drug related offences.
  - The percentage/number of foreign nationals and minority groups in prison.
- B. What is the percentage of recidivist offenders (i.e. those who have re-offended) in the prison system?
- C. What are is the number/percentage of prisoners who have been released on temporary and early release schemes, over the past 3 years, with separate information on:
- work or education release,
  - furloughs/home leave,
  - half-way houses,
  - remission, parole.
- D. What is the number/percentage of prisoners who have failed to return from work, education release or home leave, over the past 3 years?
- E. What is the number/percentage of prisoners who have re-offended on a temporary or early release scheme, over the past 3 years, with separate information on:
- furloughs/home leave

- work or education release
  - halfway houses
  - remission, parole
- F. What is the number/percentage of offenders who have breached the rules of early conditional release (parole) over the past 3 years and were returned to prison as a result?
- G. What is the average length of stay in the community of those on conditional release?
- H. What is the number/percentage of prisoners who have absconded from open prisons?
- I. What is the profile of the sentenced prisoner?
- Statistics showing the education level of sentenced prisoners
  - Age at the time of offence
  - What percentage/number had employment at the time of offence?
  - What percentage/number is drug dependent?
  - What percentage/number is mentally ill?
- J. What is the profile of former prisoners on early release?
- What percentage has found a job? What percentage unemployed?
  - What percentage is undertaking an educational course or vocational training?
  - What percentage is drug dependent and receiving treatment for his/her addiction?
  - What percentage is mentally ill and receiving treatment for his/her condition?
  - What percentage has family or community support?
- K. What is the profile of the offender sentenced to community sanctions and measures / probationer?
- Percentage of offences by type among offenders serving non-custodial sentences and age at the time of offence.
  - What is the percentage of drug or alcohol abusers? Does the community sanction imposed on them include treatment for their addiction?
  - What percentage is mentally ill? Does the community sanction imposed on them include treatment for their condition?
  - What is the education level of offenders sentenced to community sanctions and measures? How many/what percentage is obliged to undertake an educational programme as part of their sentence?
  - What percentage/number is employed?
  - What percentage received a prison sentence as a result of re-offending, over the past 3-5 years?
  - What percentage received a prison sentence as a result of breaching the rules of the community sanction over the past 3-5 years?
- L. What rehabilitation facilities are there in prisons?
- What kind of work is available in prisons, how many prisoners are employed?
  - What are the type and number of vocational training facilities and how many prisoners are undertaking vocational training?
  - What are the type and number of schools/educational facilities and how many prisoners are undertaking education programmes?
  - How many prisons have sports facilities, what do they consist of?
  - How many prisons have libraries?
  - What sorts of aftercare services exist?

### 3. LEGAL AND REGULATORY FRAMEWORK

The following documents constitute the main sources from which to gain an understanding of the legal and regulatory framework for prisoners' access to educational, vocational, recreational and spiritual activities in prison; rules for transfer to open prisons, for the granting of early release, home leave, educational leave, and other measures aiming to assist offenders' social reintegration.

The Criminal Code and Criminal Procedure Code and regulations will provide information about the possibility of diverting an offender from prosecution, to a special treatment programme or a restorative justice process at various stages of the criminal justice process, with the aim of assisting offender rehabilitation;

The Penal Enforcement Code, (or Prison Act or similar) and regulations will provide information about the rules for transfer to open prisons, prison leave, remission and conditional release (parole), as well as rules governing activities in prisons;

The Probation Act or any other similar act will provide the legal framework for the administration of non-custodial sanctions and measures and the probation service's role in assisting with offenders' social reintegration;

Juvenile Court Act (or similar) will outline specific provisions relating to juveniles.

The Labour Act and regulations thereto, as well as civil service laws may provide information on any restrictions placed on the employment of former prisoners, or any special provisions made for their employment.

Social welfare legislation will provide information on any special rights former prisoners may rely on to access social welfare assistance

Privacy legislation or other legislation such as freedom of information legislation that regulates what and to whom personal offender information may be released and from whom it must be kept confidential absent a waiver.

Where semi-formal justice systems exist, there may be particular acts governing their actions.

For list of other useful documents, see **Annex A: Key Documents** and **Annex B: Assessor's Guide/Checklist**.

#### 3.1 CRIMINAL LEGISLATION

- A. How is the question of social reintegration addressed in the criminal and criminal procedure codes? What is the legal and regulatory framework governing:
  - Diversion from prosecution,
  - Alternative sanctions and measures,
  - Probation system, if it exists. (There may also be a separate Probation Act),
  - Parole or conditional release.
- B. Does the commentary to legislation encourage the use of measures that keep offenders out of prisons to the extent possible, as well as providing opportunities to ease reintegration during imprisonment and after release? How is this expressed?
- C. Does the penal enforcement code/prison act provide for temporary and early conditional release schemes from prisons? What are the rules? Is conditional release discretionary or mandatory?
- D. Is the minimum period that prisoners must serve to become eligible for discretionary conditional release fixed by statute? Is it a specific time or is it a percentage of the original sentence?
- E. In the mandatory conditional release system, is the period that prisoners must serve in prison before qualifying for parole fixed by law? What is this period?

- F. What are the rules for transfer to open prisons from closed prisons? Normally these will be set out in the prison act/enforcement code, with proportion of sentence that must be served in a closed prison, and additional conditions such as good behaviour, that enable a prisoner to gain the right to be transferred to an open prison.
- G. To what extent does prison regime include activities that encourage social reintegration? Please see Prison Act/Penal Enforcement Code; e.g. education, work, contact with the outside world, treatment for drug and mental conditions etc.
- H. Does legislation allow and encourage the use of restorative justice in all stages of the criminal justice process, including in prisons, in order to assist with the rehabilitation of the offender? What are the rules?
- I. Do any of the penal enforcement/prison act statutes provide for post-release support? How?
- J. Is there a treaty or legislation relating to the transfer of foreign prisoners to their own countries.

### 3.2 OTHER LEGISLATION AND RULES

The assessor is advised to check laws and acts relating to employment, housing, education and social welfare to identify any rules that put ex-offenders at a disadvantage or provide them with the right to specific assistance in post-release reintegration. These rules can be extremely important in practical terms, preventing or helping ex-offenders in getting jobs, housing, and education, the absence of which are very closely associated with re-offending.

In at least one country, for example, the reasons for unusually high unemployment rates among ex-offenders is deemed to be not only their lack of skills, but laws, regulations and practices which prohibit a wide range of jobs to those with a criminal record. In some countries, universities use criminal records to reject student applications for admission.<sup>2</sup> These laws, in practice, undermine efforts invested in the social reintegration of offenders; preventing them to rebuild their lives and forcing them perhaps back into criminal behaviour patterns.

There are also positive examples, however, of what states can do to assist with the employment of ex-prisoners. In Turkey, for example, the Labour Law obliges companies that employ more than 50 staff to include a fixed percentage of ex-prisoners among their staff. If companies do not fulfil this obligation, then they must pay a fine to the Ministry of Labour and Social Security. The Employment Institution of the Ministry of Labour and Social Security has a mandate to help former prisoners with vocational training and appropriate rehabilitation programmes to enable them to find suitable employment and assist with their social reintegration. The Ministry uses the fines to fund vocational training programmes in prisons, the education of and training of probationers and prisoners, and post-release assistance, which have been designed by the Ministry of Justices' General Directorate of Prisons and Detention House. Further, companies with less than 50 employees are offered a financial incentive to employ former prisoners, whereby the employer's obligation to pay the social security of these former prisoner employees is halved with the other half being paid by the state treasury.

- A. Are there any articles in legislation (Labour, Social Welfare, Health, Privacy) that provide ex-prisoners with certain rights? Are employment, health and social welfare agencies obliged to assist former prisoners specifically in any way? How?
- B. Are there any legal restrictions that prevent offenders or ex-offenders from obtaining employment or undertaking education? What do these restrictions comprise?
- C. Even when there are no such restrictions in legislation, what happens in practice? Do educational institutions, for example, have their own rules that prohibit admission of individuals with a crime record? Do business companies in practice not employ those with a criminal record? Is the situation the same in the public sector?

### 3.3. LAW REFORM

- A. When were the criminal and criminal procedure codes last reviewed and did the review include the introduction of a range of non-custodial sanctions and measures to enable offender reintegration?
- B. When was the prison act/penal enforcement code last reviewed? Did the review increase prisoners' right to a balanced and wide range of activities in prisons; widen possibilities for transfer to open prisons, for home and educational leave, for early release? Did it increase prisoners' right to contact with the outside world? Did it introduce restorative justice in prison?
- C. Have there been any legislative reforms that give former prisoners certain rights to assist with their reintegration? If so, what do they consist of?
- D. Is there a law commission or law review body that is considering the penal statutes and/or other legislation with a view to undertaking changes to improve the social reintegration of offenders? What laws are currently under review?

## 4. MANAGEMENT

Since the reintegration of offenders spans the period from prosecution to post-release rehabilitation, the management of the reintegration of offenders comes under the responsibility of more than one jurisdiction. For reintegration efforts to be effective, cooperation between the various institutions involved is key.

As a first step an offender may be diverted from prosecution. The police, prosecutors, and courts would normally have the authority to divert cases.

If an offender is diverted from the criminal justice system to a restorative justice programme or for treatment, then management may become the responsibility of a state run, voluntary or non-State institution undertaking restorative justice programme or informal dispute resolution. A state run restorative justice programme would typically reside in a probation service, if it exists, with other institutions responsible for victim-offender mediation, including the courts and prosecution service. A non-State setting would have its own informal rules.

Rehabilitation in prison is the responsibility of the prison authorities, normally within the jurisdiction of the Ministry of Justice (but also possibly with the Ministry of Interior or more rarely, a separate Corrections or Penal system authority). Prison authorities must work in coordination with a probation service if it is available, as well as public social support agencies, particularly in preparation for release.

Social reintegration of those undertaking non-custodial sanctions and post-release reintegration, including of those on various forms of conditional release, is the responsibility of the probation service, where it exists. If there is no probation service, then there is rarely a unified institution with a clear mandate to provide support, assistance and supervision of offenders and ex-offenders. In this case, support is normally provided by various social assistance bodies, including housing, employment and health agencies, all of which come under the jurisdiction of different ministries. There may be provisions in legislation that oblige some or all of these institutions to assist former prisoners, but in practice it may be very difficult for former prisoners to receive assistance from such agencies, since their priority will normally be assistance to citizens without a criminal record. At the post release stage the assistance that can be provided by NGOs is therefore very important.

In terms of institutional support, this tool focuses on the management of the two institutions that have a clear responsibility to assist with offenders' social reintegration – the **prison service** and the **probation service** (or any other provider of community supervision). The role of NGOs and the community is covered under Section 4.4. Other institutions involved are covered under system coordination, Section 9.1.

This tool focuses only on the social reintegration element of prison and probation service management. Management, structure and budget arrangements of the prison and probation services as a whole are covered in **CUSTODIAL AND NON-CUSTODIAL MEASURES: THE PRISON SYSTEM** and **CUSTODIAL AND NON-CUSTODIAL MEASURES: ALTERNATIVES TO INCARCERATION** respectively. Assessors should use these tools in conjunction, if they wish to undertake a full assessment of management arrangements.

## 4.1 DIVERSION FROM PROSECUTION

The Tokyo Rules say “consideration shall be given to dealing with offenders in the community avoiding as far as possible resort to formal proceedings or trial by court, in accordance with legal safeguards and the rule of law.” (Rule 2.5). They require that “member states shall develop non-custodial measures within their legal systems to provide other options, thus reducing the use of imprisonment...” (Rule 1.5). The aim of reducing prison sentences is twofold: Firstly, to reduce overcrowding in prisons and secondly, to deal with the social reintegration of offenders in the community, rather than by isolation from it, which, in the majority of cases is a more effective way of meeting the offence related needs of the offender and preventing re-offending.

The police, prosecutors and courts have an array of options available to them to divert offenders from prosecution. These are to be found in the criminal code/penal statutes, and may include:

- Absolute or conditional discharge
- Verbal sanctions
- An arbitrated settlement
- Community service order
- Restitution to the victim or a compensation order
- Victim offender mediation
- Family group conference
- Another restorative process

**Restorative justice programmes**, have a significant role in the social reintegration of offenders, due to their principle of holding offenders responsible for their actions, and emphasizing relationship building, reconciliation and the development of agreements around a desired outcome between victims and offender. (Please see **Custodial and Non-Custodial Measures: Alternatives to Incarceration**, for a definition of the restorative process and restorative justice programmes.)

Restorative justice has its roots in **informal dispute resolution** processes that still play an important role in a number of countries in Africa, South Asia and Latin America. (Please see **Custodial and Non-Custodial Measures: Alternatives to Incarceration** for comments on informal dispute resolution.)

As emphasized in **UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters**, restorative justice programmes complement rather than replace the existing criminal justice system. A restorative intervention can be used at any stage of the criminal justice process, although in some instances amendments to existing laws may be required. Generally speaking, there are within a criminal justice system four main points at which a restorative justice process can be successfully initiated: 1) at the police level (pre-charge); 2) prosecution level (post-charge but usually before a trial), 3) at the court level (either at the pre-trial or sentencing stages; and, 4) corrections (as an alternative to incarceration, as part of or in addition to, a non-custodial sentence, during incarceration, or upon release from prison. In some countries, restorative interventions are possible in parallel to the prosecution.

A large proportion of restorative justice programmes are operated by public sector organizations. There are court-based programmes, police-based programmes, and programmes that are operated by NGOs in the community. While public sector agencies tend to utilize professionals, community-based programmes generally rely on trained volunteers from the community.

Diversion from prosecution, with an appropriate rehabilitative condition, is the first step criminal authorities can take to socially reintegrate offenders, without isolating them from society. It is therefore considered in this tool, with focus on its function in the social reintegration of offenders.

- A. What diversion options exist in legislation and practice? Who has authority to divert cases from prosecution? What discretion do police or prosecutors have to divert cases from the criminal justice system? If so, on what basis do they take their decisions? Are there criteria for eligibility? Who prepares them?

Please see **ACCESS TO JUSTICE: THE PROSECUTION SERVICE**, SECTIONS 3.3.1, Prosecutorial Discretion, and 3.3.2, Alternatives to Prosecution

- B. Can cases be referred to restorative justice programmes, by the police, prosecutors or the courts, with the goal of settlement by mediation between victim and offender? If

so, by whom are the restorative justice programmes run? The courts? The police? NGOs? The Probation Service? Another agency?

- C. Can cases be referred to medical treatment programmes, instead of prosecution? Who manages the treatment programmes, e.g. public or private health/specialized drug addiction therapy services, mental health facilities etc.? Can cases be referred from the formal State courts to non-State settings (often in the village) for informal settlement?
- D. Is diversion, accompanied by restorative justice programmes or appropriate treatment, integrated into the criminal justice system in a sustainable way? Are such resources/services available throughout the country being assessed? If not, where are they offered and who decides where they are offered?
- E. What is the budgetary process under the law? Which ministry/ministries are responsible for financing restorative justice programmes and treatment for those diverted from prosecution?
- F. Which institutions receive a budget for restorative justice programmes? How is this budget distributed?
- G. Do health services receive funds for treatment programmes? Do the police, the prosecution service or the courts have a specified budget for restorative justice programmes? Does the probation service receive a separate budget for restorative justice programmes?
- H. In each case, who is involved in planning the initial budget? Who prepares and submits the operating budget? Under the law, who manages the budget? Who oversees its spending? Is the budget sufficient?
- I. When NGOs run the programmes, is this undertaken on a contract basis, with financial expenses covered by the state or do NGOs rely on their own funding?

## **4.2 PRISON SERVICE**

### **4.2.1 Management and Structure**

- A. Which Ministry is responsible for the management of the prison service?
- B. Obtain an organisational chart of the prison service and determine the different levels of departments/services within the prison system, which are responsible for aspects of the social reintegration of prisoners. What units exist at headquarters? Education? Health? Regime? [Please see SECTION 6.3. Social Assistance?](#)
- C. At headquarters level, does the prison service have a unit, committee, working group or other body responsible specifically for policy formulation and strategic planning for the social reintegration of prisoners within its care? If so, is there a policy document and/or strategic plan? If so, obtain a copy.
- D. If not, has a system of coordination been developed among the different services and units (e.g. social services, health, education, regime etc) to allow comprehensive social reintegration of each prisoner in accordance with individual assessments and sentence plans? How does this coordination work in practice?
- E. Is there a unit at headquarters responsible for regime activities? Who heads the unit? Are the staff of the unit multidisciplinary? What exactly is its responsibility? Does it have a policy document or a strategic plan for developing constructive activities in prisons or the delivery of prisoner programmes? If so, obtain a copy.



- F. Is there a unit at headquarters responsible for the aftercare of released prisoners? What does its responsibilities consist of?
- G. Does each prison have a person responsible for the development and delivery of regime activities (e.g. a deputy governor)? If so what are the responsibilities of this person? Does he/she head a team? If so, who is assigned to the team?
- H. Are community agencies involved in the social reintegration of prisoners, such as social services, educational authorities, vocational training services, and health services? If so, who in the prison service is responsible for coordinating with them? What are the mechanisms of coordination? If not, why is there no involvement?
- I. Have there been any recent management changes/restructuring of the prison system? Have these changes led to increased focus on the social reintegration needs of prisoners? How?

#### 4.2.2 Budget

- A. What proportion of the prison service budget is allocated to the following social reintegration activities: sentence planning and individualisation of prison regime; healthcare for mental conditions or drug addiction; education; vocational training; employment, recreation; sports; spiritual needs; preparation for release; and the administration of temporary and early release schemes? How does this compare to other elements of the budget?
- B. Has there been an increase in funds allocated to social reintegration activities over the past 3 years? If so, what is the percentage of increase? Was this increase part of an overall increase in the prison service budget or was it a result of a change in policy?
- C. Who is involved in planning the budget for these activities? Who oversees its spending? Is the budget for activities aiming to enhance the social reintegration of prisoners sufficient?
- D. Does the prison service actually receive the funds allocated in the budget for these activities? Are there delays, fiscal constraints or other obstacles to gaining access to these funds?
- E. Do the profits made by prison work undertaken by prisoners contribute to the budget? To what extent? What is the percentage? Are these profits used to improve prison conditions or social reintegration initiatives in prison? To what extent?

If the profit figure appears to be too high, inquire further about prisoners' wages and whether they receive these wages in practice. Although in many countries it will be impossible for prisoners to receive wages comparable to that on the market, the wages they receive should be so low that they are exploitative, especially in economically developed countries. Contributing profits made from prison work to improving prison conditions or the social reintegration initiatives in prison is a very positive step, especially in countries where resources are scarce and where this may be one of the only means to improve the situation in prisons. The assessor will need to assess whether the level of funding being raised and used in this manner is appropriate considering the individual circumstances of the country and prison system being assessed.

- F. Do the prison service and/or individual prison administrations receive funds from other bodies, such as charities, voluntary agencies, social support agencies, trade and business associations, business firms or others to improve the conditions enabling the social reintegration of prisoners? Which organisations provide this support and to what level? What activities do they support, e.g. do businesses support vocational training

and workshops in prisons? Are individual prison administrations encouraged to seek community support? How are donated funds accounted for within the budget?

### 4.2.3 Personnel

- A. Does the training curriculum for all prison staff, make it clear that social reintegration is the guiding principle of the prison service and is the curriculum itself based on this principle? To what extent does training include the development of skills and methods to establish positive relationships with prisoners and is this encouraged in practice - especially in the case of prison staff working in close contact with prisoners, e.g. uniformed staff? Is all staff encouraged to take an active part in the rehabilitation of prisoners, especially those responsible for regime?
- B. How many staff positions are there in the prison service for the following:
- Social or case workers
  - Psychologists and psychiatrists
  - Teachers
  - Doctors and other medical staff
  - Trainers (vocational training)
- C. How many of these positions are occupied in total and in each prison? If a significant proportion of these positions is (chronically) vacant, to what extent does the prison service make use of specialists from public agencies in delivering these services?
- D. Are medical staff part of the prison service or are they subordinated to the Ministry of Health? If part of the Health Ministry, do they have regularised access to prisoners? If medical staff are subordinated to the Ministry of Justice, do they receive access to the same opportunities to increase their skills, professionalism, qualifications and specialisations as their colleagues working for the Ministry of Health?
- E. Is there a recruitment procedure for staff? If so, what does the procedure consist of? Are positions advertised? Posted? Where?
- Are there minimum qualifications for positions?
  - Is there transparency in the hiring process, including the use of standard questions during the interview process, rating sheets, etc?
  - Is there a policy of equal opportunity/non-discrimination? Is it posted?
  - Does the prison service have an employee manual that explains policies, procedures and responsibilities?
  - How are employees evaluated? Promoted? Disciplined? Demoted? Terminated? Is there a written procedure for each?
- F. Is their remuneration consistent with their position? Is their salary reasonable when compared to the local cost and standards of living? Are the salaries of specialist staff mentioned under 2 comparable to the salaries of specialists working in the civil sector? Do staff receive benefits other than salary as part of their compensation?
- G. What, if any, initial training do specialist staff referred to under Question B receive? What topics are covered? Do staff demonstrate an understanding of the need to coordinate activities with other services and social and health agencies outside prison?
- H. What ongoing training is available for these categories of prison service employees in the area of skills, policy, professionalism, changes in the law, procedure?
- I. Do staff working in prisons reflect the population? Is any group over- or under-represented? Is the prison service making efforts to recruit candidates to make the staff more representative? Are bilingual or multilingual staff who speak ethnic minority languages recruited? If not, why not?

## 4.3 PROBATION SERVICE / PROVIDERS OF COMMUNITY SUPERVISION

### 4.3.1 Management and Structure

- A. If there is a probation or similar service, do its responsibilities include supervision of prisoners released on temporary release schemes and early conditional release schemes? What do these responsibilities consist of?
- B. Does the service have a policy document and/or strategic plan for the management of pre-release preparation and post-release support for prisoners? When was it formulated? Who participated in its formulation? If a strategic plan, what period does it cover?
- C. What are the responsibilities of the probation service in relation to assisting with the social reintegration of offenders, preparation for release and post-release support for prisoners and ex-prisoners? Do they assist with finding jobs, accommodation, suitable treatment programmes for addictions or mental conditions, rebuilding family links, organising victim-offender mediation? What else?
- D. What is the designated caseload per probation service staff? What is the actual caseload carried? Is substantive assistance possible given the caseload? How is assistance and supervision balanced? What is the proportion of time a probation officer will spend on supervision? What proportion on assistance? Are there minimum supervisions contact standards?
- E. Do probation service staff visit prisoners before their release date? Do they plan the prisoners' post-release programmes with them and with prison staff? How many times do they visit? What are elements that may be included in such programmes, e.g. conditions such as undertaking a treatment programme for drug or alcohol addiction, psychological support programme, vocational training, or simply assistance with accommodation and employment?
- F. How does the probation service divide the work between probationers and parolees (those undertaking community sanctions and measures and those on early conditional release)? Are there separate specialised teams?

In some districts of Sweden, separate teams work on conditional release, which ensures good release preparation with continuity from contact in prison to continued contact during the post-release period.<sup>3</sup>

- G. If a prisoner has been released at the end of his/her term or on remission, rather than parole, does the probation service provide any support services pre- or post-release?

### 4.3.2 Budget

- A. What percentage of the total budget is allocated to social reintegration activities and what percentage to fund supervision activities – if such a distinction can be made? How is this calculated?
- B. What percentage of the total budget is allocated to pre-release and post-release support for offenders? How is this calculated? Who was involved in the planning and initial budget for these responsibilities? Is there a separate unit that is responsible for the management of the pre- and post-release care of offenders? Is the budget sufficient?
- C. Does the probation service actually receive the funds allocated for pre- and post-release support in its budget? Are there delays, fiscal constraints or other obstacles to

gaining access to these funds? Where are the funds held? Who authorizes their disbursement?

### 4.3.3 Personnel

- A. What special training do probation staff receive on the social reintegration needs of probationers, pre- and post-release support and reintegration of offenders released on early release schemes and those released at the end of their terms? Does staff demonstrate an understanding of the need to coordinate closely with the prison service in preparation for release and with social agencies, such as housing, employment and health agencies after the release of prisoners?
- B. What in-service training do probation staff receive in the area of skills, policy, professionalism, changes in the law, procedure relating to pre- and post-release support for prisoners? What, if any, training are they given regarding the needs of special categories, including juveniles; the mentally ill; women; overrepresented groups; or profiles of offenders including: drug dependent offenders; sex offenders; other violent offenders; and former offenders?
- C. Does the probation service employ educators and specialists to deal with support and assistance to juvenile offenders after release? How many? What is the ratio in proportion the number of juveniles? Is it sufficient to meet the needs of the juveniles under supervision?

## 4.4 NGOs, THE COMMUNITY, AND VOLUNTEERS

### 4.4.1 NGOs and Volunteers

Organisations of civil society and the community play key roles in the social reintegration of offenders and ex-offenders – including those sentenced to alternative sanctions, those on early release schemes, and former prisoners. In the majority of countries being assessed there may be no probation service or other body responsible for supporting offenders and ex-offenders. In these countries, NGOs may be the only organisations offering support and assistance. In countries where a probation system exists, collaboration between NGOs and the probation system can be invaluable. Funding for post-release reintegration at the community level is limited in most countries, where volunteers work with little or no governmental support.

Please refer to **CUSTODIAL AND NON-CUSTODIAL MEASURES: ALTERNATIVES TO INCARCERATION** for guidance on the role of NGOs and volunteers in the administration of alternative sanctions.

- A. What NGOs exist that provide assistance to prisoners during their preparation for release and support after release? What do their activities consist of? To what extent do they coordinate with the prison and probation services to ensure complementary activities? Are any NGOs involved, for example, in the training of social workers and psychologists in prisons, in providing pre-release counselling for prisoners, assisting with their social and psychological needs after release, etc?
- B. Are there NGOs running victim-offender mediation schemes or other restorative justice programmes that provide service during imprisonment and after release with the objective of assisting social reintegration? Who is engaged for running the programmes? Are they specialists? How are they trained?
- C. Are volunteers involved in the supervision or support of ex-offenders in the community? To what extent? Do they receive appropriate training and counselling from the probation service, the social service, or another body to which they belong?

- D. Who funds the NGOs involved in the social reintegration of offenders? Which donors? Are there any contributions from the state to the funding of any such programmes? Do NGOs have difficulty gaining access to funds? Do they rely on volunteers?

#### 4.4.2 Public Support

Community support is crucial to a successful social reintegration programme. To gain and maintain community support, efforts should be ongoing to increase the public's understanding of offenders and ex-offenders, to dispel prejudices and stereotypes, and to recognize the short- and long-term benefits associated with coordinated social reintegration, including initiatives such as temporary and early release schemes.

- A. What activities and efforts such as conferences, seminars, and public service announcements have been organised to increase awareness about the adverse effects of imprisonment on offenders and their families? About their need for support and care once they return to the community? Who organises them? Who participates? Have these efforts been effective?
- B. Is the mass media engaged to help foster a more supportive public attitude toward the wider use of measures such as parole? If so, who is responsible for generating media coverage, i.e. the prison service, probation service, NGOs or other agencies?
- C. Are private businesses encouraged by the government, relevant ministries or prison service to provide offenders and ex-offenders with employment – i.e. in workshops in prisons, for prisoners on work release, or those who can work outside (e.g. from open prisons), former prisoners and those who have received alternative sentences? How? Are there incentives or obligations in legislation e.g. quotas for the employment of prisoners and former prisoners, subsidies, tax benefits? Are there any measures in place to encourage or oblige the public sector to employ former prisoners or prisoners from open prisons?

## 5. REINTEGRATION IN THE COMMUNITY: DIVERSION AND ALTERNATIVES

One of the fundamental goals of non-custodial measures and sanctions is to enable the social reintegration of offenders in the community. Therefore their availability in legislation and their use should be considered as a priority in the context of offender social reintegration. Thus, please also refer to **CUSTODIAL AND NON-CUSTODIAL MEASURES: ALTERNATIVES TO INCARCERATION** and **ACCESS TO JUSTICE: THE PROSECUTION SERVICE** for guidance on all aspects relating to diversion and alternatives to prison.

The questions below seek to assess only the specific interventions that directly address the social reintegration needs of offenders during the implementation of an alternative measure or sanction.

### 5.1 DIVERSION

- A. If restorative justice programmes are used at the pre-charge and pre-trial stages, how many such cases were referred to a restorative justice programme over the past 3-5 years, by the police, and prosecutors? What were the outcomes? Is there any information on the rates of re-offending among those referred to restorative justice programmes? What are they?
- B. If cases can be referred to appropriate treatment (such as therapy for drug dependence, treatment for a mental condition), how many cases were referred to treatment in the past 3-5 years and what were the outcomes? Is there any information on the rates of re-offending among those referred to treatment programmes? What are they?

- C. Are there programmes that offer a pre-sentencing restorative process leading to sentencing recommendations? Are they used? How often? Is the outcome of the mediation brought back to the attention of the prosecution or the judge for consideration? What influence does the outcome have on sentence? Examples.
- D. In practice how many cases were referred to non-State informal settlement, over the past 3-5 years, and what were the outcomes? Is there any information on the rates of re-offending among those referred to non-State justice settings? What are they?

## 5.2 ALTERNATIVES

- A. To what extent do alternative measures and sanctions provided in legislation include appropriate treatment and measures to address the offence related needs of offenders, e.g. are there a range of options such as drug and alcohol treatment, obligation to attend anger management courses, education or vocational training, that can accompany supervision obligations or is the norm supervision, monitoring, and restrictions?
- B. What are the most frequent alternative measures or sanctions applied to address the social reintegration needs of offenders?
- C. How many offenders are taking part in special programmes to address their needs at the time of assessment? What proportion is this of the total number of offenders on whom alternative measures or sanctions have been imposed?

## 6. PRISON AND REINTEGRATION

Prisons are not well suited for the social reintegration of offenders, who might be isolated from society for long periods, in a closed environment, where they will be susceptible to all the harmful and de-socializing effects of imprisonment. However, if offenders are imprisoned, then the aim must be to ensure that the adverse effects of prison are minimized and support provided to prisoners to live law-abiding lives upon release.

The **UN Standard Minimum Rules for the Treatment of Prisoners** and other international instruments, such as the **European Prison Rules (2006)**<sup>4</sup> are based on the understanding that social reintegration should start at the beginning of a prisoner's sentence. As such, almost everything that goes on in prisons should be assessed on the basis of its contribution to the social reintegration of offenders (in addition to ensuring safety and security). The prison atmosphere, the relationship between prisoners and staff, the openness of the prison to the outside world, the approach to security measures, healthcare, psychological support services, access to education, vocational training, work, recreational activities and sports are all factors that influence offenders' social reintegration. How prison administrations deal with these elements of prison life is at the same time a management issue. Thus, many of these topics are covered also by **Custodial and Non-Custodial Measures: The Prison System**. This tool focuses only on the elements of prison life that are most directly relevant to the social reintegration of offenders.

The questions below follow up on the overview of penal legislation under Section 3.1, seeking answers to the details and application of laws, rules and regulations that seek to address the rehabilitative needs of offenders. Questions will need to be directed to the prison authorities at all levels, and site visits to prisons will need to be conducted to assess practice.

### 6.1 HEALTHCARE

Adequate healthcare in prison is an extremely important aspect of prison life and one of the most fundamental human rights of prisoners. The topic, including questions relating to measures to prevent and treat TB and HIV, is covered in detail in the tools **Custodial and Non-Custodial Measures: The Prison System** and **Detention Prior to Adjudication**. The

current tool inquires only into those aspects of healthcare that are most directly relevant to the social reintegration of offenders is covered in detail in **Custodial and Non-Custodial Measures: Prison Management**. The current tool inquires only into those aspects of healthcare that are directly relevant to the social reintegration of offenders.

- A. Is the prison medical officer obliged to see and examine every prisoner as soon as possible after his or her admission and thereafter as necessary, to discover any physical or mental illness and to take all necessary measures? Does this include the noting of any physical or mental defects that might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work? Does this happen in practice? **SMR, Rule 24.**
- B. Is the prison health service linked to the public health system? To what extent? Do health professionals from the civil health service provide services in prisons?
- C. How many psychiatrists and psychologists are employed by the prison service? How many staff positions in each prison, according to legislation? How many are there in practice?
- D. What treatment is provided for the mentally ill? Are they transferred to specialist care in the civil health service? Are they accommodated in a special section allocated to them with adequate medical care? Are they accommodated with other prisoners or kept in isolation?
- E. Is treatment provided for drug or alcohol addiction? What does the treatment consist of? Does it combine medical treatment with therapy? Is treatment linked to public health services? Is drug addiction a widespread problem among offenders? How widespread is the problem?

## 6.2 CONTACT WITH THE OUTSIDE WORLD

The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff in the task of social rehabilitation of prisoners. (SMR, Rule 61). "From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation." (SMR, Rule 80).<sup>5</sup>

Ensuring that prisoners have sufficient contact with the world outside prison is essential to alleviate feelings of isolation and alienation, which hinder social reintegration. Enabling prisoners to have as much contact as possible with their families and relatives will help sustain relationships, contributing to an easier transition from prison to civil society on release.

In some countries, where resources for prison activities are inadequate, continuing links with families and the community may be the main method available to reduce the adverse effects of imprisonment and to help with reintegration.

- A. Does legislation and policy provide for housing prisoners close to their communities? How does this work in practice?
- B. How often are sentenced prisoners allowed to receive visits – for what duration? Are these visits closed/open, i.e. do they permit physical contact? Are family visits allowed (with children)? How often? Are conjugal visits allowed? How often?
- C. Are prisoners allowed to telephone their family/ relatives/friends? How often? Are telephone facilities provided in prisons? Are they adequate? Are call monitored?

- D. How often can prisoners send and receive letters? Are their letters subject to censorship?
- E. Do prisoners have access to newspapers, magazines and journals? Is television or radio available to all prisoners? Where are they placed?
- F. Is cooperation with civil society organizations provided for in legislation? To what extent is prisoners' continuing part in the community emphasized by encouraging the presence and activities of social services and community-based agencies inside the prison?
- G. In practice, which agencies work inside prisons? What kind of services do they provide?
- H. Are sporting events outside prisons promoted? Is there a calendar of sporting events?

### 6.3 PRISON REGIME

The term **regime** in this tool is used to encompass prison work, vocational training, education, library provision, offending behaviour programmes, counselling, group therapy, exercise, physical education, sport, social and cultural activities, and preparation for release. (In many countries the term regime has a very narrow meaning – covering mainly measures that ensure order and security in prison, reflecting a punitive approach to imprisonment. This contradicts the modern understanding of the aim of prison and international standards relating to imprisonment). The quality of regime underpins the success of the social reintegration of prisoners.

A law-abiding and self-supporting life on release should be encouraged by providing a balanced range of activities that are associative, constructive and non-exploitative. Gaining vocational skills, work experience and education, in particular, are essential to the successful reintegration of prisoners after release. Many prisoners are illiterate or have very basic education, which may have contributed to their offending behaviour. Many will have limited vocational skills and may have been unemployed at the time of their offence. By providing these individuals with new skills their social reintegration needs, in very practical terms, will have been addressed to some extent.

Essential to the psychological well being of prisoners is that the majority of time is spent outside of their cells. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), for example, stresses that a satisfactory programme of activities (work, education, sport, etc.) is of crucial importance for the well being of prisoners. It considers that the goal should be to ensure that prisoners spend 8 hours or more outside their cells, engaged in purposeful activity of a varied nature.<sup>6</sup> This should apply to all prisoners (except for those in segregation units due to disciplinary offences).

#### 6.3.1 Individualization

Individualization is essential for the reintegration requirements of prisoners to be met effectively according to the needs of each individual. See SMR, Rule 63 and Rules 67-69.

- A. Do regulations or statutes require that assistance be provided according to individual needs by planning prisoners' personal development based on individual assessments? Is a sentence plan prepared for each prisoner at the beginning of his or her sentence? What does the plan include? Is the prisoner consulted? Who else may be consulted?
- B. Is a flexible classification system of prisoners maintained? Is the plan kept under regular review?
- C. Is there an organized, structured daily programme for prisoners included in their sentence plans? What period in the day is set aside for these activities?
- D. Are transfers to lower security prisons/open prisons made on the basis of individual assessment? If not, what are they based upon?



If there is no individual assessment system and few or no activities--which will be the case in many developing countries--then the assessor may wish to seek to identify priorities among activities listed below that might be most suitable for the particular circumstances of the system/country being assessed and that perhaps could then be built upon with additional resources.

### 6.3.2 Education

See also **Section 5.5.2**, Work and Educational Release.

- A. Do prisoners have access to the national education curriculum? How does the system work? Does the prison administration work in close cooperation with the Ministry of Education? What are the rules for taking exams?
- B. Are teachers employed by the prisons or encouraged to visit from outside? How many teachers are required to teach in each prison by law and in practice?
- C. Are there provisions for distance education? Is there access to computers? Who decides who may have access to the computers?
- D. Can prisoners receive nationally recognized diplomas/certificates on completion of their courses? Do certificates note that they were received in prison? **It is important that they should not.**
- E. Are prisoners with the requisite skills encouraged to teach others? For example, do prisoners who can read and write well tutor prisoners who are not literate? Do they receive recognition or credit for this activity?
- F. Does each prison have a library? Are libraries adequately stocked with current affairs and reading materials in the language most commonly spoken? Are prisoners allowed to study in the library? Is there sufficient space and furniture for study? Are books and journals available in minority and foreign languages?

### 6.3.3 Vocational guidance and training

See also **Section 5.5.2**, Work and Educational Release.

- A. What skills are taught in prison? Can prisoners exercise personal choice in which training programme to join? Are vocational skills training programmes designed to help prisoners receive employment after release, e.g. do they correspond to the needs in the community into which the prisoners will be released?
- B. Are prisoners trained to a recognized national standard? Do they receive recognized certificates? Do the certificates note that they were received in prison? **It is important that they should not.**
- C. Who provides training? Do civil institutions or businesses provide training?

### 6.3.4 Work

Research shows that steady employment is one of the most important factors preventing re-offending.<sup>7</sup> In principle work provided for prisoners should include vocational training and increase offenders' chances of employment after release, rather than being any kind of work available. Please see also **Section 5.5.2**, Work and Educational Release.

- A. Aside from keeping the prison clean, is the opportunity for work provided to all sentenced prisoners? What work is available in the prisons?
- B. Do prisons produce goods for the internal prison market, e.g. furniture, clothes, bed linen?
- C. Are items produced for schools, hospitals, public services, the public?
- D. Is the primary purpose of work to generate income for the prisons or to ensure that the prisoners spend their time constructively and receive skills that will help them with employment after release? If the principle is said to be the latter, is this clearly stated in the penal enforcement code? Is the principle put into practice? How is this evident?
- E. Is the opportunity for work offered to un-sentenced prisoners? What type of work is offered?
- F. Is the work remunerated? What are prisoners paid for their work inside prisons/outside prisons? How does this compare to the national minimum wage? How are the wages earned banked? Are prisoners able to save any of their money?
- G. Where no remuneration is provided what rewards are earned? For example, do prisoners receive extra food or payment in kind?
- H. How long is the typical working day and workweek? Are holidays provided?
- I. Are prisoners appropriately dressed and protected for their work activities? What safety procedures are in place?
- J. Are outside contractors allowed to provide work for prisoners in prisons? If so, what are the conditions? Do they provide vocational training? Is the remuneration comparable to that on the outside market? Do prisoners then receive an opportunity to continue working in the same business following release?

In some countries of Europe prison work is contracted out to private firms. For example, in France, prison industries are nearly all contracted out, with private concerns providing the prisoners with jobs and vocational training and with wages comparable to those on the open jobs market. In return, outside contractors are provided with free workspace.

### 6.3.5 Counselling and Offending Behaviour Programmes

This section will not apply to many prison systems being assessed, although some support in this area may be provided by NGOs, if not by the prison service itself. The assessor should be mindful that, in developing countries with scarce resources (and even in some others), prisoner reintegration resources would be best focused upon ensuring contacts with the family and community, providing work, skills training and education, assisting with finding accommodation after release, rather than upon therapy programmes, which, given their cost, may consume too great a proportion of available resources.

The suitability of some programmes, which seek to influence individual behavioural patterns in the context of communitarian cultures (e.g. sub-Saharan Africa), has been questioned. In addition, ethical concerns have been raised about the obligation for prisoners to undertake such programmes in some countries when these were not originally part of their sentence.<sup>8</sup>

- A. Does the prison system run offending behaviour programmes or group therapy/counselling to address the offence related needs of prisoners? What are they? Are the staff that deliver the programmes appropriately trained? Are they specialists from outside or NGOs? How many prisoners participate? What are the results? Have any evaluations been undertaken?

- B. Are these programmes or courses of therapy fully integrated into an individualized assessment and sentence management system?
- C. If the above does not exist, are there any initiatives to address the special needs of prisoners? What do they consist of? Who runs them?
- D. What are the areas in which prisoners most commonly need specialist assistance (e.g. substance abuse, self-harm, anger management, sexual offences etc)?

### **6.3.6 Recreation**

- A. What recreational activities are provided for in legislation and practice? What are the rules and regulations relating to participating in recreational activities?
- B. Are visits encouraged from external arts organizations/groups? Do they occur? On a regular basis?
- C. What sports facilities are available? What equipment do they have? In practice, how often do prisoners take part in sports activities?
- D. Are there theatres in prisons? How often are shows produced? Who organizes the shows? Who attends the performances?
- E. Are there musical facilities – is there a choir, a band, and orchestra? How many prisoners take part? Do the musical groups perform? Who attends the performances?

### **6.3.7 Religious / Spiritual Support and Assistance**

- A. What are the major religions represented in the prisons? Are they provided for in terms of chaplaincy visits, places of worship and diet? Are there special places of worship for them?
- B. What minority religions are represented? Are they provided for in terms of chaplaincy visits, places of worship and diet? How often do chaplains visit?
- C. If chaplains are available, are they staff members, on contract, or volunteers?
- D. Do chaplains also maintain contact with the offenders' families?
- E. What other supportive activities are provided by the chaplains?

### **6.3.8 Preparation for Release**

The process of preparation for release and resettlement begins in prison and continues after release. There is a need for continuity of assistance spanning this entire period. This requires close liaison between social agencies and services, as well as relevant community organisations and prison administrations during sentence. In addition, there needs to be a programme of assistance to prepare for release close to the date of release (often starting one month prior to the release date), to ensure that the social, psychological and medical support needs of the offender are met and continue uninterrupted after prison. During this period probation services, if they exist, have an active role to play in assisting with prisoner' transition from prison to life in the community.

- A. Does legislation put an obligation on prison authorities to prepare prisoners for release? To what extent is preparation for release integrated into the individualized assessment and sentence management system?

- B. When do preparations start? What does this assistance consist of? Does it include practical assistance with finding accommodation and employment? To what extent do prison authorities try to ensure that prisoners' documents are in order before they leave prison? Are prisoners given enough money on release to at least take them to his destination?
- C. What efforts are made to coordinate with social and health agencies of civil society during this period, to ensure that prisoners receive the necessary support on their release? Are their social and medical rights explained to prisoners before release?
- D. Do probation services assist with the preparation for release? Do probation officers come into prison and meet with offenders prior to release to determine their support needs?
- E. Are there NGOs working to assist with prisoners' preparation for release? Are prison administrations encouraged to cooperate with them? Examples?
- F. What special measures are taken to prepare for the release of long-term prisoners, whose support structures in the community may have broken down during their imprisonment? What kind of assistance is provided with their particular psychological and social needs? Are they given a chance to prepare gradually, with the help of temporary or conditional release measures listed below? Do they receive adequate social and psychological support in the community?

## 6.4 RESTORATIVE JUSTICE IN PRISON

The **UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters** encourages the use of restorative justice programmes at any stage of the criminal justice system (Art 6). This includes victim-offender mediation in prisons, the aim of which is to assist with the social reintegration of the prisoner, rather than reaching an agreement that will affect the prisoners' sentence. Prisoners who consent to do so may be involved in a programme of restorative justice and in making reparation for their offences.<sup>9</sup>

- A. If legislation provides for the opportunity, are restorative justice programmes implemented in prisons in practice? How many prisoners have taken part in such a programme over the past 1-2 years?
- B. If so, who is responsible for organising the restorative process – the probation service? NGOs? Social services? The prison authorities? Another body?
- C. If such programmes have been implemented, what are the results? Is there any evidence that they have assisted with the social reintegration of offenders?

## 6.5 TEMPORARY RELEASE DISPOSITIONS

Temporary release schemes, which include home leave (furlough), work and education release (see post-sentencing dispositions in Tokyo Rules, 9. 2) aim to assist with prisoners' gradual transition from prison to the community.

**Home leave** comprises short periods of leave from prison in the course of imprisonment, to assist prisoners to re-establish links with family and other community support structures. Prisoners may be temporarily allowed out of prison to work or for educational purposes, especially close to the date of actual release. These are described as **work** and **educational release** in the Tokyo Rules 9.2. The whole system of release from prison, for whatever purpose, can be referred to as **prison leave** (e.g. in the European Prison Rules). The European Prison Rules consider prison leave to be an integral part of prison regime - that is, not only a measure to prepare prisoners for release during the later stages of imprisonment. (Rule 103.6).

### 6.5.1 Home Leave (Furlough)

- A. To what extent is the granting of home leave encouraged in practice on medical, educational, occupational, family and other social grounds?<sup>10</sup> How soon following imprisonment and how frequently is home leave considered for a prisoner? Do such decisions take into account factors, length of sentence; his or her risk to society; his or her family and social situation; the purpose of the leave; its duration; and terms and conditions?<sup>11</sup> Is home leaves granted to prisoners in closed as well as open prisons?
- B. What are the rules for granting home leave? Are they followed?
- C. What is the normal duration of home leaves, in law and practice?
- D. Is home leave granted to foreigners, under well-defined conditions, even when their families do not live in the country? What conditions apply?<sup>12</sup>
- E. What measures are taken to ensure prison leave can be granted to homeless persons and offenders with difficult family backgrounds?<sup>13</sup> Is the assistance of social services agencies sought? What kind of assistance is provided?
- F. Is home leave supervised and, if so, by whom or what agency?
- G. If the terms or conditions are not adhered to by the prisoner, what action is taken?

### 6.5.2 Work and Educational Release

In England and Wales, for example, where some statistics have quoted rates of recidivism of 58% for adult prisoners, within two years after release, an energy company has been interviewing and selecting likely employees from prisons, training them, giving them work on day release while they are in prison, and providing them with jobs after release. The company is recording a re-offending rate of just 7% among its former prisoner employees.<sup>14</sup>

- A. Are prisoners permitted to work outside of prison in the community? Upon what assessment criteria? How many are currently working in the community in practice? Is work and educational release granted during the later stages of imprisonment, to prepare prisoners for release, or is it an integral part of prison regime during the whole sentence period?
- B. What type of work do prisoners normally undertake?
- C. What checks are in place to ensure their work is non-exploitative? What inspections are carried out by prisons?
- D. To what extent are prisoners permitted temporary release from prison for educational purposes? Upon what assessment criteria? What rules apply in closed prisons and in open prisons? How many prisoners are currently taking advantage of educational release?

## 6.6 OPEN PRISONS

The main purpose of open prisons is either to prepare prisoners who have served long sentences for their return to the community or to house offenders who are unlikely to escape and for whom such an environment may be conducive for their rehabilitation. Open prisons may also be useful to house prisoners who have been convicted of relatively minor offences and are required to stay in prison for only short periods of time. Open prisons therefore constitute an important intermediate measure between types of prisons with higher forms of security and community-based and other non-custodial sentences. Open prison regimes can also be used in conjunction with community based sentences, with prisoners returning at night after engaging in various work or community activities during the day

- A. Do open prisons exist? How many are there? What is the capacity of each prison? Who decides which prisoners will be housed in open prisons? Is there an established protocol for eligibility? What types of prisoners are currently housed in the open prisons? Long-term prisoners nearing release? Non-violent prisoners? Prisoners with short sentences?
- B. How many prisoners are accommodated in these institutions? What proportion of the prison population does this constitute?
- C. What are the rules in the open prisons? For what periods are prisoners allowed to leave the prison for work and education? What access do they have to their families and the local community? May their families stay or live with them on a day-to-day basis? For shorter periods?
- D. How many prisoners who are accommodated in open prisons are working or undertaking an educational course or both?

## 6.7 HALFWAY HOUSES

Halfway houses are usually group residences in the community for prisoners close to release or those newly released that provide a structured base from which the offender may make the transition from prison to society. Certain disciplinary rules apply. See **Tokyo Rules, 9.2, Post-sentencing dispositions**.

In assessing halfway houses, information should be gathered about the details of the arrangements, obligations of the offenders and the support they receive. Although halfway houses are an effective measure that allows a gradual return to society, it is important to examine whether the rules for residents support or undermine their social reintegration. For example, research conducted in one country revealed that offenders in a halfway house/work release centre were under constant pressure from staff to work in order for money to be deducted from their pay cheques to pay for mandatory rent and restitution. Faced with difficulties in finding employment or having to work for a minimum wage, most prisoners quickly fell into debt to the work-release centre, dampening their interest in legitimate employment. If a prisoner was unable to find employment and failed to pay the halfway house rent or monthly restitution payments, he was returned to prison.<sup>15</sup>

- A. Is there a system of halfway houses? What are the criteria for release into halfway houses? What are the rules and obligations in halfway houses? Who oversees their development? Who monitors how halfway houses are run?
- B. Do offenders have to pay rent? What else do they have to pay for? Are they expected to help care for the common areas and chores of the household?
- C. Are offenders in halfway houses assisted by a probation service or social services to find employment and with any other psychological, social or medical needs? Do staff members also live in the residence?

## 7. POST-RELEASE REINTEGRATION

"The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation" (**SMR, Rule 64**).

Ex-prisoners are particularly vulnerable during the 6 to 12 month period following release. During this time they will be trying perhaps to re-establish links with their families, to find accommodation, employment, to once again take responsibility for themselves, and to adjust to life outside prison. They will be under psychological and social pressure due to a range of reasons associated with their imprisonment and release. Post-release support is therefore vital to help prisoners re-build their lives in a constructive and positive manner. Probation services, where they exist, and community groups and other organisations of civil society can provide such support. It is also essential to raise public awareness to lessen the extent to which ex-prisoners are stigmatised.

### 7.1 EARLY-RELEASE SCHEMES: PAROLE AND REMISSION

Post sentencing dispositions listed under Rule 9.2 of the Tokyo Rules include the early release schemes – "**parole**" and "**remission**". Parole is considered to be one of the most effective ways of contributing to the social reintegration of prisoners by enabling a planned, gradual return to society. However, in order for parole to fulfil its goal of reintegration, it must be accompanied by adequate support by institutions responsible for the post-release care of ex-prisoners (e.g. a probation service), other social agencies, the family of the offender and the community.

"Parole" is not found in the terminology of all criminal justice systems. Therefore, it may be more appropriate to utilise "conditional release". **Conditional release** means the early release of sentenced prisoners under individualised post-release conditions. It can be **mandatory** when it takes place automatically after a minimum period or a fixed proportion of the sentence has been served, or it can be **discretionary** when a decision has to be made to release a prisoner conditionally, after a certain period of the sentence has been served. Conditional release or parole is always accompanied by a general condition that the prisoner should refrain from engaging in criminal activities. However, this is not the only condition imposed. A release can only be defined as "conditional" when it is possible to impose additional conditions on the prisoner, to the extent that these are appropriate and needed for his/her successful social reintegration.<sup>16</sup>

**Remission** of sentence is a form of unconditional release. **Remission** is usually awarded automatically after a fixed proportion of a sentence has been served, but it may also be a fixed period that is deducted from a sentence. Sometimes remission is made dependant on good behaviour in prison and can be limited or withdrawn if the prisoner does not behave appropriately or commits a disciplinary offence.

- A. If legislation provides for discretionary conditional release, what criteria apply to the granting of it? Are these criteria clear and explicit? Are they explained to each prisoner in a language that they can understand?
- B. Are the relevant authorities (normally the prison authorities) responsible for initiating the necessary procedure to enable a decision on conditional release to be taken as soon as a prisoner has served the minimum period? Does this happen in practice, or does the prisoner have to make a request?
- C. Who decides whether a prisoner is to be given discretionary conditional release? Does the prison administration decide? Is there an independent paroling authority, such as a parole board? Who sits on the parole board? How are they chosen? How and by whom are they trained?
- D. What information, reports does the decision making body refer to during this process, e.g. statements from prison staff, probation service or other persons knowledgeable about the prisoners personal circumstances? Is any statement by the victim(s) considered?

- E. What kind of individualized conditions can be imposed as part of a conditional release decision? These may include payment of compensation to the victim, entering a drug or alcohol abuse treatment programme, working or following some other occupational activity, such as vocational training, participation in personal development programmes, or prohibition to reside in or visit certain places.<sup>17</sup> What are the conditions most frequently set?
- F. If there is a mandatory release system, is the date of mandatory release always made clear to prisoners?
- G. Is conditional release (discretionary or mandatory) accompanied by supervision consisting of assistance, as well as control measures? Who undertakes the supervision? A probation service or some other body?
- H. What are the lengths of parole supervision prescribed in legislation? Are these periods of time in proportion to the part of the prison sentence that has not been served? What is the length of supervision imposed most often, in practice?
- I. Are conditions and supervision ever imposed for an indeterminate period? In which circumstances can this happen?
- J. Is remission available? What time limits are imposed before remission is granted? Are there any conditions that apply for the granting of remission, such as good conduct in prison? What are the conditions?
- K. What happens where there is a breach of conditions of the scheme? Are minor breaches of conditions dealt with in the community by the supervising body (probation service or other), or are prisoners on parole frequently returned to prison for breaching of parole rules? How many have been returned to prison due to technical violation of parole conditions in the past 3-5 years?

Jurisdictions in the United States have experienced sharp increases in the number of parolees returned to prison, not because they have committed new criminal offences but because they have violated the conditions of parole. This has been attributed to the complicated and burdensome nature of conditions that often accompany conditional release in the United States.<sup>18</sup> Similar issues have been identified in the United Kingdom.<sup>19</sup>

- L. What happens when a person on parole re-offends? Are they frequently returned to prison or are other alternative measures applied, provided that this is appropriate (i.e. the offender is not deemed to represent a threat to society, the offence committed was not violent etc)? How often do parolees re-offend? How many/what percentage has been returned to prison due to re-offending?
- M. If rates of violating parole rules or re-offending are high, has any research been carried out into the reasons? If so, what are the results? For example, is this due to a lack of adequate post-release support to offenders on parole, or because the rules oblige the offender to do too many things at once? It would be helpful to ask for a copy of any report or analysis performed, if available.

## 7.2 POST RELEASE SUPPORT BY NGOS, AND THE COMMUNITY

Please refer also to **SECTIONS 3.2** and **4.4** for guidance.

- A. Are there any NGOs that provide post-release support to ex-offenders? What do their activities consist of?

In some districts of Moldova, for example, NGOs have had an important role to play in contributing to the preparation for release of prisoners and their aftercare in society. A working group was established to assist with prisoners' preparation for release and to link prison preparation with social and health services outside prison. Training was provided to prison



psychologists and social workers by NGOs. A comprehensive mechanism was created, which addressed the medical and social needs of prisoners, with information flow to civilian structures and feedback, as well as community mobilization. This led to an increased success rate of uninterrupted post-release TB treatment, as well as better social support for prisoners after release. Two rehabilitation centres were set up, managed by NGOs, the staff of which conducts regular visits to penal institutions.<sup>20</sup>

- B. Are there any informal community groups that assist with the social reintegration of former prisoners? Such as family groups, community groups in non-State justice settings, former prisoner groups? What kind of assistance do they provide?
- C. Are there any NGOs working specifically on juveniles' post-release support needs? What are their activities?
- D. Are there any NGOs working specifically in the area of support and assistance to female ex-offenders? What activities do they undertake?
- E. Do NGOs run post-release restorative justice programmes? How do these schemes work, how often are they used? Have any evaluations been carried out regarding their success rate?

## 8. SPECIAL CATEGORIES

This section covers the social reintegration needs of special categories of offenders at all stages of the criminal justice process. It should be used in conjunction with other relevant tools for full coverage of the topics. There is some repetition of points raised in **CUSTODIAL AND NON-CUSTODIAL MEASURES: ALTERNATIVES TO INCARCERATION**, due to the fact that alternatives for some of these vulnerable groups are the main method that should be considered for effective social reintegration.

### 8.1 PRE-TRIAL DETAINEES

Please refer to **CUSTODIAL AND NON-CUSTODIAL MEASURES: DETENTION PRIOR TO ADJUDICATION** for guidance on other aspects relating to the detention of prisoners who are pending charge trial or sentencing.

- A. Are prisoners awaiting trial accommodated separately from the police jail or "lockup" ?
- B. Are prisoners awaiting trial accommodated separately from convicted prisoners?
- C. What are the rules governing contact with their family members? How often do they receive visits from them? Are the visits closed or open?
- D. Are they given an opportunity to work, but not required to do so? What kind of work do they undertake?
- E. How much access are they given to other regime activities, especially educational facilities? How many hours a day do they spend out of cell?

This is especially important in countries where prisoners are detained for long periods before trial, and particularly in the case of juvenile untried prisoners who have special educational and recreational needs.

- F. Who, if anyone, is responsible for preparing pre-sentence enquiry reports? Are these reports produced in practice? Do they cause delays in the system? Are the reports reliable? To what extent do these reports influence the sentence, and if a sentence of

imprisonment is passed, to what extent do they inform the prison category, prison location and regime of the offender?

## 8.2 JUVENILES

Juveniles are at particular risk of being affected by all the adverse effects of imprisonment, so the first rule is avoid imprisonment wherever other alternatives exist to prison (discussed in **CUSTODIAL AND NON-CUSTODIAL MEASURES: ALTERNATIVES TO INCARCERATION**). Alternative measures and sanctions imposed on juveniles must address their special social rehabilitation needs.

If juveniles are imprisoned, they must receive the maximum support possible for their social reintegration. "While in custody, juveniles shall receive care, protection and all necessary individual assistance – social, educational, vocational, psychological, medical and physical – that they may require in view of their age, sex and personality". (**Beijing Rules, 13.5**). For example, a well-designed juvenile prison will provide positive and personalised conditions of detention for young persons deprived of their liberty; regular contact with the outside world will be ensured, particularly contact with the family, which is regarded as a key element in juveniles' rehabilitation. Articles 28 and 29 of the **Convention on the Rights of the Child** formulate education and vocational training as basic children's rights - juveniles of compulsory school age have the right to education and to vocational training in prison.

Please see also: **CROSS-CUTTING ISSUES: JUVENILE JUSTICE** for guidance on special legal requirements for children under the age of 18; **CUSTODIAL AND NON-CUSTODIAL MEASURES: THE PRISON SYSTEM**, for guidance on other conditions relating to juveniles in prison, and **CUSTODIAL AND NON-CUSTODIAL MEASURES: ALTERNATIVES TO INCARCERATION**, for a full coverage of alternative measures and sanctions in juvenile cases.

- A. Are there sufficient and special alternatives to pre-trial detention for children, provided for in legislation, such as close supervision, placement with a family, in an educational setting or a home? (Beijing Rules, 13.2). What are they? How often are they used in practice?
- B. Are suitable, welfare-oriented alternatives available to imprisonment for children, in penal legislation, in addition to those that are available for adults? What are they? These could include, for example, care, guidance and supervision orders, foster care, living communities or other educational settings, as set out in the Beijing Rules, 18.1. How often are they used in practice?
- C. In pre-trial detention and prisons, are juveniles accommodated in separate institutions to those of adult prisoners? If not, are they accommodated in totally separated wings of adult prisons, with separate staff? Are juveniles also separated according to age group? What are the age groups?
- D. What are the rules governing the personal items juveniles are allowed in prison? Are the rules less strict than those for adult prisoners? Are they allowed to personalise their accommodation area? Has any special effort been made to ensure that their accommodation has a positive climate, e.g. colourful walls, plants, pictures etc.?
- E. To what extent are juveniles given access to the education curriculum for their age group? Are they in need of special education assistance to deal with learning deficits? Do teachers in their education assist them? Are there classrooms, sufficient education materials, books, pens etc? Are there enough books in the library for all juvenile prisoners for study?
- F. To what extent are juveniles given access to vocational training of their own choice? What kind of training do they receive?
- G. To what extent are juveniles' special recreational needs provided for? What sports facilities do they have access to? What are the rules governing access to these facilities?

- H. What are the rules governing visits from their family and/or guardians? Do they have maximum possible contact with their families? Are the visits open or closed?
- I. Do female juvenile prisoners have the same access to all educational, vocational and recreational facilities granted to male juvenile prisoners? Often, in practice, female juvenile prisoners are disadvantaged in this respect due to their small numbers.
- J. What are the rules for juveniles to gain entitlement to temporary and early release schemes? Are they different to those of adults? What happens in practice? How many juveniles on temporary or early release schemes at the times of assessment?
- K. What special provisions are in place to address the particular post-release reintegration needs of juveniles? Is there a separate probation service responsible for the supervision of juveniles? Are there specially trained staff in the probation service responsible for juveniles?
- L. What provision, if any, have been made in laws and regulations relating to social support and education that give juveniles special rights for support after release from prison?
- M. Are there any statistics for re-offending among juveniles on parole or those undergoing alternatives measures or sanctions? What are they? If there is a high failure rate, has any research been conducted into the reasons? Obtain research results, if available.

### 8.3 WOMEN

Alternative measures and sanctions should be considered for women who have committed non-violent or minor offences, due to the particularly harmful effect of imprisonment on them and their families.

Due to the small percentage of women in prison worldwide, they often do not have the same access as men to all services and activities in prisons. Usually they are accommodated at a great distance from home, due to the limited number of prisons for women, so maintaining contact with their families is difficult.

Women should enjoy the same rights as men regarding access to all regime activities, including education, work and vocational training in particular - areas where they may have suffered from discrimination before imprisonment. Women are also likely to suffer particular discrimination after release from prison, due to social stereotypes. Their families might reject them and in some countries they may lose their parental rights. So often they will need particular psychological, social and legal assistance during imprisonment and after release.

Please refer to **CUSTODIAL AND NON-CUSTODIAL MEASURES: THE PRISON SYSTEM**, for guidance on all rules relating to women in prison, and **CUSTODIAL AND NON-CUSTODIAL MEASURES: ALTERNATIVES TO IMPRISONMENT**, for special considerations in the case of alternatives for women.

- A. How are women separated from male prisoners? Are they in separate institutions or in wings of the same institution?
- B. Do women have the same opportunities as male prisoners to benefit from all regime activities, including work, vocational training, education, cultural and recreational activities, sports, offending behaviour and preparation for release programmes? If not, what regime activities do they not have access to? What type of work and vocational training are women engaged in? What number/ percentage is working?
- C. Are women provided with any special support pre- and post-release, by the probation service, if it exists? What support services are available?
- D. Do they receive any particular support during the serving of an alternative sentence? For example, if they have been victims of domestic violence, are there special

programmes available to which they can be directed, run by psycho-social support services, NGOs, women's group, etc.? How many are participating in such programmes at the time of assessment?

- E. Are there any special services or unit provided for pregnant woman and women with infants? Please refer to **CUSTODIAL AND NON-CUSTODIAL MEASURES: THE PRISON SYSTEM**, Section 5.2.

## 8.4 THE MENTALLY ILL

In general, mentally ill persons should be treated outside prison. Ideally they should be in the community in which they live, a principle recognised by the **United Nations Principles for the Protection of Persons with Mental Illness**.<sup>21</sup> Please refer to **CUSTODIAL AND NON-CUSTODIAL MEASURES: ALTERNATIVES TO INCARCERATION**, for all special considerations relating to alternatives for the mentally ill.

Psychiatric conditions are prevalent in prison settings and prison health services need to provide psychiatric assessments, psychiatric services and outpatient treatment. International instruments stress the importance of prisoners' access to psychiatric consultation and counselling.

Mentally ill prisoners are at risk of abuse from other prisoners. Measures must be taken by prison authorities to prevent such abuse, such as separation of the mentally ill from other prisoners and supervision.

Please refer to **CUSTODIAL AND NON-CUSTODIAL MEASURES: PRISON MANAGEMENT**, for guidance on all rules relating to mentally ill prisoners.

- A. Does legislation grant courts the authority to intervene on behalf of pre-trial or sentenced prisoners suspected of having a mental illness, and acting on the basis of independent medical advice or evaluation, to order that such persons be admitted to a mental health facility? UN Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, Principle 20.3. How often does this happen in practice?
- B. Does legislation provide for special consideration to be given to impose non-custodial measures and sanctions on mentally ill offenders, both at pre-trial and at sentencing stage? For example, are community sentences with a treatment element for the offender's mental illness provided for? How often does this happen in practice?
- C. Are the mentally ill sentenced to imprisonment treated in a specialized hospital or in prison? If they are treated in prisons, what facilities and treatment are provided for them? See SMR 82.
- D. Are mentally ill prisoners placed under the special supervision of a medical doctor? Are they accommodated with other prisoners or a special unit? Are they in single cells? Mentally ill offenders should not be placed in single cells, except for very short periods when absolutely necessary.
- E. What kind of special psychiatric care do they have access to? Are specialists from the civil healthcare service engaged in the care of mentally ill persons in prison?
- F. Do they have access to all suitable regime activities? Which ones? Is there recognition that the mentally ill may also suffer from problems like drug addiction and require treatment for those issues in addition to mental health treatment?
- G. What kind of special support do mentally ill offenders receive in preparation for release and post-release? Is their care coordinated with civil healthcare services, so that they can continue any necessary psychiatric treatment after release?
- H. Does the probation service provide any special support for the mentally ill? What does this consist of?

- I. Do social welfare services provide the mentally ill with any special support after release? What does this consist of?
- J. Are the rates of re-offending among mentally ill offenders, who have been diverted from the criminal justice process, received alternative sanctions and who have been imprisoned, available? What are they? How do they compare?

## 8.5 DRUG DEPENDENT OFFENDERS

Drug addiction is not only a widespread reason for committing offences (mainly to be able to finance the drug needs), but it is also one of the main obstacles that a large number of offenders have to encounter in their social reintegration. If drug addicts are not treated effectively for their problem, and do not receive all the support necessary from their family, friends and organisations of civil society, then it is very likely that they will re-offend.

Sadly, the number of former prisoners who may need treatment for drug addiction is not limited only to those who were imprisoned for drug related offences. Drugs are widely available in prisons worldwide, despite the efforts of authorities to prevent their entrance to prison, contributing to HIV epidemics in the prison setting. Many prisoners acquire their addictions in prison.

Please refer to **CUSTODIAL AND NON-CUSTODIAL MEASURES TOOL: ALTERNATIVES TO INCARCERATION**, for all special considerations relating to alternatives for drug related offences.

- A. Do police and prosecutors use their discretion not to arrest suspected drug users, for example, on condition that they enter a drug educational or therapy programme? What criteria apply?
- B. Are alternatives provided in legislation for the use of illicit drugs? What are they? Do the alternatives aim to address the drug addiction problem of the offender? How often are they used?
- C. Are there drug courts available? Which offenders are targeted? Obtain statistics relating to the drug courts, with information on how many offenders tried, successful treatment, and re-offending rates.
- D. Can imprisoned drug addicts benefit from any treatment programmes for their addiction? Are drug addicts screened for underlying mental illness for which they may also need treatment? What do the programmes consist of? Who runs them – specialists from civil health agencies or medical specialists in prisons? How widely available are they? How many prisoners are participating? Can prisoners participate in programmes outside the prison for certain periods? What are the rules?

In Sweden, for example, the prison act provides that prisoners may be allowed at any time and for any suitable period to reside away from the prison in order to take part in any special programme that is likely to reduce relapse into crime. It is used mainly for drug or alcohol abusers. The probation service helps identify a suitable therapeutic community or foster family for this purpose.<sup>22</sup>

- E. Does the probation service or health services provide former prisoners with a drug addiction any assistance to identify suitable treatment programmes, to register and attend them? Who is responsible for paying for this treatment? Does the probation service need to negotiate payment with the social or health services? Is there some other arrangement? How easy or difficult is it in practice to receive access to financial support for treatment purposes?
- F. Has any evaluation been carried out relating to the success rate of drug treatment programmes for prisoners and those who have received alternative sanctions? What is

the rate of re-offending among those who have undertaken treatment programmes?  
Obtain copies of any evaluation or research papers.

## 8.6 OVERREPRESENTED GROUPS

Please refer to **CUSTODIAL AND NON-CUSTODIAL MEASURES: THE PRISON SYSTEM**, for guidance on rules relating to foreign nationals and minority groups in prison, and **CUSTODIAL AND NON-CUSTODIAL MEASURES: ALTERNATIVES TO INCARCERATION**, for all special considerations in the case of alternatives for overrepresented groups.

- A. Are prisoners who are foreign nationals informed of their right to request contact and allowed facilities to communicate with the diplomatic or consular representative of their state? Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 16.2, SMR, R 38(1). How often can they have visits from consular officials of their state?
- B. Are prisoners who are nationals of states without diplomatic or consular representation in the country, and refugees or stateless persons, allowed similar facilities to communicate with the diplomatic representative of the state which takes charge of their interests or the national or international authority whose task it is to serve the interests of such persons, e.g. UNHCR? See also the **Vienna Convention on Consular Rights**, Article 36; the **Declaration on the Human Right of Individuals who are not Nationals of the Country in Which They Live**; the **Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**, Principle 16.2; and SMR, R 38(2).
- C. Are prisoners who are foreign nationals informed of the possibility of requesting that the execution of their sentence be transferred to another country? Does this happen often? How often is permission granted?
- D. Are foreign nationals given written information on all prison rules and regulations and their rights and obligations in a language that they understand?
- E. If a foreign national's family is not in the country, is special discretion used allowing him or her to have more telephone contact with his or her family than the usual norm? Are visiting times extended, when they can take place? Are restrictions on sending and receiving letters more flexible?<sup>23</sup> What are the rules? What happens in practice?
- F. Do foreign nationals and minority groups have equal access to all regime activities, as other prisoners? Are foreign nationals and minority groups provided with an opportunity to learn the language of the country in which they are imprisoned – especially if they have been sentenced to long-term imprisonment? **SMR, R 6(2) and 41.**
- G. Do prison libraries have books and periodicals in languages that the foreign prisoners and minority groups can understand?
- H. Are the religious and cultural customs of foreign nationals and minority groups respected? Do they, for example, have access to ministers of their particular faith or religion? Are they provided with an area for religious group or prayer meetings?
- I. Do foreign nationals receive special guidance and support pre-and post-release? What does this consist of? Are consular representatives of their own country informed, if the prisoner so wishes, for assistance with any special needs?
- K. Does the probation service provide special assistance to foreign nationals and minority groups pre- and post-release or during the implementation of any alternative sanctions? What does this assistance consist of?

In the Czech Republic, for example, a programme has been developed by the Probation and Mediation authorities to ensure that the Roma minority receives equal access to services during the implementation of alternative sentences. Another special programme focuses on the needs of juvenile members of the Roma minority, who have received non-custodial sanctions.<sup>24</sup>

## 9. COORDINATION, PARTNERSHIPS, AND POLICY FORMULATION

### 9.1 SYSTEM COORDINATION

Ensuring the coordination of all key stakeholders, informing and consulting them to ensure an interdisciplinary dialogue in the area of social reintegration of offenders is of fundamental importance, given the diversity of agencies and jurisdictions involved. Mechanisms for coordination must be built into the system between the prison service, probation service, other agencies involved in the supervision and care of offenders and ex-offenders, as well as other agencies and organizations involved in their social reintegration, such as NGOs, social welfare, housing, employment, health agencies, centres providing treatment for addictions and mental conditions.

For system coordination within the prison service, see **CUSTODIAL AND NON-CUSTODIAL MEASURES: THE PRISON SYSTEM**; for system coordination within the probation service and between the probation service and the prison service, see **CUSTODIAL AND NON-CUSTODIAL MEASURES: ALTERNATIVES TO INCARCERATION**, in addition to questions below.

- A. Is there a policy and strategy for cooperation between the different ministries involved in the social reintegration of offenders, e.g. Ministry of Justice, Labour, Social Welfare, Health? If so, what does this strategy consist of and what are the mechanisms? It would be helpful to obtain written copies of policy and strategy papers, if possible. If not, have there been any attempts to ensure better coordination between such ministries and agencies in recent times – what have these involved?
- B. What are the mechanisms for coordination between the probation service and the prison service in the preparation for release of prisoners? Does the probation service staff visit prisoners before release and have adequate opportunity to discuss with them their needs and provide them information about their rights?

In the Czech Republic, for example, a Parole Working Group was established in 2003, made up of staff from the Probation and Mediation Service and the Prison Service, which enabled steps to be taken for parole procedure and supervision to be more effective.<sup>25</sup>

- C. To what extent do the prison and probation services ensure ongoing coordination with the social welfare agencies, dealing with social benefits, housing, employment and health? What does this coordination consist of?
- D. To what extent do the prison and probation services ensure ongoing coordination with the police, both for the purpose of support and control?
- E. What coordination is provided for between prison and civil healthcare authorities in legislation and how is this ensured in practice, e.g. can mentally ill offenders receive continued appropriate treatment after release?
- F. Are resources allocated by relevant ministries to other community agencies, local authorities, social support services, employment and housing agencies and health services to assist specifically with the social reintegration of former prisoners? How much money is allocated? What is this in proportion to the total budget of these bodies? Are these funds actually used for this purpose? Try to obtain figures.
- G. Are there any partnerships with the community to assist with the reintegration of offenders and ex-offenders? For example, any working groups or committees established at local level, with representation from social assistance agencies, private businesses, NGOs, member of the community, coordinating activities to address the problem ex-offenders and offenders face?



- H. If a non-State justice system exists, what coordination and cooperation, if any, takes place between it and the formal justice system in the social reintegration of ex-offenders?

### 9.1.1 Research, Evaluation, and Policy Formulation

It is essential that the criminal justice system conduct, on a collaborative, system-wide basis, research and evaluation of the implementation of temporary and early release schemes, successes and failures and reasons for them, as well as rates of re-offending among prisoners released at the end of their terms. The reasons for failures should be investigated and problems addressed. Achievements must be documented as one of the means of gaining public support for early release schemes and harnessing the support of the community in offender reintegration. Policies should be constantly reviewed and revised in light of new research.

- A. What mechanisms, if any, have been built into the criminal justice system for the collection and analysis of data and statistics on the implementation of temporary and early release schemes?
- B. Has any research been carried out on the most common reasons for re-offending among former prisoners? What were the findings?
- C. Has research been carried out on the problems that confront offenders, practitioners, the community and policy makers regarding the social reintegration of offenders in general and the implementation and results of temporary and early release schemes in particular? If so, what were the outcomes?
- D. Have any evaluations been carried out of programmes and activities in prisons aiming to ensure the social reintegration of prisoners? What were the outcomes? Were any steps taken to improve prison regime as a result of any such evaluations?
- E. Are regular evaluations carried out, with a view to improving the implementation of temporary and early release schemes? Are there any copies of such evaluations available? What measures have been taken on the basis of such evaluations?
- F. Has any research been carried out into the rates of re-offending among offenders on whom alternative measures or sanctions were imposed? What, if any research has been conducted in relation those who agreed to participate in a restorative justice programme, were obliged to undertake treatment, or attend an educational or vocational course? What were the findings?
- G. Are there mechanisms in place, if any, to ensure that information on research and evaluation results are made available to all actors involved in the social reintegration of offenders – including the prison service, probation service, any other agencies responsible for the supervision and aftercare of offenders, such as social welfare, employment, housing and health agencies?

## 9.2 DONOR COORDINATION

Understanding what donor efforts are underway, what have previously been implemented (successfully and unsuccessfully) and what is planned is critical to developing recommendations for future technical assistance interventions.

- A. Which donor/development partners are active in the justice sector?

- B. Identify the donor strategy papers for the justice sector and amount of money set aside in support.
- C. Where direct budget support is supplied, is part of it earmarked for the justice sector? If so, how much?
- D. Where a Medium Term Expenditure Framework is in place, indicate what is set aside for justice in general and social reintegration in particular?
- E. What projects relating to social reintegration of offenders have donors supported in the past? What projects are now underway? What lessons can be derived from those projects? What further coordination is required?
- F. Do the ministries responsible for the social reintegration of offenders, particularly the ministry responsible for the prison and probation services, have a strategy for coordination and cooperation with donors? Is there a strategy paper ?

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<sup>1</sup> Bureau of Justice Statistics 2001, cited in Maruna S., Immarigeon R. and LeBel T.P., "Ex-offender reintegration: theory and practice", in Maruna S. and Immarigeon R (ed), *After Crime and Punishment: Pathways to offender reintegration*, Devon, UK 2004, p. 6

2 Richards, S. C. and Jones R. S., "Beating the perpetual incarceration machine: overcoming structural impediments to re-entry", in Maruna S. and Immarigeon (Ed), *After Crime and Punishment, Pathways to offender reintegration*, Devon, UK, 2004, pp. 206-7.

3 Lindholm, M., Sweden, "Recruitment, Selection and Training of Probation Staff", Paper presented at the Council of Europe/Ministry of Justice Conference on Probation and Aftercare, 14-16 November 2005, Istanbul, p. 3.

4 Council of Europe, Committee of Ministers Recommendation Rec (2006) 2, on the European Prison Rules, adopted by the Committee of Ministers on 11 January 2006.

5 See also Rule 70.1 of the European Prison Rules (2006)

6 CPT/Inf (92) 3, para 47

7 e.g. Sampson, R. and Laub, J (1993), *Crime in the Making: Pathways and Turning Points through Life*. Cambridge, MA: Harvard University Press, cited in Maruna, S. and Immarigeon R., (Ed), *After Crime and Punishment: Pathways to offender reintegration*, Devon, UK, 2004, p. 15

8 For a discussion, see Coyle, A., "Managing Change", *International Centre for Prison Studies*, 2002, pp. 31, 47, 59-60.

9 Council of Europe Committee of Ministers Recommendation Rec (2006) 2 on the European Prison Rules, adopted on 11 January 2006, Rule 103.7.

10 Council of Europe, Committee of Ministers Recommendation No. R (82) 16 on prison leave, adopted on 24 September 1982, Rule 1

11 *ibid.*, Rule 3

12 *ibid.*, Rule 5

13 *ibid.*, Rule 6

14 *Education Guardian*, 31 July 2006.

15 Richards, S.C. and Jones, R.S., "Beating the perpetual incarceration machine: overcoming structural impediments to re-entry", in Maruna, S. and Immarigeon R., (Ed), *After Crime and Punishment: Pathways to offender reintegration*, Devon, UK, 2004, pp. 215-216

16 Council of Europe, Committee of Ministers Recommendation Rec (2003) 22 on conditional release (parole), comments to the appendix to the recommendations, I, paragraphs 2 and 3.

17 *Ibid.*, Rule 8

18 Canton, R., "From Pre-Sentencing Reports to Post-Prison Assistance: Tasks and Responsibilities of Probation Services", Paper presented at Council of Europe/Ministry of Justice, Turkey Conference on Probation and Aftercare, 14-16 November 2005, Istanbul, p. 4.

19 In "Successful Transition and Reentry for Safer Communities: A Call to Action for Parole" the authors note: "Slightly less than half of those who are returned to prison have been convicted of new crimes. More than half of those who are returned are recommitted because they have violated technical conditions of their release. In 2001, 37% of ALL admissions to prison nationwide were the result of parole revocations—not the result of new convictions. That's up from 17% in 1980 and 30% in 1990 and probably significantly understates the current rate. This is an enormous and largely wasted expense. Processing admissions of parole violators takes as much time and costs as much money as processing admissions of new convictions, thus entailing nearly a fifth of the prison system's admission and classification costs—and for offenders who mostly will be in prison only for a few months.

20 Project implemented by Penal Reform International and Royal Netherlands Tuberculosis Association, in partnership with Institute for Penal Reform and Caritas Luxembourg in Moldova, 2003-2006

21 Principle 7.1 of the United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care. G A Res 46/119 of 17 December 1991.

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22 Lindholm, M., "From Pre-Sentence Enquiry to Post-Prison Supervision", Paper presented at the Council of Europe/Ministry of Justice, Turkey Conference on Probation and Aftercare, 14-16 November, Istanbul, p. 3.

23 Council of Europe, Committee of Ministers Recommendation, No. R (84) 12, Concerning Foreign Prisoners, Rule 22

24 Stern, P., "Recent Development of the Czech Probation and Mediation Service", Paper presented to the Council of Europe/Ministry of Justice Turkey Conference on Probation and Aftercare, 14-16 November, Istanbul, p. 2.

25 Stern, P., "From Pre-sentence Enquiry to Post-prison Supervision", paper presented at the Council of Europe/Ministry of Justice Turkey Conference on Probation and Aftercare, Istanbul, 14-16 November 2005.

## ANNEX A. KEY DOCUMENTS

### United Nations

- Universal Declaration of Human Rights 1948
- International Covenant on Civil and Political Rights 1966
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984
- Convention on the Rights of the Child 1989
- Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988
- Declaration of Basic Principles of Justice for Victims of Crime and the Abuse of Power
- Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment 1988
- Standard Minimum Rules for the Treatment of Prisoners 1955
- Standard Minimum Rules for Non-Custodial Measures 1990 (Tokyo Rules)
- Standard Minimum Rules for the Administration of Juvenile Justice 1985 (Beijing Rules)
- Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters, 2002
- Rules for the Protection of Children Deprived of their Liberty 1990
- Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Healthcare 1991
- Guiding Principles on Drug Demand Reduction of the General Assembly of the UN 1998
  
- A Manual on Alternatives to Imprisonment, UNODC, 2006
- A Manual on Restorative Justice, UNODC, 2006

### Regional

- African Charter on Human and Peoples' Rights 1981
- African Charter on the Rights and Welfare of the Child 1990
- American Convention on Human Rights 1978
- European Convention for the Protection of Human Rights and Fundamental Freedoms 1950
- Council of Europe, Committee of Ministers Recommendation No. R (92) 16 on the European Rules on Community Sanctions and Measures, 1992
- Council of Europe Committee of Ministers Recommendation No. R (2000) 22 on improving the implementation of the European rules on community sanctions and measures, 2000
- Council of Europe Committee of Ministers Recommendation No. R (99) 22 concerning prison overcrowding and prison population inflation, 1999
- Council of Europe Committee of Ministers Recommendation Rec (2006) 2 on the European Prison Rules, 2006
- Council of Europe Committee of Ministers Recommendation, No. R (2003) 22 on conditional release (parole), 2003
- Council of Europe Committee of Ministers Recommendation No. R (82) 16 on prison leave, 1982

### National

- Constitution
- Criminal and Criminal Procedure Codes
- Penal Enforcement Statutes—including Probation Act
- Research and evaluation reports by independent bodies, NGOs, academicians

### Other Useful Sources

- Bryans, S., Martin C. and Walker R., (Eds.), Prisons and the Voluntary Sector, A Bridge to the Community, Waterside Press, Winchester, 2002
- Burke, P., Tonry, M., Successful Transition and Re-entry for Safer Communities: A Call to Action for Parole, Copyright 2006, Center for Effective Public Policy 8403 Colesville Road, Suite 720 Silver Spring, MD 20910. Available at: [www.appa-net.org/publications%20and%20resources/burke.htm](http://www.appa-net.org/publications%20and%20resources/burke.htm)
- Coyle, A., A Human Rights Approach to Prison Management, International Centre for Prison Studies, London, 2002
- Farral, S., Rethinking What Works with Offenders, Probation, social context and desistance from crime, Willan Publishing, Devon, UK 2004
- Making Standards Work, Penal Reform International, March 2001
- Maruna, S. and Immarigeon, R., After Crime and Punishment, Pathways to offender reintegration, Willan Publishing, Devon, UK, 2004;

## ANNEX B. ASSESSOR'S GUIDE / CHECKLIST

The following are designed to assist the assessor in keeping track of what topics have been covered, with what sources, and with whom.

	TOPIC	SOURCES	CONTACTS	COMPLETED
2.1	OVERVIEW: GENERAL STATISTICAL AND DATA	<ul style="list-style-type: none"> <li>▪ Ministry of Justice reports</li> <li>▪ Ministry of Interior reports</li> <li>▪ Penal System Reports</li> <li>▪ Probation System Reports</li> <li>▪ National Police Crime reports</li> <li>▪ Court Annual Reports</li> <li>▪ NGO reports: penal system and social reintegration</li> <li>▪ Independent prison inspection reports;</li> <li>▪ Donor reports</li> <li>▪ Research reports by independent academic institutions</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice</li> <li>▪ Ministry of Interior</li> <li>▪ Senior Prison Service Officers</li> <li>▪ Senior Probation Service Officers</li> <li>▪ High Court Judges and other senior judges</li> <li>▪ NGOs working on criminal justice matters</li> <li>▪ Prison inspectors, monitoring committees, where they exist</li> <li>▪ Websites for reports by international inspection bodies</li> <li>▪ Donor organisations working on the criminal justice sector</li> <li>▪ Academicians working on criminal justice issues</li> </ul>	
3.	LEGAL AND REGULATORY FRAMEWORK	<ul style="list-style-type: none"> <li>▪ The Constitution</li> <li>▪ Penal Code</li> <li>▪ Penal Procedure Code</li> <li>▪ Penal Enforcement Code</li> <li>▪ Probation Act</li> <li>▪ Regulations to these codes and acts</li> <li>▪ Acts governing semi-formal/informal justice systems</li> <li>▪ Court Annual Reports</li> <li>▪ Judicial Practice Directions: Circulars and Sentencing Guidelines</li> <li>▪ Government policy documents/ National Reform Programmes</li> <li>▪ Independent reports made by non-governmental organisations.</li> <li>▪ Legal textbooks or academic research papers.</li> </ul> <p>SITE VISITS</p> <ul style="list-style-type: none"> <li>▪ Statistics and information at different administrative levels and in different parts of the country (urban, rural, rich, poor)</li> <li>▪ Case examples</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice/Ministry of Interior</li> <li>▪ Senior and local prison service officers</li> <li>▪ Senior and local probation service officers</li> <li>▪ High Court Judges, other senior judges, local judges and magistrates</li> <li>▪ Legislative offices</li> <li>▪ NGOs working on criminal justice matters</li> <li>▪ Bar Associations</li> <li>▪ Academicians working on criminal justice issues</li> </ul>	
3.1	PENAL LEGISLATION	See above	See above	
3.2	OTHER LEGISLATION AND RULES	<ul style="list-style-type: none"> <li>▪ Labour Act</li> <li>▪ Social Welfare Act</li> <li>▪ Health Act</li> <li>▪ Legislation relating to education</li> <li>▪ Privacy/Freedom Information Legislation</li> <li>▪ Regulations to these acts</li> <li>▪ Rules of individual universities/education institutions</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Labour</li> <li>▪ Ministry of Social Welfare (or similar)</li> <li>▪ Ministry of Health</li> <li>▪ Ministry of Education</li> <li>▪ Senior staff of universities or educational institutions</li> <li>▪ Senior staff in workplaces where former prisoners are employed</li> <li>▪ Former prisoners</li> </ul>	
3.3	LAW REFORM	See 2 and 3	See 2 and 3	

	TOPIC	SOURCES	CONTACTS	COMPLETED
4.1	MANAGEMENT: DIVERSION FROM PROSECUTION	<p>See 2 and 3, plus:</p> <ul style="list-style-type: none"> <li>▪ Probation Service, police, prosecutors and NGOs reports on diversion from prosecution and restorative justice programmes;</li> <li>▪ Rules of Eligibility for diversion;</li> <li>▪ Relevant Ministry (Ministry of Justice/Interior) financial reports/budget documents relating to funding of restorative justice or medical treatment programmes</li> <li>▪ Probation Service/police/court/prosecution financial reports and budget relating to restorative justice</li> <li>▪ Reports by/interviews with health services undertaking the treatment of those diverted.</li> <li>▪ Contracts/agreements concluded with NGOs to run restorative justice programmes</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice</li> <li>▪ Ministry of Interior</li> <li>▪ Senior and local probation service officers</li> <li>▪ High Court Judges, other senior judges, local judges and magistrates</li> <li>▪ Senior and local prosecutors</li> <li>▪ Senior and local police officers</li> <li>▪ Legislative offices</li> <li>▪ NGOs running restorative justice programmes</li> <li>▪ Health service providers</li> <li>▪ Donor organisations working on the criminal justice sector</li> <li>▪ Academicians working on criminal justice issues</li> </ul>	
4.2.1	PRISON SERVICE: MANAGEMENT AND STRUCTURE	<ul style="list-style-type: none"> <li>▪ Ministry of Justice reports</li> <li>▪ Ministry of Interior reports</li> <li>▪ Penal System Reports</li> <li>▪ Probation Service Reports</li> <li>▪ Penal Enforcement Code and regulations</li> <li>▪ Reports by international and national prison inspection bodies</li> <li>▪ Reports by Prisons Ombudsman</li> <li>▪ Reports by Law Society or Bar Association</li> <li>▪ NGO reports</li> <li>▪ Research reports by independent academic institutions</li> </ul> <p>SITE VISITS</p>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice/Ministry of Interior</li> <li>▪ Senior and local prison service officers</li> <li>▪ Senior and local probation service officers</li> <li>▪ High Court Judges, other senior judges, local judges and magistrates</li> <li>▪ Legislative offices</li> <li>▪ NGOs working on criminal justice matters</li> <li>▪ Bar Associations</li> <li>▪ Academicians working on criminal justice issues</li> </ul>	
4.2.2	PRISON SERVICE: BUDGET	<p>See above, plus:</p> <ul style="list-style-type: none"> <li>▪ Government policy documents/National Reform programmes;</li> <li>▪ Budget documents and financial reports of the prison service</li> </ul>	<p>See above, plus:</p> <ul style="list-style-type: none"> <li>▪ Senior and local prison staff responsible for finances</li> </ul>	
4.2.3	PRISON SERVICE: PERSONNEL	<p>See 4.2.1, plus:</p> <ul style="list-style-type: none"> <li>▪ Samples of Recruitment/ Human resources/interview questions</li> <li>▪ Training materials</li> <li>▪ Staff terms of reference, contracts</li> <li>▪ Staff ethics code</li> <li>▪ Disciplinary board Policy/Procedures</li> </ul>	<p>See 4.2.1, plus:</p> <ul style="list-style-type: none"> <li>▪ Staff Training Centre Personnel</li> <li>▪ Prison Governors</li> <li>▪ Prison staff involved in healthcare, education, work, vocational training, counselling or offending behaviour programmes, as well as first line prison staff</li> <li>▪ Prisoners</li> <li>▪ NGOs</li> </ul>	

	TOPIC	SOURCES	CONTACTS	COMPLETED
4.3.1	PROBATION SERVICE / PROVIDERS OF COMMUNITY SUPERVISION: MANAGEMENT AND STRUCTURE	<ul style="list-style-type: none"> <li>▪ Ministry of Justice reports</li> <li>▪ Penal System Reports</li> <li>▪ Probation Service Reports</li> <li>▪ Penal Procedure Code</li> <li>▪ Penal Enforcement Code</li> <li>▪ Probation Act and regulations</li> <li>▪ Probation service strategic plans and policy documents relating to pre-release preparation of and post-release support to prisoners</li> <li>▪ NGO reports</li> <li>▪ Research reports by independent academic institutions</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice</li> <li>▪ Senior and local Probation Service Staff</li> <li>▪ Specialist probation staff involved in the pre-release preparation and post-release support of offenders</li> <li>▪ Law Society or Bar Association</li> <li>▪ NGOs working on criminal justice matters</li> <li>▪ Academicians working on criminal justice issues</li> <li>▪</li> <li>▪</li> <li>▪</li> </ul>	
4.3.2	PROBATION SERVICE: BUDGET	See above, plus: <ul style="list-style-type: none"> <li>▪ Government policy documents/National Reform programmes;</li> <li>▪ Budget documents and financial reports of the probation service</li> </ul>	See above, plus: <ul style="list-style-type: none"> <li>▪ Senior and local probation system staff responsible for finances</li> </ul>	
4.3.3	PROBATION SERVICE: PERSONNEL	See 4.3.1 plus, <ul style="list-style-type: none"> <li>▪ Samples of Recruitment/ Human resources/interview questions</li> <li>▪ Training materials</li> <li>▪ Staff terms of reference, contracts</li> <li>▪ Staff ethics code</li> <li>▪ Disciplinary board Policy/Procedures</li> </ul>	See 4.3.1, plus: <ul style="list-style-type: none"> <li>▪ Probation Service Training Centre staff</li> <li>▪ Senior and local probation service staff</li> <li>▪ Offenders/ex-offenders/parolees</li> <li>▪ NGOs</li> </ul>	
4.4.1	NGOs AND VOLUNTEERS	See 2, plus: <ul style="list-style-type: none"> <li>▪ Reports by NGOs supporting offenders and ex-offenders;</li> <li>▪ Probation service reports;</li> <li>▪ Volunteer training materials</li> <li>▪ Reports by donors funding NGOs supporting offenders and ex-offenders</li> </ul> SITE VISITS <ul style="list-style-type: none"> <li>▪ Interviews with NGOs, volunteers, probation service staff and ex-offenders</li> </ul>	See 2, plus: <ul style="list-style-type: none"> <li>▪ NGOs supporting offenders and ex-offenders;</li> <li>▪ Senior and local probation service staff</li> <li>▪ Volunteers involved in supervising ex-offenders</li> <li>▪ Donors</li> <li>▪ Ex-offenders and families of offenders</li> </ul>	
4.4.2	PUBLIC SUPPORT	<ul style="list-style-type: none"> <li>▪ Ministry of Justice/Ministry of Interior reports</li> <li>▪ Penal System Reports and policy documents and regulations relating to cooperation with outside contractors providing work, education, training in prisons</li> <li>▪ Probation system reports relating to cooperation with public and private sector for offender rehabilitation</li> <li>▪ Press reports</li> <li>▪ Reports of any conferences and seminars</li> <li>▪ Reports by NGOs working on criminal justice issues</li> <li>▪ Public surveys and research reports</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice</li> <li>▪ Senior Prison and Probation System officials</li> <li>▪ Media representatives</li> <li>▪ NGOs working on criminal justice issues</li> <li>▪ Offenders, ex-offenders and their families</li> <li>▪ Private contractors working in prisons and employing ex-offenders</li> </ul>	
5.1	REINTEGRATION IN THE COMMUNITY: DIVERSION	See 4.1	See 4.1	



	TOPIC	SOURCES	CONTACTS	COMPLETED
5.2	REINTEGRATION IN THE COMMUNITY: ALTERNATIVES	See 2 and 3	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Offenders who have received alternative sanctions and measures, with a condition for treatment, education, vocational training etc.</li> <li>▪ Families of offenders</li> <li>▪ Treatment and attendance centres for offenders</li> </ul>	
6.1	PRISON AND REINTEGRATION: HEALTHCARE	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Reports on prison healthcare services</li> <li>▪ Health Act</li> </ul> SITE VISITS	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Prison healthcare staff</li> <li>▪ Ministry of Health</li> <li>▪ Prisoners and former prisoners with drug addiction, psychiatric problems</li> <li>▪ Families of such prisoners and former prisoners</li> <li>▪ Civil Health service providers</li> </ul>	
6.2	PRISON AND REINTEGRATION: CONTACT WITH THE OUTSIDE WORLD	See 2 and 3, plus:  SITE VISITS	<ul style="list-style-type: none"> <li>▪ Prison governors of closed and open prisons</li> <li>▪ Prisoners and former prisoners</li> <li>▪ Families of prisoners and former prisoners</li> </ul>	
6.3	PRISON AND REINTEGRATION: PRISON REGIME	See 2 and 3, plus:  SITE VISITS	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Prison staff responsible for regime activities (deputy directors for social work, education, work and vocational training, social workers, psychologists, teachers, staff responsible for preparation for release, prison chaplains)</li> <li>▪ First line prison staff</li> <li>▪ Prisoners and former prisoners</li> <li>▪ Families of prisoners and former prisoners</li> <li>▪ Probation service staff involved in preparation for release</li> </ul>	
6.4	PRISON AND REINTEGRATION: RESTORATIVE JUSTICE IN PRISON	See 2 and 3, plus:  SITE VISITS	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Probation service staff, NGOs or other organisations involved in prison restorative justice programmes</li> <li>▪ Prisoners participating in restorative justice programmes.</li> </ul>	
6.5	TEMPORARY RELEASE DISPOSITIONS	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Prison regulations and standing orders relating to temporary release</li> <li>▪ Probation service reports/other documents relating to support to prisoners on temporary release schemes</li> </ul>	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Prisoners on home leave, educational and work release</li> <li>▪ Managers of educational institutions and workplaces</li> </ul>	
6.6	OPEN PRISONS	See 2 and 3, plus <ul style="list-style-type: none"> <li>▪ Prison regulations and standing orders relating to transfer to open prisons</li> </ul> SITE VISITS Open prisons	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Governors and staff of open prisons</li> <li>▪ Prisoners in open prisons</li> <li>▪ Former prisoners, released from open prisons</li> <li>▪ Families of prisoners in open prisons</li> </ul>	
6.7	HALFWAY HOUSES	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Prison regulations and standing orders relating to release to half-way houses</li> </ul> SITE VISITS Half-way houses	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Half-way house personnel</li> <li>▪ Prisoners in half-way houses</li> </ul>	

	TOPIC	SOURCES	CONTACTS	COMPLETED
7.1	EARLY RELEASE SCHEMES: PAROLE AND REMISSION	See 2 and 3, plus <ul style="list-style-type: none"> <li>▪ Prison regulations and standing orders relating to parole and remission</li> <li>▪ Probation Service Reports on Parole</li> <li>▪ Reports by NGOs or other community groups on parole</li> <li>▪ Research reports on parole</li> </ul>	See 3.3 and 3.4, plus: <ul style="list-style-type: none"> <li>▪ Probation service staff responsible for parole supervision</li> <li>▪ NGOs and other community groups supporting prisoners on parole</li> <li>▪ Prisoners on parole</li> <li>▪ Independent researchers and academicians working on criminal justice issues</li> </ul>	
7.2	POST RELEASE SUPPORT BY NGOs AND THE COMMUNITY	See 3.2, 4.4.1 and 4.4.2. Plus: <ul style="list-style-type: none"> <li>▪ Reports or publications by any community groups involved in the social reintegration of offenders and ex-offenders</li> <li>▪ Reports by donors funding NGOs supporting ex-offenders</li> </ul>	See 3.2, 4.4.1 and 4.4.2, plus: <ul style="list-style-type: none"> <li>▪ NGOs running projects to support ex-offenders;</li> <li>▪ Community groups involved in assistance to offenders and ex-offenders</li> <li>▪ Ex-offenders and their families</li> </ul>	
8.1	PRE-TRIAL DETAINEES	See 2 and 3, plus: SITE VISITS	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Pre-trial detention centre staff</li> <li>▪ Pre-trial detainees</li> </ul>	
8.2	JUVENILES	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Juvenile Court Act</li> <li>▪ Juvenile Probation Act</li> <li>▪ Regulations to these acts</li> </ul> SITE VISITS	See 2 and 3, plus <ul style="list-style-type: none"> <li>▪ Juveniles police</li> <li>▪ Juvenile courts</li> <li>▪ Staff of juvenile prisons</li> <li>▪ Juvenile probation staff</li> <li>▪ Juvenile prisoners/probationers/former prisoners</li> <li>▪ Families of juvenile prisoners, probationers and former prisoners</li> <li>▪ NGOs and community groups running support programmes for juveniles offenders and ex-offenders</li> </ul>	
8.3	WOMEN	See 2 and 3  SITE VISITS	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Staff of women's prisons</li> <li>▪ Female prisoners/probationers/former prisoners</li> <li>▪ NGOs and community groups running support programmes for women offenders and ex-offenders</li> </ul>	
8.4	THE MENTALLY ILL	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Health Act</li> <li>▪ Regulations to the health act</li> <li>▪ Prison Service Health Policy/Strategy Paper;</li> <li>▪ Probation Service Health Policy/Strategy Paper</li> <li>▪ Medical Association Reports</li> <li>▪ Psychiatrists' Association Reports</li> </ul> SITE VISITS	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Head of Prison Health Department/Unit</li> <li>▪ Health services involved in the treatment of mentally ill offenders</li> <li>▪ Prison medical and psychiatric staff</li> <li>▪ Mentally ill prisoners and their families</li> <li>▪ NGOs</li> <li>▪ Medical Associations</li> <li>▪ Psychiatrists' Associations</li> </ul>	
8.5	DRUG DEPENDENT OFFENDERS	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Health Act and regulations</li> <li>▪ Act governing Drug Courts</li> <li>▪ Regulations to this act</li> <li>▪ Medical Association Reports</li> </ul> SITE VISITS	See 2 and 3, plus: <ul style="list-style-type: none"> <li>▪ Drug courts</li> <li>▪ Drug dependent offenders</li> <li>▪ Prison specialists running therapy programmes for drug addicts</li> <li>▪ Drug dependent prisoners/ probationers/former prisoners</li> <li>▪ Prison medical staff</li> <li>▪ Medical Associations</li> <li>▪ Civil healthcare services involved in treating drug dependent offenders</li> </ul>	

	TOPIC	SOURCES	CONTACTS	COMPLETED
8.6	OVERREPRESENTED GROUPS	See 2 and 3, plus: <ul style="list-style-type: none"> <li>UNHCR reports on the country assessed</li> <li>Reports on minority groups by NGOs and others working on minority rights</li> </ul>	<ul style="list-style-type: none"> <li>UNHCR staff</li> <li>Consular representatives and/or families of foreign prisoners</li> <li>Families of minority group prisoners</li> <li>Foreign and minority group prisoners/probationers/former prisoners</li> <li>NGOs working on minority rights</li> </ul>	
9.1	SYSTEM COORDINATION	See 2.3, 3.2 and 4.4.1, plus: <ul style="list-style-type: none"> <li>Budget documents and financial reports by social support services, employment, housing agencies and health services, if providing any assistance to former prisoners.</li> </ul>	See 2.3, 3.2 and 4.4.1, plus: <ul style="list-style-type: none"> <li>Staff responsible for financial reports and accounts – social support services, employment, housing agencies and health services</li> </ul>	
9.1.1	RESEARCH, EVALUATION AND POLICY FORMULATION	<ul style="list-style-type: none"> <li>Strategic plans for social reintegration of offenders</li> <li>Government policy documents/National Reform Programme</li> <li>Penal system reports</li> <li>Probation service reports</li> <li>Reports/interviews: Judicial authorities</li> <li>Evaluations of probation and prison system</li> <li>Research reports</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Justice</li> <li>Ministry of Interior</li> <li>High court judges and other senior level judicial authority staff</li> <li>Prison Service Headquarters;</li> <li>Probation Service Headquarters;</li> <li>NGOs working on criminal justice matters</li> <li>Academicians and legal specialists working on criminal justice matters</li> </ul>	
9.2	DONOR COORDINATION	<ul style="list-style-type: none"> <li>Donor Strategy papers</li> <li>Progress reports by donor organizations</li> <li>Independent studies conducted by universities/NGOs</li> <li>Ministry of Justice strategy papers relating to cooperation and coordination with donors</li> </ul>	<ul style="list-style-type: none"> <li>Donor organisations</li> <li>Ministry of Justice</li> <li>Universities and NGOs</li> </ul>	







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