

Follow-up to the Kyoto Declaration: Reducing Reoffending by New UN Standards and Norms

Moderator's notes on the side event "Follow-up to the Kyoto Declaration: Reducing Reoffending by New UN Standards and Norms" organized by the Government of Japan with the support of UNODC, on the margins of the 30th session of the Commission on Crime Prevention and Criminal Justice, Vienna, 18 May 2021¹

At the Fourteenth UN Congress on Crime Prevention and Criminal Justice, held in Kyoto on 7-12 March 2021, one of the four Workshops (Workshop 2) dealt with the topic "Reducing reoffending: identifying risks and developing solutions." The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), with the support of the Thailand Institute of Justice, assisted the UNODC in the organization of this Workshop.

UN Crime Congress Workshops are designed to be practical and technical, seeking to identify and present promising practice in different member states in dealing with various aspects of crime prevention and criminal justice. Workshop 2 at the Kyoto Congress was no exception to this, and practitioners from a wide range of countries around the world presented innovative approaches to creating rehabilitative prison environments, promoting community-based approaches that contribute to reducing reoffending, and taking a multifaceted approach to ensure continuous support and services for the rehabilitation and reintegration of offenders into society.

One of the conclusions of Workshop 2, as presented by its chairperson, was that "Member States are encouraged to share information on promising practices and consider the development, under the auspices of the Commission on Crime Prevention and Criminal Justice and with the support of UNODC, of model strategies to reduce reoffending that reflect, among others, the good practices discussed during the workshop" (A/CONF.234/16, para. 158(k)).

The Government of Japan has immediately and commendably taken up this point, both by presenting a draft resolution entitled "Reducing reoffending through rehabilitation and reintegration" for the consideration of the Crime Commission at its thirtieth session (E/CN.15/2021/L.6), and by organizing, together with the UNODC, the present side-event at the Crime Commission's annual session in Vienna.

The side-event was only fifty minutes in length, and yet it covered extensive ground. It also provided a very well-balanced presentation of many of the key issues involved in the reduction of reoffending.

¹ **This document was prepared by the moderator of this side event, Dr. Matti Joutsen, Special Advisor, Thailand Institute of Justice and Chair of Committee II of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice.**

In her keynote speech, H.E. **Kamikawa Yoko**, Minister of Justice of Japan, set the overall context for the proposed model strategies. She noted how the reduction of reoffending is a critically important element of our continued work for safe, secure and inclusive societies. She noted furthermore how the reduction of reoffending is closely connected with the Sustainable Development Goals adopted by the General Assembly in 2015, a connection that is also closely tracked by the Kyoto Declaration adopted at the Fourteenth UN Crime Congress.

The key elements of the Kyoto Declaration in this respect are to be found in its paragraphs 37 through 42, which deal with the reduction of reoffending through rehabilitation and reintegration. However, related elements refer for example to work on the root causes of crime (para. 21), other elements of crime prevention (paras. 22 through 30), and the importance of addressing vulnerabilities of children and young persons in contact with the criminal justice system (paras. 45 and 46).

In her keynote speech, Executive Director **Ghada Waly** of UNODC reminded the audience that a fundamental function of the criminal justice system is the reduction of reoffending. This can be phrased in another manner, which brings into view the differential impact involved. When offenders are rehabilitated and reintegrated into society, they are able to regain self-esteem and become full, productive and respected members of society, contributing to the common good. At the same time, further crime is prevented, leading to fewer victims, and wherever possible to their healing and the restoring of what they had lost. Preventing crime leads to a stronger feeling of safety in the community. And by cutting the cycle of recidivism, the work of practitioners in and working with the criminal justice system can be eased, leading to greater efficiency and effectiveness.

Since the reduction of reoffending lies at the core of the work of criminal justice systems worldwide, and each system operates within the context of its own legal tradition, legal system and legal and administrative structures, practitioners have gained an enormous wealth of experience of what works (and what does not work) in the reduction of reoffending. Each of the distinguished speakers at the side event, within the restraints of the brief time allotted, bore out the truth of this observation.

H.E. Mr. **Omar Marwan**, Minister of Justice of Egypt, was clearly mindful of the importance of a holistic approach grounded on the Sustainable Development Goals. He referred to the need to bring together the different stakeholders, and described Egypt's successful experience in this. He stressed the importance, in promoting rehabilitation and reintegration, of dealing with the root causes of crime, such as a lack of education, lack of suitable housing and lack of suitable employment. He also called attention to the importance of respecting the rule of law.

Ms. **Tania Maria Matos Ferreira Fogaça**, Director-General of the National Penitentiary Department in the Ministry of Justice, Brazil, described several aspects of the rehabilitative policy of Brazil. The country has formulated and is implementing a national policy on alternatives to imprisonment, and at the same time work is being carried out to provide care to prisoners to assist them in their return to society on release from prison. In this work, she stressed the importance of adequate government investment, and of working, as appropriate, together with the private sector.

Ms. **Bai Ping**, Inspector at Director-General Level, International Cooperation Department, Ministry of Justice, China, described the success story of her country in the strengthening of community corrections. She reported that, due to the cohesive approach adopted in China, based on such elements as social harmony, social stability and the rule of law, the rate of recidivism of those undergoing community corrections, was only 0.2 percent.

Ms. **Anna Molepo**, Chief Deputy Commissioner, Community Corrections, South Africa, also stressed the importance of an integrated approach. She gave particular attention to the need to involve the community in the rehabilitation and reintegration of offenders. She reported that almost all - 97 % - of probationers have complied with the conditions set for them, which strongly suggests that the approach adopted by the government has been successful.

The two final panellists at the side event, Mr. **Seto Takeshi**, Director of UNAFEI and the moderator of Workshop 2 at the Kyoto Congress, and Ms. **Valerie Lebaux**, Chief of the Justice Section at the UNODC, provided needed context for understanding the outcome of Workshop 2, and how the proposal for model strategies on the reduction of reoffending can contribute to the development of national strategies and action plans.

Each member state operates within its own legal traditions, legal system and legal and administrative structure. The United Nations has already adopted several standards and norms that are relevant in this regard, such as the revised UN Standard Minimum Rules on the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules). There are also UN standards and norms that deal with for example with the prevention of crime, restorative justice, gender-sensitive justice, and child-sensitive justice.

However, there is a gap on this fundamental function of reducing reoffending, and the proposal of the Government of Japan for developing model strategies on reducing offending thus fits in with what already had been adopted by the international community, and yet provides needed and yet flexible guidance to national policy-makers, practitioners and other stakeholders on what can be done.

Such model strategies will be based on the experience of practitioners around the world, and will serve as inspiration for applying lessons learned elsewhere to the unique criminal justice systems in each jurisdiction. The model strategies will be submitted to the member states for their review, then to the UN Crime Commission for its endorsement, and finally through ECOSOC to the General Assembly for its endorsement.

Criminal justice practitioners around the world have long ago come to realize that many offenders cannot be rehabilitated if left to their own devices. They need the motivation to return to society, and they need the support of the community to do so. In opening the Kyoto Congress, Prime Minister Suga Yoshihide of Japan noted that, in line with Sustainable Development Goal 16, we should seek to ensure a safe, secure and just society, where no one is left behind.

The proposed model strategies for reducing reoffending will be an important component in ensuring that no one is, indeed, left behind.