

**Human Rights Council****Fifty-seventh session**

9 September–11 October 2024

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Resolution adopted by the Human Rights Council
on 9 October 2024****57/9. Social reintegration of persons released from detention and persons
subjected to non-custodial measures***The Human Rights Council,**Guided by the purposes and principles of the Charter of the United Nations,**Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms,**Reaffirming also the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other relevant international human rights instruments,**Underscoring the fact that article 10 of the International Covenant on Civil and Political Rights emphasizes that the essential aim of a penitentiary system's treatment of prisoners is the reformation and social rehabilitation of persons released from detention,**Recalling all relevant General Assembly and Human Rights Council resolutions, particularly Council resolution 53/27 of 14 July 2023 on the elimination of violence against women and girls: preventing and responding to all forms of violence against women and girls in criminal justice detention,**Highlighting the importance of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,*

Noting with appreciation the important work in the field of the administration of justice carried out by the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Commission on Crime Prevention and Criminal Justice, and recognizing the need to create relevant synergies in their respective work to enhance the multiple human rights dimensions of the social reintegration of persons released from detention or subjected to non-custodial measures,

Stressing that social reintegration refers to the successful re-entry into society of a person who was subjected to a sanction involving deprivation of liberty or to non-custodial measures, so that the person can lead a law-abiding and self-supporting life with dignity, access to opportunities and enjoyment of human rights, without discrimination of any kind,

Emphasizing that the primary goal of the administration of justice with respect to incarceration and non-custodial measures should be the eventual social reintegration of persons subjected to these measures, and recognizing the relevance of social reintegration for the full realization of their human rights, as well as for the rule of law, sustainable development and public health and security,

Concerned that persons released from detention or subjected to non-custodial measures often face significant barriers to social reintegration and the enjoyment of their human rights, including in housing, food, health, education, work and social security and political participation, as well as barriers in their access to government assistance, and that these barriers to reintegration can be compounded for women, children and adolescents, persons belonging to racial, national or ethnic, religious and linguistic minorities, persons with disabilities, older persons, Indigenous Peoples, persons of African descent and those in vulnerable or marginalized situations,

Deeply concerned that women and girls do not receive adequate or any gender- and age-responsive and trauma-informed rehabilitation programmes in criminal justice detention or pre- and post-release reintegration programmes, such as mental health and drug treatment, quality education or vocational training, and that low social and economic status in society and stigmatization from their community and families may hinder reintegration and lead to recidivism,

Recognizing the need for specific guidance to States and all relevant stakeholders on the social reintegration of persons released from detention or subjected to non-custodial measures, and recognizing also that the social reintegration of these persons requires the design and implementation of effective programmes that take into account human rights and individual assessments of their unique needs and risks,

Welcoming the efforts made by States to promote the social reintegration of persons released from detention and persons subjected to non-custodial measures, and emphasizing that successful reintegration requires collaboration efforts between Governments, the private sector, non-governmental organizations, families and survivors of crime, while expressing concern that the responsibility for assisting these persons often falls disproportionately on non-governmental organizations and families,

Noting with appreciation that the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development, which was adopted at the fourteenth United National Congress on Crime Prevention and Criminal Justice, highlights the importance of promoting a rehabilitative environment in the community to facilitate social reintegration, and that social reintegration can contribute to a reduction in recidivism,

1. *Highlights* the challenges that persons released from detention or subjected to non-custodial measures face in their social reintegration and the need to address those relating to the enjoyment of human rights without discrimination, including the rights to life, to freedom from torture and other cruel, inhuman or degrading treatment or punishment, to freedom from slavery and forced labour, to equality before the law and equal protection of the law, to equal pay for equal work, to an adequate standard of living, to the enjoyment of the highest attainable standard of physical and mental health, to education, and unlawful restrictions to the rights to participate in political and public life, to privacy and to work;

2. *Appreciates* the need to engage with all stakeholders, alongside persons released from detention or subjected to non-custodial measures, to prevent and eliminate unlawful forms of discrimination, as well as violence and harassment against them, and to address the negative social norms, stereotypes, stigma, economic and social inequities and systemic racism and discrimination that limit the full enjoyment of their human rights, perpetuate societal exclusion and hinder their social reintegration;

3. *Encourages* States to review and, as appropriate, modify legislation, policies and programmes, and to establish clear policies and regulations, on the conduct of criminal justice and community-based programming personnel, to protect persons released from detention or subjected to non-custodial measures from stigmatization, discrimination and all forms of violence, to respect, protect and fulfil their human rights and to facilitate and promote their successful social reintegration and ability to participate meaningfully in and contribute to society;

4. *Invites* States to facilitate proactively the social reintegration of persons released from detention or subjected to non-custodial measures in accordance with their human rights obligations and commitments by considering, inter alia:

(a) Initiating support for social reintegration throughout all stages of the administration of justice, including during the administration of non-custodial measures and post-release;

(b) Promoting the design and implementation of effective social reintegration programmes based on an assessment of the needs and risks of persons released from detention or subjected to non-custodial measures, understanding that individuals may require re-evaluation throughout the course of their reintegration;

(c) Designing and implementing comprehensive pre- and post-release social reintegration programmes, including gender-, age- and disability-specific programmes that take into account the specific needs of persons in vulnerable situations, aimed at ensuring a fully supported transition from custodial to community-based services and streamlined access to basic needs, such as food, clothing, housing, medical care and mental health services, as well as substance misuse treatment, and ensuring that information on such reintegration programmes is easily accessible;

(d) Developing programmes that provide persons released from detention or subjected to non-custodial measures with ongoing access to community-based vocational and technical training and educational programmes to support them in developing the necessary skills for long-term social reintegration, and provide necessary support in securing safe, dignified and gainful work;

(e) Promoting a restorative and rehabilitative approach to social reintegration, such as by educating the public through de-stigmatization campaigns and, when appropriate, victim-offender mediation and family counselling, and promoting community involvement, with due regard to the protection of society and individuals;

(f) Facilitating, where appropriate and in accordance with domestic legal frameworks, restorative justice processes at relevant stages of the criminal justice system and in the community to assist victims and to reintegrate persons released from detention or subjected to non-custodial measures, and to uphold human rights and prevent crime and recidivism;

(g) Introducing, where possible, appropriate alternatives to traditional incarceration, including small-scale detention centres, while prioritizing non-custodial measures and utilizing options such as conditional release, home leave and community-based programmes and services to ease the transition to liberty, reduce stigma and discrimination and restore relations between those released from detention and their families and communities;

(h) Encouraging the active participation of the private sector in promoting social reintegration and respecting the human rights of persons released from detention or subjected to non-custodial measures by providing opportunities for sustainable employment, as well as

social inclusion programmes and employability schemes, including in jobs in support of sustainable development;

(i) Ensuring appropriate education, including trauma-informed education and training for officials on social reintegration, such as for law enforcement personnel, prison authorities, parole and probation officers, social workers and healthcare providers;

(j) Promoting and supporting multi-stakeholder partnerships by fostering coordination among relevant government authorities at all levels, and public-private partnerships between those authorities and the communities;

(k) Sharing best practices and exchanging information on relevant social reintegration policies and programmes and relevant public-private partnerships;

5. *Emphasizes* the benefits of social reintegration in the full enjoyment of human rights for all, the improvement of public health and security, sustainable development, crime prevention and the rule of law;

6. *Welcomes* existing and emerging programmes and best practices by States with regard to social reintegration, particularly those with a human rights-based approach, and expresses its appreciation for the requests made by interested States for further guidance on the issue;

7. *Urges* all relevant stakeholders to contribute to greater government efforts and international cooperation in the design and implementation of regulations, policies and programmes of social reintegration of persons released from detention or subjected to non-custodial measures and to the collection, analysis and dissemination of relevant data, including data disaggregated by ethnicity, income, sex, age, race, disability, geographical location or other factors, on the extent, nature and consequences of social reintegration of these persons and on the impact and effectiveness of policies and programmes for combating discrimination, and their ability to enjoy their human rights;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a comprehensive study, with practical recommendations, on human rights and the social reintegration of persons released from detention and persons subjected to non-custodial measures, with a view to assessing the benefits of further developing guiding principles, based on wide consultations with key stakeholders, including States, United Nations bodies, agencies, funds and programmes, including the United Nations Office on Drugs and Crime, the human rights treaty bodies, the special procedures of the Human Rights Council, national human rights institutions, human rights defenders, civil society organizations, academia, criminal justice organizations, persons released from detention with lived experience, and survivors of crime, and to present the study, accessible to persons with disabilities, including in an accessible and easy-to-read format, to the Council at its sixtieth session;

9. *Invites* all relevant stakeholders, including the special procedures, the treaty bodies, the Office of the High Commissioner and the United Nations Office on Drugs and Crime, to establish or strengthen their work relating to the promotion, protection and respect of human rights in the context of social reintegration of persons released from detention and those subjected to non-custodial measures;

10. *Requests* that all necessary financial, technical and logistic support required for the implementation of the present resolution be provided;

11. *Decides* to remain seized of the matter.

46th meeting
9 October 2024

[Adopted without a vote.]