



Economic and Social Council

Distr.: General
14 March 2023

Original: English

Commission on Crime Prevention and Criminal Justice

Thirty-second session

Vienna, 22–26 May 2023

Item 7 of the provisional agenda*

**Use and application of United Nations standards
and norms in crime prevention and criminal justice**

Open-ended intergovernmental expert group meeting on model strategies on reducing reoffending

Working paper by the Secretariat

I. Background

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

2. Pursuant to that mandate, UNODC is to convene a meeting of an intergovernmental expert group, to be held online from 4 to 6 September 2023. The present working paper, which includes a zero draft of model strategies on reducing reoffending, has been prepared with the aim of facilitating the deliberations of the intergovernmental expert group. The working paper has been drafted on the basis of the deliberations of the expert group meeting on reducing reoffending held from 6 to 8 April 2022 and convened pursuant to General Assembly resolution [76/182](#), entitled “Reducing reoffending through rehabilitation and reintegration”, as well as written contributions on promising practices provided by Member States and other relevant stakeholders pursuant to Assembly resolution [77/232](#).

II. Draft model strategies on reducing reoffending

A. Introduction

3. Reducing reoffending is one of the main goals of criminal justice systems, given the major contribution that it makes to minimizing victimization, increasing community safety and lowering criminal justice costs. In particular, it is clear from the impact of chronic reoffending – repeated and intractable criminal behaviour, with serious consequences for victims as well as for public safety and confidence – that

* [E/CN.15/2023/1](#).



States should focus substantial efforts, including budgetary resources, on addressing this issue.

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

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

6. The link between age and crime is well established, with aggregate crime rates peaking in late adolescence and early adulthood. Therefore, strategies, policies and programmes aimed at preventing child involvement in crime and reducing reoffending among children and young adults are of particular importance as an investment in the future and for minimizing victimization and promoting community safety. However, considering that children² differ from adults in their physical and psychological development, and that the treatment of children in contact with the law is governed by a distinct normative framework,³ the draft model strategies are not intended to cover issues relating to children. Although many of the approaches set out herein may also be effective in and appropriate for tackling child involvement in crime, the four core principles of the Convention on the Rights of the Child⁴ should always serve as the primary considerations when addressing the issue. To that end, States should establish specialized child justice systems and child protection services. States should also consider circumstances under which aspects of those systems and services may be extended to young adults, in particular those in contact with the law during the legal transition to adulthood, and should develop definitions of or guidelines on the upper age limit for young adults.

7. Attempts to reduce reoffending require gender-responsive approaches that take into consideration different pathways to crime and victimization patterns, as well as specific social reintegration challenges, including socioeconomic disadvantages, gender-based violence and discrimination, and social stigma, unresolved trauma and

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

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

³ Including the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, and the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice.

⁴ Non-discrimination, the best interests of the child, the right to survival and development, and the right to participation.

mental health-care needs. Strategies must also take into account, as applicable, the specific situations of women offenders who are pregnant, mothers of dependent children or primary caregivers.

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

9. In the draft model strategies, individualization at all stages of the criminal justice process is considered central to reducing reoffending, and individualized assessments are considered essential for informing all decisions made in relation to an offender. On the basis of the understanding that imprisonment has the potential to worsen the conditions that might have contributed to an individual's criminal conduct, the draft model strategies are aimed at promoting the effective use of non-custodial measures, including diversion programmes to divert offenders from the criminal justice system and alternatives to pretrial detention. The draft model strategies also address the selection and provision of rehabilitation programmes and other interventions intended to reduce reoffending, which, whether implemented in prison or in the community, must be based on the needs of individual offenders. Where incarceration is used, the draft model strategies are aimed at developing rehabilitative prison environments, ensuring effective release and reintegration processes and minimizing harm. The importance of cooperation, awareness-raising and capacity-building across and beyond the justice sector, and of sustainability measures, is emphasized. Lastly, the draft model strategies offer suggestions with regard to the identification and evaluation of efforts to reduce reoffending.

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

B. Individualized approaches

Core principle I

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

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

⁵ The Tokyo Rules, rules 7.1, 8.1 and 10.3; and the Nelson Mandela Rules, rules 89–94.

*Assessments***Draft model strategy No. 1**

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

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

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

14. Factors to take into consideration in individualized assessments include the offender's gender, age, family situation, childcare responsibilities, socioeconomic status, education and vocational training or skills, employment history, housing and living conditions and health status, including mental health status and any drug use disorders, prior trauma and victimization and disabilities. A comprehensive diagnosis of the offender's health disorders and subsequent treatment or other interventions may require an additional assessment by a qualified health-care professional. It is also important to consider other factors associated with criminal conduct, such as social exclusion, and various psychological and cognitive factors linked to self-concept, identity and attitudes towards offending, as well as resiliency factors, such as the offender's strengths, abilities and problem-solving skills.

C. Non-custodial measures**Core principle II**

Imprisonment should be avoided unless strictly necessary, as it may worsen the conditions that contributed to an individual's criminal conduct and aggravate pre-existing challenges in offenders' social integration.

15. In all decision-making in the area of criminal justice, preference should be given to the least restrictive measures appropriate, with imprisonment used as a measure of last resort. A balance must be struck between the rights of offenders, the rights of victims and the protection of society, while ensuring that responses are proportionate to the gravity, nature and circumstances of the offence.⁶ Risks of reoffending can be

⁶ The Tokyo Rules, rule 1.4.

increased rather than addressed by conditions of imprisonment, such as the restrictive and traumatizing environment, separation from family and community, the loss of education and income opportunities, and close contact with criminal individuals and networks.

16. The effective use of alternatives to imprisonment in appropriate cases is beneficial in reducing reoffending, including because it enables both suspects and offenders to maintain their relationships and connection to their community. Rehabilitation and social reintegration interventions can be delivered more effectively in the community than in prison, while still holding offenders accountable and responsible for their actions;⁷ therefore, States should ensure the availability of effective non-custodial alternatives at all stages of the criminal justice process.

Diversion

Draft model strategy No. 2

States should consider establishing directions in favour of the diversion of offenders in certain types of cases, or for certain types of offences or offenders.

17. At any stage of the criminal justice process, up to and including sentencing, and with respect for due process and procedural safeguards for individuals, offenders may be referred to diversion programmes, which offer a way to respond to criminal offences and prevent reoffending without resorting to criminal sanctions. Offenders may be referred, with their agreement, to educational, mentoring, assistance, restorative justice, treatment or supervision programmes – including supervision outside the justice system – without necessarily going through formal proceedings, thereby minimizing their contact with the criminal justice system and mitigating their stigmatization and social exclusion.

18. In the majority of cases and at the earliest stage possible, diversion should be the preferred manner of dealing with young adults in conflict with the law. Diversion should also be, wherever appropriate and feasible and at the earliest possible stage of the process, the preferred response for offenders with mental disabilities or substance use disorders.⁸ The use of diversion should not necessarily be limited to first offences, in particular where a treatable condition such as substance abuse is the key driver of offending.

19. Clear policies and guidelines are needed for the police, prosecutors and judicial authorities on the use of diversion and the exercise of their discretionary authority to refer individuals to such programmes, with statutory presumptions established in favour of diversion where appropriate.

Avoidance of pretrial detention

Draft model strategy No. 3

States should develop and prioritize the use of alternatives to pretrial detention as an important measure to address offending or reoffending, and should offer support to those who are released from such detention.

20. The use of pretrial detention, in particular for prolonged periods, has the potential to generate or reinforce risks of offending or reoffending and should be used as a means of last resort in criminal proceedings.⁹ Decisions to hold suspected

⁷ United Nations Office on Drugs and Crime (UNODC), *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders*, Criminal Justice Handbook Series (Vienna, 2018).

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

⁹ The Tokyo Rules, rule 6.1.

offenders in pretrial detention should be strictly limited to situations where it is considered necessary to address the risk that individual offenders may abscond, commit further criminal offences or interfere with the course of justice.¹⁰

21. There is a need to develop and promote a wide range of alternatives to pretrial detention, such as undertakings, sureties, bail supervision orders and monitoring. Caution should be exercised, however, in the use of financial sureties, which may actually serve to increase the likelihood of offending or reoffending or create further hardship for marginalized individuals. Efforts should be made to raise awareness among decision makers of such alternatives and the adverse effects of pretrial detention. Furthermore, both States and non-State actors should consider providing necessary support to individuals who are awaiting trial. Assistance with reintegration should be provided to those who are released, particularly if they have experienced longer periods of pretrial detention.

22. Pretrial detainees should be granted access to legal aid services in order to ensure that they receive legal advice, assistance and representation as required, and to ensure that those who do not pose a risk are released from detention.

Sentencing

Draft model strategy No. 4

Sentencing should allow for non-custodial options whenever appropriate, including for repeat offenders. States should limit the use of mandatory and short-term prison sentences and require the provision of pre-sentence reports.

23. Preventing reoffending through rehabilitation and social reintegration should be recognized as one of the formal objectives of sentencing, together with protecting society from crime and protecting the rights of victims. Sentencing policies and practices must recognize the need to individualize sentences. By limiting the judiciary's capacity to do so, mandatory sentences are not usually conducive to the rehabilitation of offenders or the prevention of reoffending. Furthermore, States should consider a presumption against the use of short-term prison sentences, which have serious financial and social costs for the offender and offer little opportunity for rehabilitative interventions.

24. Sentencing policies and guidelines should promote the use of non-custodial measures, including for repeat offenders, and uphold the principle of proportionality. The law should provide for a wide variety of community-based sentencing options, such as judicial supervision, probation, conditional or suspended sentences, unconditional discharge, community service orders, commitment to a treatment programme, restitution and victim compensation, status penalties and fines. There is also a need for gender-specific non-custodial measures, in particular measures tailored to meet the requirements of women.¹¹

25. Pre-sentence or social inquiry reports are critical for courts to reach objective and informed sentencing decisions for all offenders.¹² Specific guidelines and specialized training for probation officers and others responsible for preparing pre-sentence reports can help to ensure that sentencing courts have the information that they need to determine which sentence is most likely to encourage offenders to desist from crime and prevent them from reoffending.

26. States should consider making pre-sentence reporting a mandatory requirement when sentencing women, young adults and members of vulnerable or marginalized

¹⁰ Dirk Van Zyl Smit, *Incorporating the Nelson Mandela Rules into National Prison Legislation: A Model Prison Act and Related Commentary*, Criminal Justice Handbook Series (Vienna, UNODC, 2022).

¹¹ The Bangkok Rules, rule 57.

¹² See sect. C.

groups, including offenders with mental disabilities.¹³ In the case of female offenders, it is particularly important to provide judicial authorities with relevant information about their circumstances at the time of sentencing, including information about their family relationships, history of victimization, childcare responsibilities, experience of trauma or mental health-care needs. Similarly, special consideration should be given to young adults and the circumstances of their offending, including information on their family relations, history of victimization, trauma and adverse childhood experiences, education, health and care needs.

27. When community-based measures are being considered, the pre-sentence report should include information on relevant programmes and resources available to the offender, as well as an assessment of how the offender is expected to integrate into the community and comply with any conditions or restrictions that the court might impose.

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

Community supervision

Draft model strategy No. 5

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

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

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

31. Legal and policy procedures are required in order to ensure that conditions of supervision are not excessive and that any breaches are dealt with fairly and effectively. In case of non-compliance, decision makers should pay attention to and

¹³ Bangkok Rules, rule 61.

take into consideration the specific circumstances rather than automatically regard the non-compliance as wilful or stemming from disrespect. All professionals involved in supervision should be educated and trained in the dynamics of addiction and the prevention of relapse behaviour, and in the multitude of barriers faced by survivors of abuse and trauma, in particular in cases involving women or young adults. They should also be aware of the importance of providing age-appropriate, culturally sensitive and gender-responsive services. Revoking the provision of community supervision should be a last resort, in accordance with relevant provisions of the Tokyo Rules, after discussions with the supervising professionals and careful examination by the court or other competent authority.¹⁴

32. Whenever electronic means are used to supervise and monitor the movement of offenders in the community or of suspects released prior to trial, it is necessary to adopt clear legislative and policy standards and rules to ensure that the practice is proportionate, fair, effective, non-discriminatory and fully respectful of the rights of the persons concerned.¹⁵ Goals, policies and guidelines on the use of electronic monitoring devices should be established prior to their introduction, and periodically reviewed in order to take into account technological developments in the area and evaluate their effectiveness and any negative impacts. Training and awareness-raising should emphasize that electronic monitoring devices are an aid to supervision rather than supervision itself, and if they are not accompanied by sufficient human support, do not promote behavioural changes in offenders.

33. Efforts should be made to avoid mass supervision and “net-widening”, whereby the number of persons under the control of the criminal justice system increases. The overuse of unnecessary supervision, particularly for low-risk offenders, or the use of non-custodial measures without appropriate community-based treatment, may increase the risk of reoffending.

D. Addressing the causes of offending

Core principle III

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

34. Authorities should avoid the assumption that certain types of interventions, such as work-related rehabilitation programmes, will reduce offending behaviour. Interventions that do not address the specific reasons for an individual’s offending may fail to decrease – or may even increase – the likelihood of reoffending.

Rehabilitation programmes

Draft model strategy No. 6

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

35. As with all interventions, rehabilitation programmes should respond to the findings and recommendations of individual assessments. The success of such

¹⁴ The Tokyo Rules, rules 14.2–14.4 and 14.6.

¹⁵ For example, see recommendation CM/Rec(2010)1 of the Committee of Ministers to member States on the Council of Europe Probation Rules, and recommendation CM/Rec(2014)4 of the Committee of Ministers to member States on electronic monitoring. See also Mike Nellis, *Standards and Ethics in Electronic Monitoring: Handbook for Professionals Responsible for the Establishment and the Use of Electronic Monitoring* (Strasbourg, France, Council of Europe, 2015).

programmes is dependent on the capacity and attitudes of programme personnel, as well as impartiality and consistency in the approaches taken. Offenders' motivation and responsiveness are also important factors, and programmes must be age-appropriate, culturally sensitive and gender-responsive.

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

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

Restorative justice

Draft model strategy No. 7

Restorative justice programmes should be made available as an alternative to, or in combination with, conventional criminal justice interventions. Subject to consent and relevant safeguards, such programmes have the potential to facilitate victims' access to justice, while also enabling offenders to take responsibility for the damaging impact of their offences on victims and the community at large, thereby increasing their rehabilitation and social reintegration prospects.

38. Offenders may be provided with an opportunity to participate in a restorative justice programme at any stage of the criminal justice process, including the sentencing stage and during imprisonment. Restorative justice is aimed at repairing the harm caused by a crime, through a process in which all affected parties are involved and during which offenders can take responsibility for their actions. While such approaches have been used in many cultures throughout history, restorative practices such as victim-offender mediation and community or family group conferences have become increasingly integrated into modern justice systems, both as an alternative and as a complement to formal justice processes.¹⁶ When applied in accordance with procedural safeguards,¹⁷ giving due regard to the rights and needs of both offenders and victims and ensuring their informed consent, a restorative approach can reduce the likelihood that an offender will reoffend.¹⁸ It is also important to consider the use of restorative programmes in combination with other

¹⁶ UNODC, *Handbook on Restorative Justice Programmes: Second Edition*, Criminal Justice Handbook Series (Vienna, 2020).

¹⁷ The basic principles on the use of restorative justice programmes in criminal matters (Economic and Social Council resolution 2002/12, annex) provide guidance to Member States in implementing restorative justice processes by setting the parameters for its use, as well as the essential procedural safeguards. For the role of legal aid services, see the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (General Assembly resolution 67/187, annex), paras. 1–13, principle 4 and guideline 7.

¹⁸ Joanna Shapland and others, *Does Restorative Justice Affect Reconviction?* The Fourth Report from the Evaluation of Three Schemes, Ministry of Justice Research Series No. 10/08 (Sheffield, United Kingdom, University of Sheffield, Centre for Criminological Research, 2008).

interventions designed to address individual risk factors associated with reoffending.¹⁹

39. It is essential to raise awareness and enhance knowledge of restorative justice programmes, including the availability of programmes and how to access them, among criminal justice professionals and others who may be involved in referring offenders to such programmes. It is also important to provide specialized training to mediators and restorative justice facilitators and to establish inter-agency coordination mechanisms for appropriate referrals.²⁰ Civil society organizations can be well placed to manage and deliver restorative justice programmes as an alternative to the criminal justice process. The capacity of those organizations to deliver such programmes should be funded, supported and monitored, and delivery should be based on agreements and collaboration protocols with law enforcement and criminal justice agencies. The application of restorative justice programmes in contexts outside of the criminal justice sector, such as in schools, can also play an important role in gaining community support for a restorative approach to justice.

Criminal records

Draft model strategy No. 8

States should limit the availability, usage and continuation of criminal records and registers to increase the likelihood of the successful reintegration of offenders.

40. The possibility should exist for convicted offenders who have since desisted from crime and successfully reintegrated into the community to have their criminal records expunged or sealed, in particular in relation to background checks by potential employers, and States should consider regulating that process in law. Special consideration should be given to the criminal records of young adults to avoid further stigmatization and to support reintegration.

E. Rehabilitative custodial environments

Core principle IV

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

41. The purposes of imprisonment – to protect society against crime and reduce reoffending – can be achieved only if the time served in prison is used to ensure that prisoners are able to reintegrate into society upon release so that they can lead a law-abiding and self-supporting life.²¹ Effective rehabilitation programmes should be delivered in an overall prison environment that ensures safe and decent conditions and the humane treatment of prisoners by qualified staff, in line with the applicable minimum standards.

Prison conditions

Draft model strategy No. 9

Prison authorities should intensify efforts to comply with the Nelson Mandela Rules and other relevant standards to reduce the likelihood of reoffending upon release.

¹⁹ UNODC, *Handbook on Restorative Justice Programmes: Second Edition*, Criminal Justice Handbook Series (Vienna, 2020).

²⁰ Ibid.

²¹ The Nelson Mandela Rules, rule 4.1.

42. The Nelson Mandela Rules and the Bangkok Rules form the basis for the prevention of reoffending by former prisoners. The fulfilment of these and other relevant standards is a prerequisite for prison-based rehabilitation programmes to be meaningful and effective, and they should be prioritized for attention and funding. It is essential to strive for the principle of “normality”, according to which the custodial environment should be as similar to the community as possible, in order to achieve a rehabilitative prison environment.²²

43. In prisons, individualized assessments should enable the administration to gain an accurate understanding of prisoners’ different security, custody and rehabilitation needs and to classify them accordingly.²³ It may be necessary to develop specialized approaches for specific types of offences, such as sexual offences or violent extremism offences. The legal status of the offender, the type of offence committed and the length of the sentence should not be the only factors used to determine the classification, which should be reviewed on a regular basis.²⁴ Prisoners whose security classification is reduced should be moved to lower-security facilities with fewer restrictions, increased responsibilities and greater opportunities for interaction with the community, to effectively prepare them for their reintegration upon release.

44. In the construction of new prisons and the renovation of existing facilities, due attention should be paid to rehabilitative aspects, including accessibility to families, partners, services and qualified staff, and to designs that are smaller and less institutional in nature.²⁵ The recruitment and training of staff in accordance with the international minimum standards²⁶ is critical, as are systems of oversight and accountability to ensure that duties are discharged and order is maintained by the administration alone, and that criminal hierarchies and activities are not tolerated within the prison environment. With regard to the maintenance of discipline and order, particular efforts should be made to minimize the use of solitary confinement,²⁷ which has been found to increase the risk of reoffending as a result of both the lack of access to rehabilitation programmes and the serious negative impact of such treatment on the physical and mental health of prisoners.

Family contact

Draft model strategy No. 10

The maintenance of contact with family and friends while in prison is essential for prisoners’ successful reintegration, and the importance of maintaining and developing family relationships should be explicitly stated and reflected in prison policies and regulations.

45. Efforts should be made to place prisoners in facilities close to their homes. The transfer of foreign prisoners to their home countries, if they so consent,²⁸ may increase their chances of reintegrating by enabling increased family contact and culturally appropriate rehabilitation interventions. Open contact should be the default means of family visits, and there should be a presumption against a ban on visits by children. There should also be flexibility in visitation arrangements and telephone and video call entitlements to accommodate family needs, in particular when family members live far away or are unable to visit. Policies should be developed in respect of persons who are not family members but who have a positive influence on the offender, and prisoners should be consulted on who may be permitted to visit them and should have the right to refuse visitation from certain persons, with safeguards in place to prevent

²² Ibid., rule 5.

²³ Ibid., rules 92–93.

²⁴ See para. 12.

²⁵ The Nelson Mandela rules, rule 89.3.

²⁶ Ibid., rules 74–78.

²⁷ Ibid., rule 45.

²⁸ UNODC, *Handbook on the International Transfer of Sentenced Persons*, Criminal Justice Handbook Series (Vienna, 2012).

recriminations. Support should be also provided to family members of prisoners to help them cope with practical, emotional and interpersonal issues relating to the release of offenders from prison, including initiatives to support family members of prisoners with substance abuse disorders.

Prison-based programmes

Draft model strategy No. 11

Programmes designed to address the causes of offending should be available to all offenders;^a programmes offered in prisons should additionally be aimed at increasing the social reintegration prospects of prisoners upon their release, while avoiding the potential for exploitation.

^a See sect. D.

46. Access to accredited education and vocational training, as well as work programmes, can be useful in enhancing prisoners' positive self-identity, increasing their employability following their release and fostering positive links with the community. This is without prejudice to the fact that individual reoffending is often likely to have more complex causes than simple economic need. There is a need for proper research on marketable skills; assessments of partner companies in the community to ensure that they provide fair payment and training; strict safeguards to avoid exploitative or otherwise afflictive work schemes for prisoners and ensure equitable remuneration for work performed; the provision of accredited qualifications to promote employability that are similar to those issued in the community; and the provision of training and work opportunities that are not guided by existing gender stereotypes.²⁹

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

Release and reintegration

Draft model strategy No. 12

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

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

²⁹ Commentary to rule 42 of the Bangkok Rules.

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

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

51. At the time of a prisoner's release, the provision of support in the areas of housing and employment should be prioritized.³⁰ The provision of financial assistance should be considered where possible, and existing policies and practices concerning eligibility for various forms of social assistance and services should be reviewed to ensure that former prisoners are not barred from accessing the services that are essential for their reintegration.

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

Core principle V

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

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

Partnerships and collaboration

Draft model strategy No. 13

Clear protocols should be agreed for cooperation and collaboration among criminal justice agencies and with other relevant stakeholders.

53. Efforts to reduce reoffending require close cooperation between different criminal justice agencies. For example, inter-agency coordination is a prerequisite for fair and proportionate sentencing by judicial authorities, which rely on information provided by professionals from various sectors. Where probation services exist, the successful reintegration of people who have been released from prison necessitates close cooperation between such services and the prison administration. The police, the prosecution and the courts must be understanding and supportive of diversion measures, and the implementation of non-custodial measures can involve the participation of multiple justice sector agencies. Protocols for collaboration should be

³⁰ *Handbook on Prisoners with Special Needs*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.09.IV.4).

agreed, including in relation to the sharing of relevant information in compliance with privacy and confidentiality principles.³¹

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

Volunteers and civil society organizations

Draft model strategy No. 14

The potential for volunteers and civil society organizations to contribute to the rehabilitation and social reintegration of offenders should be recognized, promoted and supported.

55. Cooperation with volunteers and civil society organizations working both in prisons and in the community should be recognized and actively supported. Within the appropriate legal frameworks and under the supervision and sole responsibility of competent judicial authorities, civil society organizations can, following screening and adequate training, be used in the preparation of pre-sentence reports and to support individuals during the implementation of non-custodial measures and reintegration from custodial environments.

56. Volunteers' activities may include involvement in peer support programmes, the fostering of connections between offenders and the community and the provision of practical assistance in the reintegration process. Volunteers can also play a significant role in providing a platform for community engagement and raising public awareness of the importance of offender reintegration.

57. Legal and administrative mechanisms should be developed to ensure the accountability of civil society organizations and community volunteers and the sustainability of their activities. Such mechanisms should encompass careful recruitment, screening, training, guidance and support (practical, financial and psychological), evaluation, monitoring and supervision by competent judicial authorities. It is also important to publicly recognize the work of those organizations and volunteers, including by celebrating their contributions through relevant events, supporting national associations of volunteers and developing international volunteer networks.

Public awareness and understanding

Draft model strategy No. 15

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

58. It is crucial that efforts be made to increase public understanding of the rationale behind and benefits of non-custodial measures, with an emphasis on their goal of

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

³² The Tokyo Rules, rules 1.2, 17.1 and 18.4.

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

Capacity-building

Draft model strategy No. 16

States should recognize and promote the critical role that criminal justice personnel can play in the reduction of reoffending. Professional training programmes should be developed and provided with adequate resources in line with international standards and good practices, and opportunities should be provided for exchange and capacity development within the justice sector and with other relevant actors.

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

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

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

62. Technical assistance in developing and implementing professional training programmes and other capacity-building initiatives should be offered and sought, as necessary.

Sustainability

Draft model strategy No. 17

States should review existing legal and regulatory frameworks and develop national strategies and action plans aimed at the reduction of reoffending.

³³ Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development (General Assembly resolution 76/181, annex).

63. A strategic and sustainable approach to the development of effective offender rehabilitation and reintegration policies and programmes requires a thorough review of existing laws, regulations and policies. The goal of such a review should be to identify and address any legal policy gaps and other regulatory obstacles preventing or hindering the sound operation of criminal justice agencies in line with international minimum standards, inter-agency cooperation and measures such as diversion and alternatives to imprisonment. Sentencing policies should be reviewed, including in relation to mandatory and short sentences, as should policies on the use of pretrial detention.³⁴ Provision should be made for meaningful systems of parole or conditional release from prison, with clear mechanisms for effective supervision and assistance in the community, including budgetary support.

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

G. Research and evaluation

Core principle VI

States should invest in research, including comparative research, into patterns of reoffending and the effectiveness of responses.

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

Measurement and monitoring

Draft model strategy No. 18

Those undertaking research or presenting data should provide clear definitions and scientific analysis to support their findings and should consider a range of indicators beyond rates of reoffending. All research should take into account cultural differences and potential biases.

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

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

³⁴ See sect. C.

68. It is also important to include in research positive indicators that measure the success of reintegration, such as individual progress in the areas of employment, housing, education, health and well-being. Self-reporting surveys designed to uncover undetected or unreported reoffending can shed light on important policy and operational issues. The collection of qualitative data from those with lived experience of the criminal justice system can further increase understanding of the reasons for reoffending and build knowledge of “what works”; it is, therefore, an integral element of policy development.

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

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