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**Draft resolution submitted by the Chair on the recommendation of the
Economic and Social Council (resolution [2025/16](#))**

United Nations Model Strategies on Reducing Reoffending (the Kyoto Model Strategies)

The General Assembly,

Recalling the outcome of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan, from 7 to 12 March 2021, and noting the commitment expressed in the Kyoto Declaration¹ to reduce reoffending,

Recalling also its requests to the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to convene two meetings of the open-ended intergovernmental expert group on model strategies on reducing reoffending, with interpretation in all official languages of the United Nations, with a view to developing model strategies on reducing reoffending,

1. *Welcomes* the work undertaken by the open-ended intergovernmental expert group at its meetings to develop draft model strategies on reducing reoffending, and takes note of the reports of the expert group on those meetings;²

2. *Adopts* the proposed version of the model strategies on reducing reoffending, annexed to the present resolution, as the United Nations Model Strategies on Reducing Reoffending;

3. *Approves* the recommendation of the expert group that the United Nations Model Strategies on Reducing Reoffending be known as “the Kyoto Model Strategies”;

4. *Requests* the United Nations Office on Drugs and Crime, within its mandate:

(a) To take steps to ensure the broad dissemination of the United Nations Model Strategies on Reducing Reoffending;

(b) To identify needs and capacities of countries and provide technical assistance and advisory services to Member States, upon their request and on the basis

¹ Resolution [76/181](#), annex.

² [E/CN.15/2024/15](#) and [E/CN.15/2025/14](#).



of their priorities, for developing or strengthening, as appropriate, legislation, procedures, policies and practices aimed at reducing reoffending;

(c) To closely coordinate with the institutes of the United Nations crime prevention and criminal justice programme network and with other relevant national and regional institutes with a view to developing training materials and offering technical assistance opportunities in relation to reducing reoffending, and to disseminate information on successful practices in that regard, bearing in mind the experiences and perspectives of States;

5. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, acknowledging that such extrabudgetary resources are subject to the rules and procedures of the United Nations; and requests the United Nations Office on Drugs and Crime to utilize any such extrabudgetary resources efficiently and effectively.

Annex

United Nations Model Strategies on Reducing Reoffending (the Kyoto Model Strategies)

A. Introduction

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

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

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

4. The link between young 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 children³ and young adults⁴ are of particular importance as an investment in the future and for minimizing victimization and promoting community safety. However, considering that children differ from adults in their physical and psychological development, and that the treatment of children in conflict with the law is governed by a distinct normative framework,⁵ the Model Strategies are not intended to cover issues relating to children. Although many of the approaches set out herein may also be effective in and appropriate for tackling child involvement in crime, the four core principles recognized in the Convention on the Rights of the Child⁶ should serve as the primary consideration when addressing that 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, where applicable, in particular those in conflict with the law during the legal transition to adulthood.

5. Attempts to reduce reoffending require gender-sensitive approaches that take into consideration different pathways to crime and any prior victimization, as well as specific social reintegration challenges, including socioeconomic disadvantages, gender-based violence and discrimination, and social stigma, unresolved trauma and mental healthcare 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.

6. The Model Strategies are aimed at offering practical and flexible guidance to Member States and are not prescriptive in nature. Rather than establishing legal obligations, they are intended to provide good practices to be considered and used by Member States within the framework of their national legal systems in accordance with applicable international law, including relevant human rights law, and taking into consideration relevant provisions in existing United Nations standards and norms in crime prevention and criminal justice, with respect for those existing standards and norms. The Model Strategies are aimed at contributing to crime prevention. They are to complement and to be implemented without prejudice to the broader efforts of Member States with regard to the assurance of public safety, the protection of society from crime, sentencing that is proportionate to the gravity, nature and circumstances of the offence, ensuring criminal accountability, addressing the root causes of

³ As used in the Model Strategies, a child means every human being below the age of 18 years unless under the law applicable to the child, the age of majority is attained earlier (e.g. the Convention on the Rights of the Child, art. 1).

⁴ There is no internationally agreed definition for the term “young adult”, nor is the concept of young adults recognized within all legal systems. As used in the Model Strategies, a young adult refers to a person who is 18 years old or older but is in the early period of adulthood, who, subject to the respective legal system, may still be dealt with for an offence as part of the juvenile justice system or in another manner that recognizes that person’s physical and psychological development.

⁵ 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.

⁶ Non-discrimination, the best interests of the child, the right to survival and development, and the right to participation.

reoffending, the protection of the rights of victims, and the prevention of interference with the delivery of justice.

7. In view of the great variety of legal, social, economic and geographical conditions around the world, the efforts of Member States to develop strategies to address reoffending need to take into account the fact that the level of resources and institutional support required for their effective implementation varies significantly across countries and the fact that the local context must always be considered. The effective application of the Model Strategies requires close collaboration among governmental agencies as well as, in accordance with domestic law, constructive participation of relevant non-governmental stakeholders, including those advocating for or representing groups that would be most affected by the proposed strategies.

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

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

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

B. Individualized approaches

Core principle I

Decisions regarding the treatment of offenders should be tailored to address their individual circumstances and based on thorough and continuing assessments of their risks, needs and responsivity, such as capacities and dispositions. Consideration should also be given to an offender's life goals, values and aspirations.

11. States should avoid a one-size-fits-all approach to addressing reoffending and avoid treating offenders or types of offenders as homogeneous groups. In determining whether offenders are to be handled by the formal justice system, their sentence on conviction and how that sentence is to be implemented, decision makers should,

where feasible, take account of the individuals concerned and their specific situation at that point in time.⁷

Assessments

Model strategy No. 1

States should base their decisions regarding the treatment of offenders on individual assessments, which should be conducted by qualified professionals using standardized systems that are tailored to the local context and evaluated for their accuracy. In addition to involving prison and probation services, States should ensure the involvement of other relevant criminal justice actors in the conduct of individual assessments and their cooperation in the sharing of relevant information, with complementary support from social services and other relevant stakeholders, where applicable. Due attention should be paid to data protection safeguards in this regard.

12. Decisions regarding individual offenders should exhibit a clear basis in the findings of individualized assessments. Such assessments should be conducted or updated, for example: (a) when the appropriate sentence or measure is being determined or when the diversion of an offender from formal criminal proceedings is being considered; (b) at the beginning of a period of imprisonment or supervision; (c) whenever there are significant changes which have an impact on the social or legal status in an offender's life; (d) when the early release of an offender from prison is being considered; (e) when a change in the nature or level of supervision or classification is being considered; and (f) at the end of a period of imprisonment or supervision. Assessments may also be reviewed at regular intervals in support of continued desistance efforts. Offenders should be informed, in a manner that they can understand, of the process and outcomes of their assessments. They should be encouraged to actively participate in the process, where appropriate. They should also, subject to domestic legislation, be given the ability and means to inform their families or any other person designated as a contact person accordingly.

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 is also supported by cooperation with other actors, including social services, health sector agencies and civil society organizations. Case management systems and information-sharing protocols should be designed to facilitate access to the information required for the assessment, while also implementing individual data protection safeguards and security protocols.

14. Depending on the stage at which the offender is being assessed, factors to take into consideration in individualized assessments should include the offender's gender, age, family situation, caretaking responsibilities, socioeconomic status and social exclusion, peer influence, education and vocational training or skills, employment history, housing and living conditions, and health status including disabilities as well as substance use disorders, prior trauma, victimization, any risk of suicide or self-harm, and other factors influencing mental health. A comprehensive diagnosis of the offender's health disorders and subsequent treatment or other interventions may require an additional assessment by a qualified healthcare professional. It is also

⁷ See the Tokyo Rules, rules 7.1, 8.1 and 10.3; and the Nelson Mandela Rules, rules 89–94.

important to consider criminogenic needs and factors associated with criminal conduct, as well as protective factors. It is recommended that individual assessments be conducted in an appropriate multidisciplinary manner, including the involvement of the justice sector, social services and other relevant actors.

C. Rehabilitation in the community and non-custodial measures

Core principle II

States should promote the use of non-custodial measures in appropriate cases, as such measures are beneficial in reducing reoffending. Imprisonment should be used as a measure of last resort.

15. In decision-making in the area of criminal justice, consideration should be given to the least restrictive measures appropriate. In that context, a proper balance must be struck between the rights of offenders, the rights of victims and the interests of society for public safety and crime prevention.⁸ When imprisonment is used, prison conditions should be rehabilitative and in line with applicable United Nations standards and norms in crime prevention and criminal justice. The risks of reoffending could be increased rather than addressed if prison conditions are inappropriate for rehabilitation, if prison administrations do not follow a rehabilitative approach to prison management in accordance with applicable international human rights law, or if there is a lack of follow-up supervision and assistance after release.

16. The appropriate use of non-custodial measures is beneficial in reducing reoffending because it enables offenders to maintain their relationships with and connection to their community. Due consideration should be given to whether rehabilitation and social reintegration interventions can be delivered more effectively in the community than in prison, while still holding offenders accountable and responsible for their actions; therefore, the criminal justice system should provide for a wide range of non-custodial measures, from pretrial to post-sentencing dispositions. The types of non-custodial measures will be determined by each State within its means. The number and types of non-custodial measures available should be determined in such a way that consistent sentencing remains possible. The selection of the appropriate non-custodial measure to be applied in a particular case should be determined on a case-by-case basis and be based on an assessment of established criteria.

Diversion

Model strategy No. 2

States should promote the use of diversion, taking into consideration the gravity, nature and circumstances of each offence as well as the effectiveness of diversion for the rehabilitation and reintegration of offenders. States may adopt legislation, policies or protocols in favour of the diversion of offenders based on individual assessments.

17. At any stage of the criminal justice process, up to and including sentencing, with respect for due process and procedural safeguards for individuals and bearing in mind the primary purposes of the criminal justice system, offenders may be diverted, which would offer a way to respond to criminal offences and prevent reoffending without resorting to criminal sanctions. Offenders may be referred, with their agreement, to

⁸ See the Tokyo Rules, rules 1.4 and 2.6.

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. Diversion may be considered a preferred manner of dealing with young adults, where applicable, who are in conflict with the law. Subject to applicable domestic law, diversion may also be, wherever appropriate and feasible and at the earliest possible stage of the criminal justice process, a preferred response for offenders with relevant health conditions. The use of diversion should not necessarily be limited to first offences, in particular when treatable conditions are the key drivers of offending conduct.

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

Pretrial detention

Model strategy No. 3

Pretrial detention should be used as a means of last resort in criminal proceedings, in line with its purpose, namely, to prevent the offender from absconding, committing further offences or interfering with the course of justice. States should develop and use alternatives to pretrial detention as important measures to reduce reoffending and should consider offering support to those who are released from such detention.

20. The use of pretrial detention, in particular for prolonged periods, may generate or reinforce risks of reoffending and should be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and victims.⁹ Decisions to hold suspected offenders in pretrial detention should be limited to situations in which it is considered necessary to address the risk that individual offenders may abscond, commit further criminal offences or interfere with the course of justice, including through the concealment or destruction of evidence. When pretrial detention is imposed, States should respect the special regime applicable to pretrial detainees,¹⁰ including their separation from convicted prisoners.

21. There is a need to develop and promote a wide range of alternatives to pretrial detention, such as sureties, bail supervision orders or other orders or undertakings by the court and monitoring, including electronic monitoring.

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

⁹ See the Tokyo Rules, rule 6.1.

¹⁰ See the Nelson Mandela Rules, rules 11 and 111–120; and the Bangkok Rules, rule 56.

23. Pretrial detainees should be provided with access to a legal adviser¹¹ or, in the case of need or when the interests of justice so require, a legal aid provider¹² in order to ensure that they receive, in a language that they understand, legal advice, assistance and representation and to ensure that those who do not pose a risk are released from detention.

Sentencing

Model strategy No. 4

States should include the use of non-custodial measures in their sentencing, whenever appropriate, including for repeat offenders. States should avoid the unnecessary use of mandatory or short-term prison sentences. In order to facilitate sentencing that best reduces reoffending, the courts should have access to legally available pre-sentence reports, social inquiry reports or relevant information provided in other forms.

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

25. With due regard to the principle of proportionality, sentencing policies and guidelines, where used, should include the use of non-custodial measures, including for repeat offenders in appropriate cases. States should provide for a wide variety of community-based sentencing options in their legislation, such as judicial supervision, probation, conditional or suspended sentences, including serving such sentences under an electronic monitoring system, unconditional discharge, community service orders, commitment to treatment programmes, restitution and victim compensation, status penalties and fines. There is also a need for gender-sensitive non-custodial measures, taking into account the history of victimization of many women offenders and their caretaking responsibilities.¹³

26. Pre-sentence reports, social inquiry reports or relevant information provided in other forms are critical for courts to reach objective and informed sentencing decisions for all offenders. Specific guidelines and specialized training for probation officers and others responsible for preparing such reports or similar information 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.

¹¹ See the Nelson Mandela Rules, rule 61.

¹² See the Nelson Mandela Rules, rule 61; and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, paras. 8 and 9, and guideline 4.

¹³ See the Bangkok Rules, rule 57.

27. Where in use, the value of pre-sentence reports, social inquiry reports or relevant information provided in other forms should be considered to be of particular relevance when sentencing women, young adults and persons in vulnerable situations, including those with relevant mental conditions. It is important to provide judicial authorities with relevant information about offenders' circumstances at the time of sentencing, including information about their family relationships, history of victimization, childcare responsibilities, experience of trauma and mental healthcare needs, as applicable.¹⁴ Similarly, where applicable, special consideration should be given to young adults and the circumstances of their offending, including information on their family relationships, history of victimization, experience of trauma, adverse childhood experiences, education and healthcare needs.

28. When considering community-based measures, the court should base its decision on information about relevant programmes and resources available to the offender, as well as on an assessment of how the offender is expected to integrate into the community and comply with any conditions or restrictions that the court might impose. Findings and recommendations in pre-sentence reports, where in use, are a crucial source of information in this regard and should be as actionable as possible.

29. 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, where applicable, should be taken into account in the sentencing and treatment of special categories of offenders, as well as in supporting and monitoring them.

Supervision in the community

Model strategy No. 5

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

30. 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. Where in use, supervision in the community has proved to be 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 working alliance with offenders to motivate them to desist from crime, reinforce positive behaviour and enforce consequences for negative behaviour. In this regard, it is important to have properly qualified and trained professionals with adequate resources to supervise and support offenders. Where feasible, the professionals should reflect the diversity of the people who come into contact with the criminal justice system; therefore, efforts should be made to ensure age and cultural diversity among those professionals and to be attentive to their safety, mental health and self-care needs.

31. 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

¹⁴ See the Bangkok Rules, rule 61.

offenders must comply, under supervision, in addition to refraining from reoffending. Such conditions, if any, should be proportionate, realistic and tailored to the offenders' individual risk, needs and circumstances, such as their work schedules and family responsibilities. The conditions should also be clearly drafted and avoid ambiguities in order to enable compliance. Systems should be created for the conditions to be reviewed and modified to reflect changes in offenders' circumstances and progress made. In addition, tailored explanations and guidance should be provided to offenders with a view to making them fully aware of what is required of them, including the consequences of compliance and non-compliance and the duties and responsibilities of supervising personnel.

32. Legal and policy procedures are required in order to ensure that the conditions of supervision are not excessive and that any breaches are dealt with fairly and effectively. In cases of non-compliance, decision makers should pay attention to and take into consideration the specific circumstances rather than automatically regarding 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. They should also be aware of the importance of providing age-appropriate and culture- and gender-sensitive services. Decisions to revoke the provision of supervision in the community should take into consideration relevant provisions of the Tokyo Rules,¹⁵ after discussions with the supervising professionals and careful examination by the court or other competent authority.

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

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

D. Rehabilitation and social reintegration support in correctional facilities

Core principle III

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

35. The protection of society against crime and the reduction of reoffending through imprisonment can be achieved only if the time served in prison is used to ensure that prisoners are able to reintegrate into society upon release so that they can lead a

¹⁵ See the Tokyo Rules, rules 14.2–14.4 and 14.6.

law-abiding and self-supporting life.¹⁶ Effective rehabilitation programmes should be delivered in an overall prison environment that ensures safe and decent conditions and the humane treatment of prisoners by qualified staff, in line with the applicable minimum standards. Prison officers play a crucial role in the rehabilitation of prisoners by motivating them to participate in prison-based programmes and offering other support, and positive and prosocial relationships between prisoners and staff are also important to the success of rehabilitation.

Prison conditions

Model strategy No. 6

Prison authorities should intensify efforts to align prison management and conditions with the Nelson Mandela Rules and the Bangkok Rules in order to reduce the likelihood of reoffending upon release.

36. In line with the Nelson Mandela Rules and the Bangkok Rules, which provide the basis for the prevention of reoffending by former prisoners, States should establish rehabilitative prison environments by ensuring that prisoners are treated fairly and with the respect due to their inherent dignity as human beings, and supported in their personal, judicial, moral and social rehabilitation; ensuring that prisoners' lives in prison reflect life in the community; ensuring proper prison administration and case management and addressing overcrowding, poor prison conditions, violence in prisons and corruption; providing interventions, treatment programmes, education, vocational training and work that are responsive to each individual's specific risks and needs; enabling offenders to maintain their community and family ties; and ensuring internal and external monitoring and inspection schemes, as well as external investigations, as necessary. The fulfilment of those and other relevant standards is crucial for prison-based rehabilitation programmes to be meaningful and effective, and they should be prioritized for attention and funding. States are encouraged to strive for the principle of "normality", according to which the custodial environment should be as similar to the community as possible, in order to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of prisoners or the respect due to their dignity as human beings.¹⁷

37. In prisons, individualized assessments of prisoners, which should be conducted as soon as possible upon admission, should enable the administration to gain an accurate understanding of prisoners' different security, custody and rehabilitation needs and to classify them accordingly.¹⁸ It may be necessary to develop specialized approaches for specific types of offences. The legal status of the offender, the type of offence committed and the length of the sentence should not be the only factors used to determine the classification and security categorization of prisoners and their allocation to suitable prison regimes, all of which should be reviewed on a regular basis.¹⁹ Prison administrations should consider moving prisoners whose security categorization is reduced into 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.

38. 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.²⁰ The recruitment and training of staff in accordance with

¹⁶ See the Nelson Mandela Rules, rule 4, para. 1.

¹⁷ See the Nelson Mandela Rules, rule 5.

¹⁸ See the Nelson Mandela Rules, rules 92 and 93.

¹⁹ See para. 12.

²⁰ See the Nelson Mandela Rules, rule 89, para. 3.

international minimum standards²¹ 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, prison administrations are encouraged to use, to the extent possible, conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts.²² Particular efforts should be made to minimize the use of solitary confinement,²³ which has been found to increase the risk of reoffending as a result of both the lack of access to rehabilitation programmes and the serious negative impact of such treatment on the physical and mental health of prisoners.

Family contact

Model strategy No. 7

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

39. Prisoners should be allocated, to the extent possible, to facilities close to their homes. The consensual transfer of foreign prisoners to their home countries may increase their chances of reintegrating by enabling increased family contact and culturally appropriate rehabilitation interventions. Open visits allowing for direct contact between the prisoner and visitors should be promoted for family visits, and there should be a presumption against a ban on visits by children. There should also be flexibility in visitation arrangements as well as access to telephone and video calls as complementary measures to accommodate family needs, in particular when family members live far away or are unable to visit. Policies should be developed in respect of persons who are not family members but who have a positive influence on the offender, and prisoners should be consulted on who may be permitted to visit them and should have the right to refuse visitation from certain persons, with safeguards in place to prevent reprisals. Support should be also provided to family members of prisoners to help them cope with practical, emotional and interpersonal issues relating to the release of offenders from prison, including through initiatives to support family members of prisoners with substance abuse disorders.

Prison-based programmes

Model strategy No. 8

States should invest in making programmes aimed at addressing the causes of offending available both to offenders subject to non-custodial measures and to those serving prison sentences;^a in addition, programmes in correctional facilities should be aimed at increasing the social reintegration prospects of offenders upon release, while avoiding the potential for exploitation.

^a See sect. E.

²¹ See the Nelson Mandela Rules, rules 74–78.

²² See the Nelson Mandela Rules, rule 38, para. 1.

²³ See the Nelson Mandela Rules, rule 45.

40. States should support prison authorities as much as possible in implementing the rehabilitation programmes referred to under model strategy 10.²⁴ Furthermore, access to accredited education and vocational training, as well as remunerated work programmes, can be useful in enhancing prisoners' positive self-identity, increasing their employability following their release and fostering positive links with the community. This is without prejudice to the fact that individual reoffending is often likely to have more complex causes than simple economic need. There is a need for proper research on marketable skills; assessments of partner companies in the community to ensure that they provide fair payment and training; strict safeguards to avoid exploitative or otherwise afflictive work schemes for prisoners and ensure fair remuneration for work performed; the provision of accredited qualifications to promote employability that are similar to those issued in the community; and the provision of training and work opportunities that do not differentiate between women and men due to gender stereotyping.²⁵

41. 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.

Preparation for release and reintegration into society

Model strategy No. 9

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

42. Semi-open and open prisons, which allow prisoners to spend time in the community, can support the reintegration of offenders, in particular those who have served a long term of imprisonment, and their gradual transition from prison to the community. Parole or conditional release systems, which allow the supervised early release of offenders as well as the temporary release of offenders with appropriate behaviour, 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, 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. States are encouraged to provide such facilities where feasible.

43. 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, probation, parole and community-based services is essential to ensure the continuity of care throughout the

²⁴ See para. 48.

²⁵ See the commentary to rule 42 of the Bangkok Rules (UNODC, *The Bangkok Rules: United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders with their Commentary* (2011)).

reintegration process. Engagement of private sector actors can also be considered in order to explore employment opportunities or internships for those released from detention. In the light of the detrimental effects that solitary confinement and similar restrictive measures may have on the mental and physical health and well-being of prisoners, care should be taken to ensure that prisoners who have been subject to such measures receive significant reintegration assistance when released into the community.

44. Subject to an individualized assessment, expanded family contact and increased family involvement in preparation for release can further facilitate reintegration. Any possible history of violence, including sexual and domestic violence, should be duly considered in this regard, including by seeking relevant information from victims. Decisions regarding early release should be made with due consideration of each prisoner's family situation, including any parental responsibilities, as well as specific family reintegration needs and issues.

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

E. Addressing the causes of offending

Core principle IV

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

46. While designing and implementing rehabilitation programmes and other interventions, authorities should understand and take into consideration the individual criminogenic needs of offenders and the root causes of their offending, in order to prevent or decrease the likelihood of reoffending, and recognize that not all work-related programmes are effective in reducing reoffending. Interventions that do not address the specific reasons for an individual's offending may fail to decrease – or may even increase – the likelihood of reoffending.

Rehabilitation programmes

Model strategy No. 10

Rehabilitation programmes, whether in community or custodial settings, should be evidence-based, age-appropriate, culture- and gender-sensitive and subject to regular review and evaluation.

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

48. States are encouraged to develop a wide range of comprehensive rehabilitation programmes for application in both community and custodial environments. Such programmes could involve education at different levels, vocational training,

employment assistance, physical and mental healthcare, including psychological support and counselling, cognitive behavioural therapy, relapse prevention, anger management, faith-based programmes, treatment for disorders such as substance use disorders, life skills training and family-oriented programmes, cultural activities, physical exercise and sports, and other forms of constructive activities or assistance. It is essential to ensure the availability and accessibility of rehabilitation programmes, including by setting clear procedures and criteria for participation. The potential of making use of technological innovations in the form of online learning should be equally considered.

49. 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, monitoring their implementation on an ongoing basis and evaluating their effectiveness, including by monitoring the capacity of programme personnel to deliver, supervise or support them.

Restorative justice

Model strategy No. 11

The use of restorative justice programmes should be considered as an option, an alternative to, or in combination with conventional criminal justice interventions. The value of restorative justice programmes should be recognized. Subject to consent and relevant safeguards, such programmes promote the rights, needs and interests of those affected by crime by facilitating the recovery of victims. They also enable offenders to take responsibility for the damaging impact of their offences on victims and the community at large, thereby increasing rehabilitation and social reintegration prospects.

50. Restorative justice programmes and practices provide mechanisms for promoting the rights, needs and interests of those involved in and impacted by offending, based on the fundamental principle that criminal behaviour not only violates the law, but also affects victims and the community. Restorative justice programmes may be implemented at any stage of the criminal justice process, including the sentencing stage and during the execution of a sentence. Restorative justice is aimed at repairing the damage caused by a crime, through a process in which all affected parties are involved and during which offenders can take responsibility for their actions. While such approaches have been used in many cultures throughout history, restorative processes, including victim-offender mediation, restorative conferencing and circles, have become increasingly integrated into modern criminal justice systems, both as an alternative and as a complement to formal criminal justice processes. When applied in accordance with procedural safeguards,²⁶ giving due regard to the rights and needs of both offenders and victims and ensuring their informed consent, a restorative approach can reduce the likelihood that an offender will reoffend. It is also important to consider the use of restorative programmes in

²⁶ The basic principles on the use of restorative justice programmes in criminal matters (Economic and Social Council resolution 2002/12, annex) provide guidance to Member States in implementing restorative justice processes by setting the parameters for their use, as well as essential procedural safeguards. For the role of legal aid services, see the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (General Assembly resolution 67/187, annex), paras. 1–13, principle 4 and guideline 7.

combination with other interventions designed to address individual risk factors associated with reoffending.

51. Bearing in mind the different types of restorative justice programmes conducive to different societies, 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. The participation of the community in restorative justice processes is a valuable element in strengthening a sense of belonging and solidarity. Civil society organizations can be well placed to manage and deliver restorative justice programmes as an alternative to the criminal justice process. It is desirable that organizations delivering such programmes be supported and monitored, and that programme delivery be based on agreements and collaboration protocols with law enforcement and criminal justice agencies. The application of restorative justice programmes in contexts outside of the criminal justice sector, such as in schools, can also play an important role in gaining community support for a restorative approach to justice.

Criminal records

Model strategy No. 12

With a view to increasing the likelihood of the successful social reintegration of offenders, States should consider restricting unlimited access to criminal records and registers beyond competent authorities and limiting disclosure to narrowly defined circumstances. Any decision to grant limited access to such records should be proportionate to the level of public protection risks and be in accordance with domestic law.

52. Unlimited access to criminal records and registers beyond competent authorities can have a negative impact on the successful social reintegration of offenders. Primarily for offenders who have since desisted from crime and successfully reintegrated into the community, States should consider the possibility of expunging or sealing their criminal records, in particular in relation to background checks by potential employers and other relevant external stakeholders. The extent to which access to criminal records is granted or restricted, including applicable timetables, should be regulated to the extent possible under applicable domestic law, taking into consideration both the social reintegration needs of the offender as well as public protection risks inspired by the crimes committed by offenders. Special consideration should be given to the criminal records of young adults, where applicable, in order to avoid further stigmatization and support reintegration.

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

Core principle V

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

53. 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, policies and strategies.

Partnerships and collaboration

Model strategy No. 13

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

54. Efforts to reduce reoffending require close cooperation among different criminal justice agencies. For example, national inter-agency coordination is helpful for fair and proportionate sentencing by judicial authorities, which may 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 should familiarize themselves with non-custodial measures, including diversion, the implementation of which can involve the participation of multiple justice sector agencies. Protocols for collaboration should be available, including in relation to the sharing of relevant information in compliance with privacy and confidentiality principles.

55. 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.²⁷

Volunteers and civil society organizations

Model strategy No. 14

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

56. 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 authorities, civil society organizations can, following screening and adequate training, be involved in preparing pre-sentence reports and in supporting

²⁷ See the Tokyo Rules, rules 1.2, 17.1 and 18.4.

individuals during the implementation of non-custodial measures and reintegration from custodial environments.

57. Volunteers' activities may include involvement in peer support programmes, the fostering of connections between offenders and the community and the provision of practical assistance in the reintegration process. The role of community volunteers²⁸ is crucial in this process. They are members of the public to which the offenders will eventually return, and can therefore serve as catalysts for reintegration. Volunteers can also play a significant role in providing a platform for community engagement and raising public awareness of the importance of offender reintegration.

58. Youth volunteers and youth-oriented civil society organizations may be regarded as essential agents of the rehabilitation and social reintegration of children in conflict with the law for minor offences and other targeted offenders. Youth volunteers can play a significant role as catalysts for change for those offenders in empowering themselves and building life skills that allow them to better cope with daily challenges and to move away from involvement in crime. Youth volunteers may need additional support from competent authorities.

59. 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 authorities. It is also important to cultivate public recognition of the work of those organizations and volunteers, including by disseminating information on and celebrating their contributions through relevant events, awareness-raising, giving awards to dedicated volunteers, supporting national associations of volunteers and developing international volunteer networks.

Public awareness and understanding

Model strategy No. 15

States should design and implement campaigns and outreach programmes 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.

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

²⁸ Such as community probation volunteers (Kenya), *hogoshi* (Japan), probation members (Republic of Korea), volunteer probation assistants (Philippines) and volunteer probation officers (Singapore).

and complex needs of offenders and build the necessary support in the communities to which they are returning.²⁹

Capacity-building

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 criminal justice sector and with other relevant actors.

61. 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, and to provide them with appropriate working conditions, taking into account measures to build a sense of security and support. 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.

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

63. It is also important to provide education and training to other justice sector actors, including the police, prosecutors, lawyers 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.

64. Technical assistance in developing and implementing professional training programmes and other capacity-building initiatives should be made available to Member States upon request. In this regard, the exchange of experience and good practices should be promoted at the national and international levels among the criminal justice personnel and other relevant stakeholders including volunteers. The creation of a pool of national experts would be an added value in this regard.

Sustainability

Model strategy No. 17

States should develop national strategies and action plans aimed at the reduction of reoffending, as necessary.

²⁹ 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).

65. A strategic and sustainable approach to the development of effective offender rehabilitation and reintegration policies and programmes requires effective laws, regulations and policies. States should engage in legal reviews to identify and address any legal policy gaps and other regulatory obstacles preventing or hindering the sound operation of criminal justice agencies, taking into consideration the United Nations standards and norms in crime prevention and criminal justice, inter-agency cooperation and measures such as alternatives to imprisonment. Such reviews should cover sentencing policies, including in relation to mandatory or short-term prison sentences, and policies on the use of pretrial detention and restorative justice programmes.³⁰ 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.

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

G. Research and evaluation

Core principle VI

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

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

Measurement and monitoring

Model strategy No. 18

Those undertaking research or presenting data should provide clear definitions and scientific analysis to support their findings and should consider a range of indicators beyond rates of reoffending. In order to ensure high-quality research findings on the complex issues of rehabilitation and reoffending, all research should be undertaken by qualified staff, take into account gender-sensitive approaches, cultural differences and potential biases, and benefit from collaboration with universities and other academic institutions, where appropriate.

68. 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

³⁰ See sects. C and E.

relation to a given study or initiative. Reported variations and changes in rates of reoffending should be analysed for their statistical significance and practical implications and guide the development of further policies and programmes. When arrest and pretrial detention rates are used as measures of reoffending, the fundamental right to the presumption of innocence must be clearly stated and fully respected.

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

70. 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.

71. Research on reoffending should take into account gender-sensitive approaches and cultural diversity among 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.

72. 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.
