

THE KYOTO CRIME CONGRESS AND THE “DECADE OF ACTION”: FRAMING THE GLOBAL NARRATIVE ON REDUCING REOFFENDING

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I. INTRODUCTION

The principal aim of this paper is to emphasize that the Sustainable Development Goals (SDGs) have given the field of crime prevention and criminal justice an unprecedented global platform to advocate for change in the way we – as a global community – view, interact with and support offenders on their paths to desistance from crime. No global platform has been so broad as to link the issues of poverty, education, health care, the environment and others with criminal justice. It has taken the field of crime prevention and criminal justice six years, since the adoption of the SDGs in 2015, to focus in on how it can contribute to the achievement of this ambitious agenda from the perspective of crime prevention. With only nine years left to achieve the 2030 Agenda, now is the time for action.

“Reducing reoffending” was one of the many important topics that drew attention at the Kyoto Congress,¹ and it was the theme of one of the official workshops. In addition to introducing theories and effective practices for reducing reoffending, the workshop recognized the links between crime prevention and sustainable development. Importantly, the workshop laid the groundwork for the development of model strategies on reducing reoffending – new United Nations standards and norms that will, once adopted, provide practical guidance on reducing reoffending to the criminal justice systems of UN Member States.

However, the new model strategies will not reduce reoffending on their own. A global narrative² will be necessary to promote the model strategies, to promote understanding of their necessity and to persuade governments to implement them and the public to embrace them. This narrative on reducing reoffending is inextricably linked to sustainable development, and criminal justice policymakers and practitioners would be well advised to analyse these links and implement policies and practices that are evidence based and development led.

II. AN OVERVIEW OF THE KYOTO CRIME CONGRESS AND WORKSHOP TWO ON REDUCING REOFFENDING

The quinquennial United Nations Congress on Crime Prevention and Criminal Justice draws thousands of participants from around the globe – including official governmental delegations, criminal justice practitioners, academics and civil society interest groups – for the purpose of setting the global agenda for criminal justice policy for the next five years. The political segment of the congress is counterbalanced by the practitioner-oriented segments that take place in the form of four official workshops and scores of ancillary meetings.

For the Kyoto Congress, the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), as an institute of the United Nations Crime Prevention and Criminal

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¹ The Kyoto Congress is used herein as an abbreviated reference to the 14th United Nations Congress on Crime Prevention and Criminal Justice, which was held in Kyoto, Japan, from 7 to 12 March 2021. The Kyoto Congress had originally been scheduled for April 2020 but was postponed due to the global Covid-19 pandemic.

² A “narrative” is a story, a thesis or a series of logically connected concepts arranged in a particular order to tell a story in a particular way. Viewed another way, a narrative is a communications strategy – or perhaps even “talking points”. If the field of crime prevention and criminal justice can agree to a common narrative on reducing reoffending, this narrative can be used to explain, contextualize, advocate and persuade.

Justice Programme Network, was charged by the United Nations Office on Drugs and Crime (UNODC) to take the lead in the organization and implementation of Workshop 2 (the “Workshop”). The theme of the Workshop was “Reducing reoffending: identifying risks and developing solutions”. After several years of preparatory meetings, including consultations with experts and in close collaboration with the UNODC, a clear consensus on an effective approach to reducing reoffending emerged:

Reducing reoffending is critical to building inclusive, sustainable societies as envisioned in the 2030 Agenda [for Sustainable Development]. To reduce reoffending effectively, criminal justice systems must prioritize offender rehabilitation and social reintegration by creating rehabilitative prison environments, adopting and implementing community-based approaches that contribute to reducing reoffending and taking a multifaceted, multi-stakeholder approach.³

Following this three-pronged thesis, the Workshop was structured in three panels: (i) creating rehabilitative prison environments; (ii) community-based approaches; and (iii) adopting a multi-stakeholder approach to rehabilitation and reintegration. The Workshop addressed a litany of important topics including: proportionality in criminal sentencing, individualized treatment and evidence-based treatment models and methods (the Risk-Need-Responsivity Model, Cognitive Behavioural Therapy, the Good Lives Model, and Desistance Theory), continuity of care throughout contact with the justice system, the principle of “normality”, alternatives to imprisonment and the effectiveness of community-based treatment, the dangers of mass supervision and net widening, and numerous practical examples of how to leverage governmental and private-sector resources and expertise. To those who attended in person and online, the Workshop was a resounding success, and the content shared and discussed during the Workshop laid the groundwork for the preparation of model strategies on reducing reoffending – new United Nations standards and norms.⁴

The purpose, however, of this paper is not to revel in the Workshop’s success. History cautions us that decades – if not centuries – old wisdom fades into obscurity. Even the history of the crime congresses demonstrates that what our experts know (or knew) does not necessarily translate into policy or practice. To compound the problem, contemporary issues such as socio-political upheaval, public health and financial crises, and even concerns over commitments to the rule of law threaten the prospect that good ideas and practices that were distilled from the Workshop will actually be put into practice.

Accordingly, this paper will examine the need for a global narrative on reducing reoffending, explain why reducing reoffending is an important issue for achieving sustainable development, and offer seven principles that might form the basis of a global, development-led narrative on reducing reoffending. The purpose of this global narrative is to seek a way for the crime prevention and criminal justice field to speak with one voice, with the aim of permanently establishing the importance of reducing reoffending in the hearts and minds of diplomats, politicians, practitioners and the general public. First, however, this paper will lay the groundwork for that narrative by exploring the interconnection between crime prevention and sustainable development and argue that a global narrative is necessary to maintain momentum over time and to prevent good theories and practices from fading into obscurity.

III. MODERN AND CONTEMPORARY VIEWS ON CRIMINAL PUNISHMENT – A SELECTIVE HISTORY

What is the purpose of criminal punishment? As students of law, criminology, philosophy and many other disciplines can attest, this seemingly simple question has no simple answer. Politicians, scholars and legal practitioners have pondered this question for millennia. Based on accumulated wisdom, there are currently five generally accepted principles that lay the groundwork for any attempt to answer the question. These five purposes for criminal punishment are retribution, incapacitation, deterrence, rehabilitation and reparation.⁵

³ Background Paper, *Workshop 2. Reducing reoffending: identifying risks and developing solutions*, A/CONF.234/9 (3 Feb. 2020), para. 5; see also *Report of Committee II: workshop 2, Reducing reoffending: identifying risks and developing solutions*, A/CONF.234/L.4, (9 Mar. 2021), para. 14.

⁴ See generally *Compendium of United Nations standards and norms in crime prevention and criminal justice*, (New York: UNODC, 2016), available online at <https://www.unodc.org/documents/justice-and-prison-reform/English_book.pdf>.

⁵ UNODC, E4J University Module Series: Crime Prevention and Criminal Justice, Module 7: Alternatives to Imprisonment, Topic 2. Justifying punishment in the community, www.unodc.org (March 2019), available online at <<https://www.unodc.org/>>

This paper – and Workshop 2 of the Kyoto Congress – emphasizes the paramount importance of *rehabilitation* as the guiding principle for criminal punishment and as a practical and evidence-based approach to crime prevention.

From the Anglo-American perspective, the idea that crime prevention and offender rehabilitation are the principal aims of criminal punishment can be traced back to the Late Modern Period (1750–1945) and eighteenth-century English jurist Sir William Blackstone. While it would be a stretch to attribute the UN Crime Congress's use of the term “crime prevention” directly to Blackstone, the UN Crime Congress (on *Crime Prevention* and Criminal Justice) undoubtedly owes a debt of gratitude to the views on punishment that were advanced by Blackstone and his contemporaries over 250 years ago.⁶

The sections below will consider the emergence of crime prevention as the principal theoretical purpose of criminal punishment in Anglo-American jurisprudence and look back at some of the forward-looking perspectives that arose out of the early UN Crime Congresses. It will also examine how this chain of intellectual progress was broken, setting the United States on the path toward mass incarceration. A brief look at how mass incarceration came about – at the expense of the principles of rehabilitation and reintegration – may help other jurisdictions avoid the same missteps.

A. New Ideas on Crime Prevention and Criminal Punishment in Late Modern England: “A Collective Distaste for Imprisonment”⁷

In the mid-1700s, crime prevention formed the basis of the Anglo-American theory on criminal punishment. In 1769, jurist William Blackstone, close in time to like-minded commentators in continental Europe, published his fourth and final volume of *Commentaries on the Laws of England*, addressing “public wrongs”. Blackstone firmly and convincingly describes crime prevention as the purpose of punishment. He explains:

As to the end, or final cause of human punishments. This is not by way of atonement or expiation for the crime committed; for that must be left to the just determination of the supreme being; but as a precaution against future offenses of the same kind. This is effected three ways: either by the amendment of the offender himself; for which purpose all corporal punishments, fines, and temporary exile or imprisonment are inflicted; or, by deterring others by the dread of his example from offending in the like way, “*ut poena* (as Tully expresses it) *ad paucos, metus ad omnes perveniat* [punishment of a few puts all in dread];” which gives rise to all ignominious punishments, and to such executions of justice as are open and public: or, lastly, by depriving the party injuring of the power to do future mischief; which is effected by either putting him to death, or condemning him to perpetual confinement, slavery, or exile. The same one end, of preventing future crimes, is endeavored to be answered by each of these three species of punishment. The public gains equal security, whether the offender himself be amended by [wholesome] correction; or whether he be disabled from doing any farther harm; and if the penalty fails of both these effects, as it may do, still the terror of his example remains as a warning to other citizens. The method however of inflicting punishment ought always to be proportioned to the particular purpose it is meant to serve, and by no means to exceed it; therefore the pains of death, and perpetual disability by exile, slavery, or imprisonment, ought never to be inflicted, but when the offender appears *incorrigible*: which may be collected either from a repetition of minuter offences; or from the perpetration of some one crime of deep malignity, which of itself demonstrates a disposition without hope or probability of amendment; and in such cases it would be cruelty to the public, to defer the punishment of such a criminal, till he had an opportunity of repeating

[e4j/en/crime-prevention-criminal-justice/module-7/key-issues/2-justifying-punishment-in-the-community.html](https://www.unhcr.org/en/crime-prevention-criminal-justice/module-7/key-issues/2-justifying-punishment-in-the-community.html)>.

⁶ While Jeremy Bentham was a fierce critic of Blackstone's commentaries, Bentham's criticism was based on other grounds; Bentham and Blackstone agreed on the purpose of criminal punishment. Tony Draper, “An introduction to Jeremy Bentham's Theory of Punishment”, *Journal of Bentham Studies*, vol. 5 (2002). “During the latter 1770s and 1780s Bentham's ideas were in accord with the general consensus in England regarding the purpose and forms of punishment as identified in the works of men such as William Blackstone and William Eden. The immediate end of punishment was, they all agreed, to deter future crime; and, on a wider scale, they concurred that punishment ought prominently to protect the liberties of law-abiding citizens. In practical terms this agreement amongst many writers of the early to mid-1770s displayed itself in their showing a collective distaste for imprisonment as a punishment. This distaste was shared by Bentham.” *Ibid.* at 7.

⁷ Draper, at 7; *supra*, note 6.

perhaps the worst of [villainies].⁸

From a twenty-first century perspective, this excerpt – despite its references to now outdated and disfavoured punishments like exile, slavery and death⁹ – describes the purpose of criminal punishment in a way that modern-day academics, policymakers and practitioners can relate to. First, Blackstone emphasizes the importance of preventing future offences (i.e. crime prevention) over “atonement and expiation”. Certainly, that is not to say that an offender’s remorse is irrelevant, as will be seen in a moment. It does, however, permit the concept of crime prevention to rise above the principle of retribution. Second, “the amendment of the offender” (i.e. rehabilitation and reintegration) is listed as the first and primary means of preventing future crime (i.e. reducing reoffending) and the primary purpose of criminal punishment. Thus, in the eighteenth century, Blackstone prioritized the principles of criminal punishment in the following order: first, rehabilitation; second, deterrence; and, third, incapacitation.

Blackstone also addresses the importance of proportionality in criminal sentencing – a principle that remains relevant and important today. By stating that “punishment ought always to be proportioned to the particular purpose it is meant to serve, and by no means exceed it”, Blackstone recognized that the principal danger was not that criminal sentences would be too light but that they would be too severe. In a subsequent passage, he explains that disproportionate penalties are less effective at rehabilitating offenders and preventing crime.¹⁰ Thus, Blackstone’s views on crime prevention and proportionality were strikingly different from those of, for example, Immanuel Kant – a retributivist.¹¹

Unsurprisingly, while Blackstone’s views represented the state of legal theory, his views were unrepresentative of the actual conditions in English prisons at the time. The death penalty and transportation of convicts to the colonies were commonplace; prisons were overcrowded, makeshift (even on ships docked in London) and filled with non-violent debtors.¹² However, Blackstone’s *Commentaries*, along with the influential works of his like-minded contemporaries, demonstrate that the theory of offender rehabilitation as a means of crime prevention has been known to criminal justice practitioners and legal experts for more than 250 years.

Throughout the nineteenth and early twentieth centuries, the idea of crime prevention and prison reform took on an international dimension. The First International Prison Congress was held in 1846,¹³ and the First International Congress on the Prevention and Repression of Crime was held in London in 1872, which created the International Prison Commission that became the International Penal and Penitentiary Commission (IPPC).¹⁴ On 1 December 1950, the functions of the IPPC and “the field of the prevention of crime and treatment of offenders” were incorporated into the UN.¹⁵

⁸ William Blackstone, *Commentaries on the Laws of England, Book IV of Public Wrongs*, Edited by Wilfrid Prest. (Oxford: Oxford University Press, 2016), 7-8 (emphasis in original; internal citations omitted).

⁹ While the death penalty is still a legal sanction in a small number of jurisdictions, its use is declining. As such, the author views the death penalty as “disfavoured” both in jurisdictions that have rejected it and jurisdictions that still sanction its use. Nevertheless, Blackstone clearly cautions against use of such extreme penalties in all but the most extreme cases.

¹⁰ Blackstone at 10. “Lastly, as a conclusion to the whole, we may observe that punishments of unreasonable severity, especially when indiscriminately inflicted, have less effect in preventing crimes, and amending the manners of a people, than such as are more merciful in general, yet properly intermixed with due distinctions of severity. It is the sentiment of an ingenious writer, who seems to have well studied the springs of human action, that crimes are more effectually prevented by the *certainty*, than by the *severity*, of punishment.” Ibid. at 10-11 (emphasis in original).

¹¹ Kant’s view of criminal punishment was based on the Law of Retribution (*ius talionis*). In his view, all murderers “must die” and “solitary and painful confinement” for the purpose of “humiliation” could render perfect legal justice. Immanuel Kant, *Metaphysical Elements of Justice*, tr. John Ladd, 2nd ed. (Indianapolis: Hackett Publishing Co., 1999), 138-39. If Kant’s view is philosophically sound, it is not in line with the United Nations standards and norms in crime prevention and criminal justice, such as the Tokyo Rules (1990), the Bangkok Rules (2010) and the Nelson Mandela Rules (2015).

¹² *Early prisons and imprisonment*, www.parliament.uk (accessed 30 Aug. 2021).

¹³ *Report of the Fourth Crime Congress*, at para. 52.

¹⁴ *International Penal and Penitentiary Commission (IPPC)*, www.unodc.org (accessed 30 Aug. 2021).

¹⁵ *Transfer of functions of the International Penal and Penitentiary Commission*, General Assembly resolution 415(v), para. 6 (1 Dec. 1950).

B. Crime Prevention in the Contemporary Era

One of the early achievements of the United Nations in crime prevention was the adoption of the Standard Minimum Rules for the Treatment of Offenders at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders (SMR) in 1955, and later by the Economic and Social Council in 1957. Having carried forward the wisdom that accumulated over previous centuries, the SMR seek to ensure that all correctional facilities offer rehabilitative environments, free of cruel, inhuman or degrading punishment and urge treatment “with a view to social rehabilitation”.¹⁶

Moving forward to 1970, the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (the 1970 Kyoto Congress¹⁷) explored the links between crime prevention and economic and social development, as will be addressed further in the next section. Additionally, a number of theories and practices that are still very relevant today were also addressed. These include, among others, the harm caused by imprisonment,¹⁸ the use of alternatives to imprisonment and “community-based treatment”,¹⁹ a call for diversion and restorative justice,²⁰ concerns over net widening,²¹ the importance of public participation in crime prevention,²² public awareness,²³ normalizing prison environments in line with community services²⁴ and exposing judges to the realities of prisons.²⁵ (All of these topics were addressed 51 years later during Workshop 2 of the Kyoto Congress.)

However, only four years after the 1970 Kyoto Congress, the landscape of crime prevention in the United States experienced a tectonic shift. In 1974, the infamous and discredited “nothing works” doctrine of the Martinson Report gave politicians in the United States the arguments they needed – and perhaps wanted – to fan the flames of penal populism and the tough on crime approach. From 1972 to 1997, the incarceration rate in the United States skyrocketed from 98 to 445 per 100,000 population.²⁶ While the causes were no doubt complex and included demographic changes, tougher sentencing practices, aggressive prison construction and the War on Drugs, it was observed that the increase in prison populations was being driven by policy, not crime.²⁷

C. Why Target Reoffending?

It took decades for American politicians and the general public to recognize the failure of mass incarceration, and the damage will continue long into the future. Despite improvements in policy and outcomes, the United States still incarcerates more people than any other country in the world.²⁸ As will be

¹⁶ *Standard Minimum Rules for the Treatment of Offenders*, Economic and Social Council resolution 663 C (XXIC), paras. 31, 67(b) (31 Jul. 1957).

¹⁷ Fifty-one years apart, the 4th and the 14th Crime Congresses were both held at the Kyoto International Conference Center in Kyoto, Japan, in 1970 and 2021, respectively. To avoid confusion, the 4th Crime Congress is referred to herein as the “1970 Kyoto Congress”.

¹⁸ *Report of the Fourth Crime Congress*, at paras. 75 and 76.

¹⁹ *Ibid.* at paras. 60, 75, 79.

²⁰ *Ibid.* at para. 76.

²¹ *Ibid.* at para. 74. “The readiness of many societies to seek refuge in penal legislation before considering other legal and, perhaps, more practical social outlets and administrative solutions could increase the crimes reported. That increase might then appear to be a result of development but, in reality, it would be an unwarranted extension of law over human conduct not previously considered criminal. A progressive build-up of unnecessary legislation could profoundly change the very meaning of crime in any society and make the administration of justice cumbersome, if not, indeed, oppressive.”

²² *Ibid.* at para. 111. “It was [the individual citizen], in the last resort, who must provide community support on which all correctional processes ultimately depend. It was the individual who must accept the ex-offender as neighbour and co-worker upon his return to the community.” *Ibid.* at 125.

²³ *Ibid.* at para. 132. “It was the view of the Congress that it was the duty of government to help to form and lead public opinion in relation to social defence and that such leadership required the provision to the public of accurate information about the criminal justice system and its work on which the public could base its views.”

²⁴ *Ibid.* at para. 168. “[E]fforts should be made towards developing the closest possible correspondence between living conditions within the correctional institutions and those of persons living in freedom in the region in which the institution was located.”

²⁵ *Ibid.* at para. 175.

²⁶ Todd R. Clear and George F. Cole, *American Corrections*, 5th ed. (Belmont, CA: Wadsworth Publishing Co., 2000), 422.

²⁷ *Ibid.* at 423-27.

²⁸ *World Prison Brief: Highest to Lowest – Prison Population Total*, www.prisonstudies.org (accessed 30 Aug. 2021). According to 2018 data, the United States had nearly 2.1 million people in prison with 738,000 in local jails, 179,200 in federal

discussed in more detail below, reoffending is obviously a significant problem in the United States.

In fact, reoffending is a problem that faces many countries, including those with much smaller prison populations. The world over, a significant percentage of offenders return to crime upon release from prison. For example, Japan's prison population ranks 39th with 48,429 people in prison at the end of 2019 – an estimated 38 per 100,000 population.²⁹ In 2007, Japan's White Paper on Crime “revealed that roughly 60% of all crimes were committed by repeat offenders, who accounted for approximately 30% of convicted offenders.”³⁰ In 2011, criminologist Joan Petersilia observed that, in the United States, “two-thirds of released prisoners are rearrested for at least one serious new crime, and more than half are re-incarcerated within three years of release” – the two-thirds rearrest rate being a constant over the 40-year history of the study.³¹ These rearrest numbers in the United States were confirmed yet again in 2018, when it was reported that “[f]ive out of 6 (83%) state prisoners released in 2005 across 30 states were rearrested at least once during the 9 years following their release,” with an estimated 68 per cent arrested within three years of release.³² Over the 9 year period of the 2018 study, each person released from prison was rearrested five times on average (approximately 400,000 released offenders were arrested nearly 2 million times).³³

These statistics demonstrate that repeat offenders cause a disproportionate amount of crime. As discouraging as that might be, it suggests that investing resources into helping repeat offenders desist from crime can lead to a significant reduction in crime rates and an increase in public safety. Petersilia suggested that implementing effective rehabilitation programmes could reduce reoffending by 15 to 20 per cent, in which case as many as 100,000 offenders (based on 2011 numbers in the US) could be expected to desist from crime.³⁴

As it turns out, the American public seems to support the approach advocated by Petersilia. Polling from 2012 suggests that the American public overwhelmingly believes that there are too many people in prison and supports prioritizing the prevention of reoffending over the amount of time served by the offender.³⁵ This attitude is in stark contrast to the penal populism in the United States in the 1970s and '80s, through which the “tough on crime” approach garnered support from politicians and the general public. It may be that public opinion has shifted as a result of the failure of retributive criminal justice policies in the United States that led to mass incarceration and had devastating and disproportionate impacts on racial minorities and other disadvantaged groups.

The UN Crime Congress convenes every five years, and there are traditionally four workshops at each congress. Thus, the selection of “reducing reoffending” as a topic demonstrates the perceived importance of this issue to the field of crime prevention and criminal justice. In 2014, the United Nations General Assembly, in a resolution on the administration of justice, “*recall[ed]* that the social rehabilitation and reintegration of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society, . . .”³⁶ The clear implication of the failure to successfully rehabilitate and reintegrate persons deprived of liberty is that they will reoffend and return to lives of crime. As will be explored in the next section, crime prevention is inextricably linked with sustainable development and the pursuit of peace, justice and security for all.

prisons and nearly 1.2 million in state prisons.

²⁹ Ibid. By comparison, Japan's prison population was reported as 76,881 people in prison in 2008 at an estimated 60 per 100,000 population.

³⁰ Nozumu Suzuki, Koji Yoshimura & Marie Otomo, “The Current Situation of Drug Offences in Japan”, 4 (unpublished manuscript, 3 Aug. 2021), Microsoft Word File and hard copy on file with author.

³¹ Joan Petersilia, “Beyond the Prison Bubble”, *NIJ Journal*, Issue No. 268, 29 (October 2011).

³² Mariel Alper, Matthew R. Durose & Joshua Markman, *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)*, Special Report, Bureau of Justice Statistics, USDOJ, 1 (May 2018).

³³ Ibid. at para. 7.

³⁴ Petersilia at 29.

³⁵ Public Opinion Strategies and the Mellon Group, *Public Opinion on Sentencing and Corrections Policy in America*, www.pewtrusts.org (March 2012), 5.

³⁶ *Human rights in the administration of justice*, General Assembly resolution 69/172, recitals (1 Dec. 2014).

IV. EXPLORING THE LINKS BETWEEN CRIME PREVENTION AND SUSTAINABLE DEVELOPMENT

Even for readers with a great depth of understanding about the theoretical and practical issues surrounding crime prevention, the idea of sustainable development may remain something of a mystery. Neither the concept nor the term is new, but the 2015 adoption of the SDGs has made the term more commonplace. While many have an intuitive understanding of the term, an accurate definition of sustainable development is useful for its application to crime prevention and the creation of an effective global narrative. Thus, this section provides a definition of sustainable development and explores its links with crime prevention by looking at how these issues have been addressed by previous crime congresses and by considering the inclusion of Goal 16 in the SDGs.

A. Sustainable Development – Expanding Economic and Social Development to Include the Protection of the Environment

Sustainable development evolved from the economic and social development envisioned by the UN Charter. Article 1 of the UN Charter encourages the Member States to engage in “international cooperation in solving international problems of an economic, social, [and] cultural . . . character”, while Article 55 states the United Nations shall, “[w]ith a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, . . . promote . . . *economic and social progress and development*”.³⁷ The implementation of these principles was one of the first tasks of the United Nations, as it dealt with the reconstruction of Europe and the displacement of Europeans after World War II.³⁸ Referred to by one commentator as “the godfather of UN goals”, United States President John F. Kennedy, “urged the [UN] to designate the 1960s as the ‘development decade’”,³⁹ giving rise to four development decades that took the UN into the new millennium. These four development decades laid the groundwork for the Millennium Development Goals in 2000 and the Sustainable Development Goals in 2015. Thus, development originated as a two-prong concept: economic and social.

The concept of sustainable development, although not the term, seems to have come to international prominence in 1972 during the United Nations Conference on the Human Environment held in Stockholm. The conference declaration – a document similar in style to the declarations of the crime congresses – explains that economic and social development must be pursued in harmony with the environment. “To defend and improve the human environment for present and future generations has become an imperative goal for mankind – a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of worldwide economic and social development.”⁴⁰ Thus, the Conference on the Human Environment added the environment to the development equation.

As understood today, sustainable development refers to a three-dimensional operational framework of the United Nations that pursues economic, social and environmental development of its Member States,⁴¹ recognizing that these three prongs of development are inextricably linked. In this sense, the issues and areas are referred to as *cross-cutting*, meaning that the failure to succeed in any one area will inhibit success in other areas.⁴² Conversely, success in one area will amplify success in others. In a word, cross-cutting means “interdependent”. These complex issues are not only cross-cutting; they are multifaceted. Here, the multifaceted nature of these issues means that solutions must be multidisciplinary, requiring the combination of multiple areas of expertise.⁴³ And to ensure that this multifaceted approach includes all relevant parties

³⁷ *Charter of the United Nations*, Arts. 1 and 55 (1945) (emphasis added).

³⁸ Stephen Browne, *Sustainable Development Goals and UN Goal-Setting*, (London: Routledge, 2017), 2.

³⁹ *Ibid.*

⁴⁰ *Declaration of the United Nations Conference on the Human Environment in the Report of the United Nations Conference on the Human Environment*, A/CONF.48/14/Rev.1, 3-5 (New York: United Nations, 1973).

⁴¹ Browne, at 38.

⁴² The definition of cross-cutting presented here is decidedly less pessimistic than that offered by Browne, who asserts that the term “cross-cutting” is merely a whitewashed term for needless “duplication” of “overlapping” goals and targets. Browne, at 92. However, Browne’s criticism is likely aimed toward the difficulty in measuring quantitative outcomes, whereas the definition offered in this paper is more qualitative.

⁴³ See *Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development*, A/CONF.222/6, para. 40 (21 January 2015).

and constituencies within government and civil society, the multifaceted approach can and should include all relevant stakeholders, embodying the multi-stakeholder approach.

B. The Relationship between Crime and Development – The 1970 Kyoto Congress

Attention to the relationship between crime and development emerged in the mid-1960s through the work of the Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders.⁴⁴ Shortly thereafter – just two years before the Conference on the Human Environment – the 1970 Kyoto Congress carefully examined the links between economic and social development and crime. The four agenda items included: (1) social defence policies in relation to development planning; (2) Participation of the public in the prevention and control of crime and delinquency; (3) The Standard Minimum Rules for the Treatment of Prisoners in light of recent developments in the correctional field; and (4) Organization of research for policy development in social defence.⁴⁵ The 1970 Kyoto Congress observed that rapid socio-economic change was associated with increased crime,⁴⁶ and urbanization, industrialization, population growth, internal migration, social mobility and technological change were all considered “criminogenic”.⁴⁷ In response, the 1970 Kyoto Congress called for “social defence” strategies, created by governments with the input and participation of the general public, that “provide for the total well-being of the community–economic, social and cultural.”⁴⁸ The 1970 Kyoto Congress adopted a declaration for the first time in the history of the Crime Congress. Two of the nine paragraphs read as follows:

Feeling an inescapable obligation to alert the world to the serious consequences for society of the insufficient attention which is now being given to measures of crime prevention, which by definition include the treatment of offenders,

1. *Calls upon* all Governments to take effective steps to co-ordinate and intensify their crime preventive efforts within the context of the economic and social development which each country envisages for itself; . . .⁴⁹

Thus, in a few lines, the 1970 Kyoto Declaration expressed the urgency of the need to enhance crime-prevention efforts and firmly established the principle that the issues of crime and development are inextricably linked.

C. Sustainable Development in the New Millennium: Adding Peace and Justice to the Development Paradigm

As the Fourth Development Decade was drawing to a close, the UN assessed its forthcoming role in the twenty-first century, and the outcome of that assessment ultimately led to the adoption of the Millennium Development Goals (MDGs).⁵⁰ Among the eight goals, the MDGs recognized the need to address globalization from the perspective of sustainable development by addressing poverty and hunger, education, gender equality, child mortality, maternal health, infectious diseases, environmental sustainability and global partnership. The MDGs boast having cut global poverty in half – from 1.9 billion people in 1990 to 836 million in 2015 – and increasing official development assistance by 66 per cent.⁵¹

As 2015 – the final year of the MDGs – approached, it became necessary to start discussing the post-2015 development agenda. These discussions ultimately led to the adoption of the 2030 Agenda for Sustainable Development – the SDGs. Compared to the MDGs, the SDGs expanded to 17 goals and 169 targets, covering

⁴⁴ *Social Defence Policies in Relation to Development Planning*, A/CONF.43/1 (New York: United Nations, 1970).

⁴⁵ *Report of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, A/CONF.43/5, (New York: United Nations, 1971), para. 17.

⁴⁶ *Ibid.* at para. 65.

⁴⁷ *Ibid.* at para. 67.

⁴⁸ *Ibid.* at para. 77. “In that way, planning would be an investment for the future—an investment which society could scarcely afford to neglect.”

⁴⁹ *Declaration of the Fourth United Nations Congress on the prevention of Crime and the Treatment of Offenders* in the *Report of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, A/CONF.43/5, (New York: United Nations, 1971), p. iii.

⁵⁰ Browne, at 84.

⁵¹ *The Millennium Development Goals Report 2015*, (New York: United Nations, 2015), 4 and 7.

a broader array of development issues, such as clean water, economic growth, industry, consumption, climate change and so on. The goals aim high, pledging that “no one will be left behind. . . . And we will endeavour to reach the furthest behind first.”⁵²

Of particular importance to the field of crime prevention was the addition of Goal 16 on “Peace, justice and strong institutions”. Goal 16 seeks to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”. For the first time in the decades-long history of development, the critical role of justice – including crime prevention and criminal justice – was recognized at the highest intergovernmental levels as being necessary to the achievement of sustainable development. Consequently, in 2015, the field of crime prevention and criminal justice and its 60-year history of Crime Congresses, was – explicitly or implicitly – invited to contribute actively to the global discussion on sustainable development.

The lessons from the 1970 Kyoto Congress should have made this invitation to the global discussion on sustainable development easy for criminal justice practitioners to understand and accept. Yet the injection of sustainable development into the crime prevention agenda seemed rather mysterious, particularly from the perspective of criminal justice practitioners. In preparing for the 2015 Doha Congress, the Secretariat’s request to explore connections between crime prevention and sustainable development was viewed by some as too complex to take on, particularly if it would sacrifice the discussion of crime prevention practices. While this decision may have been necessary under the circumstances, it suggests that many of the key lessons of the 1970 Kyoto Congress had been lost or significantly degraded over time. Meanwhile, a working paper of the Secretariat in preparation for the Doha Congress began unpacking Goal 16, focusing primarily on the rule of law as the field’s point of entry into sustainable development. No doubt the rule of law is fundamentally important to the realization of Goal 16; however, overemphasis of the rule of law as the only justice-related topic relevant to Goal 16 would minimize the impact that the crime prevention and criminal justice field could have on sustainable development. Fortunately, the paper also briefly mentioned “preventing recidivism”⁵³ and touched on a broad but critical point – the empowerment of all people, particularly “*those most excluded*”⁵⁴ from society. This concept opened the door to a much broader array of contributions from the crime prevention field to sustainable development – including, of course, reducing reoffending.

One might wonder which target under Goal 16 mentions “reducing reoffending”. In fact, neither “reoffending” nor “recidivism” appears in the SDGs; they do not even appear in the indicators used to measure the goals.⁵⁵ But this is where the field of crime prevention and criminal justice, the Crime Congress and the workshops come into play. The years of planning and the initial work on the Congress agenda helped frame the issues to be addressed during the Congress and teased out the workshop themes. As the crime prevention and criminal justice field looked to the new Sustainable Development Goal 16, it was quickly recognized that achieving peace and justice envisioned a society without crime. As discussed in greater detail above, reoffenders are responsible for a disproportionate amount of crime, and it was observed that significant gains in public safety could be made by effective efforts to reduce reoffending.

While the SDGs have been criticized for their breadth and their difficulty to measure,⁵⁶ they may also grant knowledgeable policymakers and practitioners the latitude to determine how they can best contribute to one or more goals. Although the path leading to the identification of reducing reoffending as a critical area

⁵² *Transforming our world: the 2030 Agenda for Sustainable Development*, General Assembly resolution 70/1, (21 Oct. 2015), para. 4.

⁵³ In preparation for the Doha Crime Congress, a working paper prepared by the Secretariat observed that “The [Guidelines for the Prevention of Crime, Economic and Social Council resolution 2002/13, annex] outline several approaches to prevention, including the promotion of well-being of people by taking social, economic, health and educational measures, by changing conditions in neighbourhoods that influence offending, *by reducing opportunities and increasing the risk of being apprehended, and by preventing recidivism by assisting in the social reintegration of offenders.*” *Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development*, A/CONF.222/6, (21 January 2015), para. 25 (emphasis added) (hereinafter, the “Doha Working Paper”).

⁵⁴ Doha Working Paper, at para. 14 (emphasis added).

⁵⁵ See generally *Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development*, General Assembly resolution/71/313, Annex (6 July 2017).

⁵⁶ Browne, at 92.

to be addressed under Goal 16 may have been a winding road, Workshop 2 of the Kyoto Congress successfully prioritized reducing reoffending as a fundamental component of achieving peace and justice, toward the broader aim of achieving sustainable development. It is now the responsibility of the crime prevention and criminal justice field to ensure that crime prevention remains inextricably linked with sustainable development and to forge its own narrative toward the achievement of Goal 16. As will be explored in the next section, good ideas and urgent issues of great importance often run out of steam and come and go in cycles. The field of crime prevention and criminal justice is responsible for creating and promoting *its own* narrative and developing its priorities and targets for the post-2030 development agenda.

V. FRAMING THE GLOBAL NARRATIVE ON REDUCING REOFFENDING

In addition to underscoring the need for a global narrative on reducing reoffending, this paper endeavours to outline that narrative by sharing seven principles that might guide us toward the achievement of Goal 16 and sustainable development in general. These seven principles are all tied to the structure of Workshop 2, which offered a clear and concise three-point thesis: to reduce reoffending, UN Member States should, *first*, ensure the existence of rehabilitative prison environments, *second*, enhance the use of non-custodial measures, and, *third*, pursue a multifaceted, multi-stakeholder approach to rehabilitation and social reintegration. Expanding on this thesis, each of the seven principles presented here is a concept, or a common premise, upon which the narrative on reducing reoffending can be built. These principles are not new; at most, they are variations on old themes. Despite their longevity, we need to remind ourselves of the importance of these principles. They have been styled as talking points to advocate the importance of reducing reoffending when engaging legislators, policymakers, practitioners and the general public. Each talking point is followed by a supporting rationale.

Table 1: An Expanded Narrative on Reducing Reoffending: The Three Key Elements of Workshop 2 and Seven Supporting Principles (Talking Points)

FRAMING THE GLOBAL NARRATIVE ON REDUCING REOFFENDING	
I.	<p>Creating rehabilitative prison environments</p> <ul style="list-style-type: none"> ➤ Prisons inherently cause harm ➤ But prisons can be a “hook for change” for some ➤ Commitment to individually tailored treatment
II.	<p>Community-based approaches that contribute to reducing reoffending</p> <ul style="list-style-type: none"> ➤ Community-based treatment is the “smarter option” that enhances public safety ➤ Net widening and mass supervision must be avoided
III.	<p>Taking a multifaceted (and multi-stakeholder) approach to ensure continuous support and services for rehabilitation and reintegration of offenders on paths toward desistance</p> <ul style="list-style-type: none"> ➤ “Whole of society” approach to offender rehabilitation and reintegration ➤ The multi-stakeholder approach should be government led but community/volunteer driven (“partnership by design”)

A. The First Principle

PRISONS INHERENTLY CAUSE HARM . . .

Prisons inherently cause harm to the people detained there. Although this critical point is frequently overlooked or forgotten, it is by no means new. The harm caused by incarceration is so well-established that it is as incontrovertible as the harms are self-evident. People in prison are punished and incapacitated by being intentionally removed from society in derogation of their individual liberty, which – in theory – is the sole form of punishment. People in prison are separated from family, employment and any pro-social relationships they might have. Indeed, they are separated from the very communities to which they will inevitably return.⁵⁷

While imprisonment serves the retributive interests of society, the utilitarian perspective asks what this

⁵⁷ Petersilia, at 26-31. “Almost everyone who goes to prison ultimately returns home – about 93 percent of all offenders. (A relative handful die in jail; the rest have life sentences or are on death row.)” Ibid. at 27-8.

social isolation is likely to achieve. In jurisdictions around the world, prison environments are typically overcrowded and under-resourced, they suffer from corruption, and they are breeding grounds for criminality, radicalization and terrorism. If prisons fail to help offenders start their paths toward desistance but rather inflict trauma, encourage criminality and cause irreparable stigmatization, then we will be releasing many offenders into society in worse shape than when they went in. Thus, it is time to come to terms with the fact that prisons harm the people in custody, and we must continually reaffirm that imprisonment is a measure of last resort.

That harm is caused by imprisonment is not a naïve trope: the argument is not that prisons are unnecessary or that public safety should be sacrificed. To the contrary, it is because prisons cause harm that criminal justice systems bear an obligation⁵⁸ to ensure that harm is ameliorated so that prisons can carry out their principal function of preventing crime by promoting rehabilitation and preparing people in prison for social reintegration upon release. Thus, public safety and crime prevention are perhaps the most salient arguments for creating “rehabilitative prison environments”, as discussed during Workshop 2 of the Kyoto Congress. Among other examples, efforts at reducing corruption in prisons in Argentina have enhanced safety in prisons. By creating an environment in which people can engage in constructive and genuine rehabilitation in prison, correctional systems can reduce reoffending and increase public safety.⁵⁹

B. The Second Principle

. . . BUT PRISON CAN BE A “HOOK FOR CHANGE” FOR SOME

The second point is an important corollary to the first: that is, even though prisons inevitably cause harm, they can be a “hook for change” for some people. Perhaps the best way to understand the importance of rehabilitation is to hear the personal stories of those who have successfully turned their lives around. This point was demonstrated by the personal testimony of Workshop 2 panellist Ali Reunanen of the Swedish peer support group known as Criminals Return Into Society, or KRIS. He introduced himself as an addict and an offender and explained how his history of trauma and victimization led him to crime and addiction. Ali says he was about to die when he entered prison, and prison was the only way he could get clean, recover his health and turn his life around. He has since used his experience as a recovering addict and offender to provide support to others as they pursue their own paths toward desistance. Ali’s story of recovery and redemption is clearly not the only one, and these stories need to be shared with the general public to humanize people who have committed crimes, to demonstrate that rehabilitation works and to show that people can change.

C. The Third Principle

EFFECTIVE REHABILITATION REQUIRES A COMMITMENT TO INDIVIDUALLY TAILORED TREATMENT ORIENTED TOWARDS THE OFFENDER’S RETURN TO THE COMMUNITY

In all contexts – in institutions, in the community and at all stages of the criminal justice system – helping people change is the “essential aim”⁶⁰ of corrections. Prisons must be environments that empower change, and prison staff must not only be trained to motivate and facilitate such change, but they must also believe that such change is possible. Practitioners are well aware of the key approaches to effective rehabilitation – the importance of classification and assessment, the Risk-Need-Responsivity Model, Cognitive Behavioural Therapy, the Good Lives Model and Desistance Theory. If the fundamental purpose of imprisonment is crime prevention, then, as Dr. Fergus McNeill argues, criminal justice systems should be judged by their ability to *enable reintegration and promote desistance*. This process begins with addressing each offender as an individual and by placing each person in prison in an environment that is conducive to rehabilitation. Successful social reintegration is the empowerment of “those most excluded” members of our society. In this sense, correctional models that prioritize the successful re-entry and reintegration of the offender can be

⁵⁸ UN General Assembly, *International Covenant on Civil and Political Rights*, Article 10.3, 16 Dec. 1966, United Nations, Treaty Series, vol. 999, p. 171 (“ICCPR”).

⁵⁹ Petersilia at 29.

⁶⁰ ICCPR, Article 10.3. “The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.”

considered as “development-led”⁶¹ approaches due to the gains that would result across a broad mix of development goals.

D. The Fourth Principle

NON-CUSTODIAL MEASURES ARE THE “SMARTER OPTION” AND ENHANCE PUBLIC SAFETY

Non-custodial measures enhance public safety and are, as crime prevention experts are pointing out, not mere “alternatives” to imprisonment: they are the “smarter” option.⁶² Our language too often unconsciously suggests that we buy into the parochial idea that most offenders go to prison. How often have you heard someone say that we need to enhance the use of non-custodial measures “where appropriate”? When we talk about using non-custodial measures “where appropriate”, we are appeasing those who believe non-custodial measures create a greater risk to public safety. In so doing, the fact that non-custodial measures *increase* public safety is overlooked.

So, why does treating offenders in the community generally enhance public safety? First, in countries like the United States, two-thirds of offenders already serve sentences in the community.⁶³ Thus, community-based approaches already reflect the status quo. Second, we know from the Risk Principle that intensive treatment of low- to moderate-risk offenders will actually *increase* reoffending and reduce public safety, yet prisons in the United States and around the world are occupied by too many non-violent offenders. Finally, as we have known for decades, community-based treatment avoids the harm inherently caused by incarceration and enables people to rehabilitate themselves – with proper community supervision and support – in the environment in which they will continue to live after the end of their sentences. They can keep their jobs, maintain family ties and explore support networks in their communities. These, and other forms of social support, can sustain their rehabilitation beyond the terms of their sentences.

For 40 years, the phrase “alternatives to imprisonment”⁶⁴ has done tremendous work in advocating smarter sentencing practices, but it is time to flip the script. Since non-custodial measures are actually the sanction of first resort, provide the best chance at rehabilitation and increase public safety, our terminology should reflect their priority. It is time to start talking about imprisonment as a less desirable “alternative” to community-based approaches and about the use of imprisonment “where appropriate”.

E. The Fifth Principle

CRIMINAL JUSTICE SYSTEMS MUST REMAIN VIGILANT AGAINST NET WIDENING AND MASS SUPERVISION

Despite the obvious benefits of community-based approaches, criminal justice systems must be wary of

⁶¹ Matti Joutsen, “Community-based Approaches that Support Desistance” (PowerPoint presentation, Workshop 2 of the Kyoto Congress, Kyoto, Japan, 8 Mar. 2021).

⁶² The author first heard the term “smarter option” used by Canadian correctional psychologist Dr. Frank Porporino during the preparatory work for the Kyoto Congress. Indicative of a trend, Dr. Nicola Padfield of the United Kingdom used the terms “smarter sentencing” and “smarter punishment” in her presentation at UNAFEI’s Third Alumni Webinar in 2021.

⁶³ For example, data from the United States in 2018 show that 22.9 per cent (1,465,200) of the adult correctional population was incarcerated in prisons, with an additional 11.5 per cent (739,400) in local jails. Laura M. Maruschak and Todd D. Minton, *Correctional Populations in the United States, 2017-2018*, Bureau of Justice Statistics, USDOJ, 4, Table 4 (Aug. 2020), available at <<https://www.bjs.gov/content/pub/pdf/cpus1718.pdf>>.

⁶⁴ The phrase “alternatives to imprisonment” has been engrained in the vocabulary of the crime prevention and criminal justice field for about 40 years – at least since the Sixth Crime Congress, held in Caracas in 1980. *Resolution 8. Alternatives to imprisonment*, A/CONF.87/14/Rev.1, (1981), p. 11-12. Prior to that, the Second Crime Congress addressed “substitutes for short-term imprisonment” in the context of “the increased use of suspended sentences and probation, fines, extra-mural labour and other measures not involving deprivation of liberty”. *Report of the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, A/CONF.17/20, (1961), para. 261. The Fourth Crime Congress observed a 20-year trend (that is, from 1950 to 1970) “in many countries towards the use of sanctions aimed at reducing recourse to imprisonment”, stating that the “advantages of allowing the offender to remain in employment and thus to be able to continue support of his family were clear”. *Report of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, A/CONF.43/5, (1961), para. 75.

using such sanctions indiscriminately. Net widening occurs when non-custodial sentences are overused, leading to the phenomenon of mass supervision, also known as mass probation. Societies suffering from mass supervision experience disproportionate increases in the number of people who are under correctional control without sufficient grounds for criminal justice intervention (see note 21) or, if sufficient grounds exist, without sufficient support for rehabilitation and reintegration.

The fundamental concern about net widening is that too many justice systems are finding that the number of people under correctional supervision is increasing to an extent that cannot be attributed to crime rates; worst of all, such increases in correctional supervision have not led to decreases in incarceration.⁶⁵ While mass supervision is a relatively new term (a corollary to “mass incarceration”), the concept is certainly not new. As mentioned above, the 1970 Kyoto Congress powerfully expressed concern over the inappropriate use of criminal justice sanctions.⁶⁶ While that statement focuses more on the criminalization of conduct in connection with economic and social development, it expresses serious concern over the expansion of penal sanctions. It recognizes that the justice system is not able to solve all problems and, likewise, other responses may be more effective. It also cautions against the potential for criminal justice to become “oppressive” to the people it is intended to protect.

To remain vigilant against net widening and mass supervision, criminal justice systems must commit to providing continuous support to people rehabilitating in the community while actively pursuing the goals of releasing them from correctional control and achieving desistance. All custodial and non-custodial sanctions, first, must be proportionate and individually tailored to the offender; second, counselling and direct support must be prioritized over surveillance; third, depenalization and decriminalization should be actively pursued for conduct that is no longer viewed as criminal or for conduct that criminal justice systems are ill-suited to address; and, fourth, a multifaceted, multi-stakeholder approach to offender rehabilitation and reintegration should be embraced, as will be discussed next in greater detail.

F. The Sixth Principle

A “WHOLE OF SOCIETY” APPROACH TO REDUCING REOFFENDING (MULTIFACETED, MULTI-STAKEHOLDER, DEVELOPMENT LED)

Reducing reoffending needs to be generally accepted by governments, civil society and the general public as requiring a “whole of society” approach. As Mr. Kazuto Ishida, Chief Justice of the Supreme Court of Japan, observed at the 1970 Kyoto Congress, “[t]he prevention of crime could not be left solely to the police, prosecutors, courts and correctional institutions, but required the full and coordinated co-operation of all segments of society.”⁶⁷ More than any other prong of the workshop thesis, the multifaceted, multi-stakeholder approach embodies the social, economic, environmental – and human – elements of sustainable development. We see that poverty, lack of education, lack of health and well-being, lack of employment and housing, inequality and exclusion are cross-cutting development issues that impact offending and reoffending. If the Sustainable Development Goals are to be believed, then no single governmental agency has, or ever had, the capacity or the resources to successfully tackle reoffending on its own.

G. The Seventh Principle

THE MULTI-STAKEHOLDER APPROACH SHOULD BE GOVERNMENT LED BUT COMMUNITY/VOLUNTEER DRIVEN (SOCIAL DEFENCE AND PUBLIC PARTICIPATION)

The multifaceted, multi-stakeholder approach should be government led⁶⁸ but community and volunteer driven. While we need to embrace the “whole of society” approach to rehabilitation and reintegration, government plays a critical role in democratic societies in terms of prioritizing and responding to social

⁶⁵ Fergus McNeill and Kristel Beyens, *Offender Supervision in Europe: COST Action IS1106-Final Report*, 6 (March 2016), available at <<https://www.cep-probation.org/wp-content/uploads/2017/01/Final-Report-COST-Action-IS1106.pdf>>.

⁶⁶ *Supra*, note 21.

⁶⁷ *Report of the Fourth Crime Congress*, at para. 51.

⁶⁸ *Ibid.* at para. 113. “If such [public] participation as to be achieved, there must be active governmental effort to form such groups and continuously to support their endeavours.”

problems, allocating financial and other resources, communicating with the public, etc. Likewise, government bears the responsibilities of accountability and transparency. Thus, the multi-stakeholder approach should be government led. But by its nature, the multi-stakeholder approach recognizes that government has its limits. Workshop 2 drew on the experiences of a peer support group in Sweden, a re-entry support organization in the US, volunteer probation officers in Japan, global advocacy groups and technical assistance providers to demonstrate the broad range of expertise, knowledge and skills that civil society can bring to the table. In many instances, local volunteers are better able to leverage their local networks and knowledge to achieve results more effectively and at lower cost than government officials.⁶⁹ Community volunteers should be viewed as “an integral part of all programmes dealing with the prevention and treatment of crime and delinquency” and should be “complementary and must not be seen as competitive”.⁷⁰ Thus, policymakers and practitioners should actively pursue multifaceted, multi-stakeholder approaches if we expect to have any success at reducing reoffending. To coin a phrase, we might refer to this approach as “partnership by design”, meaning that policymakers and practitioners should identify and solicit input from potential partners prior to the implementation of new policies and practices. But catchphrases aside, the importance of multi-stakeholder partnerships is deeply enshrined in the history of the UN Crime Congresses and in Sustainable Development Goal 17 on partnerships for sustainable development.

VI. “THE FIERCE URGENCY OF NOW” – THE STRUGGLE TO TURN THEORY INTO PRACTICE IN THE “DECADE OF ACTION”

In pursuit of civil rights and racial equality in the United States, Rev. Martin Luther King Jr., in his *I Have a Dream* speech, spoke of “the fierce urgency of now”, explaining: “This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy.”⁷¹ He spoke these words in 1963, nearly 100 years after slavery was prohibited and equal protection under the law was guaranteed in the United States. Yet in 1963, the United States struggled to overcome its history of slavery and segregation and, still today, has fallen short of its ideal of achieving a truly inclusive society. Like the struggle for civil rights in the United States – and in some ways directly connected to it – sensible theories on criminal punishment and effective approaches to offender rehabilitation have taken centuries to transition from theory into practice.

As this paper has demonstrated, attitudes embracing crime prevention as the principal aim of criminal punishment were introduced in, and evolved significantly since, the eighteenth century, and sound approaches to crime prevention aimed at the treatment of offenders and reducing reoffending have been identified through the UN Crime Congresses since 1955. Yet hostile prison environments, inadequate access to rehabilitation programmes and a lack of public awareness and support for offender reintegration continue to plague correctional systems across the globe, threatening the achievement of the SDGs by 2030 and sustainable development in general.

It is time for the field of crime prevention and criminal justice to create its own global narrative to share with the world. To some extent, we may be guilty of merely talking to ourselves. If the Crime Congresses and declarations were sufficient to obtain truly global attention, then no further narrative would be necessary. Given the slow pace of change and the risk of backsliding, such as with respect to mass incarceration in the United States, it would appear that a new narrative is necessary. This narrative is intended to amplify – not to supplant – past, current and future work on crime prevention and reducing reoffending; it is intended to bridge the gap between persons and organizations vested in the global crime prevention and criminal justice agenda and those who are not.

In brief, this narrative begins by ensuring that prison is truly used as a last resort due to the harm inherently caused by incarceration. For those who must be incarcerated, they must serve their time in a rehabilitative environment that provides individually tailored treatment so that prison can be an effective “hook for change”. The use of community-based approaches to offender rehabilitation needs to be enhanced,

⁶⁹ Ibid. at para. 116. In addition to a “favourable cost/benefit ratio”, community volunteers should be utilized for their “efficiency not economy”.

⁷⁰ Ibid. at para. 114.

⁷¹ Rev. Martin Luther King, Jr., *I Have a Dream*, (28 Aug. 1963), quoted in *The 1963 March on Washington*, www.naacp.org (accessed 15 Sep. 2021).

and non-custodial measures need to be recognized as smarter treatment options that enhance rehabilitation, facilitate reintegration and increase public safety – and we must do so being ever vigilant against the endless expansion of correctional control through the phenomena of net widening and mass supervision. Finally, like our predecessors in Kyoto in 1970, we must affirm our understanding that offender rehabilitation and social reintegration are the responsibilities of the whole of society. People on the path toward desistance from crime require continuous support throughout all stages of the justice system and ongoing social support once they are no longer in contact with the justice system. This whole of society approach should be government led but community and volunteer driven, and policymakers and practitioners should adopt the principle of “partnership by design”, that is, active identification and solicitation of input from all relevant stakeholders *prior* to the implementation of new policies and practices. Upon sharing this narrative in the halls of the Kyoto International Conference Center, one diplomat called it “revolutionary”. Of course, policymakers and practitioners know that these concepts are not revolutionary at all. However, we must remember that they *are* revolutionary to others – most importantly, to the general public.

Moreover, the narrative should highlight personal stories of people’s paths toward successful rehabilitation and desistance from crime. As the target audience for this narrative is people, the common denominator is our humanity. Both the youth and former offenders⁷² have a stake in the narrative and should participate in its promotion.⁷³

But the Decade of Action for the achievement of the Sustainable Development Goals is now slipping away. The new model strategies may not be adopted until 2025, leaving us with just five years to implement the new strategies before 2030. Meanwhile, Covid-19 has undoubtedly disrupted and delayed the 2030 Agenda. But rather than slowing the pace of change, the Covid-19 pandemic should be an accelerant. Now more than ever, correctional systems have the motivation and the obligation to protect the health of prisoners by reducing prison populations. Non-custodial measures coupled with social support can achieve this goal while enhancing public safety. These practices and approaches can be implemented immediately, and it is not necessary for Member States to wait for the new model strategies. Today, the UNODC and numerous institutes and organizations, like UNAFEI and the Confederation of European Probation, offer training and technical assistance to help turn these ideas into practice.

Recalling that the phrase reducing reoffending does not appear in the 2030 Agenda, it is clear that efforts to reduce reoffending, in line with the 2021 Kyoto Declaration and the principles of Workshop 2, will not end in 2030. As a field, we need to start making plans to contribute to the post-2030 development agenda, that is, what follows the SDGs (and reducing reoffending must be added along with measurable targets and indicators). It will be up to us to promote narratives that deepen the links between reducing reoffending and sustainable development, and that help the “whole of society” understand our common responsibility to empower “those most excluded” as they pursue their paths toward desistance from crime.

VII. CONCLUSION

Recognizing the relationship between reducing reoffending and achieving the SDGs, Workshop 2 of the Kyoto Congress surveyed policies and practices from around the world and categorized them into three areas for action: (i) ensuring rehabilitative prison environments, (ii) enhancing the use of non-custodial measures and (iii) promoting multi-stakeholder partnerships in support of rehabilitation and reintegration. The practices and approaches discussed are all worthy of international attention and replication based on the unique legal and cultural circumstances of each implementing jurisdiction.

However, it is important to recognize that many of these practices and approaches are based on good theories that are over half-a-century old. Progress achieved by turning these theories into practice has been

⁷² See *Report of the Fourth Crime Congress*, at para. 119.

⁷³ “Experimentation was being pursued in many countries with the use of ex-offenders in parole, after-care and probation work, with the use of ex-addicts in the treatment of drug addition, and with similar arrangements by which those who had had close personal experience of the problems of crime and its treatment brought their experience and willingness to help others to the tasks of social defence. Provided recruitment screening was careful, there was widespread enthusiasm for more extensive use of ex-offenders in the tasks of preventing and treating crime.” *Report of the Fourth Crime Congress*, at para. 120.

slow. But consider the impact of failing to help 100,000 people in prison in their good faith efforts to successfully rehabilitate themselves, or even worse, turning 100,000 non-violent, low-risk offenders into alienated, stigmatized and dangerous criminals, or even violent extremists. If, for example, an estimated 20 per cent of people released from prison would not have reoffended had they received treatment in line with crime prevention and desistance principles, the failure or inability of a government to provide (or organize) appropriate treatment and support is a direct threat to public safety that undermines efforts to achieve sustainable development.

It bears repeating that the inclusion of Goal 16 on peace, justice and strong institutions in the 2030 Agenda for Sustainable Development has given the field of crime prevention and criminal justice a global platform for promoting how effective measures at reducing reoffending can prevent crime and enhance public safety. To promote and enhance the forthcoming UN model strategies on reducing reoffending, it is incumbent upon the field of crime prevention and criminal justice to create its own global narrative on reducing reoffending and to advance that narrative through high-level discussions on sustainable development and by communicating directly with the general public.

The key message is that crime prevention and reducing reoffending require a whole of society approach to help people desist from crime, as poverty, lack of education, lack of health and well-being, lack of employment and housing, gender and other forms of inequality and exclusion are cross-cutting development issues that impact offending, reoffending and the success of society as a whole. A global narrative on reducing reoffending that is based on the three-pronged thesis of Workshop 2 and the seven principles offered in this paper can be a powerful and persuasive pitch to legislators, diplomats, executive-branch officials and the general public as we pursue prosperity without crime and the achievement of an inclusive society in which no one is left behind.