

**FORUM:** Social, Humanitarian and Cultural Committee (GA3)

**QUESTION OF:** The Prevention of Recidivism and the Social Reintegration of Offenders

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**POSITION:** Co-Chair

## INTRODUCTION

Criminal activities have always existed among societies and even though many laws have been applied over the years in order to tackle the issue, it is a common phenomenon for offenders to repeat their crimes regardless of their incarceration. The treatment they face during imprisonment and the limited opportunities for employment and economic growth as well as the psychological problems that follow their release are the primary causes of this phenomenon. Additionally, their tendency to re-offend is also a result of the lack of reintegration into society. The lack of facilities that could assist criminals to become part of the community, the poor education of the population on the matter, and the stereotypes about criminals are the core reasons preventing them from becoming members of the community.

Every criminal could relapse into their past illegal activities, however, inmates who committed assault and robbery are the ones who most probably repeat their crimes. Over 70 percent of them break the law again during the first three years after their release. Juvenile offenders who return to abusive environments and households after their release, not to mention negative peer associations are also likely to repeat their criminal activities.<sup>1</sup>

In addition, the multiple re-offences that take place affect not only the direct victims but also citizens. The increase in re-arrests and re-incarcerations drains taxpayers' dollars that could be utilized in other developments for serving the citizens and keeps busy law enforcement personnel that could work instead on the prevention of crimes. If the issue

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<sup>1</sup> "CRIMINAL JUSTICE AND REOFFENDING. COMMON CAUSES OF REOFFENDING." *United Nations Office on Drugs and Crime*, 25 July 2022, [https://www.unodc.org/documents/justice-and-prison-reform/ReducingReoffending/OCPA\\_International\\_Organization.pdf](https://www.unodc.org/documents/justice-and-prison-reform/ReducingReoffending/OCPA_International_Organization.pdf). Accessed 6 August 2024.

were tackled it would lead to fewer crime victims, more community safety, and less pressure on the criminal justice system.

In order to tackle the issue of recidivism effectively the General Assembly, UN bodies as well as separate countries have taken efforts and applied methods. Nevertheless, recidivism rates remain high in many countries globally as still multiple offenders commit more crimes after their release. Thus, the global community should strive towards the prevention of recidivism and social reintegration of offenders and solve this issue.

## DEFINITION OF KEY TERMS

### Community corrections

“Community corrections are the supervision of criminal offenders in the resident population, as opposed to confining offenders in secure correctional facilities. The two main types of community corrections supervision are probation and parole.”<sup>2</sup>

### Criminal

“Criminal is a person who has committed a crime or who has been proved to be guilty of a crime by a court.”<sup>3</sup>

### Criminal offense

“A criminal offense is an act or an omission that is unlawful and punishable by the specific laws of a state or a country. It is an act that is forbidden as it is harmful to an individual, individuals, a community, a society or the state, and is therefore punishable by law.”<sup>4</sup>

### Custodial setting

“Custodial setting refers to correctional institutions, juvenile detention facilities, and jails, including parking lots and grounds within the perimeter of these enumerated

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<sup>2</sup> “Community Corrections (Probation and Parole) | Bureau of Justice Statistics.” *Bureau of Justice Statistics*, <https://bjs.ojp.gov/topics/corrections/community-corrections>. Accessed 4 August 2024.

<sup>3</sup> “criminal.” *The Britannica Dictionary*, 2024 Encyclopædia Britannica, Inc., 2024, <https://www.britannica.com/dictionary/criminal>. Accessed 3 August 2024.

<sup>4</sup> Terrace, Frederick. “Criminal Offence.” *Helix Law*, <https://helix-law.co.uk/vocabulary/criminal-offence/>. Accessed 3 August 2024.

facilities. “Custodial setting” also includes a courtroom or courthouse in the limited circumstance where a court orders a person remanded into custody. “Custodial setting” does not include home detention or any circumstances where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails.”<sup>5</sup>

## **Incarceration**

“Incarceration is the act of putting or keeping someone in prison or in a place used as a prison or, generally, the act of keeping someone in a closed place and preventing them from leaving it.”<sup>6</sup>

## **Justice system**

“The justice system is understood to comprise the institutions that are central to resolving conflicts arising over alleged violations or different interpretations of the rules that societies create to govern members’ behavior; and that, as a consequence, are central to strengthening the normative framework (laws and rules) that shapes public and private actions. This normative framework includes the rules about preventing and sanctioning corrupt practices.”<sup>7</sup>

## **Juvenile offender**

“A juvenile offender is a legal term used to describe an adolescent who has committed a crime but is granted special status to avoid the full consequences of a criminal conviction. Instead of being tried in an adult court, a juvenile offender will typically be tried in a juvenile court.”<sup>8</sup>

## **Prison system**

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<sup>5</sup> “Custodial Setting Definition.” *Law Insider*, Law Insider, [www.lawinsider.com/dictionary/custodial-setting](https://www.lawinsider.com/dictionary/custodial-setting) . Accessed 1 Aug. 2024.

<sup>6</sup> “INCARCERATION | English meaning - Cambridge Dictionary.” *Cambridge Dictionary*, Cambridge University Press, <https://dictionary.cambridge.org/dictionary/english/incarceration> . Accessed 3 August 2024.

<sup>7</sup> “Justice System.” *World Bank*, <https://thedocs.worldbank.org/en/doc/988591611674066944-0090022021/original/JusticeSystem.pdf> . Accessed 3 August 2024

<sup>8</sup> “youthful offender | Wex | US Law | LII / Legal Information Institute.” *Law.Cornell.Edu*, July 2024, [https://www.law.cornell.edu/wex/youthful\\_offender](https://www.law.cornell.edu/wex/youthful_offender) . Accessed 3 August 2024.

“Prison system refers to the way institutions for the confinement of persons who have been remanded (held) in custody by a judicial authority or who have been deprived of their liberty following conviction for a crime are administered.”<sup>9</sup>

## **Recidivism**

“Recidivism is one of the most fundamental concepts in criminal justice. It refers to a person’s relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime.”<sup>10</sup>

## **Social Reintegration**

“Social reintegration is the process of reentry into society by people that have been in prison. Reintegration includes the reinstatement of freedoms not previously had by individuals as a result of being in prison.”<sup>11</sup>

## **BACKGROUND INFORMATION**

### **Factors that contribute to the increase of recidivism**

Recidivism is a phenomenon hard to solve as multiple factors contribute to its increase. More specifically, social relations with other inmates during incarceration can lead to some psychological trauma as most of the criminals who have committed serious offenses suffer from psychological problems or mental instability. Additionally, the lack of social reintegration of offenders after their release can cause an augmentation of recidivism as many past inmates are unable to get employed and be economically independent resulting in relapsing to criminal habits. Criminals also re-offend after being encouraged by their unchanged social circle to commit more and more lawless actions.<sup>12</sup> Some other common factors that can lead to an increase of recidivism are substance abuse and antisocial personality disorder.

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<sup>9</sup> Coyle, Andrew G. “Prison | Definition, History, & Facts.” *Britannica*, 15 July 2024, <https://www.britannica.com/topic/prison>. Accessed 6 August 2024.

<sup>10</sup> “Recidivism.” *National Institute of Justice*, National Institute of Justice, <https://nij.ojp.gov/topics/corrections/recidivism>. Accessed 26 July 2024.

<sup>11</sup> “Social Reintegration.” *United Nations Office on Drugs and Crime*, United Nations, 2006, [https://www.unodc.org/documents/justice-and-prison-reform/cjat\\_eng/4\\_Social\\_Reintegration.pdf](https://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/4_Social_Reintegration.pdf). Accessed 2 August 2024.

<sup>12</sup> Nickerson, Charlotte. “Recidivism: Definition, Causes & Examples.” *Simply Psychology*, Simply Psychology, 10 October 2023, <https://www.simplypsychology.org/recidivism.html#Causes>. Accessed 3 August 2024.

The criminals who are the most likely to repeat their crimes are juvenile offenders. Their immaturity leads to little impulsive control, higher risk taking and faster decision making. The criminals from 18 to 24 years of age are the ones that tend to repeat their crimes at a percentage of 60% of 18 and 19 year olds returning to incarceration cells.<sup>13</sup>

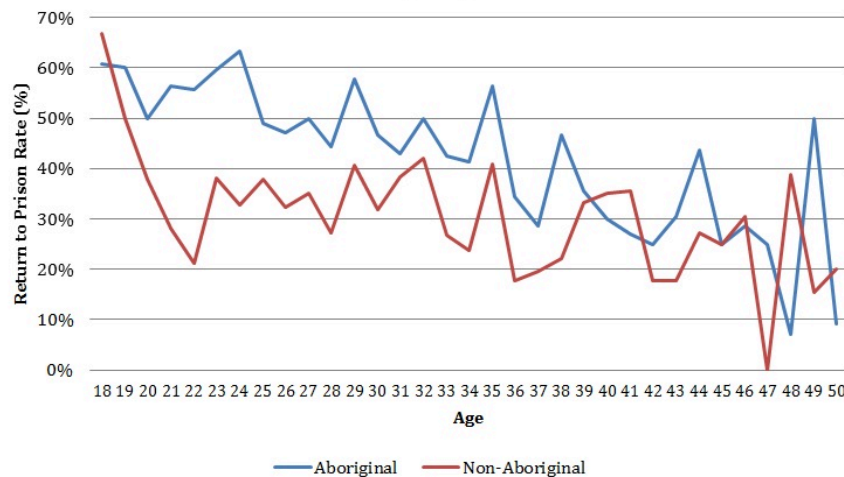


Figure I: The percentage of aboriginal and non-aboriginal criminals who return to prison with respect to their age<sup>14</sup>

### Difficulties that inmates face after their release

The transition from prison back to the community is complex and difficult for all inmates as various factors contribute to this process. Personal psychological trauma, changes occurred during the time of the incarceration and society's stereotypical behavior make the procedure of social reintegration of offenders quite hard.

First of all, many prisoners leave their incarceration cells while suffering from psychotrauma and mental disorders. This situation leads to depression, post-traumatic stress disorder (PTSD), anxiety, mania, substance abuse and isolation as well as stigma and instability which make their reintegration difficult. Furthermore, many past inmates instead of moving forward with their new life they recidivate, misuse substances, overdose or commit suicide. According to a study conducted by Washington State Department of Corrections a large number of inmates pass away after their release especially during the

<sup>13</sup> "Recidivism of Young Adults." *Office of the Inspector of Custodial Services*, 26 September 2024, <https://www.oics.wa.gov.au/reports/recidivism-rates-impact-treatment-programs/key-findings/recidivism-young-adults/>. Accessed 3 August 2024."

<sup>14</sup> "Recidivism of Young Adults." *Office of the Inspector of Custodial Services*, 26 September 2024, <https://www.oics.wa.gov.au/reports/recidivism-rates-impact-treatment-programs/key-findings/recidivism-young-adults/>. Accessed 3 August 2024."

first few weeks. Additionally, many things change as time passes and when inmates return to their previous lives, only a few things have remained the same. Jobs have been lost, relationships have been harmed, financial status and living situations have changed.

As far as society is concerned, discrimination and prejudice rates against previous inmates are high. People tend to have a rather stereotypical behavior against inmates mostly due to the lack of education on the matter. Thus, many inmates are not able to form social relationships or get employed after their release.<sup>15</sup>



Figure II: The difference between the earnings of past inmates and the general population<sup>16</sup>

## Prison system evolution over the years

The majority of the countries around the world have a national prison system in conjunction with provincial or state counterparts. Some countries, for example, such as the United States of America, Germany and India, have a federal system of government which means that prison centers are administered by the states and not by the national government. More specifically, in the USA there are state prisons, where most of the criminals serve their penalties, and federal prisons handled by the Bureau of Prisons of the

<sup>15</sup> Sheppard, Sarah. "Mental Health for Former Prisoners After Release." *Verywell Mind*, Verywell Mind, 28 January 2024, <https://www.verywellmind.com/mental-health-effects-facing-former-inmates-5195312>. Accessed 2 August 2024.

<sup>16</sup> Wang, Leah, and Wanda Bertram. "New data on formerly incarcerated people's employment reveal labor market injustices." *Prison Policy Initiative*, 8 February 2022, <https://www.prisonpolicy.org/blog/2022/02/08/employment/>. Accessed 2 August 2024.

US Department of Justice, where criminals who have committed federal offenses are incarcerated. Even though the administration of prisons globally differs depending on the government system of the country, there have been almost simultaneously some changes on how institutions approach prisoners globally.

In the prisons of the 19th and 20th century, the level of surveillance throughout the everyday lives of the prisoners was high. Prison personnel were present during every scheduled routine of the prisoners as well as the times prisoners were alone in their cells, leaving them no privacy. In the late 20th century, though, penologists recommended fewer surveillance on minor offenders in order to allow them to take actions and decisions alone which will assist them in their social reintegration. Since this recommendation has been applied to many prison systems, prisoners have started to change their behavior and adopt a lawful lifestyle. Additionally, until 1922 prisoners did not have the right to communicate with each other, food quality was poor and there was no access to educational programs. Changing those was for the better and prisoners' lives improved. Furthermore, before article 12 of the Universal Declaration of Human Rights (1948) many inmates did not have the chance to contact their families while serving their sentence. However, after this article was introduced prisons created a program according to which prisoners could talk to their loved ones. This meeting usually takes place in a space surveilled by prison personnel. In maximum-security facilities prisoners are separated from the visitors by a solid glass screen. Today, in some eastern European countries and central asian ones there are some rooms where inmates can spend up to three days with their loved ones without the presence of guards. Similar procedures exist in Canada and some Latin American Countries where inmates can spend the weekends inside prison with their families. These measures lead to living prison conditions being more humane.

### **Evolution of community corrections**

The idea of community corrections was born in England during the early 1700s when some judges decided to give minor offenders the chance to enjoy the freedoms of their citizenship while serving the sentences of the crimes they had committed. This idea evolved in the USA during the 19th century. At that time they began to use the term "recognizance", which meant that any guilty offender who showed a lawful behavior could be released from prison. Nevertheless, rehabilitating criminals and assisting them during

their social reintegration was not thought of as part of community corrections until August 1841 and the work of John Augustus.<sup>17</sup>

John Augustus was a cobbler and philanthropist from Boston who spent part of his life helping offenders who went through the legal system. Once they got out of prison he helped them during the first few months by giving them jobs and making them productive citizens once again while surveilling them. His work inspired many people globally and community corrections was associated for the first time with community corrections

However, many things about community corrections have changed since the 19th century and the end of John's Augustus work. The percentage of incarcerated people grows as time goes by, but 95% of them are released and can be reintegrated into society. The governments which used to spend little money on searching community corrections methods now research how they can expand more and more the ways in order to find ways for offenders to serve their penalties while they enjoy the freedoms of normal life which allows them to smoothly reintegrate into society.

Today, community corrections have developed to a great extent as the incorporation of technology facilitates many processes of social reintegration. For instance, monitoring technology, drug tests, alcohol breathalyzers and other devices enable the remote monitoring of offenders which cuts down on added costs. Furthermore, there are several coordinating agencies that work together on treatment and reintegration plans for offenders.<sup>18</sup>

### **Punishments for criminals from 1780-1925**

During the eighteenth century penalties for all types of crimes, even the minor ones such as stealing a loaf of bread, were rather cruel. Execution was the most common penalty until 1783, when more alternative penalties, for example, branding (existed until 1789) and imprisonment, were enforced. Executions used to be public until it was observed that a lot of viewers experienced discomfort and psychological trauma leading to making executions private and not in front of an audience. The last public execution was in 1936 when around 20,000 watched Rainey Bethea being hanged in the USA. Additionally,

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<sup>17</sup> "John Augustus (U.S." *National Park Service*, 16 January 2023, <https://www.nps.gov/people/john-augustus.htm>. Accessed 4 August 2024.

<sup>18</sup> "The History and Evolution of Community Corrections - Online Degrees & Programs | Kent State University." *Kent State Online*, 11 June 2018, <https://onlinedegrees.kent.edu/blog/future-of-community-corrections>. Accessed 4 August 2024.



executions used to differ depending on the offense criminals had committed. The most common type of execution was hanging although it was not the cruelest one. Until 1790, women who were found guilty of petty crimes were burnt alive. This penalty was replaced by drawing or hanging. Hanging was used in many countries and more specifically in Afghanistan, Bahamas, Bangladesh, Botswana, Egypt, India, Iran, Iraq, Japan, Jordan, Kuwait, Lebanon, Liberia, Malaysia, Myanmar, Pakistan, Saint Kitts and Nevis, Singapore, South Sudan, Sudan and Syria. Unfortunately, hanging is still used in Afghanistan and Iran even though this is not the most common penalty today. Imprisonment has taken its place.

Imprisonment is the most common type of penalty known to mankind since the late eighteenth century. This punishment was given to serious offenders as a way to minimize hangings. In the 1840s, prisoners spent their time in incarceration centers doing hard labor. The most common types of hard labor at the time were walking the treadwheel, a wide wheel fitted with steps which the prisoners were climbing repeatedly, and picking the oakum, which meant separating the straps of a rope.

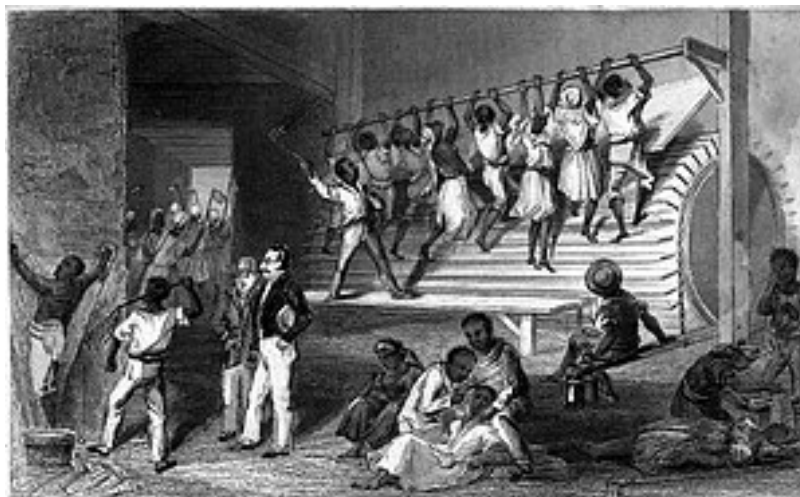


Figure III: A depiction of inmates during the 1800s using the penal treadwheel<sup>19</sup>

Even though prisoners used to be treated with cruelty while serving their penalty, since the beginning of the twentieth century, prisons in many countries have been evolving rapidly. Living conditions in prisons have been improved and new opportunities have been created for all inmates. However, in countries such as Russia and Bangladesh prisoners are still treated poorly. More specifically, those two countries continue to treat prisoners

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<sup>19</sup> Kohlstedt, Kurt. "Turns of the Treadwheel: From Ancient Cranes to Prison Labor & Exercise Devices." *99% Invisible*, 28 February 2020, <https://99percentinvisible.org/app/uploads/2019/07/prison-tread.jpg>. Accessed 2 September 2024.

violently and keep them under inhumane prison conditions with limited access to sanitary products and essential facilities.

Another type of punishment which has always been used but was never the most common one was fines. Fines were usually given to minor offenders which, though, changed as years went by. During the mid 1900s when fines were not paid, offenders were sentenced with incarceration until the fine was paid.

## **MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED**

### **Bangladesh**

Among a study of 2963 prisoners who were released in Bangladesh, 21% returned to prison within one year; 35% returned within two years; and 42% returned within three years.<sup>20</sup> As this study shows, recidivism is a serious problem in Bangladesh as offenders tend to repeat their crimes after their release. There are many reasons that lead to this result.

Firstly, the conditions under which inmates live in prisons of Bangladesh are inhumane. Prisons are overcrowded and lacking essential facilities. Inmates sometimes do not have access to even a single mattress and sanitary products. Additionally, there is no programme that assists past inmates during their social reintegration resulting in their tendency to repeat their crimes. Access to a residence and way to fulfill basic needs is restricted. and There is limited access to education for past juvenile offenders which leads to unemployment and economic dependency as they grow older.

Generally, in Bangladesh criminal offenses among the youth are common as from the 1.3 million children who have a job due to poverty, 70% take part in illegal activities.<sup>21</sup> This situation leads to the increase in recidivism in the country as juvenile offenders are the ones that tend to reoffend the most as time goes by.

Lastly, the laws and regulations according to which criminals in Bangladesh are judged are outdated and do not assist in finding ways to reduce recidivism. The main reason

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<sup>20</sup> Yesmen, Nelufer. "Recidivism of Prisoners in Bangladesh: Trends and Causes." *Scholars Middle East Publishers*, 23 February 2022, [https://saudijournals.com/media/articles/SIJLCJ\\_52\\_80-86\\_FTc.pdf](https://saudijournals.com/media/articles/SIJLCJ_52_80-86_FTc.pdf). Accessed 5 August 2024.

<sup>21</sup> Dewan, Fahmedul Islam. "Juvenile Delinquency in Bangladesh." *daily sun*, 12 November 2021, <https://www.daily-sun.com/printversion/details/587626>. Accessed 5 August 2021.

is that they do not emphasize making the prisoner a better and more productive citizen, instead they support incarceration.

## China

The Criminal Law of the People's Republic of China, Article 65, states that a criminal is considered to be a recidivist if he/she commits another crime within the first five years after serving a sentence and shall be given a heavier penalty. Furthermore, if a criminal convicted of endangering national security commits the same crime again at any time after serving his sentence or receiving a pardon he shall be considered to be a recidivist.<sup>22</sup> Generally, China has always been one of the countries with the lowest recidivism rate even though its number changes often. At the moment, China has a 4.7% recidivism rate.<sup>23</sup> The reasons that contribute to the low recidivism rate are multiple.

First of all, Chinese society is formed in such a way that supports the reintegration of offenders and prevents them from recidivating. Chinese cultural traditions and contemporary conditions alongside informal social control mechanisms are the key factors that contribute to the low recidivism rate. People in China are all connected to social networks and when one recidivates is treated with shame by the others.

Additionally, Chinese rehabilitating techniques for offenders are based on reformation of character and persuasion. The Chinese authorities focus more on making inmates productive citizens and better people instead of letting them spend their time in prison without a purpose. This allows criminals to evolve mentally and avoid repeating their crimes after their release. Even though China has an incarceration rate of 99%, one of the highest globally alongside the USA, through its social structure, traditions and values, China has managed to maintain its recidivism rate low.<sup>24</sup>

## Norway

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<sup>22</sup> Tongzhi, Yu. "CONTEMPORARY RECIDIVISM AND ITS CONTROL IN CHINA." *PARTICIPANTS' PAPERS*, [https://www.unafei.or.jp/publications/pdf/RS\\_No74/No74\\_11PA\\_Tongzhi.pdf](https://www.unafei.or.jp/publications/pdf/RS_No74/No74_11PA_Tongzhi.pdf). Accessed 4 August 2024.

<sup>23</sup> "Correctional Education in the People's Republic of China." *Office of Justice Programmes*, June 1989, <https://ojp.gov/ncjrs/virtual-library/abstracts/correctional-education-peoples-republic-china>. Accessed 4 August 2024.

<sup>24</sup> Deng, Xiaogang, et al. "Social Control and Recidivism in China." *research gate*, [https://www.researchgate.net/publication/238431762\\_Social\\_Control\\_and\\_Recidivism\\_in\\_China](https://www.researchgate.net/publication/238431762_Social_Control_and_Recidivism_in_China). Accessed 5 August 2024

In 2011, Andres Breivik, an infamous criminal in history killed almost a hundred people after two major terrorist attacks in Norway. The Norwegian Court of Justice sentenced him to a twenty-one-year incarceration, a penalty that would be considered soft in many countries around the world. Norway has applied these methods of more humane penalties and incarceration in order to reduce criminality and recidivism rate inside its borders. The result is for Norway to be a country with a low recidivism rate, only 20%, and have a humane and fair justice system among.

The Norwegian courts of justice prefer rehabilitation and social work instead of incarceration for minor crimes. Additionally, every criminal that is incarcerated for a crime they have committed receives psychological support, counseling sessions and assistance during their social reintegration.<sup>25</sup> Moreover, there is no death penalty nor life incarceration. The worst penalty that can be given by the Norwegian courts are only incarcerations for 21 years. These methods are characterized as quite progressive, though they have shown that focus on rehabilitation, normalization and reintegration can improve humanity. A case in point is the Halden Prison in Norway which is supposed to be one of the most humane and normal prisons of the world. Inside this prison the inmates are prepared for life after their release and spend their penalty in a peaceful atmosphere.<sup>26</sup>

In addition, the low recidivism rate of Norway is a result of another measure taken. More specifically, the Norwegian population is educated in order to assist during the social reintegration of offenders and make them part of the community so they prevent their relapse in criminal activities. Students of primary and secondary schools in Norway are taught through vocational training and qualifying courses to leave behind any stereotypical behavior against past inmates and learn to treat them equally.

## Russia

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<sup>25</sup> Denny, Meagan. "Norway's Prison System: Investigating Recidivism And ..." *Coastal Carolina University*, Coastal, 2016, <https://digitalcommons.coastal.edu/cgi/viewcontent.cgi?article=1032&context=bridges>. Accessed 26 July 2024.

<sup>26</sup> Benko, Jessica. "The Radical Humaneness of Norway's Halden Prison." *The New York Times*, The New York Times, 26 Mar. 2015, [www.nytimes.com/2015/03/29/magazine/the-radical-humaneness-of-norways-halden-prison.html](http://www.nytimes.com/2015/03/29/magazine/the-radical-humaneness-of-norways-halden-prison.html). Accessed 26 July 2024.

Recidivism rate in Russia in 2023 reached 40% with 4.53% of past inmates repeating their crimes during the first year of their release.<sup>27</sup> Although incarceration rate is declining since 2021, recidivism rate remains high and this is mostly due to the insufficient prison system as a whole.

Russian prisoners have insufficient meals, little time to sleep, limited access to sanitary products and are under constant psychological and physical pressure by the prison guards. Human rights violations and torture are common. Furthermore, ventilation is insufficient resulting in poor health conditions for the prisoners.<sup>28</sup> It is a common phenomenon for Russian inmates to suffer from epidemics due to this lack of health care. Additionally, prison facilities in Russia are too old as they were built before 1970 and some of them even date back to the tsarist time.<sup>29</sup>

In Russia there are currently about one million people in prison among them, there are 5,000 juvenile offenders.<sup>30</sup> As young offenders are the ones most likely to reoffend many nations have rehabilitation centers to assist them during their social reintegration, but Russia does not. There are some voluntary organizations that try to rehabilitate criminals, though their resources are limited.

## United States of America

The United States of America currently has the highest recidivism rate globally as in almost every state there is a 70% of recidivism.<sup>31</sup> The percentage of recidivism is that high mostly due to the incarceration rates, the justice service system, and the perspective on tackling the issue of this country.

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<sup>27</sup> "Probation System in Russia Could Reduce Second Offences Committed by Former Prisoners." *Probation System in Russia Could Reduce Second Offences Committed by Former Prisoners*, 13 May 2023, <https://legalforum.info/en/news/aprobatsija-podhodov-k-sistematizatsii-pravovyh-aktov-v-sovremennyh-uslovijah/>. Accessed 5 August 2024.

<sup>28</sup> LITVINOVA, DASHA. "What's life like for Russia's political prisoners? Isolation, poor food and arbitrary punishment." *AP News*, 26 February 2024, <https://apnews.com/article/russia-crackdown-prison-navalny-karamurza-putin-3e5b9f5d3cfde3256819fbde5e405067>. Accessed 5 August 2024.

<sup>29</sup> Strzeleski, Jan. "Russia behind bars: the peculiarities of the Russian prison system." *Ośrodek Studiów Wschodnich*, 7 February 2019, <https://www.osw.waw.pl/en/publikacje/osw-commentary/2019-02-07/russia-behind-bars-peculiarities-russian-prison-system>. Accessed 5 August 2024.

<sup>30</sup> Reiter, Svetlana. "Russia's dead end prison system." *openDemocracy*, 3 June 2011, <https://www.opendemocracy.net/en/odr/russias-dead-end-prison-system/>. Accessed 5 August 2024.

<sup>31</sup> Hayden, Madalyn. "Recidivism Rates in the United States versus Europe: How and Why are they Different?" *ScholarWorks*, ScholarWorks@WMU, 18 April 2023, [https://scholarworks.wmich.edu/honors\\_theses/3665/](https://scholarworks.wmich.edu/honors_theses/3665/). Accessed 2 August 2024.

In the USA about two million people are in jail, which is equal to 737 people out of 100,000. The majority of the prisoners in the country are juvenile offenders, with 60,000 in juvenile detention and 95,000 in adult facilities.<sup>32</sup> The young criminals are the ones most likely to re-offend in their adulthood as during their incarceration they have low chances of proper education, personal development and are most commonly the ones with an impulsive character.

Furthermore, incarceration tends to be a more common penalty than community work for people of all ages in the country. Once a person enters the incarceration system, they are stigmatized and this creates a lot of psychological problems that if not treated through counseling, the people are most likely to recidivate after their release. In the USA, though, there is no mental support for prisoners and that contributes to the high recidivism rate in the area.<sup>33</sup>

Another action that the USA applies that leads to higher recidivism rates is the uneven distribution of wealth caused mainly by low tax rates. Collecting fewer taxes equals less public facilities for the citizens and the ones with few economic amenities are not able to utilize public services.

Lastly, the recidivism rate in the US increased after the War on Drugs, an effort of the US President, Richard Nixon, in the 1970s to reduce drug-related activities. In order to achieve his goal he made mandatory the minimum prison sentences for all drug-related crimes. This meant that every person who committed a drug related offense would spend at least some specific time in prison, usually about 1-3 years, regardless of individual circumstances and behavioral changes leading to mass incarceration. More and more drug dealing offenders were re-incarcerated after their release. Since the inception of the War on Drugs in the 1970s, the prison population of the U.S. has increased by 600%, while the population as a whole has only increased by 51%.<sup>34</sup>

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<sup>32</sup> "CRIMINAL JUSTICE AND REOFFENDING. COMMON CAUSES OF REOFFENDING." *United Nations Office on Drugs and Crime*, United Nations Office on Drugs and Crime, 25 July 2022, [https://www.unodc.org/documents/justice-and-prison-reform/ReducingReoffending/OCPA\\_International\\_Organization.pdf](https://www.unodc.org/documents/justice-and-prison-reform/ReducingReoffending/OCPA_International_Organization.pdf). Accessed 2 August 2024.

<sup>33</sup> Hayden, Madalyn. "Recidivism Rates in the United States versus Europe: How and Why are they Different?" *ScholarWorks*, ScholarWorks@WMU, 18 April 2023, [https://scholarworks.wmich.edu/honors\\_theses/3665/](https://scholarworks.wmich.edu/honors_theses/3665/). Accessed 2 August 2024.

<sup>34</sup> Jenkins, Philip. "War on Drugs | History & Mass Incarceration." *Britannica*, 27 May 2024, <https://www.britannica.com/topic/war-on-drugs>. Accessed 2 August 2024.

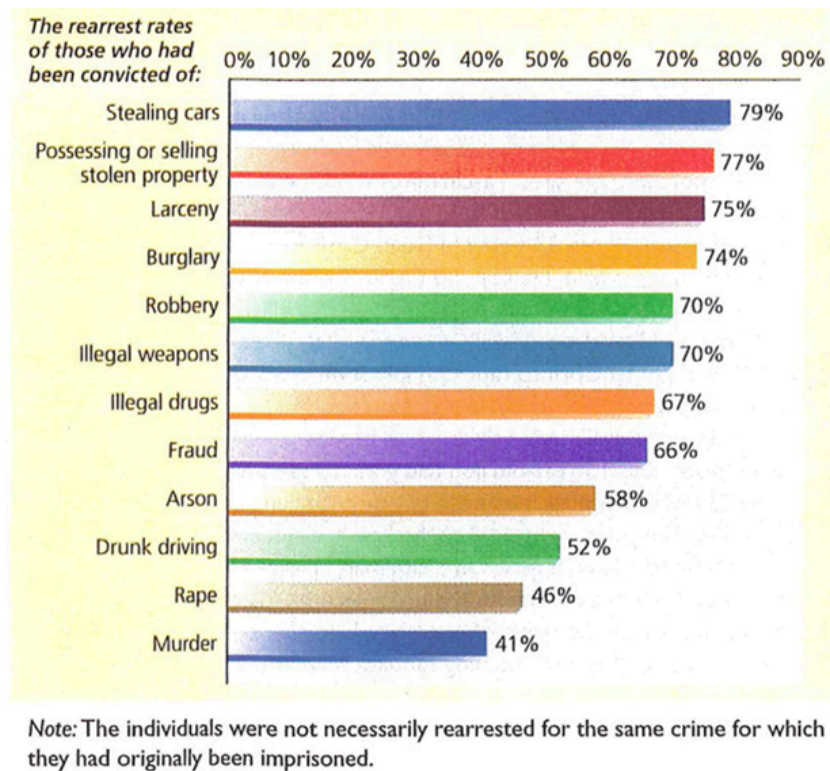


Figure IV: The percentage of rearrests of offenders during the first 3 years after their release in USA<sup>35</sup>

### Anti-Recidivism Coalition

The Anti Recidivism Coalition (ARC) was founded by Scott Budnick in 2013 and its mission since then has been to reduce incarceration rates in California. The idea of this program was born when Scott Budnick visited Barry J. Nidorf Juvenile Hall and talked to the juvenile prisoners. He discovered that all the juvenile offenders who were incarcerated in this institution made some bad decisions to which they were in most cases led due to childhood trauma, violence and neglect.<sup>36</sup> After that visit, Scott Budnick started some mentoring and writing classes for the incarcerated children of the institute. He saw, however, that more and more children who were released were soon re-arrested. According to Budnick, the primary reason that led young offenders back to their criminal activities was their lack of reintegration into society.

<sup>35</sup> Norén, Laura. "Recidivism rates in the US – frivolous color - Graphic Sociology." *The Society Pages*, 17 December 2009, <https://thesocietypages.org/graphicsociology/2009/12/17/recidivism-rates-in-the-us-frivolous-color/>. Accessed 11 August 2024.

<sup>36</sup> "Mission and History." *Anti Recidivism Coalition*, 3 April 2024, <https://antirecidivism.org/who-we-are/mission-and-history/>. Accessed 10 August 2024.



In order to tackle this issue of recidivism among the youth Budnick created ARC. In the beginning, this organization just organized camping trips for recently released juvenile offenders during which trained volunteers mentored them, offered guidance, encouragement and psychological assistance. Today, ARC has grown, having in scope recently released offenders of all ages, and it currently supports more than 1.400 recently released offenders through 12 different programs that meet every offender's needs. The programs allow past offenders to overcome their trauma and smoothly become part of the community again in order to avoid the increase of rearrests.

### **Common Ground**

The Common Ground organization has been working since 1982 in order to create a world of peace with no conflicts and violence. It is a non-governmental international organization that works globally and applies its primary principle, treating people with dignity and respect, to all its work.

On 3<sup>rd</sup> of April 2022 the Common Ground organization started working on a program in order to reduce violent extremism and radicalization in custodial and non-custodial settings. <sup>37</sup>This project aims to find anti-violent ways to overcome conflicts between detainees and ex-detainees, educate the population to allow smooth reintegration of released offenders and lastly encourage collaboration between prisons in order to create advisory committees for offenders. This project's goal is to promote anti-violent problem-solving ways for inmates and ex-inmates in order to persuade them to avoid repeating their criminal actions and reduce recidivism as well as facilitate their social reintegration.

### **United Nations Office on Drugs and Crime (UNODC)**

The United Nations Office on Drugs and Crime (UNODC) was founded in 1997 and its main purpose is reducing any illicit drug trafficking and international crime. The UNODC counts 20 offices globally where 500 staff members work and the headquarters are located in Vienna. Among many problems that UNODC aims to tackle, recidivism and the social reintegration of offenders are two of the most important ones.

In order to tackle the issue of recidivism effectively the UNODC convened a meeting from 6 to 8 of April of 2022 with twenty-seven experts to exchange expertise and

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<sup>37</sup> "About Us." *Search for Common Ground*, <https://www.sfcg.org/about-us/>. Accessed 10 August 2024.



knowledge and conducted a conference room paper presented on the 31st session of the Commission on Crime Prevention and Criminal Justice (CCPCJ). This meeting was proposed in December of 2021 in General Assembly resolution 76/182 adopted by Member States.<sup>38</sup> The experts that participated in the meeting all agreed that non-custodial measures are more effective than incarceration, rehabilitation plays a significant role in social reintegration and effective supervision, namely more privacy for offenders and respect towards human rights, could assist in reducing recidivism.

Additionally, the UNODC conducted another meeting on 4 and 5 of September 2023 with all Member States and other relevant stakeholders, including other United Nations bodies, the UN affiliated regional institutes and centers of the UN Crime Prevention and Criminal Justice Programme Network (PNIs), intergovernmental organizations, and non-governmental organizations in consultative status with the Economic and Social Council in order to reduce reoffending.

## TIMELINE OF EVENTS

Date	Description of Event
1783	Alternative penalties to executions were given which allowed offenders to hope for a future after they served their penalty.
August 1841	The beginning of John's Augustus work on community corrections which assisted in the social reintegration of offenders through his alternative approaches.
1922	The year when everyday conditions in prisons changed resulting in better quality for prisoners lives.
1970	The beginning of the War on Drugs in the USA after which the incarceration rate in the country constantly.

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<sup>38</sup> "The United Nations Office on Drugs and Crime (UNODC)." *UNOV*, 2024, <https://www.unov.org/unov/en/unodc.html>. Accessed 6 August 2024

10 December 1948	The date of conduction of the Universal Declaration of Human Rights which mention in article 12 the rights of prisoners.
1982	The date the Common Ground organisation was founded with the aim to prevent conflicts and violence globally. Its purpose led to it contributing in decreasing recidivism.
December 2010	The UN “Bangkok Rules” were created with the aim to improve prison conditions for female inmates.
2013	The date when the Anti-Recidivism Coalition (ARC) was founded, with the aim to, firstly, assist young criminals during their social reintegration and, today, help criminals of all ages after their release.
December 2015	The UN “Nelson Mandela” Rules were conducted which clarified the rights of all prisoners.
16 December 2021	The creation of the General Assembly resolution 76/182 in order to decrease reoffending by improving social rehabilitation of offenders.
6-8 April 2022	Meeting of UNODC with the aim to find feasible solutions to reduce recidivism.
21 July 2022	The creation of resolution 2022/13 of the Economic and Social Council which suggested some additional solutions to the ones proposed in resolution 76/182.
15 December 2022	The creation of resolution 77/232 of the General assembly which further explains how rehabilitation of criminal offenders could be achieved around the globe.
4-5 September 2023	Second meeting of UNODC in order to reduce reoffending and in which additional solutions to the problem were proposed. The meeting was convened after resolution 77/232.
13-14 June 2024	Meeting of the European Council in order to analyze the importance of rehabilitation of offenders.

## **UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS**

### **General Assembly resolution 76/182**

The resolution 76/182 of the General Assembly was conducted on the 16th of December 2021 and it was entitled “Reducing reoffending through rehabilitation and reintegration”. This resolution focuses on the importance of rehabilitation of offenders as it encourages all Member States to apply feasible methods to assist past inmates during their social reintegration. More specifically, it emphasizes the necessity of offering offenders vocational and technical training as well as access to educational programmes in order to ensure that they develop the skills necessary for reintegration.

Additionally, it requests Member States to build the necessary facilities for the social reintegration of offenders. It also motivates Member States and any United Nation body to donate in order to fill the expenses required to achieve the social reintegration of criminal offenders.

Lastly, the resolution requests the United Nations Office on Drugs and Crime (UNODC) “to convene an expert group meeting to share information on promising practices to reduce reoffending, with a view to developing model strategies on reducing reoffending, which can serve as useful tools for Member States, taking into account relevant provisions in the existing standards and norms in crime prevention and criminal justice, current developments, research, tools and the outcome of the deliberations of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice”.<sup>39</sup>

All the solutions proposed in this resolution could assist in solving the problem of the social reintegration of offenders as they ensure that inmates after their release will be able to be productive citizens, with good education and the potential to become economically independent. At the same time, the resolution includes ways to find new ways to approach the criminals and facilitate their social reintegration.

### **Resolution 2022/13 of the Economic and Social Council**

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<sup>39</sup> “Resolution adopted by the General Assembly on 16 December 2021.” *documents.un.org*, <https://documents.un.org/doc/undoc/gen/n21/405/11/pdf/n2140511.pdf?token=ZtpMgu5mMWPTeAjGk9&fe=true>. Accessed 6 August 2024.

The resolution 2022/13 of the Economic and Social Council was conducted on the 21st of July 2022 and was entitled “Reducing reoffending through rehabilitation and reintegration”. This resolution proposes to the General Assembly to adopt all the solutions included in the resolution and it recalled the resolution 76/186 of the General Assembly. More specifically, it recommends requesting funding from the UNODC and all Member States for the creation of rehabilitation centers for offenders globally. It also encourages Member States to have specific counseling sessions inside the prison system in order to address the mental problems from which many inmates suffer. Lastly, it requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice (CCPCJ) following the meeting of the expert group on 6-8 of April 2022 on the outcome of that meeting.<sup>40</sup> This resolution proposes some additional measures that were not mentioned in the previous resolution, resolution 76/186, resulting in addressing the matter better.

### **General Assembly resolution 77/232**

The resolution 77/232 of the General Assembly was conducted on the 15th of December 2022 and was entitled “Reducing reoffending through rehabilitation and reintegration”. This resolution is based on the resolution 76/182 and aims to further explain how rehabilitation of criminal offenders could be achieved worldwide.

Firstly, it recognizes the importance of respecting the different approaches countries have on law enforcement while rehabilitation is incorporated to them. This is an important point that was not mentioned in previous resolutions even though it impacts the process of the social reintegration of offenders as maintaining the different points of view countries have on the matter while improving social reintegration programmes is crucial in order to show respect towards the nations. Moreover, it proposes making rehabilitation part of all national prison systems and encouraging the More Economically Developed Countries (MEDCs) to support economically developing nations in order to ensure rehabilitation of criminal offenders.

Lastly, it requests UNODC to: "subject to the availability of extrabudgetary resources, to convene a meeting of an open-ended intergovernmental expert group, with interpretation in all official languages of the United Nations, with a view to developing model strategies on reducing reoffending that can serve as useful tools for Member States, taking

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<sup>40</sup> “Resolution adopted by the Economic and Social Council on 21 July 2022.” *documents.un.org*, <https://documents.un.org/doc/undoc/gen/n22/438/05/pdf/n2243805.pdf?token=wB7VcLEU7JtHBOFIag&fe=true>. Accessed 8 August 2024.

into consideration relevant provisions in the existing United Nations standards and norms in crime prevention and criminal justice, current developments, research and tools, written contributions from Member States and, without prejudice, the output of the expert group meeting held from 6 to 8 April 2022”.<sup>41</sup>

### **UN “Bangkok Rules”**

The UN “Bangkok Rules”, also known as “The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders” were adopted by the UN General Assembly in December 2010 and contain 70 rules that aim to improve the conditions in prisons for women. Before the adoption of those rules, many women in custodial and non-custodial settings were mistreated and disrespected. After those rules, though, female inmates had the chance to have access to educational programmes, take part in statistical surveys, be treated with respect by the prison guards and have many more opportunities. Even though the majority of prisoners are male, ensuring that imprisonment centers are friendly for female inmates is really important as it assists in preventing recidivism among them.<sup>42</sup>

### **UN “Nelson Mandela” Rules**

Nelson Mandela spent 27 years in prison and throughout his life he fought for the respect towards human rights of all, including prisoners. In honor of his work, the United Nations General Assembly named the “United Nations Standard Minimum Rules for the Treatment of Prisoners”, approved in December 2015, the UN “Nelson Mandela” Rules. These rules outline minimum prison conditions and provide guidance to prison personnel on how to uphold security and human dignity. More specifically, they state that there should be respect towards the human rights of inmates and access to medical assistance, every inmate should have a clean space to sleep and sufficient ventilation, the outdated prison facilities should be enhanced and modern technologies should be installed in all prison centers.<sup>43</sup>

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<sup>41</sup> “Reducing reoffending through rehabilitation and reintegration.” *documents.un.org*, <https://documents.un.org/doc/undoc/gen/n22/765/16/pdf/n2276516.pdf?token=6QR2LH4ojF2yaBvBER&fe=true>. Accessed 7 August 2024.

<sup>42</sup> “THE BANGKOK RULES.” *United Nations Office on Drugs and Crime*, 16 March 2011, [https://www.unodc.org/documents/justice-and-prison-reform/Bangkok\\_Rules\\_ENG\\_22032015.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf). Accessed 11 August 2024.

<sup>43</sup> “Resolution adopted by the General Assembly on 17 December 2015.” *documents.un.org*, <https://documents.un.org/doc/undoc/gen/n15/443/41/pdf/n1544341.pdf?token=OuROaTucgwTZXnojDu&fe=true>. Accessed 8 August 2024.

Generally, the good imprisonment conditions, according to the UN “Nelson Mandela” Rules, play a significant role in preventing recidivism. When prisoners are treated with respect and their human rights are not violated, they do not tend to repeat their crimes after their release, resulting in reduction of recidivism.

## **PREVIOUS ATTEMPTS TO SOLVE THE ISSUE**

### **Council of European Union on “Small-scale detention: focusing on social rehabilitation and reintegration in society”**

During the meeting of the Council of European Union on the 13-14 of June 2024, the Council concluded on some ways of detention for criminals which focus on rehabilitation of offenders and their social reintegration. More specifically, the Council concluded that if prisoners maintain some of their freedoms while they serve their penalty, their social reintegration will be smooth. Additionally, a report by the European Union Agency for Law Enforcement Cooperation (EUROPOL) shows that people in custody can assist officers in their work if they spend part of their sentence helping them tackle organized crime and terrorism and simultaneously spend less time in their incarceration cells which can prevent them from stigma after their release. A productive penalty, according to this document, could also be social work on sustainability. Furthermore, communication and relationship building with the surveillance of the European Organisation of Prison and Correctional Services (EuroPris) in order to ensure safety, security and good order can lead to smooth reintegration into society. Probation, restitution, community service, and rehabilitative services as well as other forms of alternative penalties could be ways to reduce recidivism and social reintegration. Lastly, this document ends by acknowledging the importance of social reintegration as it results in lower criminality and creates productive citizens for society.<sup>44</sup>

### **The 1281 Development Partnerships (DPs) supported by the Employability pillar of EQUAL**

The European Union has currently many ongoing programmes and among them there are the 1281 Development Partnerships (DPs) which aim to assist the less favored groups in order to limit re-offending among them. Through this set of initiatives new

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<sup>44</sup> “At its meeting on 13-14 June 2024, the Council (Justice and Home Affairs) approved a set of Council con.” Data, 14 June 2024, <https://db.eurocrim.org/db/en/doc/3941.pdf>. Accessed 10 August 2024.

approaches have been created in order for workers to work with past offenders through re-settlement support, aftercare or assisting inmates while they are in prison. These projects deal exclusively with offenders and directly involve the institutions and authorities of the penal system. Some of them have succeeded to a great extent. For instance, the treatment teams of the Swedish project “Better Release” decreased the rate of recidivism from 70% to 40%. The “Mabis.Net” project in Germany provided systematic support in resettlement and reduced the recidivism among juvenile offenders from 80% to 40%. This dropped to 30% when it was possible to find jobs according to the training they had received in juvenile detention centers.<sup>45</sup> The promoter of the “Telfi” DP, the Institute for Justice and Criminal Sociology in Vienna, has proved that participation in the EQUAL programme leads to a reduction in recidivism.

### **UNODC Regional Programme for the Arab States To Combat Criminal, Terrorist and Health Threats and Strengthen Criminal Justice Systems in Line with International Standards on Human Rights**

The criminality rates in Arab States remain high as years go by. In order to tackle the issue of increased criminality and recidivism in the area, the UNODC created a regional program for all Member States of the Arab League. According to the record published after the end of this programme in 2021, the most common crimes are terrorism, money laundering, drug trafficking, trafficking of people and smuggling of migrants.

The UNODC, after collecting data about the criminality in the area and the reasons why criminals in Arab countries tend to re-offend, cooperated with experts in order to tackle the issue effectively. It also requested assistance from other organizations as well, such as the Gulf Cooperation Council (GCC) in order to combat illegal trafficking and transnational organized crime. The UNODC’s efforts to reduce criminality and recidivism in the area of Arab countries was restricted in border control and higher security inside the territory of the countries by national police officers. Even though UNODC’s work had potential to succeed, recidivism rates in Arab countries continue to increase even after 2021. The reason why this happened was that the solutions did not improve the character of criminals and make them better people and no matter the high security, criminals continued to commit lawless actions.

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<sup>45</sup> “European union activities to promote the resettlement of (ex-)offenders.” *European Commission*, [https://ec.europa.eu/employment\\_social/equal\\_consolidated/data/document/0706-warsoff-int.pdf](https://ec.europa.eu/employment_social/equal_consolidated/data/document/0706-warsoff-int.pdf). Accessed 11 August 2024.

## **POSSIBLE SOLUTIONS**

### **Rehabilitation programmes for all inmates**

The experience of incarceration can be really traumatic for all inmates as prison differs a lot from a life full of freedom. This experience of imprisonment usually results in inmates suffering from psychological trauma and mental instability. This situation leads to lack of social reintegration of offenders and increase in recidivism. A possible solution to this problem could be the creation of rehabilitation programs for offenders and regular counseling sessions for inmates during their incarceration. Addressing those mental problems can be key for inmates to become more productive citizens and understand the negative impacts criminal activities have on society. A type of therapy that can help inmates is Cognitive Behavioral Therapy (CBT) as it focuses on the way the thoughts and beliefs of a person can lead to specific actions. Another way to assist rehabilitation of offenders is through restorative justice programmes. In those programs the victim and the offender communicate with the aim to make the offender understand the negative impact of their criminal offense. However, rehabilitation should become part of the national prison system of the country respecting its justice system and culture, as those differ around the world.

### **Encouraging social work and community corrections for minor offenses**

Incarceration is utilized around the world as a penalty for almost every criminal offense. Offenders who have committed from a minor offense, such as tax evasion, to a serious offense, for example, homicide are given the penalty of incarceration. Nevertheless, incarceration can have detrimental impacts on the psychology of inmates. This is the main reason why social work and community corrections should be preferred when it is possible in order to avoid imprisonment. These types of penalties do not cause mental problems for the criminals and allow them to focus more on becoming better people and more productive citizens as they enjoy the freedoms of citizenship and learn useful skills that will allow them to get employed easily after they complete their penalty. Additionally, social work and community corrections facilitate the process of social reintegration as criminals are not stigmatized by incarceration. From all the types of community corrections, probation could be the most beneficial one as criminals can be controlled by the police but, at the same time,



they have the opportunity to enjoy some core freedoms. Furthermore, these penalties can be proper for juvenile offenders as well. As juveniles with previous criminal record are the most likely ones to re-offend, community corrections which emphasizes on improving the character and behavior of criminals, can be the ideal penalty in order to ensure the prevention of recidivism among them. However, criminal corrections and social work cannot be penalties for all types of criminals as while criminals serve these penalties their surveillance is low and there are many times when criminals can repeat their crimes without the police finding out. This is the reason why these penalties can be preferred only for minor offenders who have committed crimes that are not so serious such as shoplifting, minor robberies or speeding.

### **The creation of special team to inspect prisons and the reintegration programmes**

Many documents that include ways to ensure the respect towards the human rights of prisoners have been conducted over the years. Such documents are the “Nelson Mandela” Rules and the article 12 of the Universal Declaration of Human Rights. In some countries, however, some prisons violate those rules and treat prisoners with disrespect. There have been many incidents, in both MEDCs and LEDCs, of guards hitting prisoners or inmates who live under unhealthy and dangerous conditions. Additionally, poor prison standards can lead to corruption between prison guards who may extort money from inmates in exchange for lawless services. In order to ensure that similar incidents are not repeated, special inspection teams could be created which will often visit prisons and rehabilitation programmes to review and evaluate them. The people who will take part in these teams will be outside of the prison system such as professionals in medicine and psychology as well as lawyers. Due to their expertise in those sectors they will be able to improve the health conditions of prisons and ensure that everyone has access to medical care, ensure that all the rules conducted about prisoners’ treatment are followed and their human dignity is respected. The funds for the creation of such a programme could come from the UNODC or NGOs such as Anti-Recidivism Coalition and Common Ground. This could be a feasible solution in order to reduce recidivism as poor living conditions in prisons are a factor of recidivism. In case such teams already exist, such as the team of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), funds could be used in order to improve their work. At the same time,

social reintegration is ensured as this inspection team will be responsible for all the reintegration programmes not only inside prisons but in rehabilitation centers as well.

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