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Experiences with Welfare, Rehabilitation and Reintegration of Prisoners

Lessons Learned?

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Acronyms

BRIK	Assessment of the needs and resources of convicted persons (Behovs-og ressurskartlegging i kriminalomsorgen)
CBRFs	Community-based Residential Facilities
CCCs	Community Correctional Centres
CCRA	Corrections and Conditional Release Act, 1992
CCRR	Corrections and Conditional Release Regulations, SOR/92-620
CD	Commissioner’s Directive
CFCN	Canadian Families and Corrections Network
COSA	Circles of Support and Accountability
CRFs	Community Residential Facilities
CSC	Correctional Services Canada
DC	Drug Court
DUI	Driving under the Influence
EM	Electronic Monitoring
ESA	Execution of Sentences Act
ISA	Internal Security Act
ISIS	Islamic State of Iraq and Syria
MOJ	Ministry of Justice (Japan)
MPD	Malaysian Prison Department
NAV	Norwegian Labour and Welfare Service
NCS	Norwegian Correctional Service
NGOs	Non-governmental organizations
NMR	Nelson Mandela Rules
OCI	Office of the Correctional Investigator
PDFA	Act on Penal Detention Facilities and Treatment of Inmates and Detainees, Act No 50 of 2005
PO	Probation Officer
POTA	Prevention of Terrorism Act (Act 769) from 2015
PR	Prison Regulation, 2000
PST	Norwegian Police Security Service
Reg.	Regulation
RESA	Regulations to the Execution of Sentences Act
RNR	Risk-Need-Responsivity Model
SOSMA	Security Offences (Special Measures) Act 2012 (Act 747)
UN	United Nations
UNAFEI	United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders
UNODC	United Nations Office on Drugs and Crime
UNRISD	United Nations Research Institute for Social Development
VPO	Volunteer Probation Officer

Foreword

Globally, at least 11 million people are held in prisons and other penal institutions, a number which has increased by more than 10 percent over the past decade. Prisoners often come from marginalized groups in society with limited economic opportunities, and children in prison are mostly those without adequate care and support systems. The number of elderly people in penal institutions is also increasing in many countries with ageing populations and increased poverty among the elderly. Without adequate public policies that can provide social services and support to inmates and their families, correctional services risk perpetuating cycles of criminal behaviour and exacerbating poverty and inequality. Designing and implementing comprehensive policies based on internationally agreed norms and standards is essential in today's era of sustainable development that pledges to leave no one behind—offering a chance for inmates and the released to be full members of society.

These concerns led the United Nations Research Institute for Social Development (UNRISD), in partnership with the National Center for Social Studies (NCSS) in the Kingdom of Saudi Arabia, to explore “Lessons from Successful Experiences with Welfare, Rehabilitation and Reintegration of Prisoners.” UNRISD, through this commissioned research, aimed to support the NCSS in contributing to the improvement of conditions in the country's penal institutions, as part of the implementation of Saudi Arabia's Vision 2030, a goal of which is to maintain safety and security with low crime rates.

This Working Paper is a result of this research, undertaken by experts at the Institute for Penal Law and Criminology at the University of Bern, Switzerland, and is a revised version of the report submitted by UNRISD to the NCSS.

Paul Ladd
Director, UNRISD

Summary

This paper contributes to the debate on desirable correctional services systems by presenting four national case studies on the welfare, rehabilitation and reintegration of prisoners, and how each country regulates and institutionalizes these aspects of the penal system. The countries analysed are: Canada, known for its community involvement in release approach; Norway, known for its strong welfare system; Japan, known for its decreasing prison rate; and Malaysia, known for its efforts in the deradicalization and reintegration of prisoners with extremist ideologies.

To create a comparable basis for analysis between the different countries, a comparative scale was developed based on the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The scale allows the welfare, rehabilitation and reintegration dimensions of correctional services in each country to be classified in three categories (insufficient, sufficient and excelled). In addition to these three dimensions, the prison regime of each country was analysed to allow the national prison context to be considered in the country comparison.

Some of the main findings and lessons of the paper are as follows. The only country classified as sufficient in terms of the Nelson Mandela Rules is Norway, which demonstrates promising practices (in terms of exceeding the standards) in the areas of health care, living conditions, visits, offender assessment, conditional release, parole and probation, aftercare and re-entry assistance, as well as family support. All the other countries have at least one insufficient dimension, implying breaches of the Nelson Mandela Rules. The most frequent breach affecting the prison regime is the inappropriate use of solitary confinement. This demonstrates that correctional services administrators in these countries still have difficulties in finding the right balance between the rights of inmates on the one hand, and the overall peace and order of the institution (or in a broader sense, of the society) on the other. The impact of an insufficient or sufficient prison regime on the implementation of welfare, rehabilitation and reintegration measures is considerable. Further, the analysis in this paper argues that promising practices are achieved in collaboration with external stakeholders, such as non-governmental organizations (NGOs), volunteers, families, national service providers, communities or external employers. This finding underscores the positive impact that intersectoral collaborations have on prisoner rehabilitation, as well as the need for equal provision of services for inmates and for the general population.

Promising practices among the case study countries are not limited to Norway. Another example can be seen in Canada's levels of community involvement in the reintegration process. Canada displays a remarkably high percentage of conditional releases, facilitating the application of the "throughcare" approach (that is, the probation service takes responsibility for the support of the offender after release to ease the transition from prison to society) for the majority of prisoners. Regarding Japan, its cooperative employers' service achieves two important reintegration goals by supporting released prisoners to find employment and by integrating civil society into the reintegration strategy. Finally, and despite the Malaysian correctional service system being insufficient insofar as meeting the Nelson Mandela Rules, the country has an effective deradicalization programme for prisoners with extremist ideologies, which is designed to begin in prison and end with a reintegrated person in the community.

1. Introduction

In many countries worldwide, prison population rates are high and have risen significantly since the 1990s (Dünkel and Geng 2015; Walmsley 2016). Modern sentencing principles, laid down *inter alia* in international recommendations such as the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (UN General Assembly 2015) (the so-called Nelson Mandela Rules (NMR), described in further detail below), define humane treatment and standards for the rehabilitation and reintegration of prisoners, both core elements of prison sentencing. As most prisoners serve determinate sentences and will eventually be released, the purpose of imprisonment is to reduce future criminality by ensuring, as much as possible, that the offender is able to lead a law-abiding and self-supporting life upon return to society (Huber 2016). In this sense, successful reintegration results in the reduction of criminality and therefore contributes to promoting peaceful and inclusive societies for sustainable development.

The continuous incarceration of inmates for determinate sentences leads to a continuous flow of people being released. These former prisoners need to be reintegrated into society, often after having served lengthy terms in prison. Therefore, a number of countries are in search of new concepts and strategies for the effective management of this flow.¹

This paper contributes to the debate on desirable correctional service systems by presenting four national case studies on the welfare, rehabilitation and reintegration of prisoners, and analyses how each country regulates and institutionalizes these aspects of the penal system. Such comparative analysis allows promising practices to be distinguished, however these practices are also strongly connected to national sociopolitical and cultural contexts. The comparison captures each country's efforts to meet international standards, while respecting their own specificities and traditions. In this sense, the comparison shows that there is no "one-size-fits-all" model, but different issues impact the consolidation of social, political and cultural habits and international standards. This paper also provides a brief overview of each country's approaches to coping with radical ideologies, both to prevent inmates becoming radicalized as well as to disengage or deradicalize violent extremists. Though this specific point concerns aspects not solely related to detention, it is interesting to consider approaches to radicalization since it is a current topic of debate. However, these debates run the risk of reducing the prison solely to a place of radicalization or a school of crime, rather than considering the broader correctional system.

The national cases considered in this paper were chosen to reflect a wide range of differences in their respective correctional service systems: Norway, a country with a comparatively low prison rate (WPB 2016a), is internationally known for its strong welfare system and has been cited positively in many European discussions on prisoner release; Canada is internationally known for its extensive integration of citizens in release approach; Japan, a country with a decreasing prison rate, has a strategy to become "Japan the Safest Country in the World" by adopting a general attitude of "No Return to Crime, No Facilitation of a Return to Crime (Toward a Bright Society by Everyone Supporting Rehabilitation)"; and Malaysia, a country that has recently received international attention for its prisoner deradicalization efforts that distinguish between "cognitive and behavioural components", and its further work "to become a modern and a world class correctional department [...] conforming to human rights" as per the national Vision 2020 (Chowdhury Fink and Hearne 2008; APCCA 2013:3).

¹ See Petersilia (2004), Travis (2005), and Hucklesby and Hagley-Dickinson (2007). For examples of European practice, see Decarpes and Durenescu (2012) and Pruin (2016a, 2016b).

In the following section, this paper provides short definitions of its understanding of key concepts such as welfare, rehabilitation and reintegration. It then reviews the pertinent literature on research approaches to correctional service systems. This is followed by a discussion of demographic trends regarding prison populations and prison population rates for all national case studies. The section closes with brief considerations on methodological issues and the sources used in the four national case studies. In chapter 3, the case studies of the four countries are presented, with the same explanatory structure followed for each of them. The order of the four cases is arbitrary and does not reflect any prioritization. Additionally, major findings are summarized in a series of tables. Chapter 4 is devoted to the comparative analysis of four case studies. Finally, chapter 5 presents the conclusion and a set of recommendations.

2. Theoretical Framework and Methodology

2.1 Welfare, rehabilitation, reintegration

The national case studies presented in this paper focus on the welfare, rehabilitation and reintegration dimensions of correctional services. However, these concepts are far from being self-explanatory and operational definitions are needed since these concepts mean different things in different contexts.

In this paper, the term “welfare” refers to interventions designed to directly affect the well-being of prisoners, including their living conditions. Prisoner well-being is the foundation upon which treatment efforts and programmes are based. Every state is responsible for guaranteeing the well-being of all individuals incarcerated by state authorities, not least because prisoners are deprived of their ability to take care of themselves and so become dependent on others. Welfare includes harm reduction, humane treatment and normalization (Dünkel 2016).

“Rehabilitation” is understood here as including those strategies, measures and programmes applied during incarceration in preparation for release. This paper admits that the use of the term “rehabilitation” is to some extent idiosyncratic in view of how it is used in criminological literature (for example, Raynor and Robinson (2009)). There it encompasses not only measures and programmes taken in prison but serves as an umbrella term for programmes and structures inside and outside prison, aimed at preparing and supporting the release of offenders on their way back to society (other frequently used synonyms for this concept are “resettlement” or “re-entry”). This underscores the view that rehabilitation efforts ought to be offered by the prison system from the onset of

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