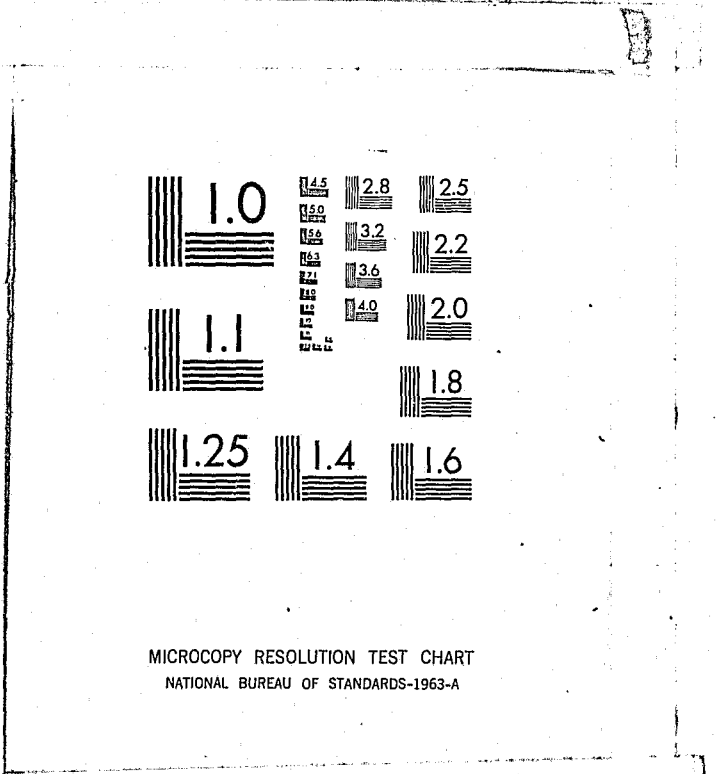


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**PRINCIPLES ON LINKING THE REHABILITATION OF OFFENDERS TO RELATED
SOCIAL SERVICES**

Working paper prepared by the Secretariat

1. The Committee on Crime Prevention and Control concluded its report, entitled "Methods and ways likely to be most effective in preventing crime and improving the treatment of offenders" by stating: "The collaboration and involvement of the community are, finally, an essential condition - and constitute the natural framework - for the effective reintegration of the offender into the society" (E/CN.5/536, annex IV, para. 74). 1/ Furthermore, active interaction between criminal justice and measures of social support was considered to be an essential component of any programme for the deinstitutionalization of corrections.
2. The need to establish an effective linkage between the rehabilitation of offenders and related social services is strongly emphasized in the United Nations Standard Minimum Rules for the Treatment of Offenders, especially in rules 61, 64, 74, 80 and 81. 2/ The Rules make it clear that access to an efficient form of social rehabilitation is a legitimate aspiration of every prisoner. This entails the provision of social services as an addition to, and a logical continuation of, any criminal justice measure. The terms "effective" and "efficient" imply an analysis of costs and benefits, which in the present context may not be easily quantifiable. The success of such an approach might, however, be judged by the extent to which such services relate constructively to the rehabilitative needs of the offender in terms of lessening the disabilities stemming from imprisonment. In this connexion, it should be understood that the nature, amount and quality of the social services made available to offenders will primarily depend upon the scope and coverage of the social services provided in any given country to its population as a whole.

1/ The General Assembly, in its resolution 32/58, of 8 December 1977, took note of the report and invited Member States to make use of it, as appropriate, in formulating national crime prevention policies and strategies.

2/ See First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: Report by the Secretariat (United Nations publication, Sales No. E.1956.IV.4).

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3. The provision of social services to meet a variety of needs and assist individuals and groups in developing their potential to the fullest extent is an important function of any society. In specific terms, such services involve the health care, education, housing, employment, social security and public security. As an organized effort of the community, social services can be rendered both through the agencies of government - local, state and national - and through voluntary non-governmental bodies. Social services that attempt to rehabilitate offenders by ameliorating the conditions that encourage social deviance and criminality may acquire a specialized character, but fundamentally, they seek to address and meet offenders' needs.

4. While the impact of the Rules on correctional services has been felt in many parts of the world, difficulties have frequently been encountered in providing the requisite linkage between the correctional system and related social services. Realizing the important role of social services in the resocialization of offenders, the Committee on Crime Prevention and Control recommended that consideration be given by the Congress to the following principles, 3/ which could be used as general guidelines, as well as an aid, to more effective implementation of the Rules. The principles also aim at the provision of the support necessary for the development of relevant community-based programmes, as discussed in the working paper on the deinstitutionalization of correction and its implications for the residual prisoner (A/CONF.87/7).

PRINCIPLES

1. The right of offenders to receive social services should be formally recognized and emphasized

Unless legal codes explicitly and unambiguously stipulate the curtailment of certain civil rights as an additional penalty, the same social services as those available in the open society should be provided to offenders as a right, and not as a privilege.

2. The social services available to all persons in the community should be available also to those discharged from prison, and the principles of "lesser eligibility" should not apply at any stage of the criminal justice process

Both from the viewpoint of the moral obligation of a society towards its members and the rehabilitation objective of the criminal justice system, the social services available to all persons in the community should be available to

3/ See "Report of the Committee on Crime Prevention and Control at its fifth session" (E/CN.5/558), para. 84. "Guidelines for linking the rehabilitation of offenders to related social services" (E/AC.57/38), redrafted in accordance with the recommendations of the Committee, was discussed by the ad hoc interregional meeting of experts convened at Cambridge, England, in December 1978, where the principles were finally formulated in their present form.

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those discharged from prisons. The question of "lesser eligibility", in some form or other, has been faced by all societies at various times. The problem may be particularly acute in the economically less developed countries, where resources are scarce even for the non-criminal population. The future of criminal justice systems in such countries, however, depends largely on the resolution of this problem through appropriate means. In this connexion, it should be noted that persons discharged from prison are, as discussed above, particularly handicapped and therefore particularly in need of services if they are not to be driven back to crime.

3. The form of delivery of social services, organizationally, should be culturally appropriate

In some societies, it is difficult to draw a line between control and support measures. The terms "control" and "support" assume varied meanings in the context of different cultural traditions. The question of organizational structure for the delivery of services to offenders may, therefore, have to be decided in keeping with current social values and staff resources for each particular context. In certain developing areas, special attention should be given, in the absence of formal organizational structures, to innovative approaches involving positive attitudinal change in traditional institutions.

4. Traditional agents of social control, such as the extended family and social and ethnic associations in urban areas, should be encouraged to reintegrate offenders

The increasing emphasis on deinstitutionalization has led to a concerted attempt to develop diversion techniques and alternative programmes to deal with offenders within the community itself. There are countries which can still utilize traditional agents of social control, including the family and political, social, religious, fraternal, common-interest and ethnic associations. In the wake of socio-economic transition, such cultural agents must be preserved so that they can counteract criminogenic forces and sustain their in-built control over deviant behaviour. Even in urban areas there is definite scope for retaining and revitalizing such cultural agents of social support for the rehabilitation of offenders.

5. The work of all agencies should be harmonized in accordance with relevant cultural traditions. Although social services can never take over the work or function of criminal justice agencies, the need for an effective working relationship between the two should be emphasized at the national and local level

There is an instinctive tendency on the part of agencies to defend their boundaries and to compartmentalize their functioning. Although the control functions of criminal justice agencies can never be wholly substituted for by social services, the quality and the efficacy of the former undoubtedly depend on the latter. The supportive role of social services vis-à-vis the control function of the criminal justice system may have to be defined in relation to

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the purposes to be achieved and the specific functions to be performed. The modes and modalities of establishing a constructive relationship between the social services and criminal justice agencies should be based on societal norms and existing organization systems.

6. The importance of the availability of social services, starting at the moment of arrest, should be emphasized

The concept of "through care" implies that appropriate and necessary services are provided to the offender from the moment of arrest. The police, as the first "filter" in the system, deal with offenders in the least artificial setting, and thus may have an insight into an individual's problems and a unique opportunity for practical intervention. Though police work in most cultures has a socially supportive character and is not restricted to enforcement of the criminal laws, the notion of "through care" requires the effective association of social service agencies with the agencies of law enforcement.

7. The training needs of the staff in social service agencies - and in other agencies likely to come into contact with or be influenced by social service agencies - should be examined and adequately met. This would include an understanding of the implications of working within the criminal justice system for those not experienced in it

Lack of sensitivity towards the basic issues involved in the delivery of social services for the rehabilitation of offenders on the part of the staff providing those services or coming in contact with offenders may be a major factor in the possible tensions between social control and social support. The implications are primarily conceptual and philosophical, involving a change in the perception and values of personnel in all relevant services, but they can affect the practical implementation of any programme. The complementary nature of the functioning of the various agencies concerned with offenders may need to be strongly emphasized in such training.

8. The role and appropriate use of volunteers in addition to professional staff, should be examined, defined and expanded

The use of volunteers in providing social services for the rehabilitation of offenders has inherent advantages. Volunteers are free of the bureaucratic and other constraints felt by professionals and may be better able to mobilize community resources. Although the level of public confidence is a factor in the use of volunteers, their involvement can contribute significantly to the provision of social services and to a more positive attitude towards offenders.

Ultimately, any really effective approach will have to draw on the community potential as well as professional services in a manner which will permit the two to reinforce each other and thus to optimize such resources as may be available.

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