

- Forum:** Advisory Panel Question (APQ) on Economic Inclusion
- Issue:** The question of post-incarceration financial security for criminal offenders
- Chair:** Sophie Wong, Deputy President
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Introduction

Prison systems worldwide have grown from 200,000 to 1,600,000 between 1950 to 2016. Prison population began to grow in the 1970s and peaked in the late 1980s. From the rights of criminal offenders to living conditions in prison facilities, and even the stability of countries' economies, mass incarceration has surfaced as a civil rights issue. Recently, 600,000 people are transitioning from prisons to communities every year. Recidivism serves as an indicator of the effectiveness of countries' criminal justice system. While a country's recidivism rate increases, the unemployment rate increases as well. Over a long period of time, the country loses a large portion of its labor force, causing the economy to suffer from a decline. The continuous issue recidivism leads to the lack of proper financial security former criminal offenders have. People in poverty have a higher chance of being convicted of small crimes whereas the wealthy hold access to the world's most exclusive resources. People experiencing poverty are confined in an endless cycle of recidivism and are one of the main focuses of this issue.

Ex-convicts are occasionally discriminated against for their past record. Often employers avoid hiring employees with past experience of incarceration, causing the unemployment rate to rise. Moreover, without proper knowledge, support and experience, former offenders are unable to earn profit and reach economic stability. Unfamiliar procedures including opening bank accounts, using credit cards and saving money leads them into making bad decisions financially. Most ex-convicts don't hold a bank account as they grew up where products and services were often "cash only". This leads to the necessity of financial aid and policies. Rehabilitation and educational services for the former incarcerated should be funded by governments and NGOs. With proper knowledge of steps to achieve financial security, former offenders receive an opportunity to contribute to the economy.

Definition of Key Terms

Incarceration

Incarceration refers to confinement in jail or prison. The experience of incarceration can often be petrifying. New prisoners usually go through five stages of incarceration. This includes denial, anger, bargaining, depression, and acceptance. Denial begins when the convict enters prison with a sentence over 10 years, they encounter emotions of rebellion and refuse to believe reality. When they are forced to face reality, prisoners become angry, causing some to join gangs and become violent. Bargaining involves thoughts of regret and “if only” statements. Depression starts to sink in when prisoners lose hope and grieve their loss of freedom. Lastly, after realizing the long sentence they have to serve, they begin to accept what has happened. Most often, attitudes of prisoners will improve as well as developing a sense of peace.

Post-Incarceration

Post-Incarceration is a period of time where a criminal offender is released from prison under the supervision of an officer in their community. While being released certainly has its positives, for inmates who served long sentences, apprehension also comes with post-incarceration. Former criminal offenders often travel to transitional facilities called halfway houses. They are given the same rights as everyone else but are being monitored by officials. This period of a supervised release will usually last 3 to 5 years. During this period of time, ex-convicts often face a countless number of challenges including lack of income and resources, leading them to become victims of the Post-incarceration Syndrome (see below).

Post-incarceration Syndrome (PICS)

Post-incarceration Syndrome, or PICS, is a mental condition that occurs in people who have been in jail. The longer the person is incarcerated, the syndrome is more likely to worsen. This may be caused by factors including emotional needs and skills to self regulate prior to being incarcerated, length of incarceration, previous experience of abuse as well as their ability to engage in institutional programs. Symptoms of PICS could include institutionalized personality traits, Post Traumatic Stress Disorder (PTSD), antisocial personality traits, and substance use disorders.

Financial Security

Financial security means being economically stable, in other words, having enough money to cover financial expenses and obligations such as emergencies and healthcare. It includes having enough income, being debt-free and ability to control finances. The peace of mind when expenses are organized and savings is another aspect for proper financial security. Not only that, it is a crucial aspect of business and being successful in reaching long-term financial goals. Financial security can be

obtained through getting out of debts, saving for retirement, establishing an emergency fund as well as earning passive income. However, this is exceptionally difficult for ex-convicts to achieve due to their past record and the way the community views them.

Criminal Offenders

The word “offender” originated from “offend” which refers “to sin against” whereas “criminal” came from “crim” which indicates crime or fault. Criminal Offenders signifies someone who breaks the law. This could include first time offenders (who might only have to pay fine/community service), drug offenders (people arrested for illegal drug dealing), and juvenile offenders (young offenders). Types of crimes could vary. Some examples include crimes against persons (a.k.a. personal crimes) which include murder, aggravated assault, and rape. Crimes against property (a.k.a. property crimes) involved theft without harming the body, for instance, burglary, larceny, auto theft, and arson. Crimes against mortality (a.k.a. victimless crimes) are crimes that do not involve victims, including prostitution, illegal gambling and illegal drug use.

Recidivism

Recidivism is the tendency or rate for a convicted criminal to reoffend. Robbery offense has the highest recidivism rate at 76.9% while property crimes hold 66.4% and burglary & drugs holds 62.7%. It is one of the significant problems for criminal justice systems around the world. A government’s criminal justice system has the purpose of preventing convicts from repeating a crime while recidivism completely contradicts the idea. With growing recidivism rates around the world, many organizations have begun studying the issue and establishing rehabilitation programs to combat this issue. Causes for recidivism may include the convict’s previous incarcerations as well as developing mental illnesses while serving their sentence.

Unemployment Rate

The word “unemployment” refers to those who do not have a job. It is a useful way to evaluate the system of labor market inequality. The calculation of unemployment rate allows researchers and countries to examine the labor market and its inclusivity. Unemployment can be measured by using the Establishment Report, where a random selection of employers are questioned regarding their employees. The Current Population Survey is another way of measuring unemployment where household surveys are conducted and asks about the employment of each family member in the home. Unemployment is categorized into 4 areas: frictional unemployment, structural unemployment, cyclical unemployment, and seasonal unemployment. Frictional unemployment is due to the temporary transitions in peoples’ lives, such as when they are in a transitional period of moving. It is the most common type of unemployment and has always affected the economy greatly. Structural unemployment is caused by the lack of jobs available as well as the lack of knowledge applicants hold. This is shown

most through technology industries. Cyclical unemployment is a result of declining demand and often depends on the consumers. Seasonal unemployment gets affected by the changing of seasons and the industries. An example would be the unemployed agricultural workers after crops are harvested.

Background Information

Causes

People in Poverty

People experiencing poverty often have a higher chance of getting convicted and arrested for minor offenses. For someone with low income, a small crime such as driving on a suspended license could result in severe consequences such as the loss of employment, criminal charges, and homelessness. Many people in poverty are discriminated against, causing them to be in an endless cycle. On the other hand, the wealthier has access to exclusive education, financial resources as well as funds to support them. Once one in poverty is incarcerated, the chance of getting employed after incarceration drastically becomes lower, resulting in the cycle of recidivism and the increasing number of people in incarceration. In comparison, the wealthy continuously have access to financial resources and funds they need to endure post-incarceration challenges.

Lack of Support & Knowledge

Released convicts receive little to no emotional support from the community or close-ones, depending on their relationships. This leads to them being unsure of their necessities and steps towards their financial goals as many suffer from PICS. Ultimately resulting in the lack of resources and funds needed to survive. Former criminal offenders are frequently uneducated and did not receive prior education. They only have the knowledge that they have previously learned before they ended up behind bars. Old habits and lifestyle get in their way and tempts them to commit the same crime, causing the recidivism rate to increase over time. Without receiving education on financial fundamentals and ways to access their assets, they re-enter the community without the ability to obtain profit.

Employment Issues

Unemployment remains to be an enormous cause for the absence of financial security. A 5 year study by the National Reentry Resource Center reveals less than half of the people released from prison secures a job after their release. Additionally, 70% of former criminal offenders believed that their record affected their job search. After their period of incarceration, 43% of the respondents were employed. To this current day, only 31% are still employed.

Generally, employment allows ex-convicts to gain economic stability, reducing the chances of recidivism and provides a safer community for all. Nonetheless, the lack of respect for former criminal offenders causes them to get shut out of the market.

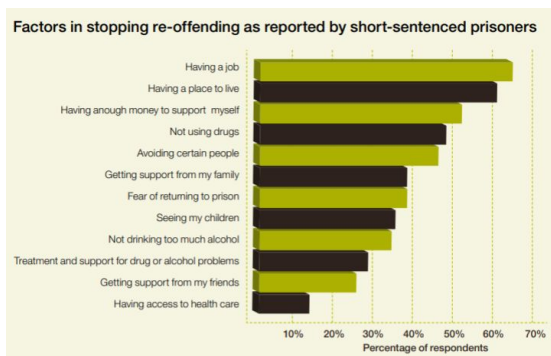
Effects

Economy

High incarceration rates in countries may have disastrous consequences caused by factors of loss of adults working in communities and the continuous cycle of recidivism. As the incarceration rate increases, the unemployment rate increases as well. Labor force plays an important role in the country's labor market as it represents the labor resources available to produce products. By expanding the labor force, the economy will experience a boost. However, by condensing the labor force due to mass incarceration, the economic productivity of the country will decrease, resulting in a moderate decline.

Instability in Communities

Communities with high incarceration rates often experience stress and anxiety. Children with their guardians in incarceration often suffer from mental illness and proper abilities to learn. This causes them to have a high risk of experiencing life in poverty, later on, getting arrested in their teenage years. After their first arrest, they will be on the path of repeated incarceration. Conflicted individuals affected by the incarceration of their loved ones are frequently unable to seek for stable employment or housing, resulting in high unemployment in the country.



Caption #1: Data chart of causes for re-offending

Major Countries and Organizations Involved

United Nations Office on Drugs and Crime (UNODC)

The UNODC supports member states to end the cycle of recidivism as they provide guidance on rehabilitation programs in the world. The organization developed a “Roadmap for the Development of Prison-based Rehabilitation Programmes” which assists prisons to establish efficient and effective programs for convicts. The UNODC also provides guiding tools such as the “Handbook on Anti-Corruption Measures in Prisons” and “Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders”. They wish to collaborate with member states in implementing a new version of prison rehabilitation programs internationally.

European Union (EU)

The European Union is a political and economic alliance. It consists of 27 European member states and has the incarceration rate of 111 prisoners per 100,000 people as of 2018. Fortunately, the number of prisoners incarcerated decreased with a reduction of 10.4% between 2012 and 2016. The EU’s implementations of resolutions and agreements, European member states are able to maintain a stable incarceration rate while also creating opportunities for ex-convicts when they re-enter communities. The *Green Paper on the Application of EU criminal justice legislation in the field of detention* which was executed on March 27, 2011, consists of data and assessments on the rate of prison populations as well as strategies of improving detention conditions.

World Health Organization (WHO)

The World Health Organization strictly values the physical and mental health of every human being. While countless prisons are often the cause of health illness, the WHO focuses on increasing efforts to reduce the risks to health and the human rights of every former convict. Additionally, the WHO carries out the United Nations Basic Principles for the Treatment of Prisoners that is in support of “prisoners having access to the health services available in the country without discrimination on the grounds of their legal situation” of Principle 9, A/RES/45/111.

United States of America (USA)

Half of the world's prison population (9 million) is in the United States, Russia, and China. The US holds the highest prison rate of 724 prisoners per 100,000. The U.S. The Department of Justice discloses that about 40% of former federal prisoners and more than 60% former state prisoners get rearrested within 3 years of their release. Financial security for criminal offenders continues to be an enormous issue in the United States. 650,000 men & women are released each year with PTSD, in other words, about 10% to 25% US prisoners suffer from mental illnesses. Offenders who are younger than

age 21 hold the highest recidivism rate of 67.6% while offenders who are over 60 years old have a recidivism rate of 16%. Annually, the US economy loses between \$57 billion USD - \$65 billion USD due to the high incarceration rate & unemployment rate. The issue of mass incarceration remains to be a burden to the US economy.

Russian Federation

As one of the three countries that have a high prison population, Russia held the prison rate of approximately 386 prisoners per 100,000 in 2019, which declined compared to previous years. The incarceration rate was at 604 prisoners per 100,000 in 2009. Russia's recidivism rate is one of the highest in the world. The Federal Penitential Service shows that at least half of Russia's incarceration population includes people who have already served sentences before. As of 2019, the most common type of crime in Russia is theft, which holds over 38% of the total number of offenses recorded. 13% of crimes committed were categorized as fraud. Russia is in need of effective rehabilitation programs to support former offenders in their financial difficulties.

People's Republic of China

China's prison rate is currently at 120 prisoners per 100,000 with a grand total of prisoners at 1,700,000. However, China's recidivism rate is one of the lowest in the world. For a long period of time, it remained at 6% - 8%, which is relatively low compared to western countries. This may be a result of the legal capital punishment penalty in China due to murder or drug trafficking. Between 2003 - 2014, the number of women incarcerated has increased rapidly by 46%, shown by research, 10 times faster than the growth rate of men incarcerated.

India

India's prisons have a total of 478,600 prisoners across 1,350 institutions throughout the country. The incarceration rate is 35 convicts per 100,000, while female prisoners take up 4.2%, juveniles take up 0.1% and foreigners with 1.2%. India's recidivism rate is at 3% with 5,576 people arrested for reoffending in 2015. The prison population total has been a steady increase since 2000. The most common crimes that result in incarceration include rape, domestic violence, illegal drug trade, and arms trafficking. India's prisons are often "life threatening" and hold the occupancy rate of 114%. More advanced and improved facilities for rehabilitation will further benefit the country's economy and growth.

Brazil

Brazil holds over 811,000 inmates, between 2000 - 2015, Brazil's incarceration rate had increased by 170%. Brazil's overcrowded and understaffed system causes prison authorities to lack training. The uneducated staff then abuses vulnerable convicts, who then become the victims of mental

illness. However, Brazil's recidivism rate of these units is only around 10%. The low reoffending rate allows the country to remain productive while its unemployment rate declines by 0.25%.

Pakistan

Pakistan's incarceration population rose from 72,242 to 79,603 from April to August 2020. Pakistan's incarceration rate is at 38 prisoners per 100,000. Female prisoners take up 1.6% while juveniles take up 1.7%, and foreigners with 1.2%. Pakistan has a total of 98 institutions for incarceration while their official capacity is 57,742, resulting in the occupancy level to be 133.8%. Pakistani prisons are usually overcrowded, causing management issues in the prison, mainly with the problem of separating high and low risk prisoners.

Timeline of Events

Date	Description of event
March 23, 1976	International Covenant on Civil and Political Rights adopted and opened for signature. This resolution focuses on the rights of individuals who are incarcerated, specifically in the area of freedom.
June 26, 1987	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ratification and accession by the General Assembly. This document primarily has the focus of torturous punishments and the treatment of criminal offenders.
February 2011	"Prison Reform and Alternatives to Imprisonment" Concept Note published. It was prepared by the Justice Section, Division for Operations of the UNODC. The note consists of the method of how the UNODC will deliver technical assistance to countries to reform prison systems in coordination with the United Nations.
August 10, 2015	U.N. Human Rights Council formally adopts the first UN report on mass incarceration(A/HRC/30/19). The U.N. commissioner for Human Rights addresses the over incarceration and overcrowding in prisons around the world.
September 27, 2019	UN Universal Periodic Review Joint Shadow Report: United States of America "Race, Criminal Justice, and Human Rights" submitted. The report describes current issues of mass incarceration as well as the rights of former offenders.
August 31, 2020	Guide on the case-law of the European Convention on Human Rights (Updated)

Relevant UN Resolutions and Treaties

- **Basic Principles for the Treatment of Prisoners, December 1990 (A/RES/45/111)**
- **United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, 16 March 2011 (A/65/457)**
- **UNHRC Human rights implications of over incarceration and overcrowding (A/HRC/30/19)**
- **OHCHR Human Rights and Prisons, 2005**
- **UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) (Adopted by the UN Congress on the Prevention of Crime and the Treatment of Offenders & the UN Economic and Social Council)**

Possible Solutions

Set up educational training for prisoners to foster social reintegration. Criminal Offenders have a frequent characteristic of distorted thinking such as misinterpretation of actions and the displacement of blame. “Cognitive-behavioural” therapy uses training and rehabilitation to self-correct their thinking patterns, eliminating anger management issues while developing maturity. This way of rehabilitation has positive effects in preventing recidivism and thus, ex-convicts hold a better skill set when re-entering the community. Training sessions could be held by well-researched and educated officials as well as counselors who have prior experience in interacting with convicts. However, the possible resistance of prisoners might worsen their mental state as well as their ability to control their own actions.

Establishment & assessment of prison-based rehabilitation programs. Instead of focusing on punishments and the incarceration methods of prisoners, rehabilitation programs should be implemented in order to help convicts become productive and contributing members of society. However, many rehabilitation programs in prisons are often shut down due to inadequate funding. With governments in support for programs like these, funds can be accessed and used to better equip officials and educators in developing reconstruction programs. Moreover, many prisons hold rehabilitation programs yet some are effective and some aren't. While annually assessing their programs with well-educated government officials, countries are able to accurately oversee how prisoners are being treated. Evaluations on effectiveness of the program should take place, further allowing prisons to improve their programs in order for convicts to be educated & improved. Nonetheless, due to the amount of prisons worldwide, assessments would require adequate cooperation between governments and prison staff.

International & domestic development of legal aid policies. Governmental policies and national aid to ex-convicts can be extremely helpful. They receive better support as well as fundamental needs to start a business or the process of securing financial security for themselves. However, other groups with special needs might have the same request, causing governments to lean towards a specific group which then contradicts the fairness of government. While recidivism rates are different worldwide, it would also be difficult to come to a consensus of policies that will benefit the entire house at the same time. Nonetheless, this could be overcome by developing separate solutions as well as unified agreements. The UN Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules, serves as an example of universal support for the prevention of crime. It was adopted by the UN Congress on the Treatment of Offenders in 1995 and later approved by the UN Economic and Social Council in 1957. The resolution includes the implementation of medical and healthcare services that are aimed to provide aid to former convicts.

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