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INTERNATIONAL PERSPECTIVE ON REHABILITATIVE JUSTICE: ASSESSING THE NEED FOR REFORM OF CRIMINAL PUNISHMENT AND PROTECTION OF HUMAN RIGHTS

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I. ABSTRACT

In contemporary legal settings, rehabilitative criminal punishment has been criticized for its high cost in integrating rehabilitated criminals into society, ineffectiveness, infringement on human rights, and the risk of creating a wide net of penal control. It has also been critiqued for the potential for sentencing disparities based on perceived needs for rehabilitation rather than the severity of the crime, and the lack of traditional due process safeguards within rehabilitative programs. The long-term argument has been that the system is too forgiving, thereby undermining the goal of retribution and failing to express society's moral disapproval of criminal acts. Rehabilitative justice focuses on reforming offenders and reducing recidivism by addressing the root causes of criminal behavior through programs like education, vocational training, counseling, and substance treatment. This research investigates the effectiveness of rehabilitative justice through a comparative legal analysis of correctional and reintegration frameworks in India, Liberia, and the United States, examining vocational training and mental health programs in Indian prisons alongside Liberia's Disarmament, Demobilization and Reintegration (DDR) strategies and rehabilitation models within the U.S. criminal justice system. The study seeks to identify key gaps in reducing recidivism, promoting inmate social reintegration, and improving post-release support systems. With consistent criticisms and revealed facts affecting the rehabilitative system, it is important to employ strategic measures that would mitigate the challenges faced with this system; the fear of it becoming a failed system would be the outcome. These measures include adopting a holistic human rights-based approach focused on education, vocational training, psychological support, and social reintegration to reduce reoffending and promote public safety. Key reform

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efforts should be guided by United Nations standards and supported through internationally recognized human rights frameworks. National systems must align their laws, policies, and correctional practices with core principles such as individualized assessment, non-custodial measures, and structured post-release support. A coordinated, multi-sectoral approach involving both governmental institutions and civil society actors is essential to ensure sustainable reintegration outcomes.

II. KEYWORDS

Criminal Justice, Rehabilitation, Human Rights, Reintegration, Criminal Reformation.

III. INTRODUCTION

Rehabilitative criminal justice can be traced to have emerged from the combination of the Enlightenment-era humanitarian reforms and the 19th - century rise of the social and behavioral sciences, with its most prominent initial development occurring in the United States and Europe in the late 19th and early 20th centuries. The Enlightenment saw a shift from brutal, purely punitive punishments, including hanging and public shaming. This period was led by thinkers such as Cesare Beccaria and Jeremy Bentham, who advocated for more humane punishment and argued that penal sanctions should serve utilitarian purposes, including deterrence and social reform.

Bentham's seminal work, *An Introduction to the Principles of Morals and Legislation* (1789), laid the intellectual foundation for punishment grounded in rationality and proportionality. This era was followed by the Penitentiary system in the late 18th and early 19th centuries, where its proliferation was in the U.S. and Europe. Early prisons like those in Auburn, New York, aimed to reform inmates through isolation, silence, and hard labor, with the belief that reflection would lead to a return to their inherently good natures. A pivotal shift occurred with the rise of the Positivist school of criminology around the 1870s, a movement influenced by *Cesare Lombroso and Franz Von Liszt*, who proposed that crime was a result of biological, psychological, or social factors rather than a rational choice.

Their theory led to the formation of the ‘medical model theory of corrections,’ which views crimes as sickness or pathology that can be treated and cured through therapeutic interventions, education, and vocational training. The model’s focus shifted from the crime itself to the offender’s personality and the underlying causes of their behavior.

It is important for law enforcement officials and the state to understand criminal conduct, to predict and understand the factors influencing criminal behavior through evidence-based, cognitive-social learning perspectives. As pioneered by D.A. Andrews and James Bonta, this approach emphasizes the Risk, Needs, and Responsibility (RNR) model to assess risk, target criminogenic needs, and rehabilitate offenders. It aims to reduce recidivism by studying the thoughts, intentions, and actions of offenders to explain the causes of crime. The RNR Model is a framework central to reducing recidivism through:

1. Risk Principle, whereby officers tend to match the intensity of treatment to the offender’s risk level (high risk needs more, low risk needs less).
2. Need Principle: that targets criminogenic needs, which are factors directly related to crimes, such as antisocial attitude, peer groups, and personality traits.
3. Responsibility Principle, which delivers treatment in a way that is engaging and appropriate to the offender’s learning style and capabilities.

Criminal behavior is viewed as consisting of both individual personality traits like impulsiveness and aggression, and social learning through their interaction with others who hold criminal attitudes. By understanding these factors, law enforcement officers can move from just reactive policing to proactive crime prevention and effective rehabilitation. Understanding the why behind crimes enables officers to move beyond retribution towards addressing root causes, which ultimately fosters public safety and reduces recidivism.

Broadly, four principal theories of punishment are recognized: retributive (proportional retribution), deterrent (prevention through fear of sanction), reformatory (rehabilitation and reintegration of the offender), and preventive (incapacitation to avert further harm).

Each theory has attracted criticism for being either ineffective, excessively lenient, inhumane, or economically burdensome.

Against this theoretical backdrop, the subsequent sections of this paper examine the relationship between recidivism and reintegration, analyze the interconnection between rehabilitative and restorative justice, and undertake a comparative assessment of India, Liberia, and the United States to evaluate structural reforms necessary for a human right-compliant rehabilitative framework.

A. Research Questions

While evaluating the significance of rehabilitative criminal justice and its protection of human rights, this paper will answer the following questions.

1. How does rehabilitative justice promote human rights?
2. What is the relationship between restorative justice and rehabilitative justice in criminal punishments?
3. What reforms need to be made in rehabilitative criminal justice?
4. What crimes necessitate rehabilitative justice and what crimes necessitate deterrent punishments?

B. Research Objectives

The objective of this study is to.

1. Evaluate the impact of vocational training and mental health services on inmate reformation in Indian jails.
2. Assess the role of community-based reintegration programs in Liberia's transitional justice framework.
3. Compare the legal and structural challenges inhibiting effective rehabilitation across all three jurisdictions under study - India, Liberia, and the United States.

C. Research Hypotheses

1. Rehabilitative programs incorporating vocational training and structured mental health interventions significantly reduce recidivism rates compared to purely punitive incarceration models.
2. Criminal justice systems that adopt community-based reintegration and non-custodial measures demonstrate stronger human rights compliance and lower prison overcrowding than systems relying predominantly on custodial sentencing.
3. Comparative implementation of rehabilitative frameworks in India, Liberia, and the United States reveals that integrated, multi-sectoral approaches produce more sustainable reintegration outcomes than fragmented correctional policies.

D. Research Methodology

The paper employs qualitative research methodology to explore the ideas, concepts, and applications of rehabilitative criminal justice across international borders. By observing and investigating the distribution of justice, the rewarding of punishments, and the incarceration of criminals in India, Liberia, and the United States, this paper uses both primary and secondary sources for in depth understanding of the subject matter. The primary sources are derived from international treaties, constitutional provisions, case laws, and state legislation to provide a more authentic and accurate discourse, while the secondary sources are from reputable journals, articles, websites, and blogs. Collectively, these sources are used to provide authentic, balanced, and comprehensive discourse on the subject matter.

E. Review Of Literature

Scholarly discourse on rehabilitative justice has evolved significantly through criminological, psychological, and human rights-based analyses. Andrews and Bonta's Risk-Need-Responsivity (RNR) Model remains one of the most empirically validated

frameworks in correctional rehabilitation, emphasizing risk assessment, targeting criminogenic needs, and delivering treatment responsive to offender characteristics. Empirical studies consistently demonstrate that adherence to RNR principles correlates with measurable reductions in recidivism, particularly where cognitive-behavioral interventions are implemented systematically.

Complementing rehabilitative theory, Howard Zehr's foundational work on restorative justice reconceptualizes crime as harm to relationships rather than merely a violation of state authority. Zehr argues that justice processes should prioritize victim participation, offender accountability, and community healing. Subsequent empirical research indicates that restorative conferencing models contribute to higher victim satisfaction rates and may reduce reoffending when integrated with rehabilitative programming.

International institutional reports further reinforce these findings. Publications from the United Nations Office on Drugs and Crime (UNODC) highlight overcrowding, under-resourcing, and lack of post-release support as principal contributors to recidivism globally. UNODC guidelines advocate individualized sentencing, non-custodial measures, and structured reintegration strategies as essential components of sustainable criminal justice reform.

Comparative studies across jurisdictions reveal that systems emphasizing education, vocational training, and mental health treatment demonstrate more promising reintegration outcomes than purely deterrent or incapacitative regimes. Empirical analyses from the United States indicate that evidence-based correctional programming reduces reoffending rates when properly funded and implemented, while transitional justice literature on post-conflict societies such as Liberia underscores the role of Disarmament, Demobilization, and Reintegration (DDR) mechanisms in stabilizing communities and preventing relapse into violence.

Collectively, the literature establishes that effective rehabilitation requires a structured, evidence-based approach integrating criminological theory, restorative practices, and human rights standards. However, implementation gaps, political resistance, and

institutional constraints continue to undermine the full realization of rehabilitative ideals in practice.²

IV. RECIDIVISM VS REINTEGRATION

Recidivism refers to the tendency of individuals or convicted criminals to reoffend, resulting in a relapse into criminal behavior, re-arrest, or re-incarceration after serving a prior sentence. It is a core criminal justice measure of rehabilitation success that typically tracks repeated offences within a 3-year period following release. It includes measuring what is quantified as a “recidivism rate” that measures the percentage of former prisoners who are rearrested, reconvicted, or returned to prison. The major drivers of recidivism include lack of education, unemployment, poverty, social stigma, and ineffective rehabilitation, which make it difficult for individuals to reintegrate into society. Reintegration refers to the transitioning of individuals from incarceration back into society, aiming to reduce recidivism, fostering self-sufficiency, and restoring social, family, and employment ties.

It involves addressing critical needs like housing, employment, mental health, and substance abuse, treatment often through parole, halfway houses, or community-based programs. Both recidivism and reintegration are interconnected in rehabilitative criminal justice, as they are negative and positive in nature. Negatively, rehabilitation aims to reduce recidivism and ensure reintegration through vocational training, mental health services, and community sentencing.

V. REHABILITATIVE AND RESTORATIVE JUSTICE: THE INTERCONNECTED APPROACH

In contemporary legal systems, both rehabilitative and restorative justice for criminals is interrelated, although they may be of distinct approaches to criminal justice.

² Punishment and Rehabilitation in Criminal Justice System, The Colleges of Law, January 22, 2025 <https://www.collegesoflaw.edu/blog/2025/01/22/criminal-justice-reform-california-punishment-rehabilitation/#:~:text=Restorative%20justice%20aims%20to%20cater,and%20offenders%20reach%20meaningful%20agreements.>

Rehabilitative justice focuses on changing an offender's behavior through support and resources to prevent future crime, restorative justice prioritizes repairing the harm caused by the crime by involving the victim, offender, and the community in a dialogue that promotes accountability and reintegration. Practically, both approaches are interconnected, as restorative justice can serve as a powerful tool for rehabilitation because it holds offenders accountable while also facilitating the personal growth and reintegration needed to reduce recidivism.

By shifting the focus from punishments to repairing harms and reintegration, restorative justice empowers victims by giving them a voice, reducing the feeling of powerlessness, and holding offenders accountable through dialogue, while rehabilitative justice addresses the root causes of the crime to change the offender's future behavior and reduce his recidivism. These approaches collectively work to repair harm to victims, offenders, and the community at large³.

VI. PUNISHMENT AND REHABILITATION IN INDIA CRIMINAL JUSTICE SYSTEM

India's use of restorative and rehabilitative criminal justice aiming at reforming offenders, repairing harm and reintegration is evident in the *Juvenile Justice Act, 2015*⁴ and emerging efforts to decongest prisons and offer victim-centered approaches. Key instruments include victim compensation, offender rehabilitation programs like counseling, vocational training, and community involvement to break the cycles of crime. There are, however, challenges like limited resources, lack of awareness, and judicial resistance for adult offenders. While strong constitutional backing exists, practical adoption for adults is slow, with efforts like the *Jan Vishwas Act, 2023*⁵ decriminalizing minor offenses, but more training and legislation are needed for widespread success.

³ Restorative Justice; Need for Restorative Justice as a Tool for Rehabilitation of Children in Conflict with the Law, P. Hymavathi. September 25, 2024

⁴ Juvenile Justice (Care and Protection of Children) Act, 2015 (Act No. 2 of 2016) Parliament of India

⁵ Jan Vishwas (Amendment of Provisions) Act, 2023 Parliament of India

The *Juvenile Justice Act of 2015* is the primary legislation governing juvenile justice in India that recognizes the importance of restorative justice and provides for the establishment of Juvenile Justice Board (JJBs) in every district. These Boards are primarily tasked with ensuring that restorative justice measures are implemented or juvenile in conflict with the law⁶. By prioritizing reform over punishment, focusing on the child's development through counseling, education, and vocational training, using child-friendly procedures, and providing supportive institutions like Juvenile Justice Boards (JJBs) and Special Homes for holistic reintegration, aiming to prevent recidivism and correct underlying issues rather than just penalizing. Significantly, the 1980 case of *Sunil Batra vs Delhi Administration*⁷ wherein the Hon'ble Supreme court established that prisoners retain fundamental rights, particularly under *Article 21* right to life, which means that they cannot be subjected to inhumane treatment, torture, or arbitrary solitary confinement, the ruling affirmed judicial power to intervene in prison matters to prevent abuse, treating complaints as writ petitions and demanding humane conditions, thereby significantly advancing prisoners' rights in India. The case shifted the focus of the prison system from purely punitive to reformatory and rehabilitative philosophies. The Supreme Court's emphasis that prisoners are entitled to constitutional rights and dignity led to greater judicial oversight and mandates for humane treatment and reformatory programs.

Another significant case is the 1986 case of *Sheela Barse v Union of India*⁸ where the court emphasized the need for humane treatment of juveniles in custody, ensuring that they were not confined with adult criminals. The court's directions in this case and many others laid down the groundwork for the modern juvenile justice system, which prioritizes a rehabilitative and restorative approach. In *Bachan Singh v State of Punjab of 1980*⁹, a case concerning the death penalty, the Hon'ble Supreme Court established the

⁶ Systems of Restorative Justice and Juvenile Justice in India; a Brief Comparative Study with Latin American System https://www.scielo.org.mx/scielo.php?script=sci_arttext_plus&pid=S1870-05782024000100131&lng=es&tlng=en&nrm=iso#:~:text=of%20such%20cases.-VIII,which%20hinders%20its%20wider%20implementation.

⁷ *Sunil Batra vs Delhi Administration* 1980 SCR (2) 557

⁸ *Sheela Barse vs Union of India* 1986 AIR 1773

⁹ *Bachan Singh vs State of Punjab* (1982) 3 SCC 24

rarest of rare” doctrine and emphasized that courts must consider the possibility of an offender’s reformation and rehabilitation as a mitigating factor before imposing the death sentence. Despite these efforts by the Judiciary, a major challenge in the Indian correction system ranges from severe overcrowding, increasing population of undertrial prisoners, custodial torture, poor infrastructure, inadequate healthcare, staff shortage, slow trials, lack of rehabilitation, and human rights violations, which thus leads to poor living conditions, increased disease, and psychological distress for inmates.

With such staggering reports backed by data from the *National Crimes Record Bureau* suggesting that undertrial prisoners are about 74-75% of India’s total inmates¹⁰, the figure shows around 4 lakh undertrials out of 5.3 lakh prisoners as of late 2025, illustrating a slight dip from the 77% in 2021¹¹ to 74% in 2023 and the number remain high, indicating judicial backlog.

The Indian new penal law called the *Bharatiya Nyaya Sanhita (BNS), 2023*¹², with specific implementation details and frameworks still evolving, the *BNS* has for the first time introduced community service as a novel form of punishment, defining it as unpaid work benefiting the community, thereby replacing traditional jail time but for certain petty crimes like petty theft, public nuisance, or non-appearance in court. This was introduced with the aim of promoting the idea of rehabilitation rather than just punishment. As a means of promoting the idea of rehabilitative and restorative justice in India, the Indian *BNS* introduces community service as a structured punishment focusing on offender reintegration, offering victim compensation, and encouraging alternatives to strict imprisonment through mediation and education/vocational training, aiming to address

¹⁰ Prison Statistics India 2022; National Crime Records Bureau, Ministry of Home Affairs: State UT-wise Number of Undertrials Confined I Major Indian Penal Code (IPC) Crimes from 2020 to 2022, Open Government Data (OGD) Platform India, pg. 124 IPC Crimes <https://www.data.gov.in/resource/stateut-wise-number-undertrials-confined-major-indian-penal-code-ipc-crimes-2020-2022>

¹¹ The burgeoning share of under-trial prisoners in India’s jails: Centre for Economic Data & Analysis, September 27, 2022 <https://ceda.ashoka.edu.in/the-burgeoning-share-of-under-trial-prisoners-in-indias-jails/>

¹² *Bharatiya Nyaya Sanhita (BS) 2023* (Act No. 45 of 2023) Parliament of India

root causes of crimes, reduce recidivism, and build community trust by balancing punishment with societal repair.

VII. CRIMINAL JUSTICE IN LIBERIA: EVALUATING PUNISHMENT METHODS, FACILITIES, AND PRISONERS' RIGHTS

Liberia punishes criminal offences through the judiciary by imposing fines, imprisonment, and the death penalty. While Liberia has a death penalty codified in its statutes, the country is considered abolitionist in practice as there have been no executions since 2000. Unlike petty offences, serious crimes like armed robbery can result in life imprisonment. There are critical challenges in the Liberian criminal justice system that range from severe, chronic under-resourcing, widespread corruption, and a reliance on informal or traditional mechanisms leading to high rates of pretrial detention amounting to 80%, and overburdened courts, poor prison condition and limited access to justice are the result of the said challenges. The system has been considered largely ineffectual due to low police capacity, lack of public trust, which results in frequent reliance on mob justice. The overpopulated Monrovia Central Prison houses over 1,554 inmates, significantly exceeding its designed capacity of 370-374 inmates, and pre-trial detainees make up the majority of the population, which often leads to poor sanitary conditions and shortages in food and resources¹³.

VIII. THE MONROVIA CENTRAL PRISON: CORRECTIONAL BUREAU VS HUMAN RIGHTS VIOLATION

*Article 21(D)*¹⁴ of the 1986 Constitution of the Republic of Liberia prohibits torture, inhumane treatment, and confinement in dark cells, and guarantees procedural safeguards to persons accused of criminal offences.

¹³ Jack Healy, John H: Liberia Prisons: Where Inmates are Short of Food and Space, Jan. 31, 2022 <https://storymaps.arcgis.com/stories/14a2298d90364df48b07c219ad720e37>

¹⁴ Const. of Liberia, 1986 (art. 20 cl. D) Republic of Liberia

However, the livelihood of inmates at the Monrovia Central Prison is opposite to those legally guaranteed rights; these inmates are confined within their respective cells and may only be let out at the discretion of the correctional officers. The MCP was originally established to accommodate 374 inmates but has significantly exceeded its original capacity and is overcrowded, with almost 4x the original capacity, with pre-trial detainees making up the majority of the population. Although there are legal frameworks to protect detainees, in practice, it is more ineffective and usually ignored, with many individuals facing prolonged detention.

Pre-trial detention may constitute a violation of the internationally recognized right against arbitrary detention as guaranteed under Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which protects the right to liberty and security of person and prohibits arbitrary arrest or detention. Article 14(3)(c) of the ICCPR separately guarantees the right to be tried without undue delay, which is likewise implicated in cases of prolonged pre-trial incarceration, not only does this violate the ICCPR, it also violates the constitutional right of accused persons to be formally charged and presented before a competent court within stipulated 48 hours under *Article 21(e)*¹⁵ of the Liberian Constitution. Prolonged detention without charge or trial violates *Article 9 of the Universal Declaration of Human Rights (UDHR)*,¹⁶ which guarantees to all persons the right against arbitrary arrest and detention. Inmates frequently wait years for trial, violating their right to be tried within a reasonable time or released as established by the ICCPR.

Overcrowded, unhygienic conditions with limited food, water, and healthcare constitute torture or cruel treatment, violating the ICCPR and the Convention Against Torture (CAT). The reported shortage of food and space at the Monrovia Central Prison also threatens the right to life and dignity of inmates, the right to life encompasses of the right to food and adequate healthcare facility, and it also includes the right to daylight.

¹⁵ Const. of Liberia, 1986 (art. 21 cl. E) Republic of Liberia

¹⁶ Universal Declarations of Human Rights, G.A. Res. 217A (III), U.N. Doc A/810 at 71 (1948)
<https://www.refworld.org/legal/resolution/unga/1948/en/11563>

IX. THE UNITED STATES: SYSTEMIC RACIAL DISPARITIES AND SEVERE OVERCROWDING OF PRISONERS

The United States houses the world's largest prison population, estimated at approximately 2.3 million, of which there exist significant challenges relative to overcrowding, inadequate healthcare, violence, and limited rehabilitation. The U.S has the highest incarceration rate, with Black Americans and Latinos significantly overrepresented, often due to targeted policing and racial discrimination. The U.S has created a deep-seated racial disparity in police interactions, which escalates violence and causes long-term physical and mental health issues. It is reported that from 2022-2024, police contacts have decreased, but Blacks and Latinos continue to face higher rates of police-initiated stops, searches, and use of force, often with minimal improvement to actual public safety.

The U.S. policy of "Tough on Crime" produced decades of stringent sentencing practices, particularly during the "war on drugs," resulting in overcrowding, strained correctional resources, and diminished emphasis on rehabilitation. In response to mounting criticism, Congress enacted the First Step Act of 2018, a federal reform statute aimed at reducing recidivism through evidence-based programming, expanded good-conduct time credits, risk and assessment mechanisms, and increased rehabilitative opportunities for federal inmates. While the Act represents a significant shift toward correctional reform, its scope remains limited to the federal system and does not fully address systemic disparities across state-level institutions. Transgender inmates face disproportionately high rates of sexual victimization. According to the Bureau of Justice Statistics' National Inmate Survey (2011-12), approximately 40% of transgender prisoners reported experiencing sexual victimization while incarcerated.¹⁷ Such findings highlight systemic vulnerabilities within custodial settings and underscore the need for protective and rehabilitative reforms rather than punitive isolation practices. Women prisoners

¹⁷ Allen J. Beck et al., *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12*, Bureau of Justice Statistics (May 2013), <https://bjs.ojp.gov/content/pub/pdf/svpjri1112.pdf>

frequently experience unmet needs regarding trauma, mental health, and parenting. Strangely, the United States continue to use the death penalty, which raises concerns about the execution of innocent people and botched lethal injections. Many inmates, particularly women, lack access to legal counsel and are unaware of their rights¹⁸.

Similarly, pre-trial detention has significantly increased the probability of conviction by 13-30% through coerced guilty pleas, raising the likelihood of recidivism and causing severe, long-term economic damage. Over 20% of jail inmates are awaiting trial, and detention has increased sentence lengths and worsened racial disparities in incarceration. These detentions usually exceed the actual length of time inmates may face when tried and actually convicted, which limits the ability to assist in one's own defense, and is often faster and less favorable plea bargains. Pretrial detention is in violation of *Sixth Amendment of the US Constitution*¹⁹ right to speedy and public trial by an impartial jury and the Supreme Court also interpreted in the case of *Duncan v. Louisiana*²⁰ that the *Fourteenth Amendment*²¹ due process clause "guarantees a right to jury trial in all criminal cases which, were they to be tried in a federal court, would have come under the Sixth Amendment guarantee". Incarcerated individuals are often forced to work for little or no pay in dangerous conditions. This is an affront to human dignity and a gross violation of international labor standards.

X. NECESSITIES REHABILITATION

Rehabilitative punishments are necessitated for crimes where the offender has a high potential for reform and where underlying treatable issues, such as addiction, mental illness, or socio-economic disadvantaged circumstances, are the primary drivers of

¹⁸ Katharina Kiener Manu: Crime Prevention & Criminal Justice; Current Trends, Key Challenges and Human Rights, Living in Prisons, UNODC, Last Visited Feb. 19, 2026 (12:49 PM)
<https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-6/key-issues/2--current-trends--key-challenges-and-human-rights.html#:~:text=Over%20half%20of%20young%20prisoners,see%20also%20WHO%2C%202014>

¹⁹ U.S. Const. amend. VI (United States) Library of Congress
<https://constitution.congress.gov/constitution/amendment-6/>

²⁰ *Duncan v. Louisiana*, 391 U.S. 145 (1968)

²¹ U.S. Const. amend. XIV, Sec. 1) United States (1868)

criminal behavior. It is appropriate to be necessitated rather than just punishing for deterrence; the aim is to reintegrate individuals into society, making them useful and workable for societal growth and progress. When inmates are provided education, vocational training, and counseling, they are equipped with skills for gainful employment, and the underlying addiction can be successfully curtailed, making them competent for reintegration into society. Thus, the inflow of returning prisoners and the burden on correctional facilities are decreased. Additionally, when the state adjusts its justice system to the effective use of probation and rehabilitation programs for low-level offenders instead of incarceration, they essentially help in keeping prison numbers low. When punishments are only served for deterrence, it is simply a tool for vengeance, and vengeance does not solve societal problems or settle disputes but instead increase the rate of recidivism by creating intentional motivation to repay "harm for harm" in criminal mentality, that the harsher the punishment, the harsher the grudges and more aggressive the criminal becomes, the lesser the punishment coupled with motive for reintegration, the higher chances are for criminal transformation.

Punishment may help to reform the criminal so that his desire to commit further crime is lessened. Conviction and simple imposition of a penalty might itself be thought to contribute to criminal reform if it helps convicted criminal realize that he had acted wrongly, thus it might act as a form of reinforcement operating at the individual rather than the community level²². Effectuating the goal of rehabilitative criminal justice requires a shift from pure punishment for deterrence to reintegrating transformed criminals into society, by implementing custodial measures through a system that is focused on addressing the root causes of criminal behavior and reducing recidivism. The first step towards promoting rehabilitative criminal justice is to begin with decriminalization and diversion, wherein minor offences are moved away from typical criminal treatments and offenders are diverted (particularly first-time or non-violent offenders) into treatment programs, counseling, or community services rather than

²² Girish Kathpalia, *Criminology and Prison Reforms*, LexisNexis (Cha. 9 Pg. 120-121)

incarceration. Secondly, the system must shift from mandatory minimum sentences and “three-strike” laws towards individualized sentencing that considers the specific circumstances, needs, and rehabilitative potential of the offender.

XI. COMMUNITY SERVICES AND DECRIMINALIZATION OF MINOR OFFENCES

This is a form of criminal punishment whereby offenders are allowed to make amends to society (since crime is a wrong against the state) by undergoing unpaid work like cleaning public areas, working with non-profit organizations, or assisting with community development projects under the supervision of a designated agency. Minor offences like misdemeanors, traffic offences, and juvenile cases should serve community sentences as a condition for probation.

In India, although legal reforms have been made, particularly on decriminalizing minor, non-violent, and survival offences, which often stem from poverty, mental health struggles, or minor social annoyances, this often clogs the courts and overcrowds prisons. It was a milestone shift from the aged-long *Penal Code of 1860* to the *Bharatiya Nyaya Sanhita (BNS) 2023*, which introduces community services as punishment and removed criminal liability for specific offenses. The Hon’ble Supreme Court held in the case of *Rathinam v Union of India*²³ that punishing suicide attempts constitutes “double punishment” for individuals suffering from severe mental stress. Instead of imprisonment, it requires compassionate healthcare, counselling, and social support. As a minor, non-violent, and survival-nature offence, the court saw that such punishment does not require imprisonment, but rather a measure that is potential for transforming and reintegrating said offenders into society. Although the decision in *P. Rathinam v. Union of India* had earlier held Section 309 IPC unconstitutional, it was subsequently overruled by a five-judge Constitution Bench in *Gian Kaur v. State of Punjab*, (1996) 2 SCC 648 (India). In *Gian Kaur*, the Supreme Court held that Article 21 of the Constitution does

²³ P. Rathinam v. Union of India 1994 AIR 1844

not include the “right to die” and accordingly upheld the constitutional validity of Section 309 IPC.

In view of the gruesome nature of section 309, legislature restricted its application by the *Mental Healthcare Act, 2017*,²⁴ which presumes that anyone attempting suicide is under severe stress and should not be punished. Other minor offences like public nuisance, petty theft, shoplifting, personal consumption of drugs (particularly those prescribed under section 27 of the *Narcotic Drugs and Psychotropic Substances Act, 1985*²⁵), are often habitual or socio-economic issues rather than criminal intent. They should be handled via fines or community services rather than jail; this allows offenders to avoid the stigma of a criminal record.

Liberia, on the other hand, has demonstrated its shift towards reintegration by the transitioning of over 100,000 ex-combatants from armed groups into civilian life, which aimed to break cycles of violence. The Country supported rehabilitation through psychological counseling, skills training, and economic reintegration by helping former rebel fighters become productive community members rather than agents of conflict. The Disarmament, Demobilization and Reintegration (DDR) strategy laid the groundwork for safeguarding and sustaining the communities to which these individuals return, while building capacity for long-term peace, security and development²⁶. Similar to India’s case, petty offences like loitering, vagrancy, and public nuisance must be decriminalized as they are inherited from colonial-era legal codes and are used to target marginalized individuals rather than protect public safety. The principles of rehabilitative justice and reduction of prison overcrowding in Liberia may be realized when these offences are decriminalized or reclassified to non-custodial sanctions.

²⁴ Mental Healthcare Act, 2017 (Act No. 10 of 2017) Parliament of India

²⁵ Narcotic Drugs and Psychotropic Substances act, 1985 (Act No. 61 of 1985) Parliament of India

²⁶ Disarmament, Demobilization and Reintegration; United Nations Peacekeeping; Last Visited Feb. 19, 2026 (8:28PM) <https://peacekeeping.un.org/en/disarmament-demobilization-and-reintegration#:~:text=United%20Nations%20peace%20operations%20are,term%20peace%2C%20security%20and%20development.>

The United States should decriminalize low-level, non-violent offences, which are often described as “quality of life” or victimless crimes like drug possession and personal usage, public nuisance, shoplifting, technical violation of probation or parole, and prostitution or related offences.

The rationale to decriminalize possession of drugs and personal use is that thousands are incarcerated for possession of small quantities of drugs, and decriminalizing them reduces the number of people entering the prison system and connects them with health services. Treatment should replace penalties, and harm should be replaced by education. Reducing criminalization of poverty, offences like public nuisances, public intoxication, vagrancy, and loitering, which are often behaviors of homeless or marginalized communities/individuals, should be decriminalized to reduce unnecessary contacts with police and overcrowded prisons. Jail time should be replaced by restorative justice and restitution in cases of petty theft and shoplifting.

XII. VOCATIONAL TRAINING AND MENTAL HEALTH SERVICES

The overall objective of mental health services and vocational training is to reduce recidivism and equip inmates with employable skills and emotional stability. When inmates are skilled, they are less likely to return to prisons, and the rate of re-offending becomes slim; programs like trading carpentry, agriculture, and tailoring provides marketable skills for post-released employment. Structured training reduces boredom and violent, anti-social behaviors while in custody, and new skills are acquired, which improve self-worth and provide a sense of purpose to individuals. When inmates are trained and transformed into productive members of society, they could become drivers of socio-economic change, working in sectors like agriculture could boost agricultural exports and commercial farming, this is one most recommended sector that, when transformed, inmates are integrated in, can significantly grow the society economically.

XIII. FROM OVERCROWDED PRISONS TO AGRICULTURE FIELDS: MAKING AMENDS THROUGH VOCATIONAL SKILLS

While not promoting the idea of forced labor, it is recommended that when individuals are convicted of offences against the state, they have done some harm to the state, causing the state great loss and backwardness; they have to compensate for the harm so caused, not by ordinarily confining them within overcrowded prisons, they could repair the harm caused to the State by helping the state grow socially and economically. When inmates are sent to work on agriculture fields, the state experience increase in food production, which reduces the financial burden of prisons on taxpayers, and boost agricultural productivity, particularly exemplified by the recent reforms in Burkina Faso. These practices promote rehabilitation by teaching valuable, transferable vocational skills, which foster responsibility and improve mental health through labor. Prison Farming not only reduces overcrowding stress but also improves inmate behavior and makes the correctional environment safer. It reduces government expenditures on food procurement by producing stable crops, vegetables, and meat internally.

By engaging in productive labor, inmates shift their identity from criminal to contributors and provides a sense of purpose and reduce recidivism. Interestingly, working with plants and animals acts therapeutically as a tool to reduce aggression and stress. India is among the jurisdictions promoting structured prison agriculture initiatives. Several state prison departments, including Maharashtra, operate agricultural and horticultural units where inmates engage in crop cultivation, dairy production, and allied activities. Official prison statistics indicate that such programmes contribute to internal food supply chains, reduce institutional expenditure, and provide inmates with certified vocational skills transferable upon release. Empirical observations from state prison reports suggest that participation in agricultural work is associated with improved inmate discipline, skill acquisition, and post-release employability, thereby reinforcing the rehabilitative objective of correctional administration.

XIV. SUGGESTIONS AND RECOMMENDATIONS

- 1. Decriminalization of Minor and Non-Violent Offences:** Legislatures in India, Liberia, and the United States should expand the decriminalization of minor, non-violent, and poverty-related offences and prioritize diversion programs over custodial sentencing to reduce overcrowding and prevent stigmatization.
- 2. Expansion of Non-Custodial Sentencing:** Courts should increasingly adopt community service, probation, restorative conferencing, and other non-custodial measures, particularly for first-time and low-risk offenders, consistent with international human rights standards.
- 3. Institutionalization of Evidence-Based Rehabilitation (RNR Model):** Correctional systems should formally integrate structured risk–need–responsivity assessments to ensure individualized sentencing and targeted rehabilitation programs.
- 4. Strengthening Vocational Training and Mental Health Services:** Prisons should prioritize certified vocational training, prison agriculture initiatives, and accessible mental health treatment to enhance employability and emotional stability upon release.
- 5. Reform of Pre-Trial Detention Practices:** Judicial reforms must address excessive pre-trial detention through bail reform, expedited trials, and strengthened legal aid systems to prevent violations of constitutional and international human rights guarantees.
- 6. Multi-Sectoral Reintegration Frameworks:** Governments should collaborate with civil society organizations, private employers, and international agencies to create structured post-release reintegration mechanisms, including housing support, employment pathways, and psychological counseling.
- 7. Human Rights Monitoring and Accountability:** Independent oversight mechanisms should be strengthened to ensure compliance with constitutional

safeguards and international instruments such as the ICCPR and UN standards on the treatment of prisoners.

XV. CONCLUSION

This study set out to examine whether rehabilitative justice promotes human rights, how it intersects with restorative justice, and what reforms are necessary within contemporary criminal justice systems. The comparative analysis of India, Liberia, and the United States demonstrates that rehabilitative frameworks particularly those incorporating vocational training, mental health services, and community-based reintegration—are more consistent with constitutional and international human rights standards than purely deterrent or retributive models.

The findings support the central hypothesis that evidence-based rehabilitation mechanisms, including structured risk assessment and non-custodial sentencing, contribute to reduced recidivism and improved reintegration outcomes. While India reflects constitutional commitment yet struggles with overcrowding and undertrial detention, Liberia's reliance on DDR mechanisms illustrates post-conflict reintegration efforts constrained by institutional limitations. The United States, despite advanced programming and legislative reform such as the First Step Act, continues to confront systemic disparities and over-incarceration.

Accordingly, the research objectives have been met through a comparative evaluation of structural, legal, and human rights challenges across all three jurisdictions, reaffirming that sustainable reform requires individualized sentencing, diversion from incarceration, and multi-sectoral reintegration strategies.

Despite the growing challenges in India, Liberia, and the U.S., there is a need to shift from purely punitive measures to comprehensive, funded, and individualized rehabilitation programs, including prison agriculture, transferable skills development, education, vocational training, and mental health support.

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