



MINISTRY OF JUSTICE



LEGAL REVIEW REPORT ON SOCIAL WORK **IN THE CRIMINAL JUSTICE SYSTEM**



HANOI 2023

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AUTHORS:

Mr. Cao Dang Vinh

*Deputy Director, Civil and Economic Legislation Department,
Ministry of Justice*

Ms. Luu Thi Lam

Expert, Civil and Economic Legislation Department, Ministry of Justice

Ph.D. Doan Xuan Truong

Lecturer, Ha Noi Law University

Ph.D. Nguyen Am Hieu

*Former Deputy Director, Civil and Economic Legislation Department,
Ministry of Justice*

Mr. Nguyen Tuan Linh

Lawyer, BMVN International Law Firm



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RESPECT AND PROTECT WOMEN AND CHILDREN

HANOI 2023

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Preface

The realization of social security policies has been a key focus of the Party and State of Viet Nam, considered a goal and driving force for sustainable and stable socio-political development. The cross-cutting viewpoint of the Party and State is that economic growth, social progress and justice must go hand-in-hand. Alongside economic growth, it is also critical to reduce poverty and support marginalized population groups such as the elderly, people with disabilities, children with special circumstances, the poor and other groups. The social security system is part of the social development model to realize the goal of making Viet Nam a strong country with prosperous people and a democratic, equitable, and civilized society. Social work is an important area of work for the Party and State pay to ensure social security and social justice. As such, they have issued various policies and laws to improve the lives of people in difficult circumstances, thus facilitating political stability and sustainable socio-economic development.¹

Through the review of legal documents, it is evident that although Viet Nam has yet to pass a separate law on social work, issues related to social work have been reflected in many specialized laws², decrees, decisions and circulars,

which are the basis and premise for the implementation of social work in Viet Nam and support for different social assistance beneficiaries, thus contributing to social stability. Regulations on basic issues related to beneficiaries have been reflected social work, in which protection, care, education and prevention services for relevant social assistance beneficiaries inherit and promote existing regulations, while being modified and supplemented to be in line with the actual situation on the ground.

Justice as a field can be understood as activities of State authorities directly related to court adjudication activities, such as judicial assistance, investigation, prosecution, trial, and judgment execution. Thus, social work in the justice sector can be understood as professional activities aimed at addressing issues related to individuals, families, communities, and society in activities under the justice sector. These include judicial assistance, investigation, prosecution, trial, and judgment execution, thereby assuring human rights, social progress and justice. In essence, social work in the justice sector involves activities aimed at supporting people in conflict with the law, offenders, victims, people in the process of serving or having completed a pen-

1. Resolution No. 15-NQ/TW (dated 1 June 2012) of the 11th Party Central Committee on social policies for 2012-2020 also emphasized: "Improve the efficiency of social assistance delivery, continue to expand the coverage assistance for beneficiaries with appropriate forms. Consolidate and improve social assistance system, develop care models for people with special circumstances in the community, encourage the participation of the private sector in the implementation of care models for the elderly, orphans, and people with disabilities, especially the nursing home model".

The 2013 Constitution affirms that "Citizens have the right to social security" (Article 34). "The State shall create equal opportunities for citizens to enjoy social welfare, develop a system of social security, and provide a policy assisting the elderly, the disabled, the poor and people with other difficult circumstances." (Clause 2 Article 59)

The document of the 13th National Congress of Deputies (10-year Strategy for Socio-Economic Development for the 2021-2030 period) confirmed to: "Use institutions, resources, regulatory tools, distribution and redistribution mechanisms and policies for cultural development, social progress and justice, for ensuring security, improving social welfare and protecting the environment". "Develop for the people, facilitate everyone, especially children, disadvantaged groups, ethnic minorities, and migrants to integrate, to have equal access to resources, development opportunities, and to enjoy basic social services equally". "Continue to implement social security policies well, especially for the disadvantaged and the poor. Innovate approaches, strengthen coordination, integration, prioritize resources, and promote socialization in social assistance. Develop and diversify professional social assistance services".

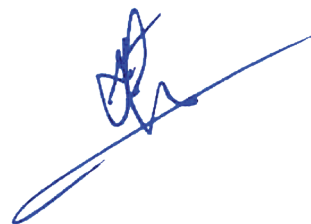
2. Labour Code; Law on the Elderly; Law on Persons with Disabilities; Law on Children; Law on HIV/AIDS Prevention and Control; Law on Domestic Violence Prevention and Control, Law on Legal Aid, Law on Drug Prevention and Control; Law on Handling Administrative Violations, Criminal Procedure Code, Law on Criminal Judgment Execution, Law on Organization of People's Courts.

alty, people needing support in divorce cases, claimants for unemployment benefits, occupational and employment accident insurance, people in difficult circumstances and the disadvantaged (elderly, people with disabilities, people under 18 years of age, people living with HIV). It is important they have early access to a fair, transparent and equal justice system and have their legitimate rights and interests protected.

In criminal justice, there are currently no legal documents that directly and specifically regulate social work as a profession or social workers. However, provisions exist in numerous regulations that provide the foundation for the development of social work as a profession and social workers in justice settings. These regulations specify the roles, functions, and tasks of supporting and assisting people in conflict with the law, offenders, victims, and people serving a penalty. In legal documents such as the Criminal Code, Criminal Procedure Code, Law on Criminal Judgment Execution, Law on Children and documents guiding implementation of these laws, there are regulations at grassroots level for the formation of social work services in the justice sector, including regulations related to provision of services to support and protection of minors as well as participation of civil agencies and organizations in criminal proceedings against minors. However, current Vietnamese law still does not have clear and specific provisions on social work in the justice system in a systematic manner, as there are no regulations on the position, role, function, responsibility, and authority of social workers, leading to limitations in professional service development as well as in monitoring processes to support those in need. In addition, provisions on supporting and assisting subjects in the criminal justice system are fragmented in different legal documents. Notably, social workers and service providers in the criminal justice sector are currently limited in both quantity and quality. This also affects the development of regulations on promoting professional social work services in the legal and other fields.

Therefore, in order to promote social work as a profession in the criminal justice system,

Viet Nam needs to review and evaluate policies and recommendations on improving the legal framework related to social work services in the justice sector and other relevant laws as well as actual implementation, to propose solutions to strengthen development of social work as a justice sector profession to support and protect the disadvantaged, including minors in the justice system. Decision No. 112/QĐ-TTg (dated 22 January 2021) of the Prime Minister on the social work development programme for 2021-2030 assigned “the Ministry of Justice to lead and collaborate with related ministries, sectors, and agencies to communicate and disseminate knowledge about the law; review and evaluate the consistency, synchronization, and appropriateness of legal documents on social works in the justice system; and recommend amendment, supplement, replacement, and improvement of legal documents related to social work development within the ministry’s functions and tasks in State management” (Clause 7, Article 2). To carry out the assigned tasks, the Ministry of Justice has coordinated with the “European Union Justice and Legal Empowerment Programme” (EU JULE) in Viet Nam funded by the European Union, with financial contributions from UNICEF and UNDP, and experts to develop this “Legal Review Report on Social Work in the Criminal Justice System”. Special thanks to Ms. Shelley Casey, UNICEF’s consultant, for her support in the development of this Report, especially for providing useful information on international standards and good practices from numerous countries. We also would like to thank experts from line Ministries and organisations for their contributions to the Report.



Mr. CAO DANG VINH

Deputy Director,
Civil and Economic Legislation Department,
Ministry of Justice



1



INTRODUCTION

Globally, there has been a long tradition of engaging social workers and social work practices in the justice system. Social work has been a part of the justice systems in many Western countries for more than 100 years and its role has continued to grow throughout the world, with most countries engaging social work professionals and para-professionals at various stages of the justice process.



What is social work?

The International Federation of Social Workers defines social work as follows: Social work is a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance wellbeing.³

³ <https://www.ifsw.org/what-is-social-work/global-definition-of-social-work/>

The social work profession grew out of an identified need for a more specialized approach to address social and community problems that were created or exacerbated by the process of industrialization and modernization. Many countries that underwent similar rapid economic development and modernization as Viet Nam experienced a rise in a range of social problems, such as increased crime, family breakdown, changes in traditional family structure, abuse and neglect of children, domestic violence, and illegal drug and alcohol abuse. In some countries, these issues were initially addressed through “charitable” activities of volunteers and committed community members. However, the weakness of this charitable approach led to a recognition that effectively addressing these social issues is a specialist field requiring professional social work skills.

Globally, social workers are on the front line and dealing with the most pressing social issues facing Vietnamese society today, including violence against children, crime and juvenile delinquency, family violence, drug and alcohol addiction, vulnerable elderly and persons with disabilities, poverty, and widening gap between rich and poor. Social service workers – paid and unpaid, governmental and non-governmental, professionals and para-professionals – commonly work in a range of positions across the social welfare, child protection, education, health and justice sectors.

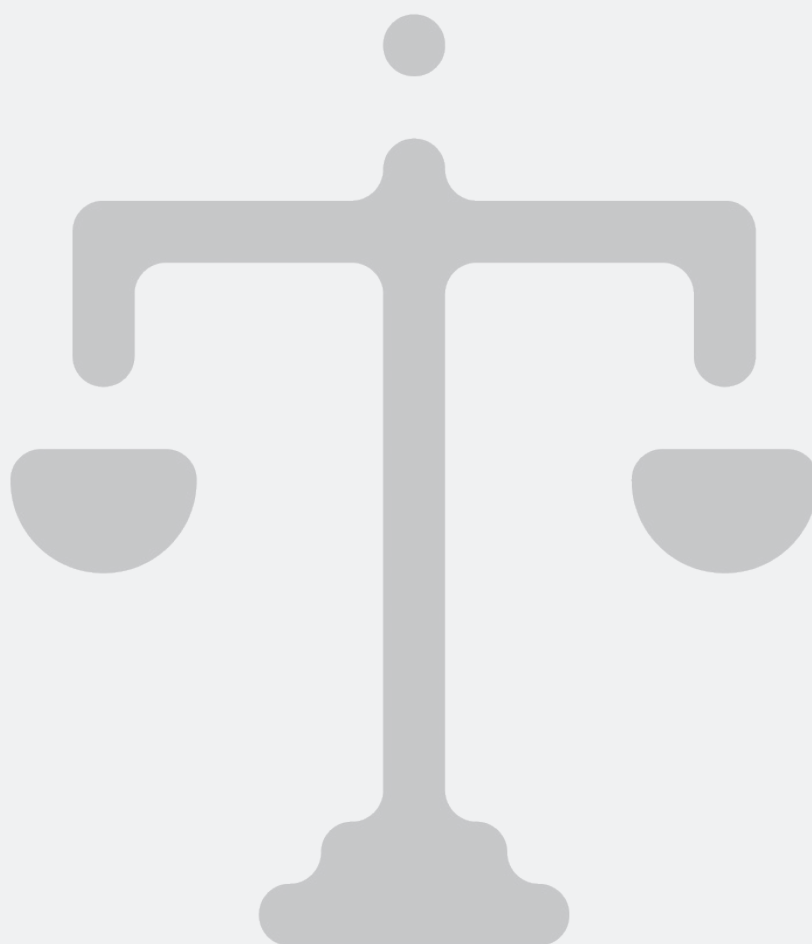
In 2020, the Government of Viet Nam signed the [Hanoi Declaration on Strengthening Social Work Towards Cohesive and Responsive ASEAN Community](#) and committed to implementing a holistic and comprehensive approach to strengthen social work, including to:

“Develop and strengthen legislation and policies on social work including defining, reinforcing and enhancing the roles and functions of social workers, validate and create (if any) social work positions in social welfare, health, education and justice systems covering the areas of prevention, response, and rehabilitation at the micro-, meso-, and macro-levels. Such legislation and policies are aimed at addressing professional practice gaps, enhancing professionalization and competencies, promoting standards and accountability, increasing efficiency and effectiveness.”

This research paper provides an overview of global practices in legislating the role of social work the justice system. This includes international standards and examples from other countries of:

Regulation of the social work profession

Laws governing State management and roles and functions of social workers in the criminal justice system in relation to persons in conflict with the law and victims and witnesses in criminal proceedings.



2 ● REGULATION OF SOCIAL WORK AS A PROFESSION

In recent years, there has been growing recognition of the need to strengthen the social work profession and to have a clear legal framework in place to regulate the work of social workers. Globally and in the South-East Asia region, countries which have made the most progress in strengthening the social service workforce are those that have developed a strong foundation of laws and policies to govern the social work profession. A law on social work is increasingly seen as an essential step towards enhancing the status and effectiveness of the profession, defining and enforcing ethical practice, and promoting the interests of both social workers and the community.⁴

4. Global Social Service Workforce Alliance (GSSWA) [Framework for Strengthening the Social Service Workforce](#); UNICEF and GSSWA (2019) [Guidelines to Strengthen the Social Service Workforce for Child Protection](#); Huebner, G. (2016) [A Review of Legislation and Policies that Support the Social Service Workforce in Lower- and Middle-Income Countries](#), Global Social Services Workforce Alliance; GSSWA [The State of the Social Service Workforce Reports](#); ASEAN (2019) [Report of the ASEAN Regional Workshop on Social Service Workforce Strengthening](#), Ha Noi, Viet Nam.



Regional Examples

- Indonesia Law on Social Workers, No. 14 2019
- Thailand Social Worker Professions Act, 2013
- Philippines Act No. 4373 to Regulate the Practice of Social Work and the Operation of Social Work Agencies
- Hong Kong Social Workers Registration Ordinance, 1997

The purpose of a law on social work is to recognize social work as a profession, to regulate professional qualifications of social workers, and to establish and enforce standards of practice for social workers to ensure quality service delivery. Laws generally include:

- A definition of “social work” and “social worker”
- Establishment of a governing/regulatory body for the social work profession
- Standardized qualifications required to be licensed as a social worker
- Process for registering and licensing social workers, and for managing complaints and revoking licenses for ethical breaches or other misconduct.

Laws on the social work profession generally do not regulate responsibilities and activities of social workers in a specific area of expertise such as social work with children, the elderly, people with disabilities, the justice

system, and health care and mental health. Instead the mandate, authority and functions of social workers in each of these fields are addressed under issue-specific laws. However, a law on the social work profession is essential foundational legislation that provides the legal framework for the progressive professionalization of social work.

2.1 Definition of “social work” and “social worker”

Laws on the social work profession commonly include definitions of “social work” and “social worker”. This is important to make clear the types of services and service providers being regulated by the law, and who is permitted to use the professional title of “social worker”. The definition of “social work” in most laws is based on the definition from the [International Federation of Social Workers](#) (quoted above), but adapted to align with the national context and culture.



Thailand [Social Work Profession Act, B.E. 2013](#)

The Act says that “Social work profession” means a profession which is required to have knowledge and skills on social work while working on the prevention and finding solutions to persons, families, group of people or communities to live happily in the society.



Thailand's law says that a "social worker" means a person whose profession is to use knowledge and skills on social work in the performance of work to prevent and find solutions to persons, families, group of people or communities to live happily in the society.



Georgia [Law on Social Work 2018](#)

Georgia's law defines "social work" as work in a specialty field which is based on a practical activity and which aims to promote the free development and integration of individuals into society, and which serves to improve the welfare of society through supporting said individuals.

"Social worker" is defined as a person who performs social work with a target group of beneficiaries and who has received academic or other education provided for by this Law.



Philippines Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies ([Republic Act No. 4373](#))

Section 1 of the Act defines "social work" as the profession which is primarily concerned with organized social service activity aimed to facilitate and strengthen basic social relationships and the mutual adjustment between individuals and their social environment for the good of the individual and of society by use of social work methods.

The Act also defines a "social worker" as a practitioner who by accepted academic training and social work professional experience possesses the skill to achieve the objectives as defined and set by the social work profession, through the use of the basic methods and techniques of social work (casework, group work, and community organization) which are designed to enable individuals, groups and communities to meet their needs and to solve the problems of adjustment to a changing pattern of society and, through coordinated action, to improved economic and social conditions, and is connected with an organized social work agency which is supported partially or wholly from government or community solicited funds.



Indonesia **Law on Social Workers No. 14 2019**

Indonesia's law defines social work practice as "the organization of planned, integrated, continuous and supervised professional help to prevent social dysfunction, and to restore and improve the social functioning of individuals, families, groups and communities." Article 4 of the law further clarifies that social work practices include: social dysfunction prevention, social protection, social rehabilitation, social empowerment and social development. A detailed definition is provided for each of these concepts and what it entails (Articles 6 to 11).

The law says that social workers carry out social work practices with the intention of:

- a. Preventing the occurrence of social dysfunction of individuals, families, groups and communities
- b. restoring and enhancing social functioning of individuals, families, groups and communities
- c. Increasing social resilience in the community facing social welfare problems
- d. Improving the quality of management social welfare to achieve independence of individuals, families, groups, and the public
- e. Increasing the ability and awareness of the community in the implementation of social welfare institutionalized and sustainable.

The law says social workers have an obligation to provide services according to the social work standards of practice, to provide complete and correct information to clients, to maintain client confidentiality, to improve the quality of social services work and develop their competency and skills through further training, and to act objectively and not discriminate based on gender, and social and economic status.

2.2 Governing body for the social work profession

Laws on the social work profession typically stipulate an agency or body who is responsible for governing the profession and for registering and licensing social workers. This body is responsible for assessing a person's qualifications and determining if they are entitled to use the professional title of "social worker". Those who qualify are issued a license or "practice certificate". This certification is then used by employers (government and non-governmental organization) to confirm that a person

applying for a job that requires professional social work skills has the requisite training and expertise.

In most countries, responsibility for instituting social work practice standards and for registering and licensing social workers has been given to a Social Work Board or Social Work Council. In some countries (such as the Philippines), the board is made up solely of social work practitioners, whilst in other countries and territories (Hong Kong, Thailand, South Africa) the Board includes a mix of social work practitioners and Government representatives.



Philippines [Republic Act No. 4373](#)

The Philippines' law, as amended by [Republic Act 10847](#), established the Professional Regulatory Board for Social Workers, which is under the administrative control and supervision of the Professional Regulation Commission. It is composed of a Chairperson and four members who are appointed by the President of the Philippines from a list of three nominees submitted by the AIPO. The Act says the functions and duties of the Board include:

- to issue, suspend, and revoke certificates of registration for the practice of social work
- to investigate the conditions affecting the practice of social work in the Philippines, and, whenever necessary, adopt such measures as may be deemed proper for the maintenance of the good standing and the ethics of the profession of social work
- to investigate violations of the Act or its rules and regulations, including authority to issue subpoenas to secure the appearances of witnesses and the production of documents
- subject to the approval of the President and with the advice of the Commissioner of Civil Service, set ethical and professional standards for the practice of social work in general, and adopt rules and regulations as may be necessary to carry out the provisions of the Act.

Regulations issued under the Act further state that the Board is responsible for:

- maintaining a roster of social workers
- prescribing a Code of Ethics and Code of Professional Standards for the Practice of Social Work
- prescribing the subjects in the Social Work Licensure Examination, construct test questions, score and rate examination papers
- prescribing guidelines and criteria for continuing professional development programme for social work
- hearing and investigating any violation of the Act, regulations, the Code of Ethics and Code of Professional Standards for the Practice of Social Work.

The law says that as compensation, the chairman and members of the Board are entitled to a specified sum for each applicant examined.



Thailand [Social Work Profession Act, B.E. 2013](#)

The law established the Social Work Professions Council as a legal entity with the following powers and duties:

- to register and issue a license to a person applying to be a social work professional
- to specify standards of practice for social workers
- to issue orders punishing a social worker for acts contrary to social work standards and ethics



- to promote the education, training, and research on the social work profession
- to certify diplomas of different institutes as meeting the qualifications needed to be licensed as a social worker
- to provide an opinion and recommendation relating to the preparation of the social work education curriculum in the higher education level of an educational institute
- to maintain the honour, right, fairness and to promote progress in the social work profession, unity and welfare for members
- to be a representative of social work profession practitioner of Thailand.

The law says the Council may obtain income from the State budget, registration fees from members, and donations. The work of the Council is managed and executed by the Social Work Profession Council Board, which consists of representatives from specified government Ministries (defence, social development and human security, interior, justice, labour, education, public health), as well as representatives from the Royal Thai Police Headquarters, Bangkok Metropolitan Administration, Thailand Association of Social Workers, two representatives from higher educational institutions, four non-governmental organization representatives, and 16 ordinary members of the Council elected by members.



Hong Kong [Social Workers Registration Ordinance](#)

In Hong Kong, a Social Workers Registration Board is responsible for governing the profession. It consists of 15 members, including eight registered social workers elected by registered social workers, six persons appointed by the Chief Executive, and the Director of Social Welfare. The functions of the Board are to:

- establish and maintain a register of registered social workers
- set and review the qualification standards for registration as a registered social worker and related registration matters
- examine and verify the qualifications of persons who apply for registration as registered social workers
- receive, examine, accept or reject applications for registration and renewal of registration as a registered social worker
- deal with disciplinary offences in accordance with this Ordinance.

The Ordinance also says that, for the purpose of providing practical guidance in respect of the professional conduct of registered social workers, the Board may approve and issue such codes of practice as in its opinion are suitable for that purpose.

In Indonesia, the independent Social Worker Organization is responsible for developing professional standards and issuing registration certificates (STR) confirming a person is competent to practice social work. However, licenses to practice social work (SIPPS) are is-

sued by the district or city government, and the government Ministry responsible for social affairs has overall responsibility for issuing regulations and standards for the practice of social work:



Indonesia **Law on Social Workers No. 14 2019**

The law says that social workers shall form a Social Workers' Organization which is an independent, legal body to improve the competence, professionalism, protection and welfare of social workers. All social workers are required to become members of the organization. It is responsible for:

- a. developing a code of conduct for social workers
- b. carrying out social worker registration
- c. increasing knowledge, competence and dignity of social workers
- d. supporting and supervising social workers doing social work practices.

To carry out these responsibilities, the law says that the organization has authority to:

- a. establish and enforce the social worker code of conduct
- b. provide legal assistance to social workers
- c. carry out coaching and development of social workers
- d. determine whether a person fulfils the requirements for social work registration
- e. issue and revoke STRs [registration certificates]
- f. determine whether a violation of the code of ethics occurred based on the results of the investigation
- g. impose sanctions on social workers who do not meet the standards of social work practices or who violate the code of conduct
- h. cooperate with internal and external institutions country for the implementation of social work practices.

The Law gives the Social Work Organization responsibility for issuing registration certificates (STR) indicating that a person is qualified and competent to carry out social work. Everyone carrying out social work practice is required to have an STR. In addition, a registered social work must also obtain a Social Worker Practice License (SIPPS) from the district or city government where they intend to work (Art 37), as per regulations issued by the Ministry of Social Affairs.

The law says it is the responsibility of the central and local government to guarantee the implementation of quality social work practices and protect the communities who receive social work services. In particular, the central government (through the Ministry for social affairs) must:

- a. prepare standard operating procedures, standards competence, and service standards



- b. compile social worker education standards
- c. prepare procedures for implementing the competency test
- d. provide guidance for the implementation of social work practices in collaboration with the Social Worker Organization
- e. supervise the implementation of the social work practice by the Social Work Organization
- f. encourage social work professional education.

2.3 Licensing and qualifications

Most laws on social work make it mandatory to obtain a license or “practice certificate” before engaging in social work or being employed in a job with the title of social worker

Anyone without a license who practices social work, who uses the title of “social worker,” or who otherwise claims to be a social worker commits an offence.



Philippines [Republic Act No. 4373](#) (as amended by [Republic Act 10847](#))

The Philippines law states that, unless exempt from registration, no person shall practice or offer to practice social work in the Philippines, or be appointed as a social worker or to any position calling for a social worker in any social work agency (whether private or governmental), without holding a valid certificate of registration as a social worker issued by the Professional Regulatory Board for Social Work. The offence is punishable by a fine of between 100,000 and 200,000 pesos, or imprisonment of between six months and two years.



Thailand [Social Work Profession Act, B.E. 2013](#)

Thailand’s law defines certain social work duties as “licensed social work profession” which can only be carried out by a person who is a licensed social worker. This includes social work carried out under specified laws (Criminal Procedure Code, the law on children protection, the law on protection of domestic violence victims, the law on labour protection, the law on rehabilitation of drug addicts, the law on social welfare promotion, the law on mental health, the law on juvenile and family court), social work profession in governmental agencies, and other social work practice as stipulated by Rules.

The law makes it an offence for a person to perform a licensed social work profession

or any other acts which lead people to believe that s/he has the right to perform licensed social work profession if that person does not hold a license from the Council of Social Work Profession. However, it makes the following exceptions:

1. to help other people following the duty of good person which is a social responsibility
2. students, university students, or any other people who have practiced or trained in the supervision of governmental higher education institute or other institute which are permitted by the government to be established, governmental social work institute or any higher education institute or social work institutes under the supervision of approved social work profession
3. officials from the governmental agencies or private organization whom are assigned to perform duties under the supervision of approved social work profession
4. consultant or expert who perform approved social work profession, approved by the Board.

Most laws on the social work profession regulate only professional social workers and require social workers to complete an accredited university degree programme (bachelors, masters or PhD) to be licensed to practice. The International Federation of Social Workers (IFSW) and the International Association of Schools of Social Work (IASSW) have developed [Global Standards for Education and Training in Social Work](#). These standards are designed to ensure consistency in the provision of social work education, whilst also recognising the importance of developing social work education and practice that reflects a country's traditions and cultures.

Social work degree and diploma programmes are commonly delivered by a range

of universities and other higher education institutions, but only graduates of recognized, accredited programmes can be licensed to practice social worker. In some countries (e.g. England, New Zealand, Thailand), the social work governing body is responsible for setting standards for social work curriculum and accrediting university degree and diploma courses in social work. In other countries (e.g. Indonesia), standards for accredited social work education programmes are set by government regulation, in consultation with the social work governing body. In addition to completing the required academic programme, some countries also require social work candidates to pass a standardized qualifying examination.



Philippines Republic Act No. 4373 (as amended by [Republic Act 10847](#))

The Philippines law stipulates the following qualifications to be eligible to take the social work examination:

- a citizen of the Philippines
- at least 18 years of age

- ▪ be in good health and of good moral character
- have a bachelor's degree or master's degree or its equivalent in social work from an institution, college, or university duly accredited and legally constituted
- have completed a minimum period of one thousand (1,000) case hours of practical training in an established social work agency under the direct supervision of a fully trained and qualified social worker.

The Act also states that the Professional Regulatory Board for Social Work shall refuse to issue a certificate of registration to any person convicted by a court of any criminal offence involving moral turpitude, and to any person guilty of immoral or dishonourable conduct, or to one of unsound mind or suffering from an incurable or infectious disease.

All applicants for registration as social workers are also required to undergo a written examination which must be given by the Board annually in Manila, at such time and place as may be fixed by it, subject to the approval of the Commissioner of Civil Service and the President of the Philippines. The examination consists of a written test, the scope of which must be determined and prescribed by the Board, taking into consideration the curriculum of all the social work courses offered in schools legally constituted in the Philippines. To pass the examination, a candidate must obtain a general rating of at least seventy per cent in the written test, with no rating below fifty per cent in any subject. If an applicant fails the examination three times, s/he must enrol in formal refresher courses for two semesters before applying to sit the exam again.



Thailand [Social Work Profession Act, B.E. 2013](#)

Thailand's law stipulates that to be licensed as a social worker, a person must satisfy the following requirements:

- being no less than twenty years of age
- having no less than a bachelor degree in the field of social work or other fields as certified by the Social Work Professions Council and completing a working experience in relation to protection, consultation and advice, promotion and support of children, youth, women, the elderly, disabled, and disadvantaged under the standard as prescribed by the Social Work Professions Council
- not being a disgraceful person whom the Committee is of the opinion that he or she may bring disgrace to the profession as prescribed in the Rules
- not being sentenced by a final judgement or legal order to a term of imprisonment in a case where the Committee is of the opinion that it may bring damage to the honour of the profession as prescribed in the Rules
- not being of unsound mind or of mental infirmity
- having no disease as prescribed in the Rules.

One of the functions of the Social Work Professions Council is to certify diplomas of different institutions as meeting the educational standards required to be licensed as a social worker.

Requiring a degree in social work is an important step towards professionalising social work and ensuring that social work practitioners have the knowledge and skills necessary to provide high-quality services to their clients. However, requiring university qualifications can be a challenge in countries where

social work is a new area of study. To overcome this challenge, laws in some countries recognize experience in place of educational qualifications, or provide for a grace period after the law comes into effect to allow current practitioners to obtain the necessary qualifications:



Indonesia [Law on Social Workers No. 14 2019](#)

Indonesia's law says that to be competent to perform social work and be registered and licensed as a social worker, a person must either complete a social work or other recognized degree, or be assessed as competent based on past learning and experience. The latter provision is intended for people who are already working, have experience in the field of social services, and/or have attended education and training in social services. The law states that further procedures for recognition of experience will be stipulated by regulation.



Georgia [Law on Social Work 2018](#)

In 2018, Georgia introduced a new law reinforcing the requirement for academic qualifications to become licensed as a social worker. Article 42 stipulates that social workers must meet the following requirements:

- a. of full age
- b. knows the official language
- c. holds an academic degree of a bachelor, a master, a degree equivalent to a master's degree or a doctoral academic degree in the field of social work, or a certificate of social worker provided for by this Law
- d. has competencies determined by Article 43 of this Law
- e. personal qualities correspond to the profession of social worker
- f. meets other requirements established by the legislation of Georgia.

However, in recognition of the limited pool of social service workers with a university degree in social work, the law stipulated an 18-month grace period for non-degree social workers to become certified to practice. A person who is working as a social worker, or who has at least one year's experience of carrying out social work, and has completed an approved certificate training programme can qualify for a certificate of social worker. The Ministry of Education, Science, Culture and Sport coordinates a national certification process as mandated by the law.

The law also says that relevant agencies of the Government of Georgia shall be assigned to increase the number of staffing positions of social workers on a phased basis for social workers to fully perform their official duties in the territory of Georgia by 2025.



New Zealand [Social Workers Registration Act 2003](#)

New Zealand's law allows the Board to recognize practical experience and register someone as a social worker, even if they do not have the necessary academic qualifications, if the Board is satisfied that: his/her practical experience in practising social work is enough to compensate for the lack of a formal qualification; his or her competence to practice social work has been found satisfactory; and he or she is a fit and proper person to practice social work.

Another strategy used by some countries to address this challenge is to recognize a separate category of “para-professional” social workers with lower qualifications:



South Africa [Social Service Professions Act](#)

South Africa's law was amended in 1998 to make it more inclusive of a broader range of social service workers, including both professional “social workers” and para-professional “social auxiliary workers”. A “social worker” must have a university degree in social work, whilst a “social auxiliary worker” is only required to complete a 12-month training course. Social Auxiliary Work is defined as an act or activity practiced by a social auxiliary worker under the guidance and control of a social worker, as a supporting service to a social worker to achieve the aims of social work. Both social workers and social auxiliary workers must be registered by the Council for Social Service Professions.

2.4 Regulation of the Social Work Profession in Viet Nam

Viet Nam, currently, does not have a law on the social work profession nor a system in place for licensing or registration of social work professionals. The social work profession was officially recognized by the introduction of Decision No.32 by the government on development of social work as a profession during 2010-2020 (dated 25 March 2010), also known

as Project 32. The general goal of Project 32 was to develop and raise society's awareness of social work as a profession and develop an adequate social work workforce, in terms of quantity and quality, to meet social service system demands at different levels. Together, this would realize the construction of a modern social welfare system.

On January 22, 2021, the Prime Minister issued Decision No.112/QĐ-TTg on the Social

Work Development Programme 2021-2030. Its objective is to promote social work as a profession in all branches and at all levels, so it develops in parallel with the country's socio-economic development conditions in each period. It is also designed to raise public awareness on the social work profession and develop a qualified and sufficient social labour force that meets social service delivery system demand at different levels, in order to build up a modern social welfare system. Accordingly, the Social Work Development Programme 2021-2030 focuses on eight main tasks:

1. Develop and complete legal documents on social work, including development of social work and social work services through research to clearly define roles, tasks, and processes of providing social work services in different fields. They include judiciary, prisons, reformatories, coding and standardizing professional titles of social workers, perfecting professional standards of cadres, public employees and social workers, renovating mechanisms, policies, and methods of operating social work service establishments.
2. Developing a network of social work service providers, including implementing the master plan on developing a network of social work service facilities. Support investment in upgrading and renovating physical, technical and equipment foundations for at least 10 establishments meeting the requisite standards. Support models of social work service delivery in social assistance facilities (including prisons, reform schools and the justice system).
3. Review and arrange the assignment of cadres, civil servants, public employees and collaborators performing social work in prisons, reform schools, the justice sys-

tem, educational institutions, hospitals and the labour, invalids and social affairs sector in general.

4. Organize trainings to enhance capacity, professional qualifications and skills for 90,000 cadres, civil servants, public employees and collaborators performing social work, including public employees working with children with special circumstances and minors and social workers in the field of justice.
5. Enhance social profession training programmes and education content at all levels and improve the quality of social work lecturers.
6. Research, evaluate results and propose solutions, mechanisms and policies to develop social work, especially in the fields of social protection, drug addiction treatment, health, education, justice, labour, invalids and social affairs.
7. Promote communication to raise awareness of cadres, civil servants, public employees and the public on social work.
8. Strengthen international cooperation and exchanges, research and surveys on social work service delivery models of other countries regionally and globally to promote social work development.

Thus, 10 years of implementing Decision No.32/QĐ-TTg has resulted in key milestones in social work development, especially the assignment of job codes for social work practitioners and social work education, and expansion not only into social welfare but also in health, education and justice. The system of social work services has been built and developed in important areas such as labour, invalids and social affairs, health, education and justice. In particular, the Social Work Development Programme 2021-2030 made a an important step forward with the emphasis on social work development in the field of justice, especially for minors.

Vietnamese law includes regulations on social workers. For the first time, social workers have been classified as public employees (Circular No.08/2010/TT-BNV (dated 25 August 2010) by the Minister of Home Affairs, promulgating titles and codes of social work officers). Therefore, regulations on professional activities, issues of professional ethics, codes of conduct, recruitment, and working contracts for social work officers will be applied in accordance with the provisions of the Law on Public Employees.

Since 2010, there have been numerous legal documents regulating the work of social workers, specifically:

- Decree No. 17/2013/ND-CP dated (19 February 2013) of the government amending and supplementing several articles in Decree No. 204/2004/ND-CP (dated 14 December 2004) on salaries for cadres, civil servants, public employees and armed forces. Accordingly, the decree adds several professional titles for public employees, including main social worker, social worker, college social worker, elementary social worker.
- Joint Circular No. 30/2015/TTLT-BLDTBXH-BNV (dated 19 August 2015) by the Ministry of Labour, Invalids and Social Affairs and the Ministry of Home Affairs regulate codes and standards for professional titles of public employees specializing in social work.
- Circular No. 25/2017/TT-BLDTBXH (dated 30 August 2017) by the Ministry of Labour, Invalids and Social Affairs regulates the conditions, content and form of examination or consideration for promotion to professional titles of public employees specializing in social work in public service units.
- Circular No. 34/2010/TT-BLDTBXH by the Ministry of Labour, Invalids and Social

Affairs and Joint Circular No. 30/2015/TTLT-BLDTBXH-BNV by the Ministry of Labour, Invalids and Social Affairs and Ministry of Home Affairs define the occupational code for social work, building a three-tier structure including main social workers, social workers and social work employees.

- Circular No. 07/2013/TT-BLDTBXH (dated 24 May 2013) by the Ministry of Labour, Invalids and Social Affairs regulates social work collaborators at commune level (semi-specialized).
- Joint Circular No. 09/2013/TTLT-BLDTBXH-BNV (dated 10 June 2013) by the Ministry of Labour, Invalids and Social Affairs and Ministry of Home Affairs regulates the establishment of centres providing social work services at district level.
- Circular No. 01/2017/TT-BLDTBXH (dated 2 February 2017) by the Ministry of Labour, Invalids and Social Affairs regulates professional ethical standards for social workers.
- Circular No. 43/2015/TT-BYT (dated 26 November 2015) by the Ministry of Health regulates social work tasks of hospitals and forms of implementation.
- Circular No. 33/2018/TT-BGDĐT (dated 26 December 2018) by the Ministry of Education and Training on guiding social work in schools.

Unlike cadres and civil servants who only work in Party and State agencies, social workers not only work in public non-business organizations, but also conduct other forms of activities.

Regarding the concept of social work profession, Circular No. 01/2017/TT-BLDTBXH stipulates social work as professional activities aimed at addressing challenges faced by

individuals, families, communities and society contributing to ensuring the realization of human rights, justice, social progress and people's welfare. According to Circular No. 01/2017/TT-BLDTBXH, professional ethical standards for social workers include six articles on basic principles of social work, seven articles on professional ethics and 13 requirements on professional discipline.

Regarding standards for professional titles of social workers, Joint Circular No. 30/2015/TTLT-BLDTBXH-BNV stipulates that job positions are regulated and classified according to three professional titles as follows:

Main social worker (class II): University graduate or higher majoring in social work, sociology, psychology, special education or social science relevant to social work duties. In case of graduating from a university under other social science major, a certificate must be obtained for completion of the professional training provided by the Ministry of Labour, Invalids and Social Affairs.

Principal social workers (grade III): University graduate or higher majoring in social work, sociology, psychology, special education or social science relevant to social work duties. In case of graduating from a university under other social science major, a certificate must be obtained for completion of the professional training in social work provided by the Ministry of Labour, Invalids and Social Affairs.

Social workers (class IV): Having an intermediate or higher degree in social work, sociology, psychology, special education or other social science majors relevant to social work tasks. In case of graduating under other social science majors, a certificate must be obtained for completion of the professional training in social work provided by the Ministry of Labour, Invalids and Social Affairs.

Regarding the job position of social work collaborators, Circular 07/2013/TT-BLDTBXH stipulates that commune-level social work

collaborators must have sufficient capacity (understanding basic social work processes and skills to help target beneficiaries, policies to assist beneficiaries, responsibilities and duties of social work collaborators and effectively coordinating with relevant agencies and units during performance of social work tasks), qualifications (certificates of training courses attended, or degrees in professional social work, psychology, sociology, special education, social specialties, and other social science majors supporting social work tasks). Since 2015, commune-level social work collaborators must have at least intermediate qualifications in social work or other majors related to social work, ethics (with good moral character, complying with guidelines and policies of the Party and State laws, no criminal record). Commune-level social work collaborators working under contract of social work collaborators, are entitled to a monthly allowance equal to the general minimum salary prescribed by the government.

Regarding the centre for social work services, Circular No. 09/2013/TTLT-BLDTBXH-BNV stipulates the establishment of a social work centre as a public non-business unit under the District People's Committee. Accordingly, a number of groups of social work services are performed by service providers: 1) emergency services, 2) primary medical treatment, 3) counseling and therapy for mental disorders, psychological crises and physical rehabilitation for subjects, especially those with mental health problems, mental disorders, 4) consulting and assisting beneficiaries of social assistance policies, 5) coordinate with other appropriate agencies and organizations to protect and assist the subjects, search, arrange forms of care, 6) develop an intervention and support plans for target audience, 7) monitor and review interventions, support and plan for adjustments, 8) implement measures to keep subjects from difficult circum-

stances being abused, violated or mistreated, 9) support the subject to socialize with the community after the intervention process, 10) managing the cases provided with social work services at the establishments and in the community where the service provider is located, 11) provide social education and capacity building services, 12) provide community development services and 13) organizing communication activities, raising awareness on prevention and reduction of risks of injury (falling into special circumstances, being violated, abused, illegal buying and selling, violating the law).

In addition to general regulations on social workers, there are regulations on social work tasks in some specific fields in Vietnamese law, such as Circular No. 43/2015/TT-BYT (dated 26 November 2015) by the Ministry of Health regulating implementation of social work tasks of hospitals, Circular No. 31/2017/TT-BGDDT (dated 18 December 2017) guiding implementation of psychological counseling for students in high schools and Circular No. 33/2018/TT-BGDDT (dated 26 December 2018) on social work guidelines in schools.

Consolidation of the social work profession has also made remarkable progress. Social work was introduced into training in Viet Nam in the early 1990s due to the urgent need for staff with professional social work training to help disadvantaged people in society. Initially, short courses were implemented and funded by international organizations such as UNICEF, United Nations Volunteers and Sweden Save the Children. To develop a professional social work service system, since 2004 the Ministry of Education and Training approved the framework of social work training programs at the college and university level. This is an important milestone for the development of social work in Viet Nam. In 2010, the Prime Minister approved Decision No. 32/2010/QĐ-TTg on development of the

social work profession for 2010-2020. Since then, training institutions have continuously grown in quantity and improved in quality, including social work training institutions at master's and doctoral levels. Compared with the early years implementing Decision No. 32/2010/QĐ-TTg (dated 25 March 2010) by the Prime Minister approving the project on development of social work profession for period 2010-2020 (or Decision No. 112/QĐ-TTg dated 22 January 2022), the number of institutions with specialized training in social work increases rapidly. Currently, there are 55 universities, colleges and 21 vocational training institutions providing specialized training on social work, compared to only two institutions in 2010. This major also attracts many students, with an annual enrollment of about 3,500 bachelors/year, of which five institutions provide master and doctorate programmes in social work. The number and quality of the social work lecturers, officials, employees, and collaborators have increased. Annually, social work training and coaching is provided for about 3,000 students/year, supporting provinces and cities in fostering capacity building for 10,000 incoming social workers.

In addition, the Viet Nam Association of Vocational Education and Social Work Profession was established in 2013. It is a member of the International Federation of Social Workers, but is not officially recognized by law.

However, numerous major challenges remain, including lack of legislation regulating the social work profession and limited availability of social work positions in the public service system. Vietnamese law has no specific regulations on social work as a profession, which emphasizes the position, role and duties of social workers in each specific field along with regulations on necessary knowledge and skills of social work required. Moreover, in Viet Nam's current context, it will be

difficult to reach international standards for an advanced degree in social work or ensure hours of supervised practice. That is also one of the reasons why there is little visibility across sectors of social work and social workers. Most people believe that social work is a charity activity, helping disadvantaged people, pro-

moting law enforcement and executing social policies and requiring few specialized skills. This leads to the recruitment, arrangement, and placement of workers unsuitable for their positions, affecting the quality of enforcing the law, policies, and delivering social work services to targeted beneficiaries.





3. SOCIAL WORK SERVICES IN THE JUSTICE SYSTEM

Globally, social work professionals are employed in a range of sectors, and typically there are a variety of positions with government agencies, NGOs, and the private sector that require qualifications as a professional or para-professional social worker. Within government agencies, social workers are most employed in hospitals, schools, and in the justice sector.

Within the justice sector, social workers participate in and provide advisory support to procedure conducting bodies in a range of civil and criminal proceedings, including cases relating to family disputes, custody and upbringing of children, restriction of parental rights, adoption, family violence, and criminal proceedings. This paper focuses on the role of social workers in criminal proceedings, specifically:

- Social work services for persons in conflict with the law
- Social work services for victims/witnesses participating in criminal proceedings.

Globally, social workers play an important role throughout the criminal process by assisting victims and witnesses of crime to participate effectively in the criminal proceedings and to recover from the harm that they have suffered. Participating in investigation and trial proceedings can be very intimidating and

distressing for vulnerable victims and witnesses, particularly children, victims of domestic or sexual violence, the elderly, and persons with disabilities. Social workers can assist procedure conducting bodies to minimize these challenges by providing assistance and support measures before, during and after the criminal proceedings. This helps to reduce secondary victimisation and assists victims to cope with the psychological and practical issues they may experience from their participation in the criminal process.

Social workers have also been central to government efforts to prevent crime, reduce prison overcrowding, effectively reform offenders and prevent re-offending. The aim of the criminal justice system is generally to both hold perpetrators accountable for their actions, and to enable them not to reoffend. Since many of the factors underlying crime are social in nature (poverty, unemployment, social exclusion, alcohol and drug addiction, family dysfunction, personal values and beliefs, etc.), social workers are best placed to assist in addressing these concerns. With the professional advice of social workers, procedure conducting bodies are better able to understand the underlying risk factors and social issues influencing an individual's offending behaviour, and better able to implement measures to reform the offender and prevent re-offending.

Social workers and social work case management practices are also crucial to improving the effectiveness of non-custodial sanctions and measures imposed on offenders, thus contributing to reduced reliance on imprisonment. International research has demonstrated that effective social work services contribute to lower rates of re-offending: social work practices and skills such as building effective relationships with offenders and their families; assisting them to solve real-life issues that impact on their offending; establishing family, community and pro-social friendships; and building social capital are strongly linked to lower rates of re-offending than those who do not receive such services.⁵

Engaging social workers is especially crit-

ical for effective handling minors in conflict with the law. The Convention on the Rights of the Child (CRC) emphasises that the main aim of the minor justice system should be to promote minors' reintegration and support minors to assume a constructive role in society. International standards emphasise that the most effective way to achieve this is through targeted support aimed at addressing the risk factors (in the minor's family, school, peer associations and personal development) that are contributing to their offending behaviour. This requires social work expertise to effectively identify the minor's risks and needs, and work constructively with the minor and his/her parents to address these issues.



UNICEF⁶ has highlighted five key preconditions to enable social work to fulfil its potential within the justice system:

1. The social work profession and its roles must be fully and officially recognized.
2. Social workers must receive adequate professional training to fulfil – and to be seen to fulfil – those roles effectively.
3. Social work must be given adequate resources (human and material) that enable it to offer valid responses.
4. Roles and responsibilities of social work vis-à-vis other actors in the justice system must be clearly defined and agreed by all concerned.
5. Multi-professional fora must be foreseen at all levels where actors can discuss any difficulties encountered in their cooperation and propose solutions, strategies and targets to improve their combined efforts.

5. Annie Casey Foundation (2018) [Transforming Juvenile Probation: A Vision for Getting in Right](#); Sapouna, M., Bisset, C and Conlong, A (2011) [What Works to Reduce Reoffending: A Summary of the Evidence Justice Analytical Services](#). Scottish Government; Shapland, S. et al. (2012) [The Quality of Probation Supervision – A Literature Review: Summary of Key Messages](#) (University of Sheffield and University of Glasgow). UK Ministry of Justice; Farrall, S. (2002). [Rethinking What Works with offenders: Probation, social context and desistance from crime](#). Willan Publishing; Fergus McNeill (2009) [Towards Effective Practice in Offender Supervision](#), Scottish Centre for Crime & Justice Research; Chris Trotter (2015) [Working with Involuntary Clients](#); McNeill, F., Raynor, P., and Trotter, C. (2010). [Offender Supervision: New directions in theory, research and practice](#). Abingdon: Willan.

6. UNICEF CEE/CIS (2013) [The Role of Social Work in Juvenile Justice](#)



4

SOCIAL WORK SERVICES

- FOR PERSONS
IN CONFLICT
WITH THE LAW

In recent years, many countries have taken steps to establish and/or strengthen the specialized State management agency responsible for providing social work services for persons in conflict with the law. This has generally meant shifting responsibility for execution of non-custodial sanctions and measures from the police to a Ministry or agency staffed by social workers and para-professional social workers. This requires:

- Designating a government Ministry or agency responsible for providing “probation” or “community-based corrections” services in the justice sector
 - Creating staff positions for professional and/or para-professional social workers or “probation officers” within that Ministry/agency at the national and sub-national levels
 - Clearly defining role of social workers/probation officers in criminal proceedings through laws and other legal normative documents.
- Typically, the role of social workers in the criminal justice system is governed by several legal normative documents, including:
- The law on social work, which defines professional qualifications and practice standards for social workers (discussed above)
 - The criminal procedure code, which stipulates participation of social workers/probation officers at different stages of the criminal proceedings
 - The law on justice for minors, which stipulates participation and role of social workers/probation officers in handling of criminal cases involving minors
 - The law on probation or law on execution of non-custodial sanctions, which stipulates the responsibility of the management agency responsible for social work services in the justice system, and the roles and functions of social workers/probation officers in managing and supervising the execution of non-custodial sanctions.



Example: Georgia

In Georgia, several laws guide the role of social workers in the justice system:

The [Law on Social Work 2018](#) regulates the social work profession and also defines the functions of social workers in various sectors, including child protection, family support, educational institutions, health care and the justice system. It says that the Ministry of Justice of Georgia shall be authorized to carry out social work for the purpose of preventing repeated crimes through the resocialisation and rehabilitation of former prisoners, as well as with groups of persons at risk of committing a crime, and for the purpose of enforcement.

The [Law on Procedures for Enforcing Non-custodial Sentences and Probation 2007](#) established the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation (legal entity under the Ministry of Justice) and regulates the employment of probation officers and the provision of probation services

The [Criminal Procedure Code](#) stipulates the role of the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation in criminal proceedings involving adults.

The [Juvenile Justice Code 2015](#) outlines the roles of the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation in proceedings involving minors in conflict with the law.

4.1 State agency for probation/community-based correction services

A key first step in strengthening social work practice within the criminal justice system is to designate a state agency responsible for “probation services” or “community-based corrections” services. This varies from country to country, but is typically an agency or department under an existing Ministry:

- Ministry of justice: Thailand, Philippines, Hungary, Moldova, Kosovo, Latvia, Ro-

mania, Croatia, Georgia, Papua New Guinea, Albania, Azerbaijan, Bulgaria, Croatia, Finland, Ireland, Italy, Poland, England, Netherlands

- Ministry responsible for social affairs: Hong Kong, Indonesia (for minors), Cambodia (for minors), Croatia (for minors) Fiji, Macedonia.
- Ministry for responsible for prisons/corrections: some Australian states, Norway, Lithuania.



What is a probation agency?

The Council of Europe’s Recommendation [CM/Rec\(2014\)4](#) defines a probation agency as “a body responsible for the execution in the community of sanctions and measures defined by law and imposed on an offender. Its tasks include a range of activities and interventions, which involve supervision, guidance and assistance aiming at the social inclusion of offenders, as well as at contributing to community safety. It may also, depending on the national legal system, implement one or more of the following functions: providing information and advice to judicial and other deciding authorities to help them reach informed and just decisions; providing guidance and support to offenders while in custody in order to prepare their release and resettlement; monitoring and assistance to persons subject to early release; restorative justice interventions; and offering assistance to victims of crime. A probation agency may also be, depending on the national legal system, the ‘agency responsible for supervising persons under electronic monitoring”.

These probation/community-based corrections agencies often have offices or units at the district or municipal level. In most countries, the agency is responsible for both adult and minor offenders, but they typically have specialized units, or specially trained officers, to handle minor defendants. In other countries, cases involving minor defendants are managed separately by the Ministry for

social welfare, as part of the national child protection system. Generally, the probation/community-based corrections service is managed and coordinated by the Government agency, but relies heavily on cooperation with other service providers, including local government, NGOs and other community organizations.



The Council of Europe Recommendation to member states on the Probation Rules [CM/Rec \(2010\)1](#) emphasise that:

- Probation agencies, their tasks and responsibilities, as well as their relations with the public authorities and other bodies, shall be defined by national law.
- Probation shall remain the responsibility of the public authorities, even in the case when services are delivered by other agencies or volunteers.
- Probation agencies shall be accorded an appropriate standing and recognition and shall be adequately resourced.
- Probation agencies shall work in partnership with other public or private organizations and local communities to promote the social inclusion of offenders. Co-ordinated and complementary inter-agency and inter-disciplinary work is necessary to meet the often-complex needs of offenders and to enhance community safety.

Social workers employed by the Probation/Community-Based Corrections agency to have a range of titles such as “Probation Officer”, “Community-Based Corrections Officer” or “Youth Justice Worker.” They are typically trained in social work skills and social work practices, but the qualifications required to be employed as a probation officer tends to vary from country to country:

- In some countries, the Probation/Community-based Corrections agency is staffed by qualified professional social workers (e.g. New Zealand, Hong Kong, France, Germany, Norway, Albania).
- In other countries probation officers may have a degree in humanities or other social science fields (such as sociology, criminology, or psychology), but must undergo specialist in-service training once recruited (Canada, Australia, Japan, Philippines, Serbia, Croatia, Georgia).
- Some countries, such as Indonesia and South Africa, use a mixed models where qualified social work staff undertake a more skilled level of work whilst less-trained para-professionals undertake the more basic aspects of support and supervision.
- In some countries, such as Japan, Poland, Latvia, and Singapore, staff probation officers are also supported by a large workforce of trained volunteers.



The Council of Europe Recommendation to member states on the Probation Rules [CM/Rec \(2010\)1](#) emphasise that:

Probation staff shall be sufficiently numerous to carry out their work effectively. Individual staff members shall have a caseload which allows them to supervise, guide

and assist offenders effectively and humanely and, where appropriate, to work with their families and, where applicable, victims. Where demand is excessive, it is the responsibility of management to seek solutions and to instruct staff about which tasks are to take priority.

Staff shall be recruited and selected in accordance with approved criteria which shall place emphasis on the need for integrity, humanity, professional capacity and personal suitability for the complex work they are required to do.

All staff shall have access to education and training appropriate to their role and to their level of professional responsibilities.

For examples of staffing complements of probation agencies in Europe see: Council of Europe (2021) [Persons under the supervision of probation agencies SPACE II- 2021](#), p. 127-130.



Example: Thailand Ministry of Justice, Department of Probation

Thailand's [Probation Act B.E. 2559 \(2016\)](#) states that the Ministry of Justice is responsible for organizing probation services for adult offenders. The Ministry first established the Central Probation Office in 1979, and it was subsequently upgraded to be the Department of Probation in 1992. There are currently 14 divisions and 88 probation offices throughout the country.

The Act outlines the general authority and responsibility of the Probation Department and probation officers, including: a) to promote and encourage the process of the offender's corrections and rehabilitation, b) to plan and develop the system of probation and treatment for offenders, c) to conduct pre-sentence social investigations and submit reports at the request of the court and other competent authorities and d) to supervise and coordinate rehabilitation and social welfare support for offenders who have been subjected to probation in accordance with the Penal Code. The Act promotes an inter-agency approach, stating that the Department of Probation shall have the duty to administer or cooperate with State agencies, local administration organizations, non-governmental organizations, community organizations, and other agencies to develop a network to assist in undertaking the missions of the Department.

The Ministry of Justice also provides specialized probation services for minors through its Department of Juvenile Observation and Protection, regulated by the Juvenile and Family Court Act. The Department operates 34 Juvenile Observation and Protection Centers throughout the country, staffed by probation officers. Their responsibilities include: to research into and observe matters relating to age, backgrounds, behaviours, intelligence, education and training, physical and mental conditions, character, occupation and financial status of minors, including the cause of the offence, in order to report to the court or other relevant officials; to keep in custody of minors during investigation or trial or as required by a court order; to supervise minors under probation and ensure they comply with the probation conditions imposed by the court; to give advice on issues relating to parenting to parents, guardians or persons with whom minor is residing; to carry out and coordinate with other agencies in providing support, treatment and rehabilitation to minors; and to carry out and coordinate with other agencies and institutions in providing training or mentoring services to minors in custody.



Example: Hong Kong Probation Section of the Social Welfare Department

Historically, probation services in Hong Kong were overseen by the police, but with the introduction of professional social workers in the 1950's this was shifted to a new Probation Section under the Social Welfare Department (SWD). Probation services and the appointment of probation officers is governed by the [Probation of Offenders Ordinance 1956](#). The Ordinance requires the Chief Executive of the Ministry responsible for social welfare to appoint a Principal Probation Officer and probation officers to supervise and support offenders who have been ordered by the court to undergo probation.

The overall objective of the SWD's services for offenders is to help them reintegrate into the community as law-abiding citizens. The SWD uses social work approaches which include community-based supervision and guidance for offenders, the community service work scheme, residential training, and aftercare services. The SWD's staff of probation officers deliver services according to their professional values, practices, and skills. All are registered social workers under the Social Workers Registration Ordinance, which regulates their qualifications and professional conduct.



Example: Germany

In Germany, numerous laws have been passed regulating the tasks and functions of probation officers and other social workers in the justice system, including the [Criminal Code](#), the [Youth Court Act](#), and the [Code of Criminal Procedure](#).

Due to the federal structure of Germany, there is no single model for the organization of probation services within the justice system, as each state administers federal laws through their own state-laws, regulations and general operating instructions. In some states, probation officers, who are mainly responsible for help and control in the post-trial phase, are assigned to the regional court while social workers dealing with personal and social inquiry reports belong to the public prosecution office. In some states both services form part of the same office. In other states, the social work services are directly accountable to the Ministry of Justice and not integrated into the court or the prosecutor's office. Regardless of the model used, social work services within the criminal justice system are staffed by professional graduate social workers or graduate social pedagogues. They must complete six semesters of training at a polytechnic for social work. At the end of their training they receive a degree of social work or social pedagogy. This is followed by one-year on-the-job training.

All over Germany there are also private associations and NGOs who aim at helping offenders, especially concerning aftercare. They help in offering accommodation for probationers, victim-offender mediation, community service facilities or financial support if money is needed, for example for a monthly rent.



Example: Georgia National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation

Georgia first introduced probation services in 2003 with the establishment of a Probation Department within the Ministry of Justice. It was subsequently transformed into a public legal entity called the National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation (National Probation Agency). The National Probation Agency is regulated by the [Law on Procedures for Enforcing Non-custodial Sentences and Probation 2007](#), which states that the objectives of the National are: to prevent the commission of new crimes, to protect public safety, to ensure the resocialization of convicts (integration into society) and the rehabilitation of convicts (reformation of a convict and his/her re-entry into society as a socially responsible person) (Art 7). The Act says the National Probation Agency shall accomplish its objectives based on the assessment of the risks and needs of a convict, individual planning of the enforcement of the sentence, compulsory supervision and control of a convict, and facilitation and assistance in the resocialization and rehabilitation of a convict.

The National Probation Agency has 11 regional bureaus and 64 probation offices staffed by 168 probation officers, 32 social workers and 10 psychologists countrywide. The Law states that all employees of the National Probation Agency are public servants, who, while performing their official duties, shall act as a representative of the authorities and whose lawful demands shall be binding (Art 8). All must undergo an intensive 14-day specialized training course for probation officers provided by the Probation Training Centre, as well as on-going training in specialist areas such as juvenile justice. The Agency also relies on the services offered by voluntary, state and non-governmental organizations. Various donors have provided funds to enable NGOs to develop support services and rehabilitation programmes that are made available to the probation service. In 2014 a Rehabilitation Programmes Unit was created with responsibility for standardisation and to ensure that these services are available in all regions. In addition, the Agency has established a database of workplaces for community service, which enables it to offer a variety of jobs based on the skills and physical abilities of probationers.



Example: Indonesia [Law on Criminal Justice System for Children](#)

Indonesia's law includes a special chapter on the role of "community officials" in the minor justice system. Community Officials consist of community supervisors, professional social workers, and para-professional social workers. The law stipulates the qualifications and criteria for appointment of these officers and defines their roles and duties in the minor justice system.

The duties of community officials include: conducting social background assessments on the minor and preparing reports to inform diversion decisions; providing assistance, guidance, and supervision to minors during the implementation of the diversion agreement and reporting to the procedure conducting body on compliance; preparing a social background report on minors for the interests of investigation, prosecution and trial; providing guidance, supervision and assistance to convicted minors based on the decision of the court; and providing guidance, assistance and supervision to minors who have been paroled or released from detention.



Example: England and Wales Probation Service

Probation services in England and Wales are delivered through the Probation Service, which is responsible for protecting the public and reducing reoffending, both by delivering and enforcing the punishments and orders of the court and by supporting rehabilitation through empowering people on probation to reform their lives. The Probation Service is a statutory criminal justice agency and is part of His Majesty's Prisons and Probation Service (HMPPS), which is overseen by the Secretary of State for Justice. Probation Services is responsible only for adult offenders; people under the age of 18 who are serving sentences in the community are supervised by Youth Offending Teams, which are coordinated by local government authorities and overseen by the Youth Justice Board (a non-departmental public body). The Probation Service has twelve regional offices, each of which is overseen by a Regional Probation Director (RPD). The RPD is responsible for working closely with local and national partners to deliver effective supervision and can commission rehabilitative services from external voluntary and private sector providers. Each Region is divided into local Probation Delivery Units, whose geographical boundaries are aligned with local government authority boundaries.

To become a Probation Officer, individuals must have Level 5 educational qualifications (University degree) and successfully complete the Professional Qualification in Probation (PQiP), which takes between 15 and 21 months to complete and involves both theoretical learning and practical training with people on probation. Those who complete the PQiP are eligible to apply for Qualified Probation Officer positions and will manage cases of all levels of complexity and risk. Those who do not have a relevant Level 5 qualification can instead apply to become Probation Service Officers (PSOs), who take on similar work to qualified Probation Officers but do not work with the highest risk individuals or on the most complex cases. As of 2021, Probation Services employed approximately 3,700 Probation Officers, 3,000 Probation Service Officers, and 860 Senior Probation Officers.⁷



Example: South Africa Department of Social Development

In South Africa, the professionalization of probation services and confirmation of their centrality in justice processes has been a significant element of justice sector reform since the mid-1990s, with the aim of reducing the use of pre-trial detention and imprisonment of both children and adults. Social work services in the justice sector are provided by probation officers (social workers) employed by the provincial Departments of Social Development. According to the Regulations on Probation Work, probation services means: the rendering of advocacy and education programmes to individuals, families, groups and communities; the provision of expert assessment regarding the

7. Bird, K. and Ward, M. (2021) [Probation in Europe: England and Wales](#). Confederation of European Probation

needs, risks and resilience of offenders and victims to assist courts on individualized interventions and sentencing options; acting as an expert witness in court regarding the appropriate sentencing of children and adults; the reintegration of children who have been discharged from reform schools and imprisonment; the provision of community-based supervision of children who have been placed under the supervision of an appropriate adult; helping offenders to realize the impact of their behaviour on themselves, their families, the community and their victims; supervising and compiling reports on the compliance and non-compliance of persons placed by the courts under the supervision of probation officers; facilitation of diversion and restorative justice processes; and other services under the Probation Services Act 1991. The functions and powers of a Probation Officer are further defined under the [Child Justice Act](#), the [Probation Services Act](#), and the [Criminal Procedure Act](#).

Probation Officers are employed by the nine Provincial Departments of Social Development. Any person registered with the South African Council of Social Services Professions as a social worker can be employed as a probation officer. However, in response to concerns about the huge workload of probation officers, the government has also introduced the new position of a para-professional “assistant probation officer” who support the work of probation officers and perform some of their tasks.

4.2 Role of social workers in relation to persons in conflict with the Law

Laws on other countries typically assign a wide range of tasks to probation officers or other social work professionals and para-professionals working for the probation/community-based corrections agency. This includes:

- a. assisting minors during inquiry/investigation and advising procedural conducting bodies at the pre-trial stage
- b. pre-trial supervision of defendants (adults and minors)
- c. preparing social inquiry/pre-sentence reports
- d. managing and supervising offenders subject to a non-custodial sanction and measures
- e. support during custodial sentences
- f. post-release support/aftercare.



The Council of Europe Recommendation to member states on the Probation Rules [CM/Rec \(2010\)1](#) emphasise the important role of probation services in contributing to a fair criminal justice process, preventing and reducing the occurrence of offences, and reducing the prison population. They stipulate that the role of probation services should include:

- Preparing pre-sentence and other social inquiry reports for procedure conducting bodies
- Supervising offenders before, during and after trial, including supervision during conditional release pending trial, bail, conditional non-prosecution (diversion), conditional or suspended sentence and early release

- ▪ Implementing restorative justice programmes
- Managing and supervising the implementation of community-based sanction and measures using social work case management practices
- Where appropriate, providing support, advice and information to offenders' families
- Participating in crime prevention initiatives
- Assisting prisoners with pre-trial release planning, resettle and reintegration into the community.

a) Assisting minors during inquiry/investigation and advising procedural conducting bodies at the pre-trial stage

In cases involving minors in conflict with the law, social workers typically participate from the very early stages of criminal proceedings. In recognition of minors' vulnerability and lack of maturity, some countries require that a so-

cial worker be present when a minor is questioned by the police, particularly if their parent or legal guardian cannot be present. The role of the social worker is to provide emotional and psycho-social support to the minor during investigative acts, and to assist the police to question the minor in an age-appropriate and child-friendly manner.



Example: Palestine

Palestine's Juvenile Protection Law says that a child protection advisor (social work professional or para-professional under the Ministry responsible for social affairs) shall follow up with the minor starting from the investigation stage up to the court trial stage. The investigating body must immediately assign a child protection advisor to conduct all social work and research needed to demonstrate the truth and understand the juvenile's personality. Minors shall not be questioned except in the presence of the child protection advisor, the minor's guardian, and lawyer.

Minor justice laws in many countries also require social workers to be engaged from the early stages of the criminal process to prepare a preliminary social inquiry report on the minor. This information is used to assist police and prosecutors in determining the minor's age, deciding whether to divert the minor (i.e. conditional exemption from criminal liability subject to restorative or educative interven-

tions), whether application of pre-trial detention is necessary, and what alternatives there are for the care and supervision of the minor in the community pending trial. If pretrial diversion is ordered, the social worker takes responsibility for organizing the appropriate restorative or educational measures, and monitoring the minor's compliance.



Example: Cambodia

Cambodia's Juvenile Justice Law designates the Ministry in charge of social affairs as the competent agency for appointment, accreditation and supervision of "social agents" to assist minors in conflict with the law. The duties of social agents include: to meet with the minor at all stages of procedure, particularly at the earliest judicial police procedure, to make an initial assessment; to seek information on the minor's family situation, character, educational history, education level, conditions in which the minor has lived, and other relevant information with respect to the minor's cognitive, emotional, psychological and social development for preparing, reporting and making recommendations on the minor's social welfare and conditions to the investigator, prosecutor and the court; to provide psycho-social support to the minors throughout all stages of proceeding; and to prepare and provide a diversion plan to procedure conducting authorities to exam and decide whether to approve as an alternative to initiating/continuing criminal proceedings against the minor.

In some countries, social workers/probation officers are also involved at the pre-trial stage in cases involving adult suspects/accused, to provide advice to investigators and prosecutors in handling the case.



France [Code of Criminal Procedure](#)

The Code of Criminal Procedure states that both the district prosecutors (Article 41) and the investigating judge (Article 81) may request the assistance of the probation service or other accredited person to check the material, family and social situation of an adult under investigation, and in order to be informed of the appropriate measures to support the social integration of the person concerned. In the event of a prosecution initiated against a person under twenty-one years of age at the time of the commission of an offence for which the penalty does not exceed five years of imprisonment, this request must be made before any request for pre-trial detention.

Pursuant to the [Juvenile Criminal Justice Code 2022](#), it is mandatory for the prosecutor and the juvenile judge to request and consider a report on the minor's socio-educational background and family situation before taking any decision with respect to provisional detention and before summoning a minor to a trial court (Article L. 322-3). In cases involving minors, the report is prepared by the youth judicial protection service (Service de la protection judiciaire de la jeunesse)



Croatia [Probation Act No. 99 of 2018](#)

Croatia's law allows for the probation service to be involved at the pre-trial stage in cases involving adult offenders. Prosecutors can request reports about the offender when deciding about criminal charges, whether to exempt a person from criminal liability, and for deciding on the measures of supervision and protection during pre-trial.

→ These reports include general information about the accused, including family status, social status, current health status, risk behaviour and inclinations, previous sanctions, relationship with the victim and their family members, attitudes towards the offence, assessments of criminogenic risk and treatment needs, and opinion about possible/needed implementation of measures of warning.

b) Pre-trial supervision of defendants (adults and minors)

To reduce reliance on pre-trial detention, many countries have introduced “bail supervision” programmes to monitor and support defendants in the community as an alternative to subjecting them to preventive detention. Bail programmes are typically coordinated by social workers and aid defendants who do not have a surety to guarantee their bail. The

defendant agrees to be supervised by the bail programme and must follow the conditions and rules of the programme, including regular reporting to their case manager. Where needed, the case manager may coordinate assistance to stabilize the defendant’s living situation, for example by finding the defendant a place in a shelter or arranging appropriate alternative care for a minor without a stable residence.



Example: Moldova [Law on Probation 2008](#)

In Moldova, the probation body is responsible at the pre-trial phase for electronic monitoring of family aggressors to comply with measures to protect victims, and for supervision of persons subject to the preventive measures of house arrest and release under judicial control. Information on the person’s behaviour during the surveillance period is transmitted to the prosecutor and the police.

c) Preparing social inquiry or pre-sentence reports

Social workers also play an important role in providing courts with a professional assessment of offenders’ social background. To make an effective determination of what type of sanction or measure is most appropriate for an individual offender (especially minors), the courts must have an objective and professional assessment of the person’s character, family circumstances, social background, and living conditions. The UN [Standard Minimum Rules for Non-custodial Measures](#) (Tokyo Rules) rec-

ommend that judicial authorities avail themselves of a report prepared by a competent, authorized official or agency which contains social information on the offender that is relevant to the person’s pattern of offending and current offences. The UN [Standard Minimum Rules for the Administration of Juvenile Justice](#) (Beijing Rules) recommend that social inquiry reports be prepared by a trained social worker or probation officer, since social workers generally have more appropriate skills and expertise than police to properly assess the social factors underlying the minor’s offending behaviour.

Laws in many countries now require social inquiry or “pre-sentence” reports to be prepared by social workers/probation officers and submitted to the court to help inform decision-making. For adult offenders, these reports are typically optional and requested at the discretion of the court. However, in many countries they are mandatory in all cases of minors in conflict with the law.



A social inquiry report is a professional social work assessment of a person’s background and social circumstances relevant to understanding why he/she committed the offence(s) and his/her need for supervision, guidance, re-education and other measures.



Example: Singapore

The [Probation of Offenders Act 1951](#) states that, where the courts are considering imposing probation or some other non-custodial sanction on an adult offender, the judge must request a “pre-sentence report” from a Probation Officer. The Probation Officer conducts a thorough social investigation of the offender and prepares a report with information on the offender’s home and family situation, his or her character, behaviour and the circumstances which led him or her to commit the offence(s). The Pre-Sentence Report helps the Court to identify the offender’s problems and needs and to make an appropriate order which will help him/her become a useful and law-abiding citizen.

Under the [Children and Young Persons Act, 1993](#) pre-sentence reports are mandatory in all cases of minors in conflict with the law.



Example Thailand

In Thailand, the [Probation Act B.E. 2559 \(2016\)](#) states that once the criminal court has determined that an adult offender is guilty of a criminal act, the judge can order a probation officer to conduct a social investigation and prepare a report for the court to assist in deciding on the most appropriate sentence. The Act defines “social investigation” as fact finding about the background of the offender to prepare the report and sentence recommendation for the court or the competent authority. It typically includes information about the offender’s age, past record, behavior, intelligence, education, health, condition of the mind, habits, occupation, environment, nature of the offence, remorse and any attempt to repair the damage, other extenuation circumstance, and other factors relevant to the accused.

The probation officer is required to submit the report within 15 days of receiving the order from the court, which can be extended to 30 days in case of necessity. In the pre-sentence report, the probation officers give their professional opinion about the offender’s character, level or risk or danger to society, and a recommendation to the Court about what type of education or treatment would be most suitable for them. If the court deems it appropriate, the court can summons the probation officer to answer questions about the report, or can order the probation officer to proceed with a further social investigation.



Example: Japan Family Court Probation Officers

In Japan, cases sent by the public prosecutors to the Family Court are thoroughly investigated by Family Court Probation Officers (FCPO) who enquire about the character, personal and family background and environment of the minor and the facts of the case. Approximately 1,600 FCPOs are employed by the Supreme Court of Japan in Family Courts across the country. In addition to minors in conflict with the law, the FCPOs also investigate and prepare reports for the Family Court in family disputes about divorce, custody, and inheritance.



Example: Moldova

Moldova's [Law on Probation 2008](#) states that the Probation Officer shall prepare a pre-sentence psychosocial personality assessment report for a suspect, accused or defendant at the request of the investigating authority, the prosecutor or the court. The report is a document of an advisory and guiding nature, which is intended to provide the investigating authority, the prosecutor and the court with information about the personality of the suspect, accused or defendant, his or her educational level, behaviour, family environment, circle of friends and factors that influence his or her general conduct. In the drawing up of this pre-sentence report, the family members, friends, colleagues, and other sources of information (such as psychologists, teachers, social workers, doctors, other specialists) and persons who can make a real contribution to the reflection of the psychosocial personality of the suspect, accused or defendant shall be contacted.



Example: Georgia

Georgia's National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation (National Probation Agency) is responsible for preparing individual pre-sentence reports on adult offenders at the request of competent authorities, to assist the judicial authorities in determining appropriate sanctions or measures to impose on convicted offenders. In preparing the report, the probation officer has the right to freely meet the defendant and receive information from state or non-state institutions or a person. If necessary, the judge can summon the probation officer to clarify the information in the report.

Under the [Juvenile Justice Code 2015](#), individual assessment report about the minor is mandatory and are prepared by a social worker from the National Probation Agency who has specialized training in juvenile justice. The Agency must prepare individual assessment reports on minors at various stages of the criminal proceedings, including a) at the investigation stage, on determination of a diversion measure, b) before sentencing,

c) to guide individual planning of a custodial sentence, d) to guide execution of a non-custodial sentence, e) and for consideration of the issue of release on parole. The Juvenile Justice Code clearly stipulates the responsibility of the investigating agency, prosecutor and judge to request and consider the individual assessment in making decisions within their respective authority. The assessment must include a study the level of the minor's development, the conditions of life, upbringing and development, education, health status, the family situation, and other circumstances which will enable an assessment of the nature and behaviour of a minor and the identification of his/her needs. The assessment report must include the special needs of a minor, the risk of commission of a crime or an administrative offence and, accordingly, the measures recommended to facilitate the proper development of the minor and his/her integration into society.



Example: Canada

Canada's [Youth Criminal Justice Act](#) provides for pre-sentence reports to assist the court in deciding on the most appropriate sanction to impose on a minor. These reports must be requested and considered before a custodial sentence can be imposed and may be ordered in any other case where the court deems it appropriate. The reports are prepared by youth court workers or probation officers on the basis of interviews with the minor, his or her parents, other family members, and other relevant persons (e.g. school, employer). They must include information about the minor's character, maturity, behaviour, attitude, and willingness to make amends, any plans the minor has to change or improve him- or herself, any prior offending by the minor, the availability of community services and facilities and the minor's willingness to engage in them, the minor's relationship with their parents and other family members and the degree of their influence and control over the minor, the minor's school and employment history, and the views of the victim. The report may also include the probation officer's recommendations regarding an appropriate sentence. The report is submitted directly to the youth justice court which provides copies of the report to the minor, parent/legal guardian, prosecutor and defence counsel.



Example: Croatia

Under Croatia's [Probation Act No. 99 of 2018](#), the probation service is responsible for providing two types of reports: an initial report at the request of the prosecutor when deciding on criminal charges, and on request of the judge that is responsible for the trial of the case. Both reports include the following information about the offender: general personal information and marital status, social and health status, criminogenic risk level and intervention needs, risk of damage, risk for recidivism, attitude towards the offence, information about previous criminal activity and attitudes of victim(s). The report for the prosecutor also includes assessment of appropriateness of implementing special obligations, while report for the judge includes assessment of anticipated rehabilitative impact of the recommended sanction.



Example: Norway

Section 161 of the [Criminal Procedure Act](#) states that when it is deemed to be of significance for deciding on a penalty or other precautions, a pre-trial social inquiry report relating to the person charged shall normally be prepared. The Criminal Procedure Act states that the prosecuting authority may decide on the desirability for a social inquiry when the person charged has admitted guilt, or when he or she consents to the inquiry, or when the inquiry is to be used at the appeal against the sentence or other precautions. Otherwise, the court shall make any such decision. A social inquiry must be conducted by a suitable person selected by the local unit of the Probation Service.

The purpose of the social inquiry is to obtain information concerning the personality, social circumstances and prospects of the person charged so that the prosecution and the court may be able to have a clearer picture of the defendant's health, use of alcohol or drugs, financial position, social relations etc. The report is considered in the decision to impose a specific type of sanction or to impose specific conditions connected to the sanction. The report must be prepared in accordance with a standard format.



Example: France

France's [Juvenile Criminal Justice Code 2022](#) includes a Chapter on Information relating to the personality of the minor (Title II, Chapter II). It stipulates that, before any decision pronouncing judgement about a minor declared guilty of a crime, misdemeanor or contravention of the fifth class, investigations must be carried out to acquire sufficient knowledge of his personality, his social and family situation and to ensure the consistency of the decisions to which he is subject. This can be done through 1) collection of socio-educational information or 2) the judicial measure of educational investigation.

The collection of socio-educational information may be ordered by the public prosecutor, the investigating judge and the specialized trial courts. It consists of a synthesis report, prepared by the youth judicial protection service (Service de la protection judiciaire de la jeunesse), evaluating the minor's personality and circumstances and proposing measures for his/her education and social integration.

Judicial educational investigation may be ordered by the juvenile judge, the investigating judge and the juvenile trial courts at all stages of the criminal procedure. It consists of an in-depth and interdisciplinary assessment of the personality and situation of the minor, including, where necessary, a medical assessment. It can be conducted by the youth judicial protection service or other authorized organization. It gives rise to a report containing comprehensive information on the minor's situation as well as an educational proposal or a proposal for measures to promote his social integration.

d) Managing and supervising offenders subject to a non-custodial sanctions and measures

A key role of social workers in the criminal justice system is to manage and supervise adult and minor offenders who are subject to a non-custodial sanction or measure. In some countries, this responsibility was historically given to the police, and the focus was largely on suppression of re-offending through surveillance and social control. By contrast in Western countries, the long-standing practice has been for offenders subject to a non-custodial sanction to be supervised and supported by specially trained probation officers or community-based corrections officers. These officers use social work case management practices to guide and assist offenders and ensure that they receive targeted support to address risk factors contributing to their offending behaviour. Increasingly countries in Central and Eastern Europe that previously relied on the police have shifted to a social work approach, including Albania, Croatia, Kazakhstan, Kosovo, Georgia, Hungary, Ukraine, Romania, and Moldova.

The UN [Standard Minimum Rules for Non-custodial Measures](#) say that, in order to ensure effective implementation of non-custodial sanctions and measures, various schemes, such as case-work, group therapy, residential programmes and the specialized treatment of various categories of offenders, should be developed to meet the needs of offenders more effectively. Treatment should be conducted by professionals who have suitable training and practical experience, and case-load assignments shall be maintained as far as practicable at a manageable level to ensure the effective implementation of treatment programmes. With respect to children, the UN Committee on the Rights of the Child has emphasized that States parties should develop commu-

nity-based services and programmes that respond to the special needs, problems, and concerns of minors in conflict with the law, and that provide appropriate counselling and guidance to their families. In particular, States parties should have in place a well-trained probation service to allow for the maximum and effective use of measures such as guidance and supervision orders, probation, and community monitoring.⁸

Globally, there is growing recognition of the need for greater social welfare expertise in the management of offenders subject to non-custodial sanctions.⁹ To be effective, non-custodial sanctions require a structured and professionalized approach, ensuring that offenders receive targeted and consistent supervision and support to address underlying risk factors that contributed to their offending behaviour. To achieve this aim, social workers use structured case management practices to ensure a systematic approach. This means each offender is assigned to a trained Probation/Community-based Corrections Officer who is responsible for managing their community-based supervision and reform, including:

A comprehensive assessment and thorough consideration of the individual offender, including risks factors, strengths and needs, and the interventions required to address these needs. Many countries use standardized, evidence-based risk assessment tools for this purpose

- Development of an individual plan outlining what support and interventions are needed to hold the offender accountable for his/her actions, reduce the likelihood of the offender relapsing into criminal behaviour, and assist him/her to become a law-abiding citizen
- Implementation of the plan by providing therapeutic services directly and/or organizing referrals to appropriate

8. UN Committee on the Rights of the Child [General Comment No. 24](#) (2019) on Children's rights in the child justice system, Section IV

9. UNICEF (2013) [The Role of Social Work in Juvenile Justice](#)

agencies, organizations and individuals in the locality who can assist the offender (e.g. age-appropriate community service work, employment or vocational training, psychological support or counselling, drug or alcohol treatment, anger management, mentoring). In most countries, responsibility for case management rests with the government probation officers or social worker, but services and programmes are delivered by a range of local government, non-government and community organizations

- Monitoring and supervising the offender's compliance with the plan and any

conditions imposed by the court, modifying the plan as needed, and reporting on the offender's progress to the competent authority.

For minors in conflict with the law, individual plans tend to target not just the minor, but also his/her parents, with the aim of addressing underlying problems in the minor's family or the parent/child relationship that are contributing to the minor's offending behaviour. International studies have shown that non-custodial sanctions are most effective when they are designed to provide social support to the minor and his/her family, not just surveillance and social control.¹⁰



Example: Singapore

In Singapore, community-based management and treatment of offenders is governed by the [Probation of Offenders Act 1951](#) and the [Children and Young Persons Act, 1993](#) (applicable to minors). A "probation order" is an order requiring the offender to be under the supervision of a Probation Officer or a volunteer probation officer for a period of between 6 months and 3 years. During this time, the Probation Officer provides the offender with guidance or treatment within the community. The court can also require the offender to comply with certain conditions during the probation period to help the offender to have good conduct and prevent further offending. A person on probation is required to report regularly to the Probation Officer, abide by the conditions of the Probation Order stipulated by the court (e.g. curfew, community service work), and participate in the rehabilitation programmes organized or directed by the Probation Officer. The level of service and supervision is matched to the offender's level of risks and potential for rehabilitation, with the level of supervision, frequency of contacts, the number of restrictions, and the programmes the offender is mandated to attend determined by an individual assessment. To minimize re-offending, specific programmes are put in place in collaboration with various government, non-government organizations and the corporate sector to address offenders' risks and needs. This includes programmes targeting alcohol dependency, anger and aggression, drugs misuse, and personal development programmes like making healthy life choices, study skills, and parenting skills. Work development and income generation programmes have also been put in place to cater to offenders who cannot find a job and for youth who are out-of-school.

10. Annie Casey Foundation (2018) [Transforming Juvenile Probation: A Vision for Getting in Right](#); Margo, J and Stevens, A. (2008) "[Make Me a Criminal: Preventing Youth Crime](#)," London: Institute for Public Policy Research; Moore, M. (2013) [Save Money, Protect Society and Realise Youth Potential: Improving Youth Justice Systems During a Time of Economic Crises](#), European Council for Juvenile Justice White Paper; Mark Lipsey, et al., (2010) [Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice](#). Washington, DC: Center for Juvenile Justice Reform; McLaren, K., (2000) "[Tough is not Enough: Getting Smart about Youth Crime. A review of research on what works to reduce offending by young people](#)," New Zealand Ministry of Youth; National Institute for Criminal Justice Reform (2019) [A Positive Youth Justice System](#).



Example: Thailand

In Thailand, probation officers are responsible for supervising offenders who receive a sanction of probation from the courts and must monitor and supervise implementation of the conditions stipulated in the court's judgement. The [Probation Act B.E. 2559 \(2016\)](#) states that where the court issues a probation order, the court must send the order to the local probation office immediately. The probation officer must conduct an initial assessment to identify the offender's risks and needs and develop an individualized supervision and rehabilitation plan to support behavioural change and reintegration into society. If the person on probation is a minor, the minor's parents or guardian must participate in the plan making, taking into account of a plan and conditions specified by the juvenile and family court.

The Act states a person subject to probation must be assisted and given an advice on living, capacity building, learning, attitude or behavioural modification, narcotic treatment, education, vocational training, occupation, and other assistance as necessary. If the court has ordered community service or public service, the probation officer must also assign and supervise the offender's public service individually or in a group setting. In case where the person is willing to work, a probation officer shall support and encourage such person to attend an activity to be prepared for working.

The Act requires the agencies responsible for social development and human security, labour, education, public health and other relevant field to participate in guidance and rehabilitation work for persons on probation, and says the State shall support and encourage employers or entrepreneurs to hire the person on probation for the sake of life quality support and development in reintegration and recidivism and crime prevention. It also says that to assist in supervising and supporting a person on probation, a probation officer may assign a volunteer probation officer or make an agreement with or refer the person to government agencies, local administration organization, non-governmental organization, community organization, and other cooperative agencies.



Example: Georgia

In Georgia, the execution of non-custodial sanctions is guided by the [Law on Social Work 2018](#), the [Law on Procedures for Enforcing Non-custodial Sentences and Probation 2007](#) and various sub-laws. With respect to social work in the probation system, the Law on Social Work states that the National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation (National Probation Agency) is responsible for: assessing the risks and needs of adult and minor offenders subject to a non-custodial sentence, developing, through a multidisciplinary approach, an individual plan for executing the sentence, providing rehabilitation services to offenders as part of an individual plan for executing a sentence, working with the families of offenders by organizing family conferences and providing consultations, participating in the creation of rehabilitation training modules appropriate to the needs of offenders, and linking probationers with organizations which will facilitate their rehabilitation and resocialization.

Pursuant to the [Law on Procedures for Enforcing Non-custodial Sentences and Probation 2007](#), all offenders who receive a non-custodial sanction are under the



supervision of a Probation Officer (para-professional social worker) from the National Probation Agency, who is responsible for overseeing execution of the sentence. Upon receiving the case, the first step is to conduct a risk and needs assessment to determine the offender's level of risk. If the assessment determines that the offender is low risk, the Probation Officer continues to work with him/her. If the risk level is medium, a social worker is added to the case. If the risk is high, the probation officer, social worker and a psychologist work as a team.

The National Probation Agency provides several therapy programmes to offenders to promote their integration into society. Based on the risk assessment, an individual plan is developed that focuses on key rehabilitation issues. The Rehabilitation Programmes Division of the National Probation Agency has developed several rehabilitation programmes for offenders, some of which are mandatory and others voluntary depending on the individual offender's needs. This includes a range of programmes – both individual and group – such as psycho-social rehabilitation, addiction management, pro-social behaviour development, life values, anger management, positive thinking, planning, educational programmes, employment programmes, and health recreation programmes.

With the support of UNICEF, the National Probation Agency has also enhanced its ability to provide specialized probation services to minors. Technical support was provided to develop a specialized methodology for minors, and an additional 12 specialist social workers were trained and seconded to the probation service. The government subsequently generalized service provision and took over responsibility for the salaries of the social workers. For minors, the probation methodology focuses on preparation of individual monthly plans, psychosocial and vocational counselling, life skills training, preparation for higher education entrance exams, individual and group meetings with parents, parent support groups, and referral to appropriate vocational training and social services. Reintegration of the minor to his/her family is also an important focus, since many minor offenders have weak relationships with their families.



Example: England and Wales

Pursuant to [Criminal Justice and Courts Services Act 2000](#), [Offender Rehabilitation Act 2014](#) and [National Standards for the Supervision of Offenders in the Community 2021](#), a person subject to a non-custodial order from the court is assigned a probation officer whose responsibility it is to assess, co-ordinate and regularly evaluate the offender's compliance with his/her individual sentence execution plan. The decision on which interventions to include in a sentence plan is made by the probation officer, considering the requirements and conditions in the court judgement (which probation officers may influence through their recommendations in the pre-sentence report).

Pursuant to the National Standards, a person subject to a non-custodial order must report to their local probation office within five working days. During this first appointment, a risk and needs assessment is conducted and the offender receives a clear explanation of expectations, obligations, rights, and the consequences of failing to comply. The assessment is used to prepare an individual sentence plan, which must be completed within 15 working days of the first appointment. The assessment is also used to determine the offender's level of risk and complexity of their needs, each offender is assigned to a "tier" based on their level of risk so that they can be assigned a probation

officer with the right skills and experience. This ensures that high-risk and complex cases are assigned to a more senior probation officer.

Depending on their individual sentence plan, offenders may be required to participate in specified programmes and activities to reduce their likelihood of reoffending. The Probation Service directly delivers a range of accredited programmes addressing specific offending such as domestic abuse, violent offences, and sexual offences. These programmes are delivered by trained facilitators from the Probation Service in a group setting with up to 12 offenders. In addition to the programmes offered directly by the Probation Service, an offender's sentence plan may also include drug or alcohol rehabilitation programme provided by the National Health Service. The Probation Service also commissions additional programmes, through a procurement process, that are provided by external service providers based in the local community (including private companies and voluntary organizations).



Example: Moldova

Probation services in Moldova are managed by the Directorate for Probation (under the Ministry of Justice) and is governed by the [Law on Probation 2008](#) and various sub-laws. The regulation on probation planning stipulates that immediately after an offender receives a sentence of probation, an initial assessment of the offender's risks and needs must be conducted in order to establish the risk of committing new crimes, the class of supervision, and the plan for execution of the obligations imposed on the offender. The assessment identifies and prioritises the criminogenic potential of the offender and sets objectives to reduce them. Through a systematized social investigation, the probation officer forms a conclusion about how to approach the case in terms of control, assistance and counselling, determines the level of risk, and plans concrete measures to reduce the risk of re-committing crimes. The assessment considers information contained in the report prepared for the court at the pre-sentence stage (if it was prepared) as well as information obtained by contacting community institutions. Contacting sources for the purpose of collecting or verifying information is done in such a way to minimize harm to the reputation of the person in the community.

After completing the risk and needs assessment process, the probation counselor draws up the probation plan with the actions to be taken. The probation plan is then discussed with the offender and can be modified if necessary. The plan typically includes supervision, assistance and counseling measures undertaken in collaboration with family, community volunteers and civil society representatives, as well as public authorities, non-profit organizations to initiate and carry out resocialization programmes, home visits, job placement, and education and vocational training courses. It may also include measures to strengthen the social network around the offender and his or her family, such as: establishing connections with family and social environment, workplace, neighbors, friends, social service professionals, identification of gaps in the support network and support needs, identifying the resources through which the family can achieve its objectives, sensitizing the members of the network on the situation of the subject of probation, and finding a trusted person. To provide assistance and counseling, the probation officer collaborates with community actors including

employees of internal affairs bodies, prosecutor's offices, local public administration, social protection, educational, medical institutions, religious communities, territorial employment agencies and public associations.

The Probation Service has also developed a range of specialized diversion programmes that are carried out by the Probation Officers, including civic and vocational training, programmes to reduce aggression, cognitive-behavioural programmes, and psycho-educational intervention programmes for substance users.

The Law says that the Probation Officer supervises the offender by a) visits at home, at the residence, at the place of work and studies, b) meetings, c) control at the competent bodies regarding the commission of contraventions and crimes, d) checking the crossing of the state border, e) electronic monitoring, f) other actions provided by the legislation. At the end of the probation period, a final evaluation determines whether the established intervention plan was effective and whether the problems of the offender were improved or solved.

e) Support during custodial sentences

Social workers also have an important role to play in supporting offenders during imprisonment, reform school placement, or other forms of custodial sentences. Through application of social work assessment and case management practices, prisons and other custodial facilities are better able to provide offenders with the targeted assistance needed to support their successful reintegration back into society.

The UN [Standard Minimum Rules for the Treatment of Prisoners](#) (Nelson Mandela Rules) emphasise that the primary purpose of imprisonment is to protect society against crime and to reduce recidivism, and that these purposes can be achieved only if the period of imprisonment is used to ensure the reintegration of inmates into society upon release so that they can lead a law-abiding and self-supporting life. To these ends, all appropriate means shall be used, including education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his or her social and criminal history, physical and mental capacities and aptitudes, personal temperament, the length of his or her sentence and prospects after release. So far as possible, prison staff shall include a sufficient number of specialists such as psychiatrists, psychologists, and social work-

ers. As soon as possible after admission and after a study of the personality of each prisoner, a programme of treatment shall be prepared for him or her in the light of the knowledge obtained about his or her individual needs, capacities and dispositions. Prison social workers should also be charged with the duty of maintaining and improving prisoners' relations with their family and with social agencies in the community.

With respect to minors, the UN [Rules for the Protection of Juveniles Deprived of their Liberty](#) stipulate that as soon as possible after a minor is admitted to a facility, each minor should be interviewed and a psychological and social report prepared to identify any factors relevant to the type and level of care and programmes required by the minor. This report should be used to determine the most appropriate placement for the minor within the facility and the specific type and level of care and programme required and to be pursued. When special rehabilitative treatment is required, trained personnel of the facility should prepare a written, individualized treatment plan specifying treatment objectives and time-frame and the means, stages and delays with which the objectives should be approached. To facilitate this work, all facilities for minors should have specialist counsellors, social workers, psychiatrists or psychologists.



Example: Georgia

Georgia's [Law on Social Work 2018](#) (Article 53) states that the Ministry of Corrections and Probation of Georgia shall be authorized to carry out social work in the penitentiary system. Social worker in the penitentiary system shall:

- a. assist in the protection of the rights of accused/convicted persons
- b. provide consultations to accused/convicted persons
- c. provide advocacy for accused/convicted persons
- d. assist in the reduction of the penitentiary stress of accused/convicted persons
- e. participate in the assessment/reassessment of the risk of danger from convicted persons
- f. provide the assessment/reassessment of the risk of harm from accused/convicted persons
- g. provide the assessment/reassessment of the risks and needs of a convicted person to determine the probability of repeat offending
- h. on the basis of identified risks and needs, develop an individual plan for serving a sentence, with the participation of the convicted person
- i. identify vulnerable groups of accused and convicted persons in penitentiary institutions to facilitate their psychosocial rehabilitation, and ensure the observance of established standards
- j. facilitate the participation of accused/convicted persons in educational programmes and the implementation of these programmes
- k. facilitate the participation of convicted persons in professional training programmes and the implementation of these programmes
- l. determine directions of psychosocial rehabilitation and therapy, contribute to their implementation and facilitate them
- m. promote the labour/employment of convicted persons placed in penitentiary institutions
- n. assist in the implementation of auxiliary programmes, in particular cultural, sports, religious, cognitive and other activities, for accused/convicted persons and
- o. facilitate the preparation of convicted persons for resocialisation and reintegration.



Example: South Africa

In South Africa, social workers are employed in all custodial facilities. Their core function is to assess individual offenders at the time of admissions and provide needs-based programmes and services to enhance their adjustment, social functioning and reintegration back into the community. Through individual and group interventions with detainees, social workers assist offenders to develop coping skills, facilitate contact between offenders and their families to build and maintain healthy family relationships and promote stable families and positive lifestyles, and compile reports to the Correctional Supervision and Parole Board to better inform decisions about release of offenders back into the community.



Example: Germany

In Germany, one central function of imprisonment is to prepare the offender for re-integration into their community after release. Because of this aim, there are numerous tasks for social workers within the various penal institutions. Social work in prison is governed by the Prison Act, which states that social worker must provide social support during imprisonment, as well as helping prisoners to come to terms with any personal problems and deal with their affairs on the outside. This includes: identifying personal problems of offenders helping offenders to gain personal skills (confidence building, self-esteem), showing ways to prevent getting into conflict with law in future, providing problem-solving skills and training (e.g. social training on how to deal with interpersonal conflicts), working with the offender's environment (family, support after release), and organizing specific care and support (e.g. educational support, therapy) as part of structuring the prisoner's period within the penal institution. The Prison Act requires penal institution to plan for the needed number of social workers. Approximately 900 social workers are working in penal institutions.



Example: Hong Kong

Hong Kong's prisons have undergone a major transformation in the last three decades, beginning with a change in the name of the competent authority from "Prisons Department" to "Correctional Services Department" (CSD) and the establishment of a Rehabilitation Division to co-ordinate the delivery of comprehensive rehabilitative services to offenders. In addition to detaining offenders in a decent and safe environment, the CSD is also tasked with providing comprehensive rehabilitative services and programmes with a long-term objective of reducing crime. The purposes of these services are to prepare offenders for their eventual release by helping them to address their criminogenic issues, develop a socially acceptable behaviour, strengthen their confidence to cope with difficulties upon discharge, and enhance their potential for securing decent employment. This is done through the adoption of evidenced-based, social work approaches to offender management and rehabilitation. Upon admissions, offenders undergo a risk and needs assessment to evaluate and classify each offender based on their custodial and reoffending risks and rehabilitative needs. Various psychological services, education and vocational programmes are then provided, matching the individual offender's risk and rehabilitative needs.

Although there is no pre-requirement that Correctional Services Officers must be social work graduates, they are recommended to be equipped with social work knowledge for their rehabilitation work. The CSD has liaised with Social Work Departments of local universities to provide social work practice and skills training to CSD staff.



Example: France

In France, the Code of [Code of Criminal Procedure](#) and sub-laws say that, where a person is imprisoned, it is the responsibility of social workers from the Service

→ Pénitencier d'Insertion et de Probation (SPIP) to: help to prevent the de-socialising effects of imprisonment, encourage the maintenance of links with friends and family, help to prepare inmates for social reintegration, and seek ways in which to promote the adaptation of sentences and tailoring them to the individual.

f) Preparation of offenders for release

Both the UN [Standard Minimum Rules for the Treatment of Prisoners](#) and the UN [Rules for the Protection of Juveniles Deprived of their Liberty](#) (Havana Rules) emphasise the importance of ensuring that detainees receive appropriate guidance and support to prepare for their release and facilitate their successful reintegration back into their families and communities. The role of social workers in this regard is especially important. Preparation for release involves working not only with the offender and trying to ensure that his/her prospects on release are as positive as possible (continued education, vocational training, employment) but also and with his/

her family, so that the home setting is also as conducive as possible for the offender's return. The Council of Europe Recommendation to member states on the Probation Rules [CM/Rec \(2010\)1](#) emphasise that probation agencies should work in co-operation with the prison authorities, the offenders, their family and the community in order to prepare their release and reintegration into society. Probation agencies should be afforded all necessary access to prisoners to allow them to assist with preparations for their release and the planning of their resettlement to ensure continuity of care by building on any constructive work that has taken place during detention.



Example: Philippines

The Philippines *Juvenile Justice and Welfare Act* stipulates that children in conflict with the law released from a youth rehabilitation centre shall be provided after-care services by the local social welfare and development officer for a period of at least six months. After-care service includes counselling and other community-based services designed to facilitate social reintegration, prevent re-offending and make the children productive members of the community.



Example Thailand

Thailand's [Probation Act B.E. 2559 \(2016\)](#) states that when there will be a parole or sentence remission for prisoners, the Department of Corrections or military prisons shall urgently send the relevant document to the probation office immediately. The probation officer must conduct a social investigation and submit a report and a comment within sixty days of receiving the document (section 23-24).



Example: England and Wales

Where a custodial sentence is imposed, the Probation Service are responsible for implementing the Offender Management in Custody model, which was introduced in male prisons in 2019. Under the model, prisoners with more than 10 months left to serve in custody are allocated a Prison Offender Manager (POM). POMs are based within the prison and have responsibility for sentence management until a specific point pre-release, when this responsibility moves to the Community Offender Manager (COM), a probation officer based in the community.

POMs are responsible for assessing an individual's risks and needs and preparing individual sentence plans, including ensuring specialist assessments for complex needs (such as mental health needs and substance misuse), setting objectives for the individual, and making referrals for relevant interventions and rehabilitative services. At the relevant point in the sentence, they hand sentence management responsibility to the COM, who will then be responsible for reviewing the sentence plan and completing pre- and post-release activities. This includes the production of a pre-release report. POMs and COMs must also ensure victims' needs and concerns are considered in sentence plans and in plans for release by working with Victim Liaison Officers (also part of the Probation Service). Additionally, POMs and COMs are expected to work with other agencies (such as police and local authorities) in their sentence management and preparation for release activities

For those serving longer custodial sentences (with more than ten months left to serve in custody), a pre-release sentence plan should be completed within three months of the individual being assigned to a Community Offender Manager (this allocation usually takes place between six and seven months prior to the release date).

g) Post-release support (aftercare) and parole supervision

Equally important is ensuring that offenders receive continuing support after their release to assist them to successfully reintegrate back into the families and communities. Social workers typically play a role in managing, supervising and supporting adult and minor offenders who have been released from custodial facilities, particularly those who receive conditional early release (parole). For minors in particular, this support is crucial to successful reintegration. In many cases, the minor's environment (family, friendships, community, material conditions, etc.) will not have improved during his/her time in custody, and to the extent that these were causal factors in the original offending behaviour, the minor

may need ongoing support to successfully re-integrate and resist re-offending.

The Mandela Rules emphasize that the duty of society does not end with a prisoner's release, and there should be an agency responsible for providing after-care services directed at lessening prejudice towards the offender and assisting in their social reintegration. The Havana Rules similarly require competent authorities to provide or ensure services to assist minors in re-establishing themselves in society and to ensure, to the extent possible, that the minor is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release to facilitate successful reintegration. The Council of Europe Recommendation to member states on the Probation Rules [CM/Rec \(2010\)162](#) say



“Aftercare” means the process of reintegrating an offender released from detention back into the community in a constructive, planned and supervised manner.

that supervision following early release (i.e. parole) shall aim to meet the offenders’ resettlement needs such as employment, housing, education and to ensure compliance with the release conditions in order to reduce the risks of reoffending and of causing serious harm.

Once all post-release obligations have been discharged, probation agencies may continue to offer aftercare services to ex-offenders on a voluntary basis to help them continue their law-abiding lives.



Example: Germany

Under Germany’s criminal laws, the penal enforcement division of the regional court has authority to conditionally release a prisoner before having served the entire sentence. In deciding on conditional release, the court relies on expert advice from the penal institution, including the staff social worker. Prisoners who are conditionally released are on probation for between two and five years, during which time they are placed under the supervision of a probation officer, who is responsible for ensuring that they comply with the conditions imposed by the court.



Example: Moldova

Moldova’s [Law on Probation 2008](#) stipulates that post-penitentiary assistance may be provided to persons released from detention before term and to persons released from detention after the expiry of the term. For persons released before term, post-penitentiary assistance is granted based on a court decision, and the Probation Officers is responsible for both supporting reintegration and also supervision and control of the terms of the prisoner’s conditional early release. For persons released after the full sentence has been served, services are provided based on an agreement signed between the former detainee and the probation officer.

Post-penitentiary assistance involves actions carried out individually or in groups, aimed at the personal development of the offender to solve the problems that appeared in his social life after detention. The Law says this consists of: submission of information about the possibilities of granting a place of residence, providing support in search of a job, providing support for placement in social services institutions, providing support in completing the identity card and other documents necessary, organization and involvement in probation programmes, counseling for solving various social and psychological problems, and involvement, with the help of public authorities, non-

governmental organizations in the psychological, medical and social field, in solving the problems of former prisoner. In supervising and supporting prisoners after their release, Probation Officer must work in co-operation with the prison authorities, the offenders, their family and the community in order to prepare their release and reintegration into society.

4.3 Social Work Services for Persons in Conflict with the Law in Viet Nam

Currently, Viet Nam does not have a legal document that directly and specifically regulates the social worker profession or social workers and the role of social workers in the criminal justice system. Nor does the law stipulate a designated State management agency for probation/social work services for lawbreakers or specialized probation or community-based corrective department/unit and staff. However, research shows that basic regulations exist on roles, functions and tasks of supporting and assisting juvenile law-breakers, offenders, and convicts. Some legal documents such as the Penal Code, Criminal Procedure Code, Criminal Judgment Execution Law, Law on Children and guiding documents already regulate provisions at grassroots for delivering support services in criminal proceedings against minors (such as regulating representation of the juvenile's school, Youth Union to participate in the proceedings). Especially, for the first time, there are specific provisions on the role of child protection workers in criminal justice process with children who violate the law regulated in the Law on Children and Decree No. 56/2017/ND-CP detailing the implementation of the Law on Children.

The current *Criminal Procedure Code* does not oblige the proceedings agency to request a background statement or report before sentencing of the accused/defendant during investigation or sentencing. Pursuant to Article 416 of the Criminal Procedure Code, when settling a case involving a minor, the following main details must be clarified: the per-

son's age, physical and mental development, awareness of crime, living conditions and education, adult instigation and the causes, conditions and circumstances leading to the crime. However, professional or semi-professional social workers are not required to prepare a social background report to provide this information. Instead, this information is usually collected by the investigative agency. Pursuant to Clause 2, Article 72 of the Law on Children (applicable only to people under the age of 16 years), commune-level child protection officers are responsible for providing information on children's background and family circumstances to those with legal authority to assist them in taking remedial action, education and other appropriate decisions. However, this is not done in practice.

In the Penal Code, there are several provisions regulating the responsibilities of agencies, organizations and individuals to assist offenders during non-custodial re-education penalties, implementing supervision and other education measures and exemption from serving a conditional prison sentence (such as a suspended sentence). Specifically:

- Regarding non-custodial re-education: The court assigns the agency or organization where the person subject to non-custodial re-education work or studies or the People's Committee of the commune where he/she resides to supervise and educate that person. If the sentenced persons are State employees (eg: civil servants, professional soldiers, non-commissioned officers, defense workers, public security workers and continue to work at these agencies), these organizations

may rearrange their job roles so they can meet the supervision and education requirements. If the sentenced persons are accepted to study in a general education or vocational education institution, they shall enjoy benefits according to the institution's regulations while ensuring the requirements for supervision and education. If the sentenced person returns to the locality, the Commune People's Committee will assign specific officers in the Women's Union, Veterans' Association or village head with sufficient capability, favourable conditions to support, educate and change the sentenced person.

- Regarding implementation of supervision and education measures: when implementing supervision and education in the case of being exempted from penal liability (such as reprimand, conciliation in the community, education in communes, wards and towns), the investigating agency, the Procuracy or the Court will leave the responsibility for supervision and education to the Commune People's Committee. In addition to police officers and soldiers, public security officers, socio-cultural officials, judicial and civil status officials, there are commune-level child protection workers and social work collaborators at commune level, representatives of the Women's Union, Youth Union or a reputable person in the community with experience in educating and helping offenders under 18. These persons will be in charge with supervising and educating offenders as assigned by the Presidents of the Commune People's Committees. The school, family and other agencies/organizations will collaborate to monitor, educate and help minors realize their violations, thus enabling them to take corrective measures, develop healthily, and become constructive citizens.

Law on the Execution of Criminal Judgements 2019:

The Law on the Execution of Criminal Judgements 2019 stipulates measures to prepare prisoners for community reintegration. Within two months before the prisoner completes his/her imprisonment sentence or after receiving the appraisal results, he/she agrees to request amnesty or parole before the conditional term of the competent authority, the detention facilities shall organize psychological counselling for the prisoner. The detention facilities can invite officials from the Judiciary, Education and Training branches, Lawyer Association, Youth Union, universities, HIV/AIDS prevention and control centres, and employment service centres, businesses or other authorities to consult and support legal procedures for prisoners to receive knowledge, assist self-orientation and improve their ability to solve problems encountered during the community reintegration process, such as through counselling to eliminate guilt and an inferiority complex, promote their will, confidence, ability to cope with and address problems within the community reintegration process (Article 5).

The Criminal Judgment Execution Law also stipulates measures to ensure community reintegration for those who have completed their prison sentence, such as counseling to eliminate low self-esteem, improve life skills, community integration skills and problem solving in social relations. Psychological support is provided as soon as the person who has served the prison sentence returns to his/her place of residence (Article 10).

The Law on the Execution of Criminal Judgements also stipulates that agencies, organizations, individuals and families actively explore and understand the situation, thoughts, aspirations, advantages and challenges of the person who has finished serving the prison sentence, in order to coordinate with local authorities and relevant organiza-

tions to agree on measures to educate and assist these persons in implementing their own community reintegration plans, encourage them to abide by the State's policies and laws, and the regulations of local authorities (Article 26). Decree No. 49/2020/ND-CP (dated 17 April 2020), detailing the Law on the Execution of Criminal Judgements on community reintegration, stipulates measures to prepare prisoners for community reintegration such as psychological counseling, legal procedures support (Article 5), career orientation and improving employment opportunities for prisoners (Article 6). In addition, the decree also stipulates measures to ensure community reintegration for those who have finished serving prison sentences, such as psychological and legal procedures support (Article 10) and vocational training and job creation for those who have completed prison sentences (Article 11). The decree specifies responsibilities of People's Committees at all levels, agencies, organizations, individuals and families to ensure reintegration into the community post prison sentences.

However, compared with regulations of other countries, Viet Nam lacks a specialized agency designated to supervise and manage violators subject to non-custodial punishment, according to case management practices in social work. Pursuant to *Law on Execution of Criminal Judgments 2019*, the responsibility of supervising and educating persons serving suspended and non-custodial reform sentences and other community-based re-education penalties is assigned to commune-level People's Committees (Article 19). The law stipulates that to carry out these responsibilities, the People's Committee will be advised and supported by the commune police rather than a government agency with social work staff and must coordinate with socio-political organizations, family and organizations where the offenders work or study (Articles 86, 98). However, these agencies and organi-

zations work in the spirit of volunteerism and do not offer trained social workers.

The *Law on the Execution of Criminal Judgments 2019* stipulates that the preparation for completing a person's prison sentence and re-integrating into the community must include psychological counseling and legal procedures support, career orientation, job searches and financial support (Article 45). However, this responsibility is assigned to prisons, detention centres and criminal judgment enforcement agencies, Public Security Bureaus at district-level, rather than a government agency with social work staff. Similarly, the responsibility for managing and supervising the parolee is assigned to the commune-level People's Committee, with advice and support of the commune-level police department with coordination from mass organizations, the released person's family and the location where the released person works or studies (Article 61).

To supervise and educate offenders under 18 years exempt from criminal liability, Decree No. 37/2018/ND-CP (dated 10 March 2018) details the supervision and education process in the community and defines the conditions, roles, responsibilities, allowances of those who directly perform supervision and education. In particular, it stipulates that commune-level social work collaborators, commune-level child protection workers, representatives of Women's Unions, Youth Unions or reputable people in the residential community directly carry out supervision and education as assigned by the chair of the commune-level People's Committee. Schools, families and other agencies, organizations and individuals shall coordinate and support implementation of supervision and education (Article 6). In the process of developing the draft plan, the person who directly performs the supervision and education will actively contact available service providers in the locality, engage the social work centre and related agencies, orga-

nizations to ensure the plan's suitability and feasibility (Article 10).

The person directly performing supervision and education must be a person of good moral character, with knowledge and skills in social work, child-related work, child psychology or previously complete judicial trainings for minors, assigned by the chair of the commune-level People's Committee to directly perform supervision and education (Clause 3, Article 2). The decree also clearly stipulates the supervision and education process, with roles and responsibilities of the person directly supervising and educating, including preparing the information collection report, identifying risk factors, motives, causes and conditions

for law violations of the person being supervised or educated, develop and implement a plan for supervision and education. However, agencies and organizations responsible for supervising and educating minors generally work in the spirit of volunteerism and are not trained social workers.

Overall, while Vietnamese law recognizes the need for community-based supervision, education and support for persons in conflict with the law. There is currently no State management agency assigned to manage supervision and education of offenders, and no requirement that those performing supervision and education must be qualified as social work professionals or para-professionals.



5

SOCIAL WORK SERVICES

FOR VICTIMS AND WITNESSES IN CRIMINAL PROCEEDINGS

In recent years, criminal justice systems have paid increased attention to the important role of social workers and other victim/witness supporters in handling cases involving especially vulnerable victims and witnesses, including minors and other victims of violent crimes such as sexual violence, domestic violence, and trafficking in persons. Participating in investigation and trial proceedings can be very intimidating and distressing for vulnerable victims and witnesses, and assistance and support measures should be employed before, during and after the criminal proceedings to reduce secondary victimisation and help victims to cope with the psychological and practical issues they may experience from their participation in the criminal process.

The UN [Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](#) state that victims of crime must be provided proper assistance throughout the legal process and should receive the necessary material, medical, psychological and social assistance. The UN [Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime](#) emphasise the importance of ensuring that minor victims and witnesses of crime receive appropriate information and advice about their participation in the criminal justice pro-

cess and receive assistance from support persons, such as child victim/witness specialists (i.e. a social work professional or para-professional), throughout their participation in the criminal justice process.

Globally, there has been increased investment in setting up structured Victim/Witness Support Services to ensure that all vulnerable victims and witnesses receive the social support that they need.

5.1 State management agency for social work services for victims and witnesses of crime

There are a variety of different models for how the service is structured and managed. In some countries, state management of Victim/Witness Support Services is under the Ministry responsible for justice or the Ministry responsible for social affairs, other countries have established a Victim/Witness Supporter department or unit under the Procuracy, whilst in others victim/witness support services are provided by NGOs. In some countries the victim support service is staffed by trained social workers, though more commonly victim supporters are volunteer social work para-professionals who receive training in the basic skills needed.¹¹

11. UNDP (2014) [Development of a Witness and Victim Support System](#).



Example: Western Australia

In Western Australia, the Department of the Attorney General (prosecutor) operates the Victim Support and Child Witness Service, with 19 offices located mainly at district courthouses. Each office is staffed by a mix of professional social workers (paid public servants employed by the Department of the Attorney General) and trained volunteers.



Example: France

France had over 150 accredited victim support NGOs that are supported by funding from both state and local authorities. They work in close cooperation with the police and the judiciary, notably with a presence both in police/gendarmerie units and in courts, where they operate the Offices for Victim Support (Bureau d'aide aux victimes (BAV)). Formally, no Ministry has the lead for the coordination of victim support services, but in practice the Ministry of Justice and Ministry of Interior are the key players. Both are represented within the National Council on Victim Support (Conseil National d'Aide aux Victimes - CNAV) that was set up in 1999 and is responsible for coordinating government action with other non-governmental bodies to ensure and strengthen the rights of victims in criminal proceedings.



Example: Germany

Some Germany state ministries of justice have taken measures to provide services for victims. For example, in Lower Saxony, the foundation 'Help for Victims' operates local victim assistance offices which cooperate with the police, social authorities, youth welfare services, lawyers and NGOs to organize necessary assistance for victims. There are 11 victim assistance offices, one in each regional court district, with 12 full-time victim assistants. In 2005 the victim assistants of Lower Saxony were in charge of 1,552 victims. In other federal states NGOs that partly get financial subsidies from the government provide advice and assistance to victims.



Example: Netherlands

In the Netherlands, a national network of victim support counters was established in 2011. In the victim support counters (which are located in court buildings), the NGO Victim Support Netherlands, the police, and the public prosecution service work together, creating good lines of communication, which means that victims receive

→ better support. Employees of the victim support counter provide information to victims during the entire criminal proceedings (for example, information and explanation on procedures, the hearing and the decision). The victim support counter can also arrange a meeting with the public prosecutor and help victims who wish to exercise their right to participate in the court proceedings. The counter furthermore supports victims in recovering damages or when preparing a written victim statement.



Example: England and Wales

In England and Wales, the police and Crown Prosecution Service have collaborated in establishing Witness Care Units. The units are responsible for providing a single point of contact for victims and witnesses for information about their role in the criminal justice process, the progress of their cases, court results and explanation of sentence, and to minimize the stress of attending court. Witness care units manage the care of victims and witnesses from the charging of the defendant(s) through to the conclusion of a case. They carry out a full needs assessment for victims and witnesses with particular support needs to ensure they are able to get to court and give their best evidence. They also carry out continuous review of victim and witness needs throughout the case and refer victims and witnesses to national and local specialist support agencies which will provide ongoing support to meet individual needs.



Example: Croatia

In Croatia, Probation Service is responsible for providing victim assistance services. The Central Office of Directorate for Probation and Victim and Witness Support has two divisions: (1) division for probation (dealing with offenders) and (2) division for victim and witnesses' support.

The Victim and Witness Support unit is responsible for organizing psychosocial support and help to victims of crime and their family members during the criminal proceedings. This support is mostly conducted with the involvement of volunteers. A request for Victim and Witness Support services can be submitted by the prosecutor, the court, or from the victim, family members themselves. Prison authority can also request support from the Victim and Witness Support unit to inform and prepare victims and their family members when offenders are released from prison.

Social workers have a crucial role to play in all aspects of the criminal justice process and have proven to be an invaluable support to procedure conducting bodies in handling both persons in conflict with the law and victims/witnesses of crime. International experi-

ence highlights the importance of having a clear legal framework governing the role of social workers in the criminal justice system, as well as investing in the establishment of a State management agency, staffed by professional and para-professional social workers. Through their expert social work input, social workers can contribute to reductions in re-offending and support victims of crime to overcome the harm that they experienced.

5.2 Role of social workers in relation to victims and witnesses

Social worker professionals and para-professionals have an important role supporting procedure conducting bodies to effectively handling cases involving vulnerable victims and witnesses by:

- Providing psycho-social and emotional support throughout the criminal justice process and accompanying the victim/witness during all procedural acts
- Providing simplified explanations to victims and witnesses (particularly minors and their parents) about their rights and responsibilities in criminal proceedings
- Acting as the liaison between the victim/witness and the competent procedural agency, regularly updating the victim/witness on the progress of the case
- Keeping competent procedural agencies informed about the victim/witness' well-being and safety, and advising them on

any special handling measures that may be needed to support the victim/witness to participate in the proceedings and give effective testimony, including any special measures needed to accommodate disability

- Preparing minor victim/witness for their participation in the court proceedings, including facilitating a pre-trial visit to see the courtroom
- Helping minimize obstacles to participation in criminal proceedings (such as arranging transportation or childcare), or assisting victims to sort out practical problems and get their lives back under control (for example getting broken doors and windows fixed or finding alternative safe accommodation).
- At the end of the criminal proceedings, debriefing the victim/witness on the outcome of the case, including explaining the court judgement
- Collaborating with child protection workers and other victim support agencies to ensure that victim/witnesses receive appropriate support to assist in their recovery and reintegration, including making referrals to service providers (government and NGO) providing temporary shelter, medical treatment, counselling, legal advice and any other support the victim/witness might need.



UN Model Law on Justice in Matters involving Child Victims and Witnesses of Crime

Article 15. Support person

As from the beginning of the investigation phase and during the entire justice process, child victims and witnesses shall be supported by a person with training and professional skills to communicate with and assist children of different ages and backgrounds to

→ prevent the risk of duress, re-victimisation and secondary victimisation.

Article 17. Functions of the support person

The support person shall, inter alia:

- a. Provide general emotional support to the child
- b. Provide assistance, in a child-sensitive manner, to the child during the entire justice process. Such assistance may include measures to alleviate the negative effects of the criminal offence on the child, measures to assist the child in carrying out his or her daily life and measures to assist the child in dealing with administrative matters arising from the circumstances of the case
- c. Advise whether therapy or counselling is necessary
- d. Liaise and communicate with the child's parents or guardian, family, friends and lawyer, as appropriate
- e. Inform the child about the composition of the investigation team or court and all other issues as stated in article 9 of this [Law] [Act]
- f. In coordination with the lawyer representing the child or in the absence of a lawyer representing the child, discuss with the court, the child and his or her parents or guardian the different options for giving evidence, such as, where available, video recording and other means to safeguard the best interests of the child
- g. In coordination with the lawyer representing the child or in the absence of a lawyer representing the child, discuss with the law enforcement agencies, the prosecutor and the court the advisability of ordering protective measures
- h. Request that protective measures be ordered, if necessary
- i. Request special assistance measures if the child's circumstances warrant them.



Example: Georgia [Criminal Procedure Code](#)

Georgia's Criminal Procedure Code includes a Chapter VII on Coordinator of Witnesses and Victims. It says that Victim/Witness Coordinator may be involved in a criminal case by the decision of a prosecutor or an investigator, based on the interests of the witness/victim. The purpose of the involvement of a coordinator is to simplify the participation of the witness/victim in the proceedings, mitigate the stress caused as a result of the crime, prevent re-victimisation and secondary victimisation, and to ensure their awareness at the investigation and court hearing stages. The prosecutor or investigator must immediately notify the Coordinator of the decision to involve the Coordinator in the criminal case, and shall communicate to him/her the factual circumstances of the criminal case and the contact details of the witness/victim. When the Coordinator becomes aware of his/her involvement in the criminal case, he/she shall promptly contact the witness/victim. The witness/victim shall have the right to refuse to cooperate with the coordinator of a witness and a victim.

With respect to the rights and duties of the Coordinator, the Criminal Procedure Code states that the Coordinator shall:

→ a) after a preliminary consultation with the investigator or prosecutor, provide the witness/victim with the necessary information about the progress of the investigation and the court hearing

b) communicate to the witness/victim, in the language understandable to them, their rights and duties, and explain to them the legal procedures for investigation and court hearing

c) during the investigation, be present at an investigative action and a procedural action carried out involving the witness/victim, to provide emotional support to the witness/victim

d) during the court hearing, be present at the interrogation of the witness/victim in the courtroom, and at the examination of evidence involving them, to provide emotional support to the witness/victim

e) provide the witness/victim with information about the necessary legal, psychological, medical and/or other services and, when needed, assist in contacting an appropriate body/organization.

A coordinator may not, during an investigative action and a procedural action, ask questions to the witness/victim or otherwise interfere in the evidence collection process, and must not disclose the case-related circumstances known to him/her

International studies have highlighted the benefits of investing in quality victim/witness support services¹², including:

- Increase in the number of crimes reported and the number of victims prepared to pursue cases in the criminal justice system.
- Improved coordination and preparation for trial.
- Clearer identification of practical barriers to the victim/witness testifying effectively at court.
- Significantly improved trial outcomes, due to lower rates of witness non-attendance and improved quality of testimony.
- Increased satisfaction from the Judiciary and Prosecutors, who often report

that victim supporter and preparation increases the quality of victim's evidence (particularly minors) and enables the criminal justice process to run more smoothly.

- Significant increase in victim/witness confidence in and satisfaction with the criminal justice system through the development of better understanding of what is required of them, being supported to give their best evidence, and feeling safe in what can be a frightening environment.
- Improved inter-agency collaboration across justice agencies, and between the justice sector and victim service providers
- Reduction in secondary victimisation, and more effective and efficient referral

12. Avail Consulting (2004), No Witness, No Justice Pilot Evaluation, England and Wales Crown Prosecution Service and ACPO; Turley, C. and Tompkins, C. (2012) Early Learning from Victim Support's Homicide Service, Ministry of Justice Research Series 2/12. London: Ministry of Justice; Bradford, B. (2011) Voice, neutrality and respect: Use of victim support services, procedural fairness and confidence in the criminal justice system. *Criminology and Criminal Justice*, 11(4), 1-22; Jayne Jones (2015) Getting It Right For Young Victims And Witnesses What Children and Young People Say They Need From Support Services; Victim Support UK; United Nations Development Programme (2014); Development of a Witness and Victim Support System.

of victims to appropriate support services.

- Improved long term outcomes for victims. This is due to experiencing less-trauma as a witness and from having strong preparation and support.
- Overall increase in economy, efficiency and effectiveness of the criminal justice system by reducing delays and adjournments from witness non-attendance, shortening case processing times, and increased likelihood of offences being brought to justice.

5.3 Social Work Services for Victims/Witnesses of Crime under the Law in Viet Nam

Viet Nam does not currently have any laws governing victim/witness support services or providing for participation of a victim support specialist to assist vulnerable victims and witnesses participating in criminal proceedings. Some legal normative documents guiding support for victim minors and witnesses, but these have yet to be fully implemented in practice.

The Law on Children 2016, as a central law on children's rights, recognizes that children (under 16 years old) as victims are those with special circumstances and need specific mechanisms for protection, support and assistance throughout proceedings. Accordingly, children with special circumstances (including as victims of abuse or trafficked) are supported with counseling, psychotherapy and other child protection services as prescribed. The law requires child protection to be provided at three levels: prevention, support and intervention, and it must ensure effective coordination across all levels and sectors in formulating and organizing the implementation of policies, law, legislation and provision of child protection services (Article 47). On that basis, the law and Decree No. 56/2017/ND-CP specify support and interventions in cases children are abused or at risk of violence, exploitation,

abandonment or are in special circumstances, more specifically with case management activities with basic guidelines for interventions and support.

In addition, Article 72 of the law clearly defines the responsibilities child protection officers at commune-level during criminal proceedings: i) counselling, providing information, guiding children and their parents and caregivers to access child protection services, legal, social, health, education and other support resources, ii) explore and provide information about children's personal and family circumstances to competent individuals to conduct legal proceedings or handle administrative violations to apply handling and education measures and other appropriate decision-making, iii) participating in child-related proceedings in accordance with the law or at the request of a competent individual to conduct legal proceedings. At the same time, Article 53 of the Law on Children specifying responsibilities of commune-level child protection workers include supporting children who are victims or witnesses in proceedings.

In addition, if the victim of violence is a minor, particularly vulnerable and in need of emotional support and help, Joint Circular No. 06/2018/TTLT-VKSNDTC- TANDTC-BCA-BTP-BLDTBXH (dated 21 December 2018) by the Supreme People's Procuracy, Supreme People's Court, Ministry of Public Security, Ministry of Justice, Ministry of Labour, Invalids and Social Affairs on coordination in implementation of numerous regulations in the Criminal Procedure Code on procedures for persons under 18, stipulates that the competent authority conducting the proceedings may request the Department of Labour, Invalids and Social Affairs, Women's Union, Youth Union, Association for the Protection of Children's Rights or other agencies and organizations support and protect victims under 18 if they do not have an unidentifiable place of residence, background, or representative absent intentionally or declines to participate in the

proceedings (Article 8).

After a competent agency conducting procedures, accepting and settling a case involving a person under 18, sends a notice on participation in proceedings to protect the defendant's rights, the representative, teacher, school's representative, the Ho Chi Minh Communist Youth Union, other agencies and organizations where the under-18 person studies or works must send a written response to the procedural authority or competent individual to conduct proceedings, with a full name, information and contact address of the representative appointed to participate in the proceedings. If necessary, the information can be delivered in person, by phone or other electronic means, but a response must be sent in writing immediately afterwards. In the case of a representative declining with a legitimate reason, the competent agency or individual conducting the procedure may postpone procedural activities or request the school, Ho Chi Minh Communist Youth Union, other agencies and organizations to immediately appoint another representative to participate in the proceedings to protect the legitimate rights and interests of the defendant under the age of 18 (Article 9).

To support and protect the victim under 18 without family, a stable place of residence or a victim of sexual abuse, physical abuse or trafficking, the Department of Labour, Invalids and Social Affairs, Women's Union, Ho Chi Minh Communist Youth Union, Association for the Protection of Children's Rights, Legal Aid Centre, other agencies and organizations

conducting proceedings may appoint a representative to participate (Article 10). Within its competence, the Ministry of Labour, Invalids and Social Affairs shall take the responsibility to facilitate and coordinate the formulation of programmes and plans on building social work capacity for related organizations and individuals protect the legitimate rights and interests of persons under 18.

At the same time, Joint Circular No.01/2022/TTLT-VKSNDTC-TANDTC-BCA-BQP-BLDTBXH stipulates coordination between competent agencies in receiving and handling denunciations and information on crimes, requests to prosecute, investigate, prosecute, and try first-instance cases of sexual abuse of persons under 18. The joint circular also stipulates that the competent investigative agency, after receiving denunciations and reports of crimes related to acts of sexually abusing persons under 18, must immediately notify the Department of Labour, Invalids and Social Affairs at district level to coordinate support and protection of victim minors. The prosecuting agency may also invite a representative from the Department of Labour, Invalids and Social Affairs, a school or psychologist to assist the juvenile victim during the testimony process and other investigation activities.

However, there are no similar provisions for support and assistance of vulnerable adult victims, witnesses in criminal proceedings. Moreover, there is no State management agency assigned to support victims/witnesses, experts' roles and responsibilities to support victims/witnesses in the criminal procedure process.



6

CONCLUSIONS

● AND

RECOMMENDATIONS

FOR VIET NAM

While laws related to social work are diverse and rich, they are characterized by a lack of synchronization and inadequacies in the judicial enforcement. For instance, in the criminal justice field, there are no legal documents that directly and specifically regulate the social work profession or social workers. Criminal law and procedures only include provisions as a foundation for development of social work, while there are no specific and direct regulations related to the roles and tasks of the social work profession. Legal normative documents regulate the role of families, schools, community-based agencies and organizations in supporting and helping lawbreakers, offenders, convicts and those serving sentences, but these agencies and organizations work in the spirit of volunteerism, and services are not implemented in a structured or professionalized manner in accordance with international social work case management practices.

In Viet Nam's legal and policy system, there are provisions on rehabilitating lawbreakers and supporting victims of abuse, violence, exploitation and trafficking, especially minors. However, there are no clear and specific regulations on social work in the justice system, specifically no regulations on the position, role, function, responsibility and authority of social workers, leading to limitations in professional service development as well as ensuring the process of supporting those in need. In addition, regulations on supporting and assisting individuals within the criminal system are scattered and fragmented through different legal documents. Notably, currently, the quality and quantity of social workers and service providers in the criminal justice field is limited. This also affects the building of regulations for development of professional social work services in legal and other fields.

When compared to professional social work in some countries, highlighted in this

report, Viet Nam's legal documents related to the social work profession have a number of shortcomings in terms of awareness, social institutions, comprehensive development strategy, staff training, staff network and operational system/organization, positions, roles and tasks of social workers in each specific field, general regulations on social work, social work practice, establishment social work groups and associations. There are numerous gaps and inadequacies in legal regulations and actual enforcement, implementation and application due to insufficient conditions related to awareness, mechanisms, human resources and infrastructure. Specifically:

- A legal document has yet to emerge to define social work as a profession, which emphasizes the position, role and duties of social workers in each specific field along with regulations on knowledge and skills needed for social workers.
- Social work has not been recognized as a profession by relevant laws, approved by the State and assigned to specific industries with certificated training, although a code of conduct for social workers has been developed. Viet Nam has recognized university and post graduate social work training programmes, but a practice licensing system does not exist.
- There is no regulation on "occupational licensing" for social workers and "occupational registration" of individuals and organizations engaged in social work activities. Accordingly, there are no regulations on the forms of cancellation or revocation of licenses for individuals and organizations that violate the law on social work.
- There are no official regulations on the establishment and operation of a Social Work Group Association.
- The role of social workers in the adjudication and judgment enforcement system

is not clarified.

- Clear regulations on the intervention and support process for those in need of social work services are absent.

Therefore, to promote the social work profession in the criminal justice system, the authorities must develop and issue legal documents with provisions on social work services in the criminal justice system, such as: social work to support victims in criminal proceedings, (psychological support during investigation, interrogation, court proceedings), social work with juveniles who violate the law in the community and minors in re-education schools. Provision of social work services in the field of justice also requires preparation of a work force for social work service delivery, appropriate in both quantity and quality, on the basis of clearly defining professional standards for social workers in terms of awareness, knowledge, skills, professional attitudes and service delivery quality standards. It is also critical to develop economic-technical norms for service provision in justice as a basis for determining service prices to transform the management mechanism of public service provision. In order to promote a social work profession in the field of justice, it is necessary to simultaneously promote development of a system of policies and laws in accordance with Viet Nam's context and build an effective social work force delivering services in the justice field with appropriate quantity and quality.

Key proposals and recommendations to develop social work within the judicial field in Viet Nam are:

1. Laws and policies

- Viet Nam needs to develop a strategic plan on social work development in the justice sector based on the assessment of target population needs, existing services and gaps. There should be a clear vision of the roles, functions, tasks of social workers in the justice system, how they differentiate from roles, functions

and tasks of other existing professionals, such as legal aid officers, child protection workers and psychologists.

- Regarding current Vietnamese law on support and assistance to the disadvantaged in society, the need for a framework legal document on social work, either a decree or a law on social work, is apparent. The decree/law on social work will recognize social work as a profession, stipulate professional qualifications of social workers, and establish and enforce standards of practice for social workers to ensure quality service delivery.
- The Law on Justice for Minors, if enlisted in the 2024 law making agenda of the National Assembly, should stipulate the State management agency responsible for social work services for minors in the justice system, the appointment of professional and para-professional social workers (probation officers), the roles, functions, tasks of social workers, human resource structures in relation to minors in criminal justice settings.
- Amend specific laws as appropriate to stipulate the roles, functions, tasks of social workers in the criminal justice system, including the Law on Handling of Administrative Violations, Penal Procedure Code, Law on Criminal Judgment Execution, other laws and sub-laws. These laws should cover the following:
 - Social work services in the justice field.
 - State management agency responsible for social work services in the field of justice.
 - Roles, positions, functions and responsibilities of social workers in providing

professional and para-professional social work services in the justice system.

- Mechanism for recruiting social workers and social work para-professionals in the justice field.
- Requirements on capacity and professional qualifications of social workers and para-professional social workers in the field of justice.
- The process and order of deploying the professional social work service model to rehabilitate law-breakers and support victims and witnesses to protect the legitimate rights and support, rehabilitate and ensure community reintegration services for lawbreakers.
- Agencies in charge and related to human resources management and social work services in the field of justice.

2. Human resources


- Allocate budget to build a work force of social worker professionals and para-professionals in the field of justice.
- Development of competencies for social worker professionals and para-professionals in the justice sector.
- Organize recruitment, training and professional development to ensure the professionalism of intervention services.

3. Trainings

- Develop specialized training programmes in the field of justice at different levels (college graduate, bachelor's degree, master's degree) and short-term intensive training programmes.
- Develop capacity building programmes at each stage in the support staff's participation process.


ANNEX:

COUNTRY PROFILES


CROATIA ¹³	
Legislation	<p>Probation Act No. 99 of 2018; Criminal Procedure Act 2008; Ordinance on the methods of conducting probation work; Ordinance on the methods of conducting the audit and inspection over the work of probation offices; Ordinance on the professional training of probation officers; Ordinance on case register and case records for persons with probation sanctions; Ordinance on the probation officer identification card.</p>
Ministry/ Agency	<p>For adults, responsibility for probation services is the Directorate for Probation and Victims and Witnesses support under the Ministry of Justice, established in 2009. The Central Office has two Divisions: (1) Division for probation and (2) Division for victim and witnesses' support. Division for Probation has four departments: (1) Department for development and analytics, (2) Department for protective supervision and community work, (3) Department for probation tasks during prison sentence and conditional release (parole), and (4) Department for probation work during criminal procedure. There are 12 regional probation offices throughout the country. The Act states that for the purpose of coordinating and improving the quality of probation work, the central state administration body responsible for justice may establish an interdepartmental committee with representatives from the probation service, the prison system, the police, the courts, the public prosecutor's office, the social welfare system, representatives of the academic community and other relevant actors.</p> <p>For minors in conflict with the law, responsibility for probation services is within the jurisdiction of the Ministry of Social Welfare.</p>
Staff & Qualifications	<p>The Act says that probation duties are carried out by probation officers, who must have an appropriate level of education in social pedagogy, social work, psychology, legal sciences and other social sciences and humanities. Each probation office has a chief of the office, probation officers and administrative workers. The Ordinance on the training of probation officers defines mandatory initial education and further professional trainings of probation officers. It also provides for specialized training for specific categories of offenders.</p>

13. See: Confederation of European Probation (2014) [Probation in Europe: Croatia](#)


<p>Responsibilities</p>	<p>Probation Act No. 99 of 2018 defines the purpose of probation work as interventions aimed at protection of the community from the offender and to re-socialise them and reintegrate them into the community by influencing the risk factors associated with the commission of criminal offences. Probation tasks are carried out by probation officers in probation offices and field work, on the basis of requests or decisions from the court, the public prosecutor and of penitentiaries or prisons. The Central Office is responsible for monitoring the legality of the work and conduct of probation offices, supervises the work of probation offices, studies the application of regulations on the execution of probation tasks, takes measures directly or proposes measures to improve the probation system to the competent authorities, and collects and processes statistical data under the Act.</p> <p>The Law on Probation defines probation activities at all stages of criminal justice process: when deciding about criminal charges, when determining measures of ensuring presence of the accused and other preventative measures, when deciding about the type of criminal sanction, and during execution of criminal sanction for the offender (non-custodial sanctions, conditional release and post-release care). Probation service also works in organizing support to the victims and their family members throughout the criminal proceedings.</p> <p>The Act stipulates the following duties for probation officers:</p> <ul style="list-style-type: none"> - preparation of social background reports at the request of the public prosecutor, court, executing judge, penitentiary or prison, and authority responsible for parole; - supervision of the fulfilment of obligations under the decision of the Public Prosecutor; - organizing and supervising the execution of suspended sentences, execution of security measures within the scope of probation; and execution of community work; - execution of conditional release accompanied by protective supervision and/or a specific obligation; - participation in the execution of an interruption of a custodial sentence; - control of the use of exit facilities during the execution of a custodial sentence. <p>The Act says that in order to carry out probation tasks, the probation office shall produce a Criminogenic Risk Assessment and Treatment Needs Assessment for each person under their supervision. A special instrument has been designed for this purpose. An individual plan must then be drawn up by the probation office for the purpose of carrying out probation tasks. Individual treatment plan is based on risk/need assessment, offender's health condition, vocational qualifications and other relevant information. When implementing probation work, the probation authority shall cooperate with public authorities, scientific and other institutions, bodies of local and regional self-government units and other institutions or legal persons.</p>
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ENGLAND AND WALES	
Legislation	<p>Probation of Offenders Act 1907, subsequently amended by various laws including the Criminal Justice and Courts Services Act 2000 and the Offender Management Act 2007. The work of the Probation Service is governed National Standards (2021) issued by the Secretary of State for Justice under the Offender Management Act 2007.</p>
Ministry/ Agency	<p>For adults, the responsible agency is the Probation Service, which is a statutory criminal justice agency and is part of His Majesty's Prisons and Probation Service (an executive agency of the Ministry of Justice). Probation Service's operations are divided into twelve Probation Regions, each of which is overseen by a Regional Probation Director (RPD) who works closely with other local and national partners to deliver effective supervision and can commission rehabilitative services from external voluntary and private sector providers. The operational delivery of probation services in each Region is divided between sub-regional Probation Delivery Units (PDUs), whose geographical boundaries are aligned with the boundaries of local government authority.</p> <p>Probation services for minors in conflict with the law are provided by inter-disciplinary Youth Offending Teams, which are coordinated by local government authorities and overseen by the national Youth Justice Board (a non-departmental public body).</p>
Staff & Qualifications	<p>To become a Probation Officer, individuals must achieve the Professional Qualification in Probation (PQiP), which they can apply for providing they hold a Level 5 Qualification or above (such as an honours degree). The PQiP takes between 15 and 21 months to complete and involves both theoretical learning and practical training with people on probation. Those who complete the PQiP are eligible to apply for Qualified Probation Officer positions and will manage cases of all levels of complexity and risk. Those who do not have a relevant Level 5 qualification or experience can instead apply to become Probation Service Officers (PSOs), who take on similar work to qualified Probation Officers but do not work with the highest risk individuals or on the most complex cases.</p> <p>As of 2021, Probation Services had over 8,000 probation officers and Probation Service Officers throughout the country, managing over 200,000 offenders.¹⁴</p>


Responsibilities	<p>Probation Service has five aims: the protection of the public; reduction of re-offending; ensuring enforcement of sanctions and orders imposed by the court; ensuring offenders’ awareness of the effects of crime on the victims of crime and the public; and the rehabilitation of offenders. The Probation Service is responsible for the following activities:</p> <ul style="list-style-type: none"> - Advice to Court: preparing pre-sentence reports to assist in sentencing decisions, and liaising with courts to ensure they understand the full range of sentencing options at their disposal (including non-custodial sentences). - Sentence management: probation officers have case management responsibilities and manage the effective delivery of non-custodial sentences by carrying out risk and needs assessment, risk management activities, sentence planning, enforcement activities, and rehabilitation activities (including selecting and scheduling appropriate interventions to support individuals in changing their behaviour). - Resettlement: preparing individuals for release from custody by ensuring that the right services, practical support and approaches to monitoring are in place in advance of release). This includes preparing for the transition from the structured prison environment to the community, and post-release support to establish community ties. <p>The Probation Service provides a range of accredited programmes and interventions aimed at supporting offenders’ reform and reintegration. Regional Probation Directors can also commission additional specialized programmes and services from non-government and private sector organizations, through a competitive bidding process. Probation officers are responsible for selecting and sequencing appropriate interventions according to individual offenders’ risks and needs and are responsible for liaising with providers and enforcing breaches.</p>
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GEORGIA	
Legislation	<p>Law on Social Work 2018; Law on Procedures for Enforcing Non-custodial Sentences and Probation 2007; Juvenile Justice Code 2015; Regulations of the National Agency of Execution of Non-Custodial sentences and probation.</p>
Ministry/ Agency	<p>The National Probation Agency was initially established under the Ministry of Internal Affairs and later moved to the Ministry of Justice. In 2018, it changed its status a Legal Entity of Public Law and was re-named the National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation. The Agency has 11 regional bureaus, 64 probation offices and one Limited Liberty Establishment (halfway house).</p>


<p>Staff & Qualifications</p>	<p>Staff of the National Probation Agency are employed in accordance with government regulations on the employment of public servants. There are approximately 168 probation officers, 32 social workers and 10 psychologists as full-time employees of the Agency. All probation staff is selected via an open government call for applications. Once selected, candidates undergo a 14-day training programme at the Penitentiary and Probation Training Centre (PPTC) and are examined and assessed. Only after passing exams the candidates are appointed to the Agency. The PPTC also provides on-going refresher training and specialized courses on topics such as juvenile justice.</p>
<p>Responsibilities</p>	<p>The Law says that the aim of the objectives of the National Probation Agency are: to prevent the commission of new crimes, to protect public safety, to ensure the re-socialisation of convicts (integration into society) and the rehabilitation of convicts (reformation of a convict and his/her re-entry into society as a socially responsible person). The National Probation Agency shall accomplish its objectives on the basis of the assessment of the risks and needs of a convict, the individual planning of the enforcement of the sentence, the compulsory supervision and control of a convict, and facilitation and assistance in the resocialization and rehabilitation of a convict.</p> <p>Under the Georgian law, the National Probation Agency participates at all stages of the criminal justice process, including: advising on exemption from criminal liability and determination of diversion measures; preparing pre-sentence reports for the court; and managing execution of non-custodial sentences and probation. Their tasks include:</p> <ul style="list-style-type: none"> - preparing individual assessment reports on accused/defendants at the request of the prosecutor or courts; - assessing risks and needs of offenders; - preparing individual plans for the enforcement of punishment imposed on offenders; - controlling and supervising offenders; - management of rehabilitation, diversion, mediation and other restorative justice programmes. <p>The probation officers, social workers and psychologists all perform the various duties as stipulated in the law. After the probation agency receives a case for execution, the probation officer begins to work on the case by conducting a risk and needs assessment, using a standardized tool developed for this purpose. If the assessment determines that the offender is low risk, only the probation officer continues to work with him/her. If the risk level is medium, a social worker is added to the case, and if the risk is high the probation officer, social worker and psychologist begin to work as a team. An individual sentencing plan is then developed outlining what activities are required for the offender's supervision, rehabilitation and social reintegration.</p> <p>In 2014 a Rehabilitation Programmes Unit was created with responsibility for standardisation and to ensure that rehabilitation services are available in all regions. The Agency has developed 20 rehabilitation programmes for offenders, some of which are mandatory and some voluntary (depending on the offender's individual risks and needs). The Agency also cooperates closely with voluntary, state and non-governmental organizations who provide services to offenders, and has established a database of workplaces for community service which enables it to offer a variety of jobs based on the skills and physical abilities of probationers. Through this partnership approach, offenders are involved in various projects that offer psychosocial rehabilitation, medical assistance, educational and vocational trainings and job placement.</p>


<p>JAPAN</p>	
<p>Legislation</p>	<p>Offender Rehabilitation Act 2007; Volunteer Probation Officers Act, 1950; Juvenile Act 1948</p>
<p>Ministry/ agency</p>	<p>Probation services for both adults and minors is administered by the Rehabilitation Bureau, which is one of six departments within the Ministry of Justice. There are local probation offices throughout the country.</p>
<p>Staff & Qualifications</p>	<p>There are approximately 1000 salaried Professional Probation Officers throughout the country who are employed and administered by the MoJ's Rehabilitation Bureau. In addition, there are over 48,000 Volunteer Probation Officers (VPO) or "hogoshi" who support Professional Probation Officers by providing offenders with additional supervision and assistance.</p> <p>The extensive use of VPOs is a unique feature of Japan's probation service. VPOs are appointed by the Justice Minister on the recommendation of heads of the probation offices pursuant to the Volunteer Probation Officers Act, 1950. They work under the instruction and supervision of the director of the probation office. The Act requires VPOs to be: highly regarded for their character and conduct; enthusiastic and have sufficient time to accomplish their necessary duties; financially stable; and healthy and active. VPOs are not paid a salary but are entitled to be reimbursed for expenses necessary to perform their duties.</p> <p>The local Probation Offices are responsible for providing training for VPOs within their area. New appointees must attend an initial induction training on the system of offender rehabilitation. They also attend annual training on basic treatment skills, as well as specialized training on topics such as treatment for sex offenders, drug offenders and the mentally disordered. Guidelines issued by the Rehabilitation Bureau oblige Professional Probation Officers to provide regular training for VPOs at each probation district to develop VPOs knowledge and practical skills.</p>
<p>Responsibilities</p>	<p>Professional Probation Officers work from the regional probation offices and are responsible for the implementation of all forms of community-based supervision for both minors and adults. The Offender Rehabilitation Act says that Probation Officers must, based on psychology, pedagogy, social work and other expert knowledge relating to offenders' rehabilitation, engage in the supervision, research, adjustment of living conditions and other work relating to the rehabilitation of persons that have committed crimes and juvenile delinquents, and the prevention of crime.</p> <p>An offender placed on probation or released on parole is required to report immediately to a probation office for an interview with a Professional Probation Officer. Professional Probation Officers are responsible for conducting an assessment and developing an initial individualized treatment plan for each offender. A VPO is then assigned to conduct day-to-day supervision and to provide guidance and assistance to the offender according to the treatment plan. This typically includes regular meetings and home visits (two or three times a month), mentoring, guidance and practical support, such as help to find employment. The VPO submits monthly progress reports to the Professional Probation Officer (PPO) who, if necessary, can intervene with the offender and initiate procedure to revoke parole or probation.</p> <p>The Bureau of Rehabilitation is also responsible for providing aftercare treatment for those released from prison and persons on parole. VPO are also used in supervising parolees, though Professional Probation Officers generally supervise offenders considered to have a high risk of recidivism.</p>


MOLDOVA	
Legislation	<p>Law on Probation No. 8/2008; Government Decision no. 827/2010 on the organization and functioning of probation bodies; Code of Criminal Procedure No. 122/ 2003; Enforcement Code No. 443/ 2004; Law no. 297/1999 on the social adaptation of persons released from places of detention; Regulation on probation planning, approved by order of the Minister of Justice no. 347/2019; Regulation on the elaboration of the pre-sentence report of psycho-social assessment of the personality, approved by the order of the Minister of Justice no. 299/2018.</p>
Ministry/ Agency	<p>The National Probation Inspectorate (NPI) is responsible for probation services for both adults and minors. NPI is an administrative authority subordinated to the Ministry of Justice. It has three Regional Probation Inspectorates in the North, Center and South of the country and 38 Probation Offices.</p>
Staff & qualifications	<p>The staff of the National Probation Inspectorate are probation counsellors with the status of civil servants. The NPI has approximately 169 employees. Probation counsellors are required to continuously improve their professional qualities through continuous training courses organized by the National Institute of Justice.</p>
Responsibilities	<p>The normative framework establishes to the probation body the following main functions:</p> <ul style="list-style-type: none"> - conduct psycho-social assessments of accused/defendants and prepare pre-sentence reports (mandatory for all minors and upon request of the police, prosecutor or courts for adults); - application of social behaviour correction programmes; - coordinate the execution of certain categories of community punishments (conditional suspension of the execution of the punishment, unpaid community work, postponement of the execution of the sentence, and persons exempted from criminal liability); - exercise control over convicted persons who obligations imposed by the court; - coordinate the execution of educational measures; - provide post- penitentiary assistance and counselling; - coordinate the activities of other central public authorities and local public authorities, non-governmental organizations whose activities relate to probation; - implementation of social correction programmes for probation subjects; - collaboration with the penitentiaries in the part of preparing the persons for release from the places of detention; - implement social adaptation programmes for persons released from detention. <p>According to the Law, resocialization of offenders involves a process of influence on the offender (organizational, psychosocial, pedagogical, educational, etc.) in order to change negative orientations and antisocial behaviour. Resocialization includes: a) assessment of personality and needs; b) evaluation of the motivation for change; c) assessment of the risk of recidivism; d) supervision; e) assistance and counseling. In carrying out its supervisory, assistance and counseling activities, the probation body collaborates with other public authorities and institutions, as well as with non-governmental organizations in order to plan and exercise joint actions and exchange of information for the reintegration of probation subjects into society. Local public administration authorities also assist probation offices by providing spaces for carrying out the probation activities, by creating social rehabilitation centers for persons released from places of detention, and by financing various programmes related to probation.</p>

<p>NORWAY¹⁵</p>	
<p>Legislation</p>	<p>Execution of Sentences Act 2001; Criminal Proceedings Act; Regulations for the Prosecutor; Guidelines for pre-trial reports in penal cases.</p>
<p>Ministry/ Agency</p>	<p>The Probation Service is a governmental organization under the Ministry of Justice. It is part of the Norwegian Correctional Services, together with the Prison Service. Correctional Services is organized on three levels: Central Administration; regional level with six different administrations; and the local level with probation offices. The administration of prisons and the Probation Service is joined at the central and regional level, and a separation is only effective at the directly operative local level.</p> <p>There are 18 main probation offices throughout the country, one in each county. In addition, due to large distances within the counties, there are an additional 26 branch offices.</p>
<p>Staff & qualifications</p>	<p>Probation officers are qualified social workers. This requires three-year study at the University level. It is also possible to take a course of further education in social work, in cooperation with universities, which leads to a higher degree in social work. There are around 300 full-time probation officers, as well as 18 probation unit managers, secretarial personnel and practitioners in various functions.</p>
<p>Responsibilities</p>	<p>The Norwegian Probation Service has the following main responsibilities:</p> <ul style="list-style-type: none"> - supervise and assist offenders whose cases were conditionally waived - prepare social inquiry reports concerning the suspect/accused’s personality, social circumstances and future prospects, at the request of the prosecuting authority or the court - execution of community sentence - execution of the Drunk Driving Programme - supervise conditional release from preventive detention - supervise home detention - supervise conditional release from detention <p>The Probation Service provides a range of programmes and services to enable offenders to overcome their criminal patterns of behaviour. The programmes can be carried out in groups or individually. This includes, for example:</p> <ul style="list-style-type: none"> - New Start: a cognitive programme to improve coping skills; - My Choice: a drug and alcohol abuse programme - Breaking with Crime: a cognitive programme; - WIN: a programme for women; - Discussion groups for violent and sexual offenders based on the Alternative- to-Violence model; - Anger Management Programme; - Sexual Offences Programme; - Drunk Drivers’ Programme.

15. See: The Confederation of European Probation, Probation in Europe: [Norway](#)

SINGAPORE	
Legislation	Probation of Offenders Act 1951 ; Children and Young Persons Act, 1993 ; National Standards for the Probation of Offenders and their Rehabilitation in the Community
Ministry/ Agency	Responsibility for providing probation services to both adult and minors rests with the Probation and Community Rehabilitation Service, under the Ministry of Social and Family Development.
Staff & Qualifications	The probation of Offenders Act says the Minister may appoint a Chief Probation Officer and such number of probation officers as may be necessary for the purposes of this Act. The Minister may also appoint volunteer probation officer. The Volunteer Probation Officer programme has been in place since the 1970s, and generally has over 350 active volunteers.
Responsibilities	<p>The Probation and Community Rehabilitation Service and its Probation Officer have the following responsibilities:</p> <ul style="list-style-type: none"> - conduct comprehensive social investigations on minor and adult defendants and prepare pre-sentence reports for the Courts; - supervise and support offenders sentenced by the Courts to probation; - administer community service work; - implement programmes for probationers and their families; and - recruit, supervise and guide Volunteer Probation Officers in case management and their conduct of activities for probationers. <p>Probation Officers balance enforcement with guidance to help offenders reach their potential and become contributing members of society. They must supervise offender’s compliance with the conditions imposed by the court and support the offender, in partnership with the family and community, to gain new skills, build positive social networks, restore relationships, and make amends for their offence. Probation Officer are required to prepare a plan of action for each offender under their supervision. Implementation of the plan can involve:</p> <ul style="list-style-type: none"> - direct interventions by the Probation Officer/Volunteer Probation Officer through in individual or group work; - referral to other government, private or voluntary service providers which can provide resources or opportunities in the community to improve the offender’s functioning in areas such as employment, training or education, and connecting them to existing psychological, psychiatric and other specialized health services. <p>Probation and Community Rehabilitation Service provides a range of community-based rehabilitative programmes for the rehabilitation of minor and adult offenders, including the Guidance Programme, Streetwise Programme, Youth Enhanced Supervision (YES) Scheme; STEP-UP programme; and Theft Intervention Programme.</p> <p>Volunteer Probation Officers (VPOs) support the work of staff probation officers and serve as mentors and role models to offenders, connecting them to opportunities and resources in the community to develop their skills and interests.</p>

<p>SOUTH AFRICA</p>	
<p>Legislation</p>	<p>Probation Services Act 1991 (as amended in 2002); Child Justice Act; Criminal Procedure Act.1977.</p>
<p>Ministry/ Agency</p>	<p>The country's nine Provincial Departments of Social Development are responsible for probation services for both adults and minors.</p>
<p>Staff & qualifications</p>	<p>Probation Officers are appointed under Section 2 of the Probation Services Act. Only persons registered with the South African Council of Social Services Professions as a social worker can be employed as a probation officer. Due to the large workload and lack of qualified social workers, in 2002 the Department introduced the new position of “assistant probation officer”. Assistant probation officers work under the supervision of a probation officer and are not required to be professionally qualified social workers. However, within a month of their appointments, they must complete an induction training programme which includes social work case management skills.</p>
<p>Responsibilities</p>	<p>The Probation Services Act says that the Provincial Departments of Social Welfare are required to established programmes which are aimed at: prevention of crime; performance of community service; information to and the treatment of offenders and other persons; the care and treatment of the victims of crime; the observation, treatment and supervision of persons who have been released from a prison or a reform school, and who are probationers; and the rendering of assistance to the families of persons detained in a prison or reform school. It stipulates that the powers and duties of probation officers shall include:</p> <ul style="list-style-type: none"> - investigating the circumstances of an accused and reporting to the court on his treatment; - providing assistance to a probationer in complying with his probation conditions to improve his social functioning; - reporting regularly to the court on the progress of a probationer his/her compliance with the probation conditions; - reporting to the court when a probationer does not comply with or deviates from his probation conditions; - planning and implementation of programmes and services for offenders; and - recruitment and in-service training of volunteers, and the regulation of their activities.

THAILAND	
Ministry/ Agency	<p>The Department of Probation under the Ministry of Justice is responsible for organizing probation services for adults. The Department has 14 divisions and 108 probation offices throughout the country.</p> <p>The Department of Juvenile Observation and Protection, also under the Ministry of Justice, is responsible for providing specialized probation services for minors. It operates 34 Juvenile Observation and Protection Centers throughout the country.</p> <p>The Probation Act also established a Probation Committee, chaired by the Minister of Justice and with representatives from the Ministries/agencies responsible for social development, education, police, prosecution, courts, employment and skills development, provincial administration, health, corrections (prisons), narcotics control, lawyers' council, and experts in the field of law, criminology, penology, justice administration, social work, psychology and psychiatry. The role of the Committee is: to formulate policies and to set the direction of probation administration; to provide advice to the Minister in issuing regulations, rules and administration and implementation of probation services; and to set standards of practices and approve the training curriculum for probation officers.</p>
Staff & Qualifications	<p>The Probation Act says the Minister of Justice shall have the power to appoint and discharge probation officers. It also requires the Director-General of the Department of Probation to assign volunteer probation officers to assist probation officers.</p> <p>The Department of Probation is staffed by approximately 2,300 probation officers and 1,800 administrative officers throughout the country. The Act stipulates that the Department is required to provide induction training to probation officers so that they have the necessary knowledge, capacity and experience to perform their functions under the Act. The training curriculum shall be as approved by the inter-agency Probation Committee.</p> <p>The Juvenile Observation and Protection Centres are staffed by probation officers, social workers, psychologists, physicians and psychiatrists.</p>
Legislation	<p>Probation Act B.E. 2559 (2016); Juvenile and Family Court Act B.E. 2553 (2010)</p>
Responsibilities	<p>The Act says it is the responsibility of the Department of Probation to:</p> <ul style="list-style-type: none"> - promote and encourage the process of the offender's corrections and rehabilitation; - plan and develop the system of probation and treatment for offenders; - conduct pre-sentence social investigations and submit reports at the request of the court and other competent authorities; and - supervise and coordinate rehabilitation and social welfare support for offenders who have been subjected to probation.

<p>Responsibilities</p>	<p>The Act promotes an inter-agency approach, stating that the Department of Probation shall have the duty to administer or cooperate with State agencies, local administration organizations, non-governmental organizations, community organizations, and other agencies to develop a network to assist in undertaking the missions of the Department.</p> <p>The Probation Act says probation officers must classify all persons under social investigation to provide an individualized rehabilitation programme, taking into an account of the risk of reoffending. This includes the following responsibilities:</p> <ul style="list-style-type: none"> - perform social investigation and to write a report on the defendant’s capability of self-improvement as well as on appropriate probation measures; - supervise, follow-up, inquire, give advice to, assist, or admonish probationers to ensure that they comply with probation conditions and improve their behaviour for the sake of crime prevention and offender rehabilitation; - decide on the details of the probation conditions, as agreed by the probationer; - apply electronic devices in monitoring probationers according to the condition prescribed by the court or competent officers; - summons a probationer to attend educational and skill trainings for the sake of rehabilitation and reoffending prevention; - arrange community services or public interest works for probationers; - assign and oversee volunteer probation officers to perform their duties as prescribed by ministerial rules. <p>The responsibilities of the Juvenile Observation and Protection Centres are to: research into and observe matters relating to age, backgrounds, behaviours, intelligence, education and training, physical and mental conditions, character, occupation and financial status of minors, including the cause of the offence, in order to report to the court or other relevant officials; keep custody of minors during investigation or trial or as required by a court order; supervise minors under probation and ensure they comply with the probation conditions imposed by the court; give advice on issues relating to parenting to parents, guardians or persons with whom minor is residing; carry out and coordinate with other agencies in providing support, treatment and rehabilitation to minors; and carry out and coordinate with other agencies and institutions in providing training or mentoring services to minors in custody.</p>
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REFERENCES

International and regional standards

The UN [Standard Minimum Rules for Non-custodial Measures](#) (Tokyo Rules)

UN [Standard Minimum Rules for the Administration of Juvenile Justice](#) (Beijing Rules)

UN [Standard Minimum Rules for the Treatment of Prisoners](#) (Nelson Mandela Rules)

UN [Rules for the Protection of Juveniles Deprived of their Liberty](#) (Havana Rules)

UN [Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](#)

UN [Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime](#)

UN Committee on the Rights of the Child [General Comment No. 24](#) (2019) on Children's rights in the child justice system, Section IV

[Hanoi Declaration on Strengthening Social Work Towards Cohesive and Responsive ASEAN Community](#)

International Association of Schools of Social Work (IASSW) [Global Standards for Education and Training in Social Work](#).

The Council of Europe Recommendation to member states on the Probation Rules [CM/Rec \(2010\)1](#)

Council of Europe's Recommendation [CM/Rec \(2014\) 4](#) on electronic monitoring

UNICE-UNODC [Model Law on Justice in Matters involving Child Victims and Witnesses of Crime](#)

Reports

Annie Casey Foundation (2018) [Transforming Juvenile Probation: A Vision for Getting in Right](#)

ASEAN (2019) [Report of the ASEAN Regional Workshop on Social Service Workforce Strengthening](#), Ha Noi, Viet Nam.

Canton, R. and Dominey, J. (2018). [Probation](#). London: Routledge.

Canton, Rob. [The Relevance of Desistance Research for Probation Practices](#), UN Asian and Far East Institute for Prevention of Crime and the Treatment of Offenders (UNAFEI), Resource Material Series No. 99.

Council of Europe (2021) [Persons under the supervision of probation agencies SPACE II- 2021](#)

Confederation of European Probation: [Probation in Europe](#)

Cutay, Benjamin C. [Responding to the Community-Based Correction System for Treatment of Criminal Offenders Through Multi-Agency Cooperation](#), UN Asian and Far East Institute for Prevention of Crime and the Treatment of Offenders (UNAFEI)

Farrall, S. (2002). [Rethinking What Works with offenders: Probation, social context and desistance from crime](#). Willan Publishing

Global Social Service Workforce Alliance (GSSWA) [Framework for Strengthening the Social Service Workforce](#);

GSSWA [The State of the Social Service Workforce](#) Reports.

Huebner, G. (2016) [A Review of Legislation and Policies that Support the Social Service Workforce in Lower- and Middle-Income Countries](#), Global Social Services Workforce Alliance

Lipsey, Mark et al., (2010) [Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice](#). Washington, DC: Center for Juvenile Justice Reform.

Margo, J and Stevens, A. (2008) "[Make Me a Criminal: Preventing Youth Crime](#)," London: Institute for Public Policy Research.

Moore, M. (2013) [Save Money, Protect Society and Realize Youth Potential: Improving Youth Justice Systems During a Time of Economic Crises](#), European Council for Juvenile Justice White Paper.

McLaren, K., (2000) "[Tough is not Enough: Getting Smart about Youth Crime. A review of research on what works to reduce offending by young people](#)," New Zealand Ministry of Youth.

McNeill, F. (2009) [Towards Effective Practice in Offender Supervision](#), Scottish Centre for Crime & Justice Research;

McNeill, F., Raynor, P., and Trotter, C. (2010). [Offender Supervision: New directions in theory, research and practice](#). Abingdon: Willan.

National Institute for Criminal Justice Reform (2019) [A Positive Youth Justice System](#).

Raoul Wallenberg Foundation (2018) [The Role of Social Work in Juvenile Justice: International Experiences](#)

Sapouna, M., Bisset, C and Conlong, A (2011) [What Works to Reduce Reoffending: A Summary of the Evidence Justice Analytical Services](#). Scottish Government;

Špero, Jana [Introducing a Probation System Through a Step-By- Step Approach" – Republic of Croatia](#), UNAFEI

Shapland, S. et al. (2012) [The Quality of Probation Supervision – A Literature Review: Summary of Key Messages](#) (University of Sheffield and Uni-

versity of Glasgow). UK Ministry of Justice;
 Trotter, C (2015) [Working with Involuntary Clients](#)
 UNICEF and GSSWA (2019) [Guidelines to Strengthen the Social Service Workforce for Child Protection](#);
 UNICEF CEE/CIS (2013) [The Role of Social Work in Juvenile Justice](#)
 UNDP (2014) [Development of a Witness and Victim Support System](#)

Laws from other countries

Canada Youth Justice Act
 Czech [Act No. 108/2006](#) on social services.
 Croatia [Probation Act No. 99 of 2018](#)
 France [Code of Criminal Procedure](#)
 France [Juvenile Criminal Justice Code 2022](#)
 Georgia [Law on Social Work 2018](#)
 Georgia [Law on Procedures for Enforcing Non-custodial Sentences and Probation 2007](#)
 Georgia [Criminal Procedure Code](#)
 Georgia [Juvenile Justice Code 2015](#)
 Germany [Criminal Code](#)
 Germany [Code of Criminal Procedure](#).
 Germany [Youth Court Act](#)
 Hong Kong [Social Workers Registration Ordinance](#)
 Hong Kong the [Probation of Offenders Ordinance 1956](#).
 Indonesia [Law on Social Workers](#) No. 14 2019
 Indonesia [Law on Criminal Justice System for Children](#)
 Japan [Offender Rehabilitation Act 2007](#);
 Japan [Volunteer Probation Officers Act, 1950](#);
 Japan [Juvenile Act 1948](#)
 Moldova [Law on Probation 2008](#)
 New Zealand [Social Workers Registration Act 2003](#)
 Palestine Juvenile Protection Law
 Philippines Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies ([Republic Act No. 4373](#))
 Romania [Law 466/2004](#) on the status of social worker
 Singapore [Probation of Offenders Act 1951](#)

Singapore [Children and Young Persons Act, 1993](#)
 South Africa [Social Service Professions Act](#)
 South Africa [Child Justice Act](#)
 South Africa [Probation Services Act](#)
 South Africa [Criminal Procedure Act](#).
 Thailand [Social Work Profession Act, B.E. 2013](#)
 Thailand [Probation Act B.E. 2559 \(2016\)](#)
 Thailand [Juvenile and Family Court Act B.E. 2553 \(2010\)](#)
 UK [Criminal Justice and Courts Services Act 2000](#),
 UK [Offender Rehabilitation Act 2014](#)

Laws from Viet Nam

Penal Code 2015
 Criminal Procedure Code 2015
 Law on the Execution of Criminal Judgements 2019
 Law on Children 2016
 Joint Circular No. 06/2018/TTLT-VKSNDTC-TANDTC-BCA-BTP-BLDTBXH On the coordination to implement a number of provisions under the Criminal Procedure Code on the procedure applicable to those under 18
 Joint Circular No.: 01/2022/TTLT-VKSNDTC-TANDTC-BCA-BQP-BLDTBXH On the coordination between competent authorities in the process of receiving and handling denunciations, criminal information, requisitions for charges, investigating, prosecuting, and adjudicating sexual abuse cases against persons under 18 years old
 Decision 32/2010/QĐ-TTg approving the National Programme on Social Work Development for the period 2010-2020
 Circular 07/2013/TT-BLDTBXH establishing social work collaborators at commune level;
 Circular 09 /2013/TTLT-BLDTBXH-BNV creating social work services centres at district level; Circular 01/2017/TT-BLDTBXH on the ethics standards for social work practitioners;
 Ministry of Health Circular No. 43/2015 / TT-BYT dated 26 November 2015 defining the tasks and forms of organization and implementation of the hospital's social work tasks.
 Ministry of Education and Training Circular No. 33/2018 / TT-BGDĐT dated 26 December 2018 guiding the social work services at schools.



